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**HISTORICAL AND LEGAL ASPECT OF THE POLICY OF THE REPUBLIC OF BULGARIA
TOWARDS THE MIGRATION PROCESSES**

**ASPECTO HISTÓRICO Y JURÍDICO DE LA POLÍTICA
DE LA REPÚBLICA DE BULGARIA HACIA LOS PROCESOS MIGRATORIOS**

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Abstract

The geo-political location of the Republic of Bulgaria makes it an important participant in the modern migration processes that took place after the political crises in Central and Southwest Asia and North Africa. The country is a part of the European Union (EU) and is located on the main road of the migrants' flows headed from the conflict zones to Europe. These circumstances affect the political, the social and the economic situation of the country. On one hand Bulgaria takes the negative aspects, because it is on the border of the EU, but on the other hand, in view of the need of low-paid labor, Bulgaria can take advantage of this situation.

Keywords

Migration – Republic of Bulgaria – History

Resumen

La ubicación geopolítica de la República de Bulgaria la convierte en un importante participante en los modernos procesos de migración que tuvieron lugar después de las crisis políticas en Asia Central y del Sudoeste y África del Norte. El país es una parte de la Unión Europea (UE) y se encuentra en la carretera principal de los flujos migratorios que van de las zonas de conflicto a Europa. Estas circunstancias afectan la situación política, social y económica del país. Por un lado Bulgaria toma los aspectos negativos, porque está en la frontera de la UE, pero por otro lado, en vista de la necesidad de mano de obra barata, dond Bulgaria puede aprovechar esta situación.

Palabras Claves

Migración – República de Bulgaria – Historia

Introduction

The country may socialize foreign nationals as it can provide them work and training. So socialized, they will contribute to the economic development of the country, and on the other hand after the completion of the conflicts in their homes, might prove valuable resource for future economic connections between Republic of Bulgaria and the conflict countries. The debates on refugees and asylum seekers have never been more significant in the framework of international relations and international humanitarian cooperation than they are today.

An unprecedented pressure is exerted on the whole international community as well as on the Office of the High Commissioner of the United Nations for Refugees (UNHCR).¹ They cause serious budgetary collapse to the organization. The number of refugees assisted by UNHCR approaching 39 million people, which is with 5.8 million growth within one year.² At the end of 2013, the ongoing influx of Syrian asylum seekers in the Schengen area puts into question the capacity and the willingness of the member states of the European Union, to ensure the principle of 'non-refoulement'³. The EU member states adopt fewer refugees. The pressure on the European countries from the numerous unresolved and emerging refugee crises is increasingly growing.

At this moment Republic of Bulgaria is facing the difficulties related to the migration pressure directed toward Europe. It is from Syria, Afghanistan and Iraq, and since the beginning of 2013 till now 45037⁴ individuals had sought protection from the Republic of Bulgaria. Concerns are raised by published data of Eurostat that from 2008 till the middle of 2016, the European Union is granted refugee status of 523 675 persons and humanitarian of 114 430 persons. Even more, looking back in the historical development of Bulgaria, can be found similar historical situation. From 1960 till 1980, the country as a part of the Socialist camp accepts for work and training citizens from conflict zones, which contributes to the economic development of the People's Republic of Bulgaria, and in consequence (even nowadays), have a favorable impact on the economy of the country. So the problem calls up the need for a thorough reference-legal analysis of the policy of the People's Republic of Bulgaria and Republic of Bulgaria to the foreigners, in order to outline the influence of foreigners on the economic development of the country.⁵

Sources and literatura

The topic of the influence of foreigners on social and economic development is thoroughly viewed in world's literature. As examples can be given: Dumont, J. and Liebig, T.: "Is migration is good for the economy?" Migration Policy Debates. May 2014; Ratha, D., Mohapatra S.; Scheja E.: "Impact of Migration on Economic and Social Development A Review of evidence and Emerging Issues". Policy Research Working Paper, February 2011; Jauer, J.; Liebig, T., Martin, J. and P.Puhani: "Migration as an adjustment mechanism in the crisis? A review of Europe and the United Brands States", OECD Social, See and Migration

¹ UNHCR, Global trends (2013) <http://www.unhcr-centraleurope.org/bg/za-nas.html>

² Cintia Balogh, International Refugee Law and the European Union's Refugee Protection Protocol: A Study on the *ius Cogens* Norm of Non-Refoulement http://www.ipe-berlin.org/fileadmin/downloads/working_paper/ipe_working_paper_49.pdf

³ Article 33, subparagraph 1 of the Geneva Convention

⁴ The data are provided by the State Agency for Refugees (ДАБ)

⁵ [Http://ec.europa.eu/eurostat/web/main/home](http://ec.europa.eu/eurostat/web/main/home)

Working Paper No. 155, 2014; Liebig, T. and Mo, J. (2013): "The fiscal impact of Her Majesty's in OECD countries", in the OECD (Ed) International Migration Outlook, Paris: OECD publishing, pp. 125-189; Heath, A.; Liebig, T. and Simon, A. (2013), "Discrimination against immigrants - measurement, incidence and policy instruments". In the OECD (Ed) International Migration Outlook 2013, Paris: OECD. The influence of the foreign emigration in Bulgaria is poorly studied. The only edition, affecting the issue is the Collection "Immigration in Bulgaria", issued by the International Center for the Study of minorities and cultural interactions, Sofia, 2005, author- A. Krasteva. As a study concerning the right of the residence of the foreigners in the People's Republic of Bulgaria, may be given the book of D. Mashev- "Legal situation of foreigners in Bulgaria", issued by Science and Art, 1977. A comparative study covering legal regulations of the residence of foreigners in the People's Republic of Bulgaria and Republic of Bulgaria and their impact on the economic and the cultural spheres of the country is missing. Such is required by the relevance of the topic with a view of the processes that occur in modern Europe, Africa and Asia.

For the writing of the legal-historical part is used: fund 198 of the Ministry of Foreign Affairs; fund 1477 of the Ministry of Foreign Affairs - registry; fund 1481 of the Ministry of Foreign Affairs - International Organizations and contracts, documents from the archive of the Ministry of Foreign Affairs, and published documents in the series of the "Foreign policy of Bulgaria" v. 1 - 6, issued by Science and art, with. 1970 - 1990.

The legal literature relevant to the modern migration processes and difficulties associated with the integration of persons seeking protection covers the views of the authors such as: Bohning, W. R., Schaeffer, P. V. and Straubhaar, Th.: "Migration Pressure: What is it? What can one do about it?"; Bruni, M., Venturini, A.: "Pressure to migrate and propensity to emigrate: The case of the Mediterranean Basin"; Casanova, J.: "Religion, European secular identities, and European integration"; Laurence, J.: "The Emancipation of Europe's Muslims: The State's Role in Minority Integration"; Tully, J.: "A New Kind of Europe?: Democratic Integration in the European Union and many others.

Methods of research

The methods of the research that will be applied to the present study are the collection and the analysis of archive documents by which will be revealed specific data on the historical development of the relations of the People's Republic of Bulgaria to the refugees; legal and historical analysis, through which will be analyzed the legal-historical norms and will be revealed the historical legal framework of the policy of Republic of Bulgaria to the refugees; legal analysis by which will be analyzed the current regulations applied by the Republic of Bulgaria in relation to the refugees; comparative legal analysis by which will be analyzed the positive law, acting in relation to foreign nationals in the Republic of Bulgaria and the People's Republic of Bulgaria; statistical analysis by which will be revealed the specific data for the current policy in relation to the foreign nationals in Bulgaria.

Policy of the People's Republic of Bulgaria toward the foreigners and the economic relations with the Socialist Republic of Vietnam and the Republic of Nicaragua

The legal relationship to foreign nationals in the People's Republic of Bulgaria is determined by the Law on the residence of foreigners in the People's Republic of Bulgaria, promulgated in the State Gazette, number 93, from 1972, as well as a number of other

regulations.⁶ In Article 3, paragraph 1 from this law it is determined that “as a foreigners” in the People's Republic of Bulgaria shall accepted any person residing in the country with foreign citizenship or without citizenship. In Chapter second and third of the same law, there are rules for the entry and residence of foreign nationals in People's Republic of Bulgaria. From them it is evident that in the country aliens may enter only through the border checkpoints and to reside legally only if respectively equipped with proper documents for this. During their stay in the People's Republic of Bulgaria, foreign nationals can enjoy the rights of the Bulgarian citizens⁷, in this number they can enjoy other social benefits as well such as free education.⁸ The right of work of the foreigners in the People's Republic of Bulgaria is regulated in the Constitution of the country of 1971.⁹ According to Art. 9, paragraph 3 of the Law on the residence of foreigners in the People's Republic of Bulgaria, foreigners who crossed the border, without the compliance with the provisions of this law and the rules for its application shall be recorded on the established by the Minister of Interior order. The Law on the residence of foreigners in the People's Republic of Bulgaria governed the right to asylum as well. Art. 17, paragraph 1 reads: “Foreigners enjoy the right to asylum in People's Republic of Bulgaria, when they are prosecuted for the protection of the interests of the workforce, for participation in national liberation struggles, for progressive political, scientific and artistic activity, for the fight against racial discrimination or for the protection of peace. The right to asylum shall be presented by the State Council of People's Republic of Bulgaria¹⁰. So, according to the legislation of the People's Republic of Bulgaria citizens may seek asylum in the country, if they are refugees from conflict zones, but they must share the socialist ideas. Legal concept for refugee status does not exist in the People's Republic of Bulgaria. Socialist Bulgaria is interested in the foreign nationals, only if they in any way are connected with its territory or its citizens. Such is the view and the academic circles from that time.¹¹ However Socialist Bulgaria helps foreign nationals, suffering from conflicts, making this on the basis of bilateral agreements. Naturally, citizens, which are established in the country, share its official policy.¹²

The People's Republic of Bulgaria treats foreign nationals, as Bulgarian citizens. It provides them with the right of training and education, taking into account the legislation of the country, and the bilateral agreements. The main goal is to achieve socialist and economic solidarity within the countries sharing the socialist views. One of the objectives is to help the recovering from military conflicts countries such as prepare professionals to build the peaceful functioning of the country. Of course with the ideological congestion. For the

⁶ Detailed see: Mashev, e. Legal situation of aliens in the HP Bulgaria. Science and Art, with. 1977, 21 - 24

⁷ The details of the rights of foreign nationals in PRB see: Ivanov, AND. Legal Framework of foreign relations of the HPБ. Andthe "Karl Marks", with. 1985, 69 - 92.

⁸ The possibilities for training of foreigners in HPБ shall be governed by Ordinance No 1 and No 2 of the Committee for science, technical progress and the Ministry of national education, DW, used 17 of 28 February 1975; Ordinance No. 4 of the disclosed State Gazette No. 27, 1983 and Ordinance No 8 of the DISCLOSED GAZETTE 26, 1983. And etc.

⁹ Art. 40, paragraph 1 of the Constitution of the HPБ of 1971. Gives the right of citizens of the work and in paragraph 3 is indicated, bind the right to work with the development of the Socialist-economic system. In this way shall be given an opportunity to attract foreign nationals of socialist countries to work in HPБ. The employment relationship is regulated and in art. 22 of ЗПЧНРБ, which equates the foreign nationals to the Bulgarian, with all the resulting rights and obligations

¹⁰ Detailed the right to asylum shall be governed by Decree No 520 for the right to asylum from 1975. Dr. Used21 of 14 March 1975, activity endangering. Dr. Used27 from 31 March 1994

¹¹ See there 11.

purposes of this study, there are two cases in which the People's Republic of Bulgaria adopts for education and training foreign nationals who come from countries that share socialist views and can be reimbursed by the conflicts. One of the cases is with the training of Vietnamese citizens in the years 1970s and 1980 of XX century and the other is a similar case, but with Nicaragua's citizens, but which can be regarded as a failed because of the democratic changes in the end of the 1980s and the beginning of the 1990s.¹³

And in both cases the People's Republic of Bulgaria establishes diplomatic contacts with these countries during the military conflict in them but after they established similar to the policy led it. Diplomatic Relations with the Democratic Republic of Vietnam are established on 6 February 1950. The First Bulgarian envoy and Plenipotentiary Minister of the People's Republic of Bulgaria for Hanoi from 9 April 1955 is the Bulgarian ambassador in Beijing Dimitar Dimov. From 1956. People's Republic of Bulgaria has its own temporary control lead delegate in Hanoi- Peter Grigorov, and from 25 November 1956 Grigorov becomes the first Bulgarian Ambassador in Democratic Republic of Vietnam¹⁴. The diplomatic relations between Bulgaria and Nicaragua dated from 1933. They are interrupted during the Second World War as Nicaragua declared war on Bulgaria. The diplomatic relations were restored on 16 November 1979. When the power falls in the hands of the sandinists¹⁵. Bulgaria maintain close political and economic relations with the two countries, as it allocated funds in the form of a loan and on the basis of the arrangements adopted for training and improving of the qualifications Vietnamese and Nicaraguan citizens¹⁶. On 2 August 1967 is concluded an agreement between the Government of the Democratic Republic of Vietnam and People's Republic of Bulgaria for the adoption of the Vietnamese technical personnel and workers of vocational training and practice in the People's Republic of Bulgaria from 02 August 1967. According to the agreement the country adopted for training in the different sectors of industry and construction Vietnamese citizens for a period of three years. The Vietnamese citizens are provided with training and an opportunity for work on low, medium and higher level. The period of the agreement is 5 years. The agreement is renewed in 1973, 1980 and 1986. The agreement acted to 31 December 1991. And it is officially terminated by Protocol on 4 May 1993. For the entire period of operation of the Convention in the People's Republic of Bulgaria, have been trained and have worked 29 432 people, which established 29 727 141 BGN, which is used to cover the Vietnamese debt to People's Republic of Bulgaria¹⁷. It can be concluded that from a purely economic point of view the agreement is satisfactory. Besides, those individuals were trained in People's Republic of Bulgaria and after returning to their home country remained with warm feelings toward the country. Many of them now hold leading positions in Vietnam.

Similar to the Agreement with Democratic Republic of Vietnam on 11 March 1983 was concluded an agreement between the People's Republic of Bulgaria and the Republic of Nicaragua. The agreement was active from 1984 till 1989. And according to it for that period in the country had to be trained 5 000 Nicaraguan citizens. After the expiry and due to the

¹³ More about the historical development of Vietnam and Nicaragua see: X. Mircheva, *Southeast Asia. Paradigm. With* (2001), 142 - 162; K. Taylor, *A History of the Vietnamese* (New York: Cambridge University Press, 2013); J. Corfield, *The History of Vietnam* (Santa Barbara: ABC-CLIO, 2008); M. Икин, *History of Latin America*. Riva (2010) 317-326; C. Staten, *The History of Nicaragua* (Santa Barbara: Greenwood, 2010).

¹⁴ M. Mateeva, *Diplomatic Relations of Bulgaria. 1879 - 1974*. T. 1, issued by Academy of Sciences, with (1976) 93 - 94.

¹⁵ M. Mateeva, *Consular Relations of Bulgaria. 1879 - 1986*. Di dr. Petar Beron. With (1988), 84.

¹⁶ For more information see: the foreign policy of the HPБ. T. 1- 6. WITH. 1970 - 1990.

¹⁷ Archive of the Ministry of Foreign Affairs

many incidents with Nicaraguan citizens the agreement was not renewed¹⁸. In view of the above, the agreement should be accepted as failed. Even more that during the period Nicaragua owed to the People's Republic of Bulgaria the amount of 308 600 000 USD from which it succeeded to return only 165 000 000 USD.¹⁹

The policy of the European Union and the Republic of Bulgaria towards nationals of third countries

In Republic of Bulgaria there are plenty of regulations, which are related to the entry and the stay of foreigners in its territory. The main legal act which, applies in respect of persons from third countries is the Law on asylum and refugees. There are certain conditions and procedures for the granting of protection to foreigners and their rights and obligations. They can receive international protection²⁰ through the provision of refugee or humanitarian status by the chairman of the State Agency for Refugees, or temporary²¹ status that shall be provided by the Council of Ministers. An important condition in the application for receipt of protection is the individual to ask personally and on their own will.

The President of the Republic of Bulgaria in accordance with the constitutional powers delegated to him, may provide asylum. Under the provision of art. 27 of the Constitution of the Republic of Bulgaria, asylum shall be given to foreigners persecuted because of their beliefs or activity in the protection of internationally recognized rights and freedoms. The practice reveals that in most cases the provision of asylum is not an interest to the individuals seeking protection. This is because the asylum is granted at the discretion of the President and the procedure is not legally bound by the administrative time limits. It should be noted as well the impossibility to appeal the refusal for granting an asylum²².

The status of a refugee in the Republic of Bulgaria under the provision of art. 8 of the Law on asylum and refugees shall be granted to any foreigner, who due to a reasonable fear of persecution based on race, religion, nationality, political opinion or membership of a particular social group, is located outside their country of origin and for these reasons cannot or do not wish to benefit from the protection of that country or to return to it. For refugees shall be considered and the spouse of an foreigner who has been granted the status of a refugee and their children if they are not in marriage. The term "refugee" should be clearly distinguished from the "economic immigrant" and "illegally residing person". Characteristic

¹⁸ Archive of the Ministry of Foreign Affairs.

¹⁹ L. Ognyanov, Diplomacy of contemporary Bulgaria. Issued by "Bishop Konstantin Preslavski". Shoumen (2006), 215 - 216.

²⁰ International protection is provided by virtue of the Convention relating to the status of refugees done at Geneva on 28 July 1951, and the Protocol relating to the Status of Refugees of 1967, ratified by law (prom. SG No. 36 of 1992; extra, used 30 of 1993) (State Gazette No. 88 of 1993), the international instruments in the protection of human rights and of this law and includes the status of refugee and humanitarian status. Art. 1a, paragraph 2, Bulgaria Law of refugees and asylum

²¹ International protection is provided by virtue of the Convention relating to the status of refugees done at Geneva on 28 July 1951, and the Protocol relating to the Status of Refugees of 1967, ratified by law (prom. SG No. 36 of 1992; extra, used 30 of 1993) (State Gazette No. 88 of 1993), the international instruments in the protection of human rights and of this law and includes the status of refugee and humanitarian status. Art. 1a, paragraph 2, Bulgaria Law of refugees and asylum

²² For the period from 22.01.2002 to 21.01.2012. The applications were lodged for the granting of asylum in the Republic of Bulgaria from 159 persons and citizens of the 36 countries, as almost all is refused such. <https://www.president.bg/docs/1351451646.pdf>

for immigrants and those who are illegally resident in the foreign territory is that they benefit from the protection of the legislation of their home country and the factors led to their residence in the territory of another country are mostly economic. For them there will be no obstacles to return to their country of origin, because there are not exposed to a real risk of serious harm.

Humanitarian status is granted to a foreigner who does not meet the requirements for the granting of a refugee status and who cannot or do not wish to receive protection from their country of origin, since they can be exposed to a real risk of serious harm. The individual, who is applying to obtain this status, is entitled to temporary residence in the Republic of Bulgaria. The competence for the granting of such status has the chairman of the State Agency for Refugees. Although the humanitarian status is less favorable in comparison with the refugee, it grants a right for temporary paid work (labor or civil contract), social assistance and insurance, education, medical treatment, right of travel documents and all the obligations which the individuals who received a refugee status have.

As part of the European Union and the international community Republic of Bulgaria is obliged to harmonize its legislation and its policy within them. The status "refugee" is legally regulated in a number of international and European regulations. In first place this is the *Convention relating to the status of refugees*²³ in accordance with which the term "refugee" shall apply to any individuals who:

- On reasonable fear of persecution by reason of race, religion, nationality, membership of a particular social group or political beliefs, are located outside the country whose citizen they are and may not enjoy the protection of that country or does not wish to benefit from such protection due to these concerns;
- Or, being without citizenship and being outside the country of their former habitual residence as a result of such events cannot return or because of such concerns does not wish to return to it.

The provisions of the *Convention relating to the status of refugees* are further developed in other subsequent acts. To a significant extent this relates to the legal definition of "a refugee".²⁴

The right of the EU also regulates the status of the refugees. Article 78 of the Treaty on the functioning of the European Union²⁵ (TFEU) indicates that the Union must propose policy in the field of asylum, subsidiary protection and temporary protection, as "to ensure respect for the principle of non-refoulement"²⁶. This policy should be consistent with the

²³ Convention relating to the status of refugees -adopted on 28 July 1951. From the Conference of Plenipotentiaries of the UN on the status of refugees and stateless persons. In force for the Republic of Bulgaria on 10 August 1993.

Prom. SG No. 88 of 15 October 1993.

²⁴ See: The Convention of the Organization of African Unity for the Specific Aspects of Refugee Problems in Africa; September 1969.

²⁵ Treaty on the functioning of the European Union, <http://eur-lex.europa.eu/legal-content/BG/TXT/?uri=celex%3A12012E%2FTXT>

²⁶ In Article 33, subparagraph 1 of the Geneva Convention relating to the status of refugees is provided for that "no Contracting State does not in any way the right to expel or return ("refouler") refugee to the border of the territory where they were threatened the life or his freedom by reason of his race, religion, nationality, belonging to a social group or political views

Geneva Convention and its Protocol²⁷, as well as with other regulations. The measures in the achievements of the EU law in the field of asylum acquis are adopted in the framework of this policy including the Dublin Regulation (Regulation (EU) No 604/2013)²⁸, the Qualification Directive (2011/95/EU), the Procedural Directive (2013/32/EU) and the Directive on the conditions of reception (2013/33/EU). Denmark, Ireland and the United Kingdom are not bound or are only partially bound by the achievements of the EU law in the field of asylum and international protection - the so-called the acquis on asylum.²⁹

According to the law of the EU, the Charter of Fundamental Rights guarantees the right of asylum (Article 18), which expands the scope of the right to search for an asylum. Those who fulfill the conditions for asylum shall have the right to this status to be recognized. Article 13 (the status of refugee) and 18 (subsidiary protection status of the persons who are in need of international protection, but do not satisfy the conditions for the status of refugee according to the Qualification Directive (2011/95/EU)³⁰) give an explicit right for granting of the status of a refugee or a subsidiary protection status³¹. Individuals, who have received international protection may lose their status if there is a real improvement in the situation in their country of origin. The main objective of the Directive 2011/95/EU is the establishment of standards for the determination of third-country nationals or stateless persons as persons who have been provided with the international protection for the single status of refugees or of those who fulfill the conditions for subsidiary protection. Directive 2011/95/EC replaced Directive 2004/83/EU of the Council of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection. Article 24 of the same Directive regulates the right of documents. The individuals for whom it is recognized that they are in need of international protection, the right of residence authorisation for: three years for refugees and one year for subsidiary protection. Article 25 provides the right of the refugees, and in some cases the persons to whom it is granted subsidiary protection status to obtain documents for travelling abroad.

The asylum seekers, leaving the boundaries of their own countries fall under the jurisdiction of the country that can provide them with protection. The question of the access to the territory of the countries, which can provide protection, is of key importance for the users of those rights provided for in international and European law. Countries that can provide good conditions for the reception of refugees, take measures which make access to their territory difficult or impossible. These *non-entreé* measures block the asylum seekers in the country from fleeing or in a neighboring country. In respect of the European Union (EU), the measures aimed at strict controls at the external borders of the Union, including

²⁷ The European Convention for the protection of human rights and fundamental freedoms (ECHR) http://www.echr.coe.int/Documents/Convention_BUL.pdf; the UN Convention on the rights of the child (КПДООН), the UN Convention against Torture and other cruel, inhuman and degrading treatment or punishment.

²⁸ Regulation establishing the criteria and mechanisms for determining the Member State responsible for examining the application for international protection lodged in one of the Member States by a third-country national or a stateless person

<http://eur-lex.europa.eu/legal-content/BG/TXT/?uri=CELEX%3A32013R0604>

²⁹ Manual for European law on asylum, boundaries and immigration, 2014, http://fra.europa.eu/sites/default/files/handbook-law-asylum-migration-borders-2nded_bg.pdf

³⁰ Directive 2011/95/EC, OJ L 337 (2011), <http://eur-lex.europa.eu/legal-content/BG/TXT/?uri=CELEX:32011L0095>

³¹ The Geneva Convention of 1951 And the Protocol thereto by 1967, currently are to a large extent included in EU law through the Qualification Directive (2011/95/EC)

non-entree measures are closely linked with the abolition of the internal borders within the EU³².

Once after the asylum seekers are under the supervision of the authorities of the country (including border authorities), and they may express their wish to submit a request for protection, this country exercises jurisdiction over them and is responsible for compliance with the prohibition of return (the non-refoulement rule)³³. This, itself does not mean that the country is directly obliged to admitting them on their own territory. But in practice for those countries to comply with the prohibition of return (the non-refoulement rule), it is necessary to hold a procedure for the consideration of applications for protection. From the moment in which this procedure starts, the asylum seekers are legally resident in the territory of the country and until the completion of this procedure, they cannot be deported. Here should be added that the countries have introduced additional mechanisms to avoid the examination of applications for protection, even after asylum seekers are under their jurisdiction and have expressed the need of protection. Examples of such mechanisms are the application of the principles of safe country of origin and safe third country and the application of the Dublin mechanism in the framework of the EU. The Dublin mechanism leads to the return of many asylum seekers in countries such as Bulgaria, which are located at the external border of the EU. This in turn forces these countries to take more stringent measures to protect their borders and to prevent their illegal crossing -measures that are applied in a non-discriminatory way to the asylum seekers as well.

During the process for consideration of the application for international protection, the asylum seekers have the right to remain in the territory of the host country and to benefit from the material conditions of acceptance, which provide them with the vital level in accordance with human dignity. The adaptation of asylum seekers in the host society during the time of the process of consideration of the application for protection affects the prospects for subsequent successful integration. It comes as well as for target measures to compensate the vulnerability of asylum seekers and also to promote their potential and inclusion in the society through access to education and opportunities for economic autonomy (access to the labor market).

Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection³⁴ is the main act of the European Union in this field. It replaces the previous Directive 2003/9/EC of the Council of 27 January 2003 for the determination of the minimum standards for the reception of asylum seekers. The Directive already has a direct effect and should be applied instead of the national norms. In Bulgaria the implementation of the Directive requires special attention due to the fact that the conditions of acceptance should be guaranteed to the asylum seekers from the time of the submission of the application for international protection and not only from the time of the registration by the State Agency for refugees. In Bulgaria the registration takes an indefinite (random) period of time and this prevents the access of asylum seekers to their recognized rights. The conditions of the reception are

³² Valeria Ilarieva, Collection Study of Refugee Law <http://refugees.farbg.eu/sbornik-po-bejansko-pravo>

³³ Irina Atanasova, The non-refoulement rule according to the international, European and Bulgarian Law, collection study-"The influence of migration processes on geopolitical, economy and in the public domain" (Blagoevgrad: South West University, 2016).

³⁴ Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection <http://eur-lex.europa.eu/legal-content/BG/TXT/?uri=CELEX%3A32013L0033>

mandatory during the time of the so-called "Dublin production" as well, which determines the Member State competent to examine the application for international protection.

In accordance with the Directive 2013/33/EU, "conditions of acceptance" means all the measures taken by a Member States in favor of asylum seekers in accordance with the Directive. There are explicitly included the right of information, the right of the document certifying the status of candidate for protection, the freedom of movement and the right of freedom, the integrity of the family, the health care, the right to education (including the vocational training), the right to work, the obligation for the identification and reporting of special needs for acceptance of vulnerable persons. "Tangible conditions of acceptance" means the conditions of admission which include residence, food and clothing and aid for subsistence expenses.

Opportunities for the realisation of the individuals, seeking protection on the labor market

Foreigners, who seek or have already received the protection of the Republic of Bulgaria under our national legislation, have the right to obtain legal protection as well as support and assistance from the side of the United Nations High Commissioner for Refugees and other governmental or non-governmental organizations at each stage of the process and after the provision of international protection. At the time of the process for consideration of the applications for the protection, the foreigners have numerous rights and obligations. They receive the right of free movement on the territory of the Republic of Bulgaria, the right of shelter, food, social support and the receipt of medical and psychological assistance. Granted to them is the right of access to the labor market, including their participate in programs and projects financed from the state budget or along the line of the international or European funding.

When a citizen of a third country is granted the status of a refugee, they acquire the rights and the obligations of a Bulgarian citizen. They have the right to acquire real estate on the territory of Republic of Bulgaria under the conditions and in accordance with the procedures laid down for foreigners. They may acquire Bulgarian citizenship under the conditions and in accordance with the procedure laid down in the Law on the Bulgarian citizenship. There is a right to work and vocational training. These rights are granted to the individuals, who benefit from the temporary protection as well.

Here is the place to mention the policy of the Republic of Bulgaria on the training and the employment of those individuals. A Program is developed for the employment and training of the refugees from 2016 by the Ministry of labor and social policy, which aims at the successful adaptation and employment realization on the Bulgarian labor market through their inclusion in training and subsequent employment. The main goal of the program is the help the individuals with the status of "refugees" and "humanitarian status", for their successful adaptation and realization on the labor market through the provision of training and the organization of meetings with employers. The main objective is the implementation of one part of them on the Bulgarian labor market and the rest to receive education for future employment realization. The realization of those objectives is entrusted by the ministry of

labor and the social policy of the Ministry of Education and Science, the State Agency for Refugees, the Employment Agency, non-governmental organizations and many others.³⁵

Through the program for employment and training of refugees, courses are conducted in English language with a duration of six months, and after its completion the individuals are directed to professional orientation, qualifications or retraining. Then, the individual, who have received international protection can be set to place on their own on the territory of Bulgaria, and to be registered on the labor market, to receive social assistance and to take care themselves on their own and of their family subsistence. According to the data of the Employment Agency for the period 2014.-2015 171 individuals have been included in this program and the expectations for this year is their number to be to 130. After the completion of the program for the period 2014-2015, approximately around 60 % of the participants are realized on the Bulgarian labor market. During 2016, 50 persons of the registered as unemployed have begun work. In 2014-2015, 9350 persons who sought protection have received the status of a refugee or humanitarian such and only 170 of them or approximately 2 % have been included in the program.

According to data from the register of foreigners in 2015, the main sectors of professional realization of the refugees are trade; utilities services; fast food chains; autoservices; sewing enterprises; construction; undertakings for the manufacture of products for the light and heavy industry, as the average salary for these sectors is 720.21 BGN. As a result of these data the estimated revenue from the tax on the income of these individuals and from the social and health insurance contributions is in the amount of 446 600 BGN for 2014-2015, which in turn is extremely unsatisfactory, concerning the policy pursued at the moment. In favor of this statement it is necessary to specify the disbursements budget for the maintenance of persons seeking protection in Bulgaria for 2015, which is at the amount of 5,309 million BGN. The increased tax revenues are much lower than the actual expenditure which is due to the low number of individuals actually included in the labor market. It is possible the pursued policy to lead to a positive result, only if all individuals entitled to access to the labor market begin to work.³⁶

Conclusion

In view of the current economic and political situation in the Socialist Republic of Vietnam it is evident that the People's Republic of Bulgaria has acted extremely far-sighted. At this moment the Republic of Bulgaria faces a similar situation but it is legally bounded by the international and the European legislation. It is evident that the respective policies in relation to the refugee flow directed to the persons seeking protection give results, although they are extremely unsatisfactory. Considering the implementation of its commitments to the European Union and the United Nations, Bulgaria has provided opportunities for social and cultural integration, by providing possibilities for the receipt of education and access to the labor market. The care for these individuals is carried out by the provision of medical care and psychological assistance, social assistance, courses for social adaptation, which would contribute to their rapid integration in society.

³⁵ Vladislav Krastevg and Nadezhda Krusteva, Integration of persons with refugee or humanitarian status in Bulgaria through education. "The influence of migration processes on geopolitical, economy and in the public domain" (Blagoevgrad: South West University, 2016).

³⁶ A. N. Nikolova, Chernicherska. The refugees in Bulgaria: market of labor and budget costs. Ministry of Finance, 2016

The economic logic and practice in the past and the present shows that when the nationals of third countries have desire for integration and they are provided with such an opportunity, they may become full members of the society and to contribute to its economic development.

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