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Abstracting

THE CURRENT REFUGEE CRISIS AND THE CHALLENGES FOR BULGARIA AS AN ENTRY GATE FOR THE EUROPEAN UNION

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Abstract

In this paper we analyze the effect of the current refugee crisis in South-Eastern Europe by making an emphasis on the Bulgarian migration policy. After discussing the legal part, concerning the migration processes in the country, we present the most recent statistics, related to the refugee's panorama in Bulgaria. Several current problems are analyzed such as the dynamics of the detainees at the borders and inside the country, the trafficking, the asylum applications and the corresponding decisions, as well as other aspects related to the specific migration policies and their management. Finally we discuss some recommendations for a better sustainability as well as some important geopolitical issues, related to the disadvantageous position of the country as a entry gate to the EU and the concern regarding the EU-Turkish agreement in migration and resettlement.

Key words: Bulgarian refugee crisis; Policies for protection and integration of refugees; EU-Turkey migration agreement

INTRODUCTION

The worldwide refugees and migration crisis is one of the major challenges for Europe and the World after the Second World War. According to a recent report of the International Organization of Migration (IOM 2015), there were about 19.5 million refugees worldwide at the end of 2014. About 14.4 million of them were under the mandate of UNHCR, which is around 2.9 million more compared to the previous year (UNHCR 2015a). The war in Syria caused over 4 million refugees. The average of about 300.000 refugees per year in the EU during the period 1994-2002, has been replaced by an arrival of asylum seekers, reaching 663.000 in 2014 and almost 1.005.500 in December 2015 (IOM

2015a, b). 970.000 refugees arrived in Europe by crossing the Mediterranean. The major part of them has reached Greece and Italy, while Spain, Cyprus and Malta have been less affected (MPI 2015). Another 30.000 arrived in Bulgaria from Turkey by land.

In 2016, the influx of migrants in the Balkans fell sharply, but the problems are still present. During the spring of 2016, the Macedonian police stopped the route of more than 7.000 migrants from the Greek camp of Idomeni to continue their way to Western Europe. After closing the Balkan route from Turkey across Greece, Macedonia, Serbia, Hungary and Austria to Germany in March 2016, more than 70.000 migrants remained in Southeastern Europe. Thousands of them have arrived to Greece by sea from Turkey most and most of them have entered before the series of closure of the European borders. Now Greece is facing one of its major challenges taking care of more than 60.000 refugees and immigrants at its territory.

At the end of 2016, the number of asylum seekers in Serbia, who are trying to reach Western Europe was around 7.000 (UNHCR-Serbia 2016). Even succeeding to enter in Serbia, most of the migrants are trapped in Hungary because of the daily quota of 30 immigrants. Moreover, a law entered into force in Hungary in July 2016, allowing the Hungarian police to push back illegal immigrants who were detained within a strip up to eight kilometers from the country's southern border with Serbia. Slovenia, from its side, decided in autumn 2016 to build a new fence panels on its border with Croatia in order to prevent any uncontrollable influx of new migrants, and announced that the border control will be tighter. Romania was one of the countries that have opposed the EU Commission's proposal for mandatory quotas for the admission of refugees. However, the country has agreed to implement the decisions of the European Union to accept 4.180 refugees in the period 2015-2017.

At the end of 2016, more than 3 millions of Syrian refugees live in Turkey, apart the rest of the refugees and immigrants coming from Afghanistan, Pakistan, Iraq and other countries. Most part of them is willing to continue their route to Western Europe (Bitoulas 2015, UNHCR-Turkey 2016). This is a challenging situation for Bulgaria, which has a common border with Turkey. The country is in a delicate situation as since 2014, there is an increased tendency of entrance of illegal migrants in its territory. The refugee crisis and its effect in several countries have been on the focus of numerous research and policy analysis (Ayoub 2014, Bardens 2014, Ostrand 2015, Koroutchev 2016). Problems such as Asylum applications and First instance decisions have been discussed by comparing how different countries have responded on this big challenge (Costello 2014, Kerwin 2014, Bitoulas 2015). Many attempts have been also done concerning the question of livelihood opportunities for refugee population by using lessons from past practices (Campbell 2006, Saltsman 2014, Berg 2015, Harild 2015, Stefanovic 2015, Jacobsen 2016).

In this paper we discuss several problems concerning the Bulgarian migration, mainly related to the refugees and immigrants' influx, the government and society reactions and the possible policies for better integration and further opportunities for the refugees in the country. In Section 2 we present some relevant statistics concerning the illegal detainees in Bulgaria, which serves as a basis of our working hypothesis. In Section 3 we discuss the legal regulation of the refugees and immigrants in the country. In Sections 4 and 5 we analyze the situation of the refugees and the long-term trends of the current migration situation in Bulgaria, thus arguing our initial hypothesis. Finally our main conclusions are presented in Section 6.

BULGARIA AS AN ENTRY GATE OF THE REFUGEES TO THE EUROPEAN UNION

Bulgaria has a common border with Turkey that poses the country in some disadvantage situation regarding the eventual control of the refugee flows. Actually, during 2015, Bulgarian authorities have detained 27.000 foreign citizens, who had crossed illegally into the country. Some 10.400 of them have been detained at the country’s border with Turkey, which represents an increase of more than 70% compared to 2014. According to Bulgarian Border Police (BBP) data, the number of illegal migrants detained in 2015 at Bulgaria’s border with Greece increased by more than 40%, compared to the previous year. More than half of the migrants, who illegally entered in Bulgaria and were detained by the Bulgarian authorities in 2015, arrived from Syria, followed by migrants from Iraq, Afghanistan, Pakistan, and Iran. Most of them were apprehended at Bulgaria’s border with Serbia, which number has increased several times compared to 2014 (AIDA 2016, AIRM 2016, EUROSTAT 2016). Similar phenomena have been observed also in 2016 (Figure1). As we can see, during the first months of 2016, the total detained illegal immigrants were almost 1.000 persons per month, increasing along the second and third quarter up to 3.000.

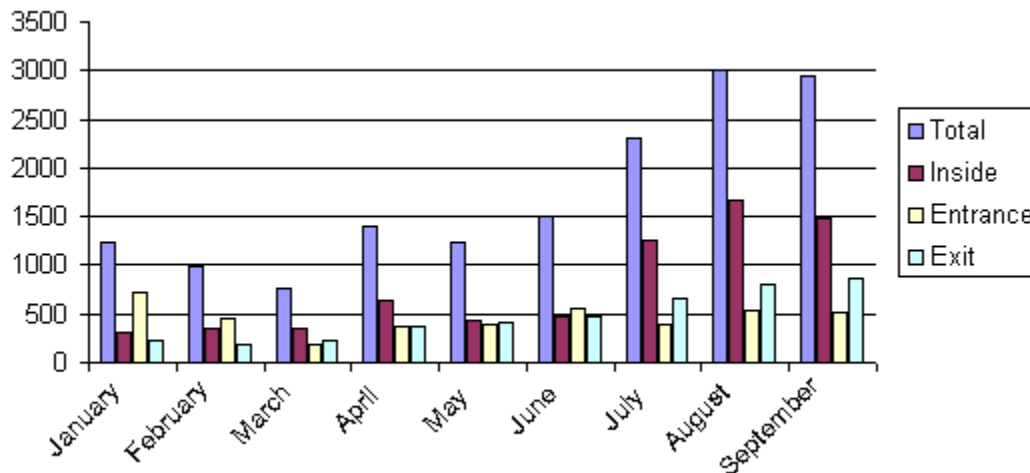


Figure. 1. Detainees without registration at the entrance and exit of the state border from the Ministry of Internal affairs of Republic of Bulgaria during the period 01 - 09.2016 (BBP 2016).

The majority of the detainees has been intercepted at the Bulgarian-Serbian border and at a lesser extends at the Bulgarian-Turkish border (Figure 2). The number of detainees at the Bulgarian-FYR of Macedonia border was negligible (less than 40 persons).

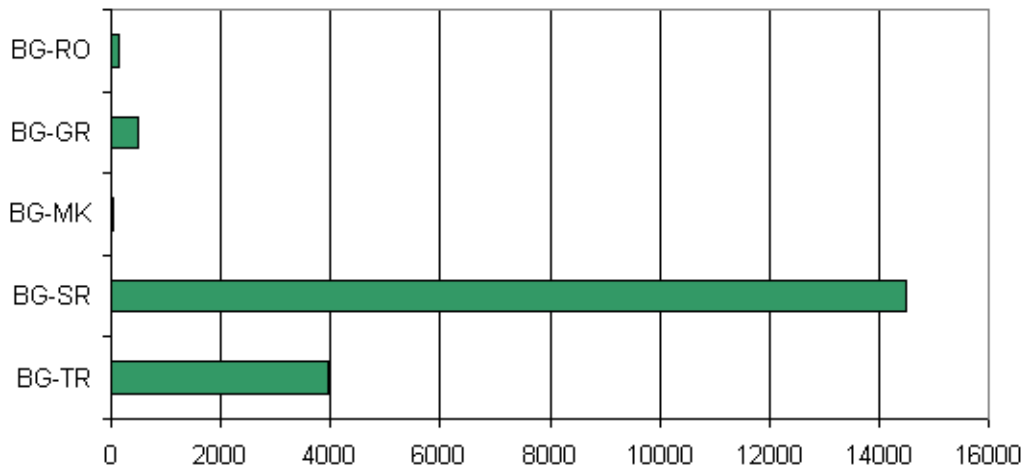


Figure 2. Detained illegal immigrants at the different borders of Republic of Bulgaria during 2016 (BBP 2016).

In general, the access to Bulgaria is considered difficult and the majority of the migrants succeed to enter after several attempts (UNHCR 2015b). As a consequence, the number of asylum seekers who entered through areas of official border crossing points increased up to 60% in 2015, compared to the previous year. The number of persons involved in traffic of illegal migrants has also increased despite the strong measures taken by the Bulgarian government. In the following figure it can be seen that during the Summer, due to the better climate conditions, the number of detained people accused of human trafficking in the territory of Bulgaria has increased several times (Figure 3).

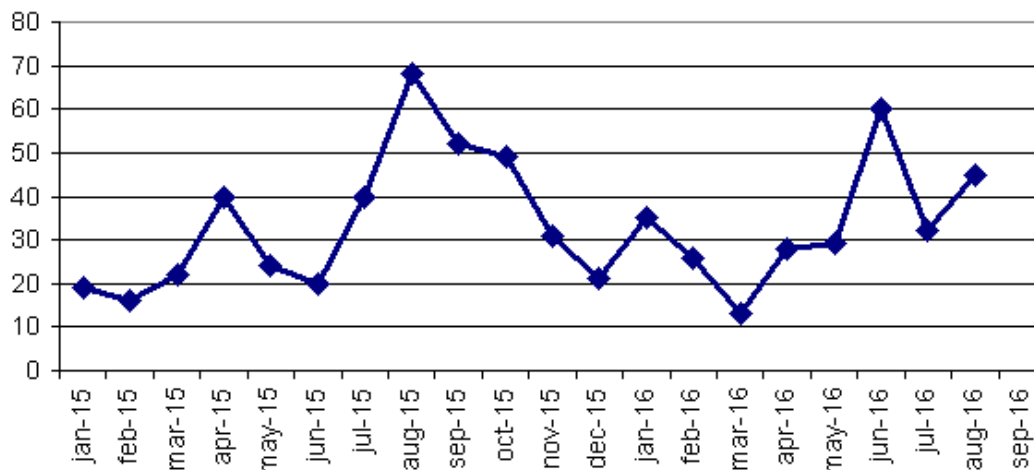


Figure 3. Identified and detained for illegal trafficking activities of the Bulgarian-Turkish border during the period 01.2015-08.2016 (BBP 2016).

The above facts raise the question about the magnitude of the phenomena for a small country with limited resources like Bulgaria and the effectiveness of its migration regulation mechanism. Based on that, our working hypothesis will concern the capacity of the country an entry gate to the EU, by arguing its disadvantaged situation being a periphery state and having a common border with Turkey. For this aim we have used a methodology based on the collection and the corresponding analysis of a large data, offered on a regular basis, from the Bulgarian Border Police and the Bulgarian State Agency for Refugees. Before analyzing more deeply the refugee's situation in Bulgaria, we will briefly refer to the existing legal regulation and how it is implemented in the current context.

Legal regulation of the refugees and immigrants in Bulgaria

The special protection that the Republic of Bulgaria offers to foreigners under the Law on Asylum and Refugees (LAR 2005) includes Asylum, Refugee status, Humanitarian status and Temporary protection (SAR 2016, EPIM 2016). The asylum is granted to foreigners who are persecuted for their beliefs or activities in defense of internationally recognized rights and freedoms. The President grants asylum as well when considering that the state interests or special circumstances require that. The Chairman of the State Agency for Refugees (SAR) grants refugee or humanitarian status. According to the Law on Asylum and Refugees (LAR 2005):

- Refugee status is granted to a foreigner who is afraid of persecution because of his/her race, religion, nationality, membership of a particular social group or political opinion and/or belief, and for those reasons cannot or is unwilling to avail him/her of the protection of this country or return to it.
- Humanitarian status is granted to an alien forced to leave or remain outside the country due to death penalty or execution, torture or inhuman or degrading treatment or punishment or serious and individual threat against life or his/her personality as a civilian because of violence in situations of international or internal armed conflict.

Humanitarian status may be granted for other humanitarian reasons and for the reasons set out in the conclusions of the Executive Committee of the High Commissioner of the United Nations for Refugees.

The Council of Ministers grants a temporary protection established by decision of the Council of the European Union. Temporary protection is granted in the event of a mass influx of foreigners who are forced to leave their countries of origin because of armed conflict, civil war, foreign aggression, human rights violations or violence in large part of the country or in a separate area of it and for those reasons they cannot return there.

Finally, the residence in Bulgaria is regulated by the Law on Foreigners in the Republic of Bulgaria (LFRB 2007) and is provided by the Directorate of Migration of the Ministry of Interior. The rights and obligations of the foreigners having received protection are established by the Law on Asylum and Refugees. According to Article 20, it is not allowed to impose restriction of rights or privileges of foreigners seeking or having received protection in Bulgaria based on race, nationality, ethnicity, gender, national origin, religion, education, beliefs, political affiliation, personal or social status or wealth.

According to Article 23 paragraph 1 of LAR, foreigners seeking or having received protection are entitled to assistance and help from the representation of the UN High Commissioner for Refugees in Bulgaria, as well as other governmental or non-governmental organizations in all stages during the procedure and after being granted protection. A foreigner with a refugee status acquires the rights and obligations of Bulgarian citizens, except for the right to participate in elections for state and local authorities in national and local referendums, and to participate in the creation and to join political parties, to hold positions for which by law a Bulgarian citizenship is required, to be a soldier or other restrictions expressly provided by law.

A foreigner with humanitarian status has the rights and obligations of a foreigner permanently residing in Bulgaria.

A foreigner, who under the terms and provisions of the Law on Asylum and Refugees is granted asylum, refugee status, humanitarian status or temporary protection, may request to reunite with his/her family in Bulgaria. The authorization for family reunification is given by the Chairman of the State Agency for Refugees.

Family members of the alien are issued a permit for continuous residence after permission for family reunification issued under the terms and provisions of the Law on Asylum and Refugees. The residence permit has a term of one year with the possibility of renewal, without exceeding the duration of residence of the holder, according to Article 25b of the above cited Law on Foreigners in the Republic of Bulgaria.

After the decision for granting status, foreigners with refugee or humanitarian status can be included in the National Program for Integration of Refugees in Bulgaria, which is implemented by the Integration Center of the State Agency for Refugees. The program provides measures and actions to support the process of adaptation and integration of beneficiaries in the first year following the decision on status (SAR 2016, AIRM 2016).

The support under the National Program for Integration is bound by mandatory attendance of courses in Bulgarian language, social and cultural integration and courses for acquiring professional skills. The children included in the program, between the ages of 7 to 16 years old, are required to attend regular training courses in Bulgarian language or to continue their education in official state schools.

Situation of the refugees and immigrants in Bulgaria

In general, the determination procedure and the asylum application process are considered slow in Bulgaria. Several NGO reported about the lack of trained staff and the lack of funding for interpretation services during the asylum procedure. This situation was temporally improved by the finance aid from the European Commission, which also contributed for some improving of the living conditions and the health care at the refugee centers. Although all these improvements, the duration of the determination procedure is still very slow compared to other host European countries (AIDA 2016).

During 2015, refugee status was granted to non-Syrian nationals in only 4% of decisions. As a result, 90% of those who had applied for asylum left Bulgaria prior to receiving their decision, thus 95% of determination procedures were stopped and 88% were terminated. While Bulgarian, European and international law require individualized assessment of each claim and a fair procedure, it appears that the claims from a number of countries, such as Afghanistan, Iran, Pakistan and African countries, are refused in most

cases. In 2015, the success rate in percentage by top asylum claim countries, regarding refugee and humanitarian status, was the following: Afghanistan – 0.1%, Algeria – 2.4%, Iran – 1.8%, Iraq – 2.5%, Pakistan – 0%, Syria – 76%, Africans – 4.7% (SAR 2016).

The statistics for the asylum seekers in Bulgaria and those who received humanitarian status along the last 16 years is given at the following Figure 4. From almost an insignificant number of refugees and a very low number of received humanitarian status at the beginning of the decade of 2000, a significant increase has been observed after 2013, showing a strong peak in 2015 with more than 20.000 refugees having applied for asylum in Bulgaria.

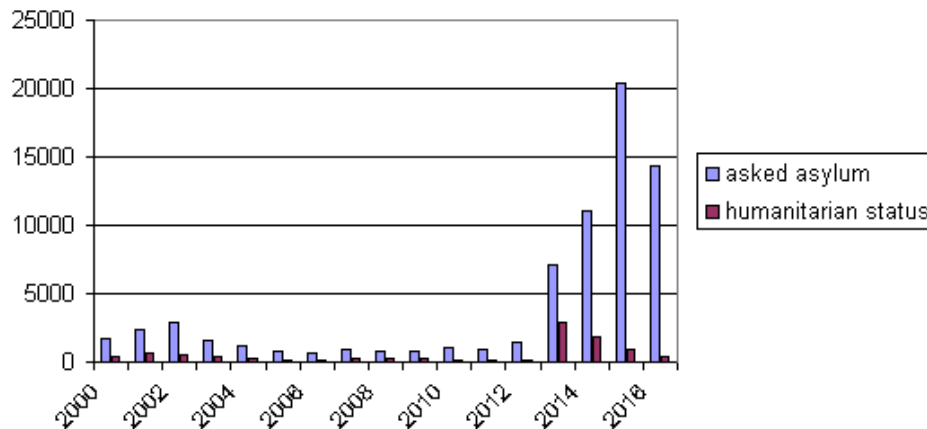


Figure 4. Number of refugees that have applied for asylum in Bulgaria and receiving humanitarian status during the period 2000 – 09, 2016 (SAR 2016).

The evolution of the number of refugees, who applied for asylum during 2016, is given in Figure 5. A strong increase of the number of refugees is observed during the summer.

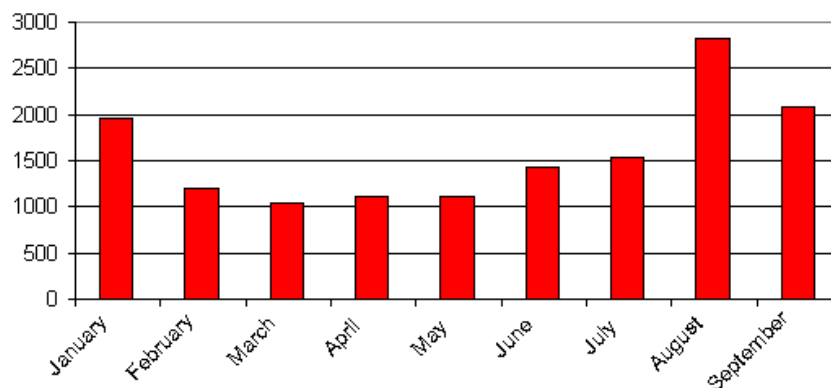


Figure 5. Number of refugees/month who have applied for asylum in Bulgaria during the period 01 – 09, 2016 (SAR 2016).

The statistics concerning the people who have applied for asylum, those who have obtained asylum and humanitarian status, those whom humanitarian status has been denied and those in situation of interrupted procedure is represented in Figure 6. The major group, presenting 64% of the refugees, corresponds to asylum seekers.

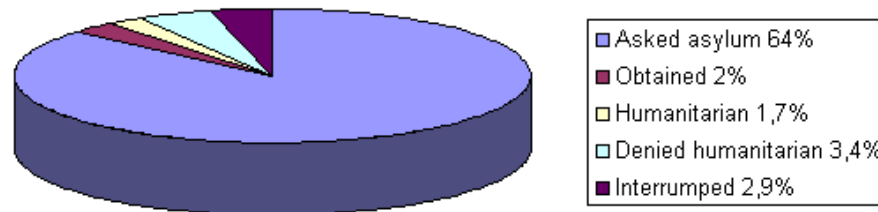


Figure 6. Number of immigrants who have applied for asylum in Bulgaria and corresponding decisions in 2016 (SAR 2016).

In the following two figures we represent the number of the refugees from the top 5 countries, having applied for asylum in Bulgaria since 1993 (Figure 7), with the major group from Afghanistan, followed by Syria and Iraq, and the corresponding statistics for 2016 (Figure 8). Again, the major group comes from Afghanistan, followed by refugees coming from Iraq and Syria.

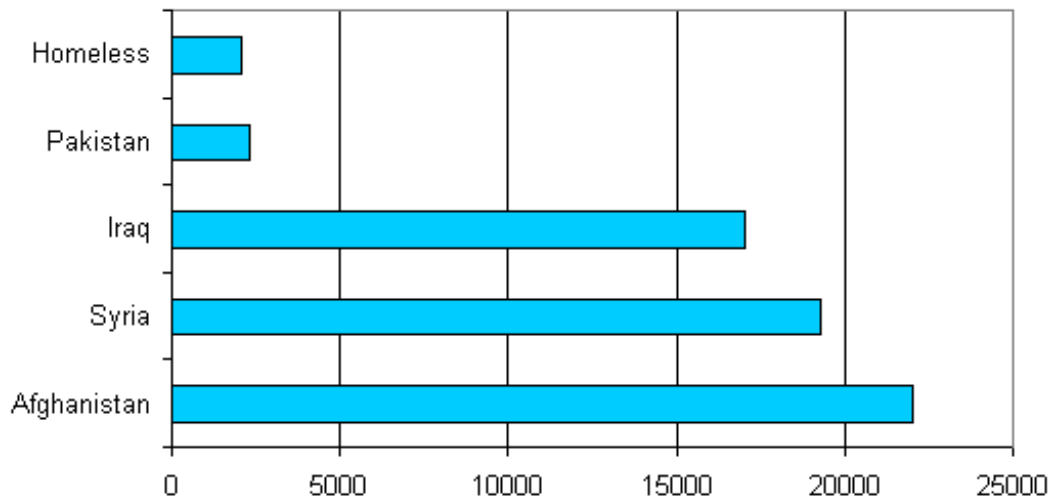


Figure 7. Number of refugees who have applied for asylum in Bulgaria during the period 01, 1993 – 09, 2016 (top 5 countries) (SAR 2016).

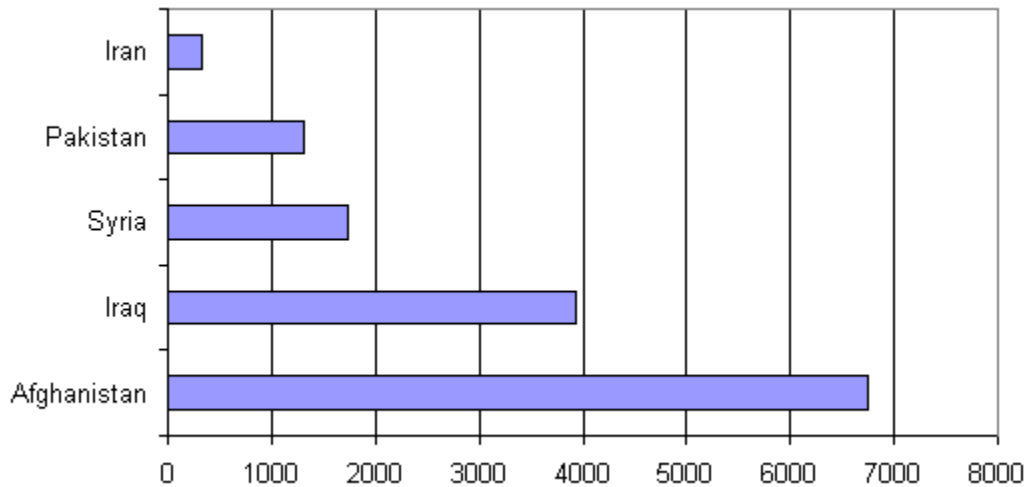


Figure 8. Number of refugees who have applied for asylum in Bulgaria during the period 01 – 09, 2016 (top 5 countries) (SAR 2016).

The percentage of refugees by gender/minors, applied for asylum in Bulgaria during 2016, shows that the major group of refugees is formed by males (57%), followed by children (32%) and females (11%).

The number of refugees applied for asylum in Bulgaria during September 2016, according to their education status is represented in Figure 9. The biggest group corresponds to the refugees with secondary education (29%), followed by those with primary education (26%) and the refugees without any education (22%). The number of refugees with Bachelor and Master Degrees is very low, 2% and 4% respectively.

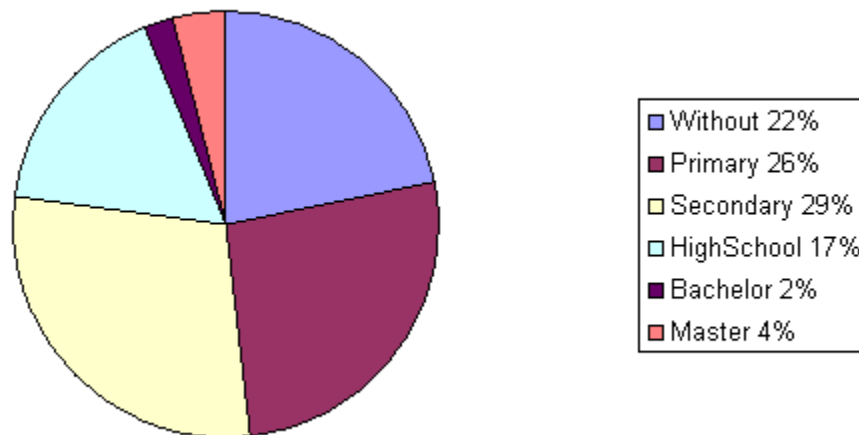


Figure 9. Type of education of the refugees applied for asylum in Bulgaria during September 2016 (SAR 2016).

Finally, the number of refugees under inquiries and transfer according to the Dublin regulation (DUBLIN 13) in Bulgaria during the period January-August 2016 is represented in Figure 10.

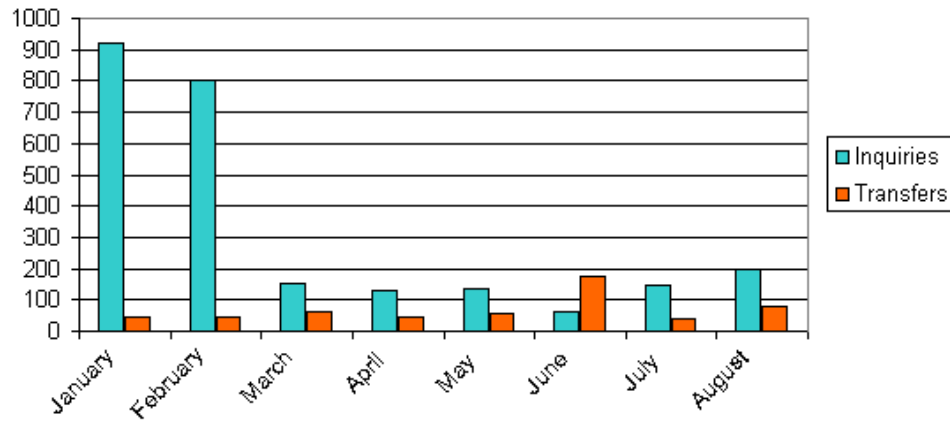


Figure 10. Inquiries and transfers under Dublin regulation in Bulgaria during the period 01 – 08, 2016 (SAR 2016).

Some slight increase of the transfers is observed during the last few months, probably due to the improvement of the European migration policies. The above analysis clearly shows the difficult situation in terms of migration management although the Bulgarian government and non-government attempt to tackle the current situation.

Our initial working hypothesis can be also argued on the concern regarding country’s immigration capacity, which is directly related to the accommodation capacity at the reception centers. As can be seen from Table 1, the offering of 5.130 places is relatively modest, although the national asylum agency claims to be able to accommodate up to 7.000 individuals and to have additional 800 accommodations in mobile modules.

Table 1. Capacity of the Centers for reception in Bulgaria (SAR 2016).

Centre	Location	Capacity
Sofia	Sofia	2.030
Ovcha Kupel shelter	Sofia	860
Vrazhdebna shelter	Sofia	370
Voenna Rampa shelter	Sofia	800
Banya	Central Bulgaria	70
Pastrogor	South-Eastern Bulgaria	320
Harmanli	South-Eastern Bulgaria	2.710
Total		5.130

Although the efforts from the part of the State Agency for Refugees, there are important problems related to the safeness and integration of the refugees and mainly of the minors. One of the more worrying effects of the refugee crisis is the increasing number of unaccompanied minors. In September 2016, a total of 142 children have been registered in Bulgarian detention centers and many of them were alone. They were not accompanied by parents or members of their families, but related to other adults who were mainly representatives, selected randomly among municipal employees (MINORS 2016).

The situation in the detentions centers is in the focus of several observers from different official institutions and NGO's. The increase of the number of refugees, the small capacity on those centers in the territory of Bulgaria and the reduced experience in terms of migration and refugees policies by the official representatives has lead to an increase of the tension in some of the centers. An expression of these phenomena was the recent refugee's riot in Harmanli detention center at the end of November 2016.

Apart the above mentioned difficulties and problems, it is expected that with the recent financial aid from the European Commission, the communication equipments will be improved and three new centers will be constructed, that will alleviate the living conditions of the immigrants.

In general terms, it is believed that the assistance from the part of the countries has been not sufficient and did not address the long-term integration needs for refugees (Betts 2015, Papademetriou 2016a). Several improvements could be done in relation to offer better opportunities to them. Further steps could be related to the application of tech entrepreneur ideas for supporting refugee integration in community-based housing and service issues such as distance education or credential recognition among others (Collett 2014, Benton 2016).

It is evident that the magnitude of the events is much larger due to the arising problems at a European level as well. Indeed, the comparison between Bulgaria and the other EU countries shows that regarding the first instance decisions by outcome and recognition rate of the EU countries, corresponding to the second quarter of 2016 (Table 2), the total rate of recognition in Bulgaria was 52%, being slightly below the average rate for the EU-28 – 59%. The maximum rate of 83% corresponds to Malta and the minimum one of 10% - to Hungary.

Table 2. First instance decisions in the EU by outcome and recognition rates, 2nd quarter 2016 (Eurostat 2016).

Country	Total decision	Positive	Refugee status	Subsidiary protection	Humanitarian reasons	Rejected	Total rate recognition %
EU 28	234440	137855	85865	45015	6975	96585	59
Belgium	6920	4385	3465	920	-	2535	63
Bulgaria	435	230	115	110	-	210	52
Czech Rep.	405	130	40	90	0	275	32
Denmark	3150	2585	1750	830	5	565	82
Germany	117830	79450	56240	21960	1250	38380	67
Estonia	55	35	20	15	0	20	67
Ireland	420	100	95	5	-	320	24
Greece	2380	525	455	70	0	1855	22

Spain	2230	1565	65	1495	0	670	70
France	21845	7780	5130	2650	-	14065	36
Croatia	50	10	10	0	0	40	19
Italy	24360	9060	1475	3245	4340	15300	37
Cyprus	510	360	30	335	0	145	71
Latvia	50	20	10	10	-	25	45
Lithuania	40	15	15	0	0	25	34
Luxembourg	245	135	130	5	-	110	55
Hungary	1030	105	50	55	0	925	10
Malta	335	295	45	230	15	60	83
Netherlands	8210	6470	3275	3105	90	1740	79
Austria	10790	7635	6495	1050	90	3155	71
Poland	620	65	20	35	10	555	10
Portugal	110	45	20	25	-	65	41
Romania	250	120	95	30	0	125	49
Slovenia	65	40	25	15	-	30	58
Slovakia	25	15	0	5	15	5	71
Finland	4945	1555	935	410	210	3385	31
Sweden	19635	12650	3775	8275	595	6985	64
UK	7480	2475	2090	30	355	5010	33

The EU countries still receive a small amount of asylum seekers from the “front-line countries” such as Greece and Italy, from where most immigrants and refugees arrive. Until October 2016, about 160.000 people ought to be relocated, but only 8.000 were resettled.

In Italy, the number of immigrants, who arrived by boat, is almost as high as in 2015. In Greece, more than 60.000 people are housed in overcrowded and ill-equipped camps where they are waiting the decision on their asylum, resettlement or repatriation. It is obvious that a further approach to receiving and settling refugees in Europe is needed, in order to be sustainable and oriented to labor market and social integration, to be work-focused, proactive, coordinated and collaborative (Papademetriou 2016b).

Long-term trends

The perspectives of the refugee crisis scenario and its impact on the Bulgarian society and politics in short and long-term time frames are related to the EU-Turkey relations. In March 2016, EU-Turkey signed an agreement to tackle the migrant crisis in a way that migrants arriving in Greece are expected to be sent back to Turkey if they do not apply for asylum or their claim is rejected. According to the agreement, for every Syrian migrant sent back to Turkey, one Syrian already in Turkey will be resettled in the EU. In this way it is hoped that the people will be discouraged to travel by sea from Turkey to Greece. In return, Turkey is expected to receive an aid and a political concession related to the drop of the visas requirements for Turkish citizens to travel to the EU. The agreement between the EU and Turkey attempts to check illegal migration and allows an entry into Europe only to the refugees registered earlier in Turkish territory.

From the Bulgarian point of view, this agreement is an opportunity to prevent possible re-directions of the refugee flows to the Greek-Bulgarian border, after closing the

Balkan route, without providing an alternative route to the refugees already arrived illegally in Greek territory. The transportation of registered refugees from Turkey to the end-destination countries in the EU by air is also a way to alleviate the pressure on the Bulgarian borders (IOM 2015, Kyuchukov 2016).


Apart the above mentioned arguments, there have been expressions of concern regarding the agreement from scholars, policymakers and politicians whether it is legal and if it will even work. According to E. Collett (2016) the agreement is a kind of displacement of the problem. Actually, the EU-Turkey deal is based on the events from the previous several months and the concern related to Schengen agreement rather than from a longer period. The complexity of the migration phenomena, accompanied by the limitations of protection capacity by the majority of the countries, points out that a next crisis in the EU will come sooner or later.

An eventual non accomplishment of agreement from the Turkish site will have inevitably a strong impact on the Bulgarian politics and society. From the current rates of illegal migration through Bulgaria, being relatively low and still manageable, such opening of the borders will conduct to a huge impact of the refugee crisis on Bulgarian society by the magnitude of its economic and social pressure. Now, at the current relatively low rate of illegal migration, the majority of the population believes that refugees represent a threat to the national security due to different ethnicity, culture and the lack of integration. Regular protests are organized not against the refugees, who escape from war conflicts, but against those who are profiting to cross illegally, as expression of fear from potential terrorist attacks (FAIR 2016). An eventual opening of the Turkish borders will conduct to a stronger concern and fears that could be rapidly transformed into xenophobic reactions against migrants and foreigners. This will have also a strong economic impact on the country as part of the GDP will be redirected for national security.

So far Turkey fulfills its commitments under the agreement with the EU despite the threats about an hypothetical abandon the deal. Currently around 80 immigrants come daily from Turkey to Greece, but Greece fails to return to Turkey a similar amount of people. The procedure for applications for political asylum in the Greek islands is slow, resulting inefficient, as only 95 people has been returned from the beginning of the agreement until the end of November 2016. After March 15, 2017, the pressure on Greece will even increase because of the recent European Commission decision, following the Dublin agreement, to returning to Greece of the refugees who have passed through the country after that date. This will make the European migration issues even more complex and away from control (MPC 2016).

As a general conclusion, the above analysis clearly argues that Bulgaria is in a disadvantaged position in the EU being a periphery state, an external border of the EU, having a common border with Turkey, and responsible for the security and the stability of the EU. If Turkey opens its borders for refugees, Bulgaria will be the first EU country that will face the magnitudes of such a decision. If similar events happen, the solidarity response from the other EU and neighboring countries will be crucial.

CONCLUSION

In this paper we have analyzed the situation of the refugees in Bulgaria, paying attention to the most recent statistics offered by several official institutions. We have discussed several phenomena such as the illegal migration, the rate of petition of asylum and the corresponding decisions, the transfers under the Dublin regulation as well as some specifics of the profiles of the immigrants and refugees in the territory of Bulgaria. We have also analyzed the current problems related to the country's refugee centers of detention and the policies for protection, obligation and integration of refugees. Finally, we have discussed some future trends of the migration and refugee's phenomena related to the EU-Turkish agreement and how this might affect the Bulgarian migration policy in a short and long - term frame. 

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