

ECRE reaffirms its call for the suspension of transfers of asylum seekers to Bulgaria under the recast Dublin Regulation

Despite recent commendable efforts made by the Bulgarian authorities to improve the situation for asylum seekers, updated Information provided by ECRE member Bulgaria Helsinki Committee, soon to be published on the Asylum Information Database (AIDA),¹ and Amnesty International show that inadequate conditions in parts of the reception system and deficiencies in the asylum procedure continue to remain.

While the conditions in the reception centres in Banya, Sofia and Pastrogor may be considered as satisfactory at this moment, the situation in the reception centre in Voenna Rampa continues to be below standard, while necessary renovation and refurbishment is still underway in the centres in Harmanli and Vrazhdebna. Although hot meals are now being provided in all centres since February 2014 as well as medical care, be it in some centres still through the services of Médecins sans Frontières, living conditions in the aforementioned centres remain difficult as a result of overcrowding. This is further aggravated by the fact that many persons who obtain a protection status in Bulgaria are in practice forced to remain in the reception centres post recognition due to a lack of support in finding adequate and affordable housing and a total lack of a proper integration programme.

Those asylum seekers residing outside the reception centres do not have access to any kind of material support nor the daily allowance of 65 BGN (33 €). Many of those asylum seekers opted to waive their rights to material support between September and December 2013 as it was often the only way for them to avoid prolonged detention as a result of the delays in registration of their asylum application during that period.

The treatment of vulnerable asylum seekers and refugees with special needs also remains an area of particular concern. There are no identification mechanisms in place, except for unaccompanied children, and there are currently no separate and adjusted reception facilities for these categories nor are their special procedural needs taken into account. Unaccompanied children are routinely assisted in the asylum procedure by social workers who lack the necessary qualifications to represent them instead of legal guardians as is required under Bulgarian law.

ECRE acknowledges that the situation has improved in particular with regard to the delays in registration of asylum applications and the provision of food and medical assistance as a result of the efforts made by the government and various other actors, including UNHCR, civil society organisations, EASO and the European Commission. The sustainability of the improvements, however, remains uncertain. In particular, some improvements are the result

¹ AIDA is an ECRE-led project assessing the asylum systems and the situation of asylum seekers in 14 EU Member States. See www.asylumineurope.org.

of temporary initiatives by NGOs such as Medecins sans Frontières, whereas continuing efforts are urgently needed to further improve other aspects of Bulgaria's asylum system. At present, aspects of the system remain below standard and fail to ensure full access to adequate reception conditions, fair asylum procedures and social and economic rights to all asylum seekers and beneficiaries of international protection in Bulgaria. Furthermore, ECRE remains extremely concerned about the impact of the deployment of over 1500 border guards in the past months at the Bulgarian-Turkish border on access to international protection in Bulgaria, which is illustrated by the remarkable drop in new asylum applications in Bulgaria in recent months as compared to the sharp increase in the second half of 2013.

It is clear that the improvements in the Bulgarian asylum systems are still fragile and need further consolidation, while more time is needed to build a more robust system that is sustainable and capable of coping with the current caseload and possible new increases of asylum applications. As the EASO Operating Plan for Bulgaria runs until September 2014, ECRE believes that at least until such time and upon proper assessment of its results, any transfers of asylum seekers to Bulgaria under the Dublin Regulation would be premature and undermine the ongoing efforts of the various actors in Bulgaria to strengthen the system.

ECRE reiterates its call on States to suspend all transfers of asylum seekers to Bulgaria until such a time as conditions in Bulgaria substantially improve and the Bulgarian authorities are able to comply in practice with their obligations under EU law and international law. EU Member States and Schengen Associated countries must also assume responsibility for examining the asylum applications of the asylum seekers concerned, in accordance with Article 3(2) and Article 17 of the recast Dublin Regulation. This is not only necessary to prevent violations of the fundamental rights of the asylum seekers concerned under EU and the EU Charter of Fundamental Rights, but also to prevent further pressure on Bulgaria's already overstretched reception system. As such this would also constitute a concrete act of solidarity with Bulgaria.

Brussels, 7 April 2014