**INFORMATION provided by the Government of the REPUBLIC OF BULGARIA**

**for the purposes of the Report on ending immigration detention of children and seeking adequate reception and care for them**

*In view of the preparation of a thematic report on ending immigration detention of children and seeking adequate reception and care for them, the Government of the Republic of Bulgaria would like to provide the following information:*

The Bulgarian asylum and refugee legislation is in full compliance with the international and EU regulations in the area.

According to the Bulgarian Constitution and legislation, the foreigners residing in the Republic of Bulgaria have all rights and obligations proceeding from the Constitution, law and international agreements to which Bulgaria is a party, except those rights and duties for which Bulgarian citizenship is required.

The basic national legal acts are the Foreigners in the Republic of Bulgaria Act and the Asylum and Refugees Act.

The Bulgarian legislation makes a clear distinction between regular and irregular migrants, persons applying for international protection and those with granted refugee status**.** The migrant children could be temporary placed in specialised migration centres only during and for the purposes of the legal status identification procedure. During this period, the children are not separated from their parents and have the right to education and health services.

1. *Please provide information on any legislation or policy that prohibits or restricts the use of immigration detention of children and their families in your country. Grateful if you could kindly submit the original text of the legislation or policy, accompanied by an English translation if it is in a language other than English, French or Spanish*.

According to the Asylum and Refugees Act, minors and underage children**,** seeking international protection may be accommodated at closed-type centres solely as a measure of a last resort for the purpose of ensuring the family unity or their protection and security. Cases of **persons, seeking for international protection who are accompanied by minors**, are treated with a priority. After completing the administrative procedures, they are transferred to the relevant services. In extraordinary cases and only if particular circumstances provided in the law are met, the accompanied minors are compulsory accommodated in a Special hostel(s) for temporary accommodation of foreigners for a period of up to three months. The three-month limit period is introduced as a protection measure in the best interest of the child in order not to separate families. Provided that after the three-month period the proceedings for the parent are not completed, the minors are transferred to the relevant social services for children.

The Foreigners in the Republic of Bulgaria Act **prohibits the accommodation of unaccompanied children** of migrants in the Special hostel(s) for temporary accommodation of foreigners. For every unaccompanied minor, at the country’s border or within the country’s territory, a notification is -sent to the regional Directorate Social Assistance, which takes measures to protect the minor under the Child Protection Act. The Directorate nominates a social worker who presents during the identification process and provide the minor with assistance, support and consultation. If needed, the social worker can take measures for protection and placement of the minor in the relevant social services for children.

1. *Please provide information on existing non-custodial alternatives to immigration detention of children in your country (e.g. community-based reception solutions) and elaborate how these alternatives effectively enhance the protection of the rights of migrant children and their families.*

The protection of the rights and interests of minors seeking or receiving, international protection is one of the primer responsibility of the Social Assistance Agency (SAA). Throughout the territory of Bulgaria, the Agency operates through Regional Social Assistance Directorates. The latter implements the state policy for child protection and take actions and measures in the interest of unaccompanied foreigner minor children and refugee children in Bulgaria. All authorities involved in the admission of unaccompanied children seeking and/or receiving a protection carry out an assessment based on the best interests of the child. The assessment includes planning of immediate actions to focus on specialised care and services and to meet the actual needs. It is led by the need for protection and a long-term sustainable solution. The assessment ensures that the unaccompanied child can inhabit an environment that meets his or her needs and respects his or her rights.

The national legislation provides the use of a nationwide social services network for children at risk. The unaccompanied minors, being children at risk, are subject to the protection measures stipulated in the Child Protection Act. The Act envisages accommodation in foster family or in existing social services such as the Crisis Center and/or Family Accommodation Centre.

According to the national legislation on child protection, asylum and refugees an unaccompanied minor, seeking and receiving international protection has an access to **“foster care” protection** as well as to the accommodation in **residential type social services**.

In 2014, the Methodology for the conditions and means of provision of the social service “foster care” was updated in order to provide quality and effective services. A new module for training of foster families for minors, seeking and receiving international protection was included. It aims at providing additional qualification to the professional foster family candidates. The Minister of Labour and Social Policy approved the Methodology.

Since December 2015, A “Foster Me 2015” project has been implemented in Bulgaria. The project improves and expands the scope of the “foster care” service as an alternative way of raising children at risk in the family environment, including through profiling of professional foster care through the development of “specialised foster care” for children with disabilities, children, victims of violence or trafficking, unaccompanied refugee children, as well as using measures aimed at improving the quality of foster care through monitoring.

Another legislative measure is the accommodation in residential type social services. The Family Accommodation Centre is a social service of a residential type that provides a living environment for the full upbringing and development of children deprived of parental care for whom, at the time of accommodation, the possibilities of returning to the biological family, accommodation with relatives or a foster family have been exhausted.

“Safe Zones” for unaccompanied minors seeking international protection in the Republic of Bulgaria has been built and operate in two reception centres in Sofia (Voenna rampa residential quarter and Ovcha Kupel residential quarter). Specialised social, psychological and medical care for the children has been provided 24/24 hours, 7 days a week. They are assured by a close cooperation between the State Agency for Refugees (SAR) and the teams of the International Organisation for Migration (IOM).

1. *Please provide information on any existing good practices or measures taken in your country to protect the human rights of migrant children and their families while their migration status is being resolved, including inter alia their rights to liberty, family life, health and education (e.g. by ensuring effective access to inter alia adequate reception, healthcare, education, legal advice, family reunion).*

**Every migrant child** located on the territory of Bulgaria who is under a procedure for determining his/her status **receives all social, health and educational services, including legal assistance that Bulgarian children may benefit from**. The rights of migrant children regarding those services are regulated under the Child Protection Act and its Rules for Implementation, the Pre-school and School Education Act and its bylaws, the Foreigners in the Republic of Bulgaria Act, the Law on Asylum and Refugees in the Republic of Bulgaria, the Health Act, the Bulgarian Identity Documents Act, the Bulgarian Citizenship Act, the Civil Registration Act, the Legal Assistance Act, etc.

The Regional Social Assistance Directorates has a Child Protection Department located in the respective municipality. They provide specialised social services through their social workers for every unaccompanied minor registered at the country’s border or within the country’s territory. To those children, the regulations of Child Protection Act are applied.

In accordance with the Child Protection Act a social worker is involved in the administrative proceedings of unaccompanied children registered by State Agency for Refugees for granting international protection. A social worker also participates in court hearings and proceedings that affect the rights and interests of unaccompanied foreign national’s children, including refugee children. Children shall be adequately informed and consulted, taking into account their age and level development, on their rights and interests arising from the legal framework for child protection and on asylum and refugees. The social worker presents in a suitable way the information necessary for the child to help him/her to form his/her opinion. The unaccompanied child is consulted on the possible consequences arising from his wishes and the decisions of the institutions.

The social workers are involved and engaged in all stages related to working with unaccompanied children of migrants and refugees, from their initial establishment, consultation and information on the territory of the country to providing a lasting and long-term solution that guarantees their rights and interests to the maximum extent possible. When accommodating an unaccompanied foreign national’s child at a social service for children, an assessment is made about the location of the service and the resources of the settlement. There is an assessment of the social, educational and health infrastructure in the area, as well as the availability of social service providers and non-governmental and international organisations that could provide specialized support to children, expertise and an interpreter.

Persons, including minors, seeking or receiving international protection over the course of proceedings receive access to medical care and free of charge medical services under the terms and procedures applicable to Bulgarian nationals. According to the Social Security Code, the insurance rights arise as of the date of starting the asylum proceedings. Persons who have been granted an international protection status enjoy the same rights as the compulsory health insurance people. In addition, out of the scope of the compulsory health insurance, they also have the right to medical aid at emergency status, prophylaxis examinations and tests and midwifery assistance for all health uninsured women regardless of the way of delivery in range and by order determinate by an Ordinance of the Minister of health; stationary psychiatric care; ensuring blood and blood products; transplantation of organs, tissues and cells and others.

The State Agency for Refugees plays active role in motivating the families seeking or receiving international protection to enrol their children in the Bulgarian education system. The Pre-school and School Education Act envisaged a compulsory free of charge pre-school and school education at state owned and municipal kindergartens and schools. Moreover, foreign minors, seeking or granted international protection receive free education and training at state-owned and municipal kindergartens and school under the terms and conditions applicable to Bulgarian citizens.

The procedure for enrolment of persons seeking or receiving international protection who do not have a document for a completed class, stage or other educational degree is explained in an ordinance of the minister of education. The admission is regulated under the same rules as to those applied for the Bulgarian citizens. Minors, seeking or receiving protection are provided with additional classes on Bulgarian language. They work with teachers who have received a specialised training to work with this vulnerable group.

***Sofia***

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