



## **“Who gets detained? Increasing the transparency and accountability of Bulgaria’s detention practices of asylum seekers and migrants”<sup>1</sup>**

### **STATISTICAL REVIEW**

#### **PART I**

*January 2016*

#### **Immigration detention statistics in context**

##### *Why the distinction – “immigration” detention*

The ongoing civil war in Syria and the many other war conflicts or repression zones in the world of the last few years have led to an unprecedented numbers of migrants arriving at the borders of the European continent. It seems that one common European response to the “flow” is the increased detention of migrants. This statistical review illustrates the implication of this common trend for Bulgaria. It is appears as if detention has become a migration management tool, especially in times when most states found themselves unprepared for the increased numbers of migrants arriving on their territories. Furthermore, the ongoing economic crisis and the mass austerity measures around the continent provoked the proliferation of far-right political movements. Pressured by a potential loss of votes, liberal European politicians also started to resort to practices that are more akin to the far-right spectrum: migrants are more than often portrayed as a national security threat and criminals, and detention practices are often used as summary punitive measures against migrants in the name of the protection of the national interest.

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<sup>1</sup> This project has been supported by the European Programme for Integration and Migration (EPIM), a collaborative initiative of the Network of European Foundations. The sole responsibility for the content lies with the author(s) and the content may not necessarily reflect the positions of NEF, EPIM, or the Partner Foundations.



In the international literature on the topic, “immigration detention” is a term constructed to counter these notions – to explicitly draw a line of distinction between criminals and migrants, and to refer to a specific type of deprivation of liberty: detention of non-nationals, residing unlawfully on the territory of a given state for the purpose of implementation of an administrative measure. Immigration detention is (meant to be) strictly of non-punitive nature. It does not stem from a criminal conviction or violation. It is governed by administrative rather than criminal law and is strictly concerned with the right to stay on a specific territory. It is typically ordered by the executive power rather than the judiciary. Its objective should be to guarantee that another measure (such as deportation, expulsion, identity verification, etc.) can be implemented.

Similarly, the European Migration Network describes immigration detention in the global migration context as a “*non-punitive administrative measure ordered by an administrative or judicial authority(ies) in order to restrict the liberty of a person through confinement so that another procedure may be implemented*”.<sup>2</sup>

The Global Detention Project defines immigration detention as “*the deprivation of liberty of non-citizens for reasons related to their immigration status*”.<sup>3</sup>

Francois Crepeau, United Nations Special Rapporteur on the Human Rights of Migrants, too, expressed a similar understanding of the nature of immigration detention:

*“Irregular entry or stay should never be considered criminal offences: they may constitute an administrative offence, but they are not per se crimes against persons, or against property, or against national security. Irregular migrants, even smuggled migrants, are not criminals per se and should not be treated as such.”*<sup>4</sup>

Emphasising the administrative nature of migrant detention is a struggle against the criminalization of migration. It is a response to the sloping hill that Europe has taken, which would eventually lead to a full overlap between criminal conviction detention (imprisonment) and administrative (immigration) detention of migrants.

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<sup>2</sup> See European Migration Network Glossary, available at: [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european\\_migration\\_network/glossary/index\\_d\\_en.htm](http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/glossary/index_d_en.htm).

<sup>3</sup> See *The Uncounted: Lack Of Migrant Detention Data Denounced*, report by Access Info Europe and the Global Detention Project, available at: <http://www.access-info.org/frontpage/21623#prettyPhoto>.

<sup>4</sup> See Francois Crepeau’s, United Nations Special Rapporteur on the Human Rights of Migrants, speech on the Eleventh Coordination Meeting on International Migration, held in New York on 21-22 February 2013, available at: [http://www.ohchr.org/Documents/Issues/SRMigrants/22.02\\_SRM\\_Oral\\_presentation\\_11thCoordMeeting.pdf](http://www.ohchr.org/Documents/Issues/SRMigrants/22.02_SRM_Oral_presentation_11thCoordMeeting.pdf).



## Availability of immigration detention statistics at the EU level and in Bulgaria

In its report *The Uncounted: Detention of Migrants and Asylum Seekers in Europe*<sup>5</sup> Access Info Europe and the Global Detention Project emphasize the general lack of statistics at the European level regarding the detention of non-nationals. The report found that “[t]here is no requirement within the European Union for Member States to gather data on the number of migrants detained [...]” Regulation 862/2007 of the European Parliament and the Council establishing common rules for the collection and compilation of immigration and emigration statistics within the Union does not require member states to collect detention data. The 2008 Return Directive<sup>6</sup> does not envision the collection of such statistics either. It only specifies that “the Commission shall report every three years to the European Parliament and the Council on the application of this Directive in the Member States and, if appropriate, propose amendments”<sup>7</sup> and this is the closest it gets to discussing immigration detention statistics.

Eurostat, the European Union’s statistical agency, does not keep statistics on immigration detention in Member States either.<sup>8</sup> This was explicitly confirmed by the agency itself when asked by the Global Detention Project researchers as part of the drafting of the abovementioned report.<sup>9</sup> Such absence of gathering of information on detention is difficult to explain, with detention as an administrative practice on the rise within Europe and elsewhere. Moreover, immigration detention is included in EU legal acts such as the Return Directive and the Reception Conditions Directive (2013/33/EU).

The scarcity of published official statistics on the administrative detention of migrants and the limited proactive initiatives of the authorities to make such data known to the public, replicate at the national level in the case of Bulgaria. The country fared poorly in the research, conducted by Access Info and the Global Detention Project<sup>10</sup> as the Ministry of Interior, responsible for the detention centres for foreigners in Bulgaria, responded with administrative silence to the question on the number of detained asylum seekers; it also, wrongly, stated that information on

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<sup>5</sup> *The Uncounted: Lack Of Migrant Detention Data Denounced*, supra note 2.

<sup>6</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals [2008] OJ L 348 of 24.12.2008 (Return Directive).

<sup>7</sup> Article 19 of the Return Directive.

<sup>8</sup> *The Uncounted: Lack Of Migrant Detention Data Denounced*, supra note 2.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.



the detention of migrants was regularly provided to and published by Eurostat and, therefore, the Ministry had no obligation to provide again the requested statistics. Bulgaria's responses on the five questions asked were qualified in the report as follows: Q1 – Location of Detention Facilities – *incomplete*; Q2 – Number of Detained Migrants – *information received*; Q3 – Number of Detained Asylum Seekers – *administrative silence*; Q4 – Number of Detained Minors – *invalid answer*; Q5 – Number of Minors (Un)accompanied – *invalid answer*. Thus, Bulgaria provided a satisfactory response to only 20% of the request. It has to be noted that, since the goal of the project was not so much to obtain and publish the particular data, but to assess the practices of the countries studied in responding to a first-level request for access, the researches did not try to obtain the information from other sources (media; international organizations such as the UNHCR; other reports) and, it seems, did not ask follow-up questions. Had they done so, they would have likely obtained most of the desired information, as indicated by the fact that NGOs, including the Center for Legal Aid – Voice in Bulgaria (CLA) as part of implementing the *Who Gets Detained?* project, managed to obtain the statistics discussed further below. In addition, since the detention of asylum seekers as such and of unaccompanied minors is unlawful, the silence/invalid answer on the part of the Ministry of Interior on these questions is both to be expected (it is, in fact, the only possible response a government institution can give when asked about engaging in unlawful practices), and gives rise to concern and need for further investigation.

A report by the Sofia-based think-tank RiskMonitoring on the Bulgarian institutions responsible for security, including the Ministry of Interior, finds that the “occasional publication of partial and incomplete information about the work of the structures in the security sector is a long-standing policy impeding the making of a public assessment of the work, priorities and effectiveness of these services.”<sup>11</sup> According to the same source, the publication of statistical information is left entirely to the discretion of the management of the Ministry of Interior and, except for the incidental publication of statistics on registered crimes, no other statistical information is made available; there are also no legal guarantees on the access to information.<sup>12</sup> Among the reasons for this scarcity of publicly available information from the Ministry of Interior are an inclination for extreme secretiveness, in itself an element of the lack of public control over the work of these services, as well as a lack of detailed regulation of the access to

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<sup>11</sup> RiskMonitor, “The Boundaries of Secrecy – Regulation and Control in the Security Sector”, 23.12.2015, available at [http://riskmonitor.bg/js/tiny\\_mce/plugins/ajaxfilemanager/upload/Reports/RM-37-Security\\_sector.pdf](http://riskmonitor.bg/js/tiny_mce/plugins/ajaxfilemanager/upload/Reports/RM-37-Security_sector.pdf), p. 8.

<sup>12</sup> *Ibid.*, p. 50.



information from the security service institutions, where the application of the general access to information regime is not sufficient.<sup>13</sup>

Thus, although not officially collected and published at the EU level and only so to a limited extent in Bulgaria,<sup>14</sup> immigration detention statistics can be found in reports by various international organizations and in the media. Data are also sometimes provided to non-governmental organizations upon request (informal or official, under the Law on Access to Public Information). The preliminary findings of the *Who Gets Detained?* project, obtained through these means in the period Sept. 2015 – January 2016, are discussed next.

### **Preliminary findings**

The purpose of collecting statistics on migrant detention during the first period of the work of the *Who Gets Detained?* project was primarily to inform the project's fieldwork, and to sketch a broader picture of the detention practices, facilities and the people detained. Thus, the methods to obtain the statistics were more ad-hoc in comparison to the later period, and included informal requests to the Ministry of Interior, using the information obtained by other organizations and secondary sources. Some of the more important findings from that period are discussed below.

*The Use of Detention and Alternatives to Detention in the Context of Immigration Policies* report,<sup>15</sup> produced by the European Migration Network (EMN), which comprises the European Commission, its Service Provider (ICF International) and EMN National Contact Points (EMN NCPs), is one of the few sources of comparative information on detention internationally. According to the data provided to the EMN researchers by the Bulgarian authorities, there was a significant leap in the number of migrants detained between the years 2012 and 2013 in Bulgaria. In 2012 there were 2047 detained migrants, while in 2013 the number more than tripled to 6303.<sup>16</sup> The 2013 increase placed the country 4<sup>th</sup> in terms of detained population among the 24 Member States surveyed. However, the numbers for 2013 in the EMN report are at odds with the information provided to the CLA's partner – Bulgarian Lawyers for Human Rights (BLHR), in October 2015. The BLHR requested from the Ministry of Interior statistics on the total number of detained migrants with issued return orders for the years 2013 – 2015 as

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<sup>13</sup> Ibid.

<sup>14</sup> In the late fall of 2015, the Ministry of Interior started publishing weekly and monthly migration statistics, which will be discussed in detail in the second part of this review.

<sup>15</sup> European Migration Network (EMN), *Use of Detention and Alternatives to Detention in the Context of Immigration Policies*, 2014, available at: [bit.ly/1w66BIM](http://bit.ly/1w66BIM).

<sup>16</sup> Ibid., Annex 4, Table A4.A



part of their own project funded by EPIM. Here, the Ministry of Interior provided another number for 2013 – 9,833 non-nationals detained. This is 3,530 people more to what was answered by the authorities to the EMN for their report for the same year.

According to the data provided to BLHR, in 2014 the total number of detained people rose to 11,017. By the end of 2015, those numbers were expected to double: just for the first 9 months of the year a total of 19,136 migrants had been detained, according to the Ministry of Interior's answers to BLHR.

The rise in the number of detained migrants since 2012 is thus steady. In 2012, they were 2047, as per the EMN report, while by the end of 2015 they will likely have surpassed 20,000 (as indicated by the data provided to BLHR) – around 10 times the numbers from 2012. That may explain why the authorities opened a new detention centre in 2011, that in Lyubimets.<sup>17</sup> Thus, at the moment, there are two detention centres operating in Bulgaria – one in the district of Busmantsi, Sofia with a capacity of 400 people, and the one that opened in 2011 in the town of Lyubimets, near Svilengrad, with a capacity of 300 people.

In August 2015, according to information obtained by the CLA from the Ministry of Interior, the two detention centres operated above capacity. According to the information provided to BLHR, as of 09.10.2015, the centres continued to operate over capacity. That is hardly good news as the abovementioned EMN report found out that Bulgaria provides, on average, one of the smallest surface areas per detainee in Europe – just 3m<sup>2</sup>.<sup>18</sup> The country is also the only one among the 24 Member States surveyed that accommodates a very large number of people per room – 25.<sup>19</sup>

According to the information provided to BLHR in October 2015 and to the CLA in December 2015, as of 09.10.2015, Afghan citizens were the highest number of detainees in Bulgaria – more than half of the total number of detained migrants. Syrians were second and Iraqis came third. In November 2015 the picture did not change – the vast majority – 69%, were Afghans. Iraqis and Syrians followed in terms of absolute numbers. December statistics marked a change – although again these three nationalities were best represented, the number of detained Iraqis increased and almost reached that of the Afghans. Syrians came third.

In general, the demographics of the detained population represented a mirror image of the demographics of the irregular migrants apprehended at the borders or inside the country. In 2015, a total of 31,281 people were apprehended; 39% of them were Syrian citizens, 33%

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<sup>17</sup> See more at:

[http://www.dnevnik.bg/bulgaria/2011/03/15/1059251\\_otkriva\\_se\\_nov\\_centur\\_za\\_bejanci\\_v\\_ljubimec/](http://www.dnevnik.bg/bulgaria/2011/03/15/1059251_otkriva_se_nov_centur_za_bejanci_v_ljubimec/).

<sup>18</sup> EMN Report, *supra* note 15.

<sup>19</sup> *Ibid.*



Afghanis and 24% Iraqis.<sup>20</sup> By comparison, 20,391 applied for asylum during the year, of whom 14,567 never saw a decision on their asylum claim – their proceedings were terminated mostly because they left the country to Western Europe before a decision was made on their case. Possibly the same decision to travel West was taken even by those who were granted some form of protection (5,597 people who were granted status in 2015). In terms of number of people in asylum procedure, as of 31.12.2015, only 480 were present in the open reception centres of the State Agency for Refugees (with a total capacity of about 5,000) and another 536 were living on their own outside of the reception centres.<sup>21</sup>

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Part II of the statistical analysis will offer more data and in-depth research on the trends in immigration detention in Bulgaria. This was not possible in Part I due to the fact that the Ministry of Interior’s answer to CLA’s requested cooperation came as late as January 2016. An important part of the agreement between the two sides, in addition to access to the detention centres to conduct interviews for the *Who Gets Detained?* project and to provide legal aid, was the obtaining of statistical data, which the Ministry of Interior promised to provide in the near future.

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<sup>20</sup> Source: Ministry of Interior

<sup>21</sup> Source of asylum statistics here: State Agency for the Refugees



## **Who gets detained? Increasing the transparency and accountability of Bulgaria’s detention practices of asylum seekers and migrants”<sup>22</sup>**

### **STATISTICAL REVIEW**

#### **PART II**

*June 2016*

#### **Sources of information**

For the second part of the statistical review, the Center for Legal Aid – Voice in Bulgaria (CLA) team, conducting the *Who Gets Detained?* project used a number of sources and methods of obtaining statistical information on the administrative detention of migrants, which are listed briefly below.

#### *Access to Information Requests*

1. With the Ministry of Interior delaying and ultimately failing to provide the information requested informally in the first period of conducting the *Who Gets Detained?* project, a detailed request was submitted in April 2016 under the Law on Access to Public Information, asking for the following information:

#### Regarding detention:

- 1) Number of people detained in each of the two detention centres (Busmantsi and Lyubimets) for 2015 and to that point in 2016;
- 2) Average **length** of detention in each of the two detention centres for each year from 2012 to 2015 and to that point in 2016;

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- 3) Number of people detained in each of the two detention centres by **nationality** for the top 5 countries of origin for each year from 2012 to 2015 and to that point in 2016;
- 4) Number of people detained in each of the two detention centres by **gender** for each year from 2012 to 2015 and to that point in 2016;
- 5) Number of **minors** detained in each of the two detention centres by gender for each year from 2012 to 2015 and to that point in 2016;
- 6) Percentage of **capacity filled** for each of the two detention centres, at the following points in time: a) August 2015; b) November 2015; c) February 2016; d) at that moment;

Regarding deportations:

- 1) Number of expulsion and “forcible conveying to the border” (deportation) **orders** issued for each year from 2012 to 2015 and to that point in 2016;
- 2) Number of foreign nationals **actually deported** for each year from 2012 to 2015 and to that point in 2016;
- 3) **Top 5 countries** to which foreigners were deported in execution of expulsion and deportation orders, total for the period 01.01.2012 to that point in 2016.

The request was answered in full and all of the requested information was provided.

2. A less detailed request for access to information was filed with the Ministry of Interior by an intern with the CLA, as part of a joint mission with Migreurop. It requested statistics on the number of people detained from 2008 to 2014 by year for each of the detention centres, as well as the number of people actually deported for the same period. The request was answered in full and all of the requested information was provided.

3. The CLA requests annually data from the State Agency for the Refugees on the type of decisions taken on the refugee claims filed (refugee status; humanitarian status; refusal; terminated) by country of origin of the claimant. The importance of this data is that, in general, it makes it possible to discern any biases and flaws in the agency’s decision-making process, and in concern to detention in particular, it provides the number of people and their countries of origin who have received a negative decision and are thus subject to deportation and detention. This is especially relevant with the amendments of the Law on the Asylum and Refugees from December 2015, which introduced a rigorous admissibility assessment stage in the registration of subsequent asylum claims, thus making it difficult to maintain legal status on the territory of Bulgaria for asylum seekers whose first claims are refused. The request for



the data for 2014 and 2015 was answered in full, and the custom dataset, created by the CLA, now spans to seven years, starting with 2009.

### *Published statistics*

In the late fall of 2015, the Ministry of Interior started publishing weekly and monthly Migration Statistics bulletin on its website.<sup>23</sup> Arguably, this step towards more transparency and proactive supply of information was provoked at least in part by all four Bulgarian non-governmental organizations<sup>24</sup> implementing the detention pilot projects funded by EPIM starting advocacy initiatives related to detention at the same time, September 2015, and addressing information requests to the Ministry of Interior. The relevant statistics published in the bulletins include: number of persons apprehended at the borders (at entry and exit, by border); their nationalities; number of persons present in the detention centres on the date of preparing the bulletin<sup>25</sup> and their nationalities; number of persons who have been forcibly returned (deported) or have left voluntarily during the given period; and number of persons arrested for migrant smuggling activity.

## **Findings**

### *Persons apprehended at the borders and on the interior of the country*

According to Art. 41 (1) and (2) of the Law on the Foreigners in the Republic of Bulgaria (LFRB), a third-country national who cannot demonstrate that he or she has entered the country legally, or who has done so with a fake document, must be issued a deportation order. This means that the people apprehended while trying to enter or after having entered Bulgaria illegally, or those captured in police raids or while trying to leave Bulgaria and found not to possess documentation allowing them to be present on the territory, are issued deportation orders. Detention orders are issued by the same authority issuing the deportation order, and while the law, Art. 44 (6) of the LFRB, allows for discretion, in practice, almost all deportation

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<sup>23</sup> [https://www.mvr.bg/Planirane\\_otchetnost/Migracionna\\_statistika/default.htm](https://www.mvr.bg/Planirane_otchetnost/Migracionna_statistika/default.htm)

<sup>24</sup> These are: Center for Legal Aid – Voice in Bulgaria; Bulgarian Lawyers for Human Rights; Bulgarian Helsinki Committee; and the Foundation Access to Rights.

<sup>25</sup> These statistics include the so-called distribution centre in the town of Elhovo, which obfuscates the picture in regards to pre-removal (discretionary) detention, as virtually all persons who cross the border, asylum seekers from Syria included, are placed in Elhovo for a period of several days, after which they are directed to either the open centres of the State Agency for the Refugees, or the closed centres run by the Ministry of Interior.



orders are accompanied by a detention order. The vast majority of detention orders are issued by the Bulgarian Border police, while relatively fewer are issued by the Migration Directorate of the Ministry of Interior, and a far smaller number – by the State Agency for National Security (SANS) and regular police.<sup>26</sup> The tables below<sup>27</sup> on the number of persons apprehended provide information on “irregular” migrants – the persons subject to deportation and detention orders. Not every person who is “apprehended” is detained, though the qualitative research conducted within the *Who Gets Detained?* project suggests that the majority are detained. A person can be apprehended more than once in a given year.

While some minor variation is possible, we can generally consider Bulgaria’s Turkish and Greek borders as entry points, and those with Macedonia, Serbia and Romania – as exit points. For those qualified as “apprehended at border”, in almost all cases this refers to the green border rather than a checkpoint.

<b>NUMBER OF PEOPLE APPREHENDED BY MONTH, JAN. – DEC. 2015</b>				
	<b>Apprehended at border on entry</b>	<b>Apprehended at border on exit</b>	<b>Apprehended on the interior</b>	<b>Total apprehended</b>
<b>Jan. 2015</b>	705	203	160	1,068
<b>Feb. 2015</b>	742	224	279	1,245
<b>March 2015</b>	634	281	226	1,141
<b>April 2015</b>	896	607	610	2,113
<b>May 2015</b>	764	683	541	1,988
<b>June 2015</b>	736	697	743	2,176
<b>July 2015</b>	686	921	1,115	2,722
<b>Aug. 2015</b>	1,417	1,341	1,657	4,415

<sup>26</sup> See the *Who Gets Detained?* Review of the Jurisprudence, Part I available at: <http://detainedinbg.com/blog/2016/02/01/reasons-for-detaining-migrants-easy-to-find-study-of-court-decisions-shows/>

<sup>27</sup> Source: Migration Statistics monthly bulletins published on the website of the Bulgarian Ministry of Interior, [https://www.mvr.bg/Planirane\\_otchetnost/Migracionna\\_statistika/default.htm](https://www.mvr.bg/Planirane_otchetnost/Migracionna_statistika/default.htm)



<b>Sept. 2015</b>	1,742	1,275	1,958	4,975
<b>Oct. 2015</b>	1,179	1,017	2,320	4,516
<b>Nov. 2015</b>	709	776	998	2,483
<b>Dec. 2015</b>	690	483	533	1,706
<b>TOTAL 2016</b>	10,900	8,508	11,140	30,548

**NUMBER OF PEOPLE APPREHENDED BY MONTH, JAN. – MAY 2016**

<b>Jan. 2016</b>	712	227	302	1,241
<b>Feb. 2016</b>	444	181	355	980
<b>March 2016</b>	180	231	355	766
<b>April 2016</b>	385	371	638	1,394
<b>May 2016</b>	399	412	431	1,242
<b>TOTAL JAN- MAY 2016</b>	<b>2,120</b>	<b>1,422</b>	<b>2,081</b>	<b>5,623</b>

**NATIONALITIES OF APPREHENDED PERSONS (percentage) – Top 3 countries**

	<b>Syria</b>	<b>Afghanistan</b>	<b>Iraq</b>
<b>Jan. 1, 2015 – Dec. 31, 2015</b>	39%	33%	24%
<b>Jan. 1, 2016 – May 31, 2016</b>	14%	49%	27%

**NATIONALITIES OF APPREHENDED PERSONS (number) – Top 3 countries**

	<b>Syria</b>	<b>Afghanistan</b>	<b>Iraq</b>
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<b>Jan. 1, 2015 – Dec. 31, 2015</b>	11,914	10,081	7,332
<b>Jan. 1, 2016 – May 31, 2016</b>	700	1,988	1,396

<b>NUMBER OF PEOPLE APPREHENDED AT BORDER, BY BORDER*</b>					
	<b>Apprehended Bulgarian-Turkish Border (entry)</b>	<b>Apprehended Bulgarian-Greek Border (entry)</b>	<b>Apprehended Bulgarian-Serbian Border (exit)*</b>	<b>Apprehended Bulgarian-Romanian Border (exit)</b>	<b>Apprehended Bulgarian-Macedonian Border (exit)</b>
<b>Oct 2015</b>	1,185	1	1,664	65	2
<b>Nov 2015</b>	716	6	1,600	8	2
<b>Dec 2015</b>	583	116	774	4	1
<b>Jan 2016</b>	596	127	592	4	0
<b>Feb 2016</b>	450	1	490	6	0
<b>March 2016</b>	146	13	516	6	1
<b>April 2016</b>	319	69	760	6	1
<b>May 2016</b>	446	50	785	6	1

*\*Jan. 1 – Sept. 30, 2015: 6961 total; average of 773 per month apprehended at exit at Serbian border before*



*the “Western Balkans Route” crisis.*

<b>Persons charged with smuggling of migrants</b>	
<b>Jan. 2015</b>	53
<b>Feb. 2015</b>	44
<b>March 2015</b>	28
<b>April 2015</b>	50
<b>May 2015</b>	29
<b>June 2015</b>	39
<b>July 2015</b>	33
<b>Aug. 2015</b>	68
<b>Sept. 2015</b>	52
<b>Oct. 2015</b>	82
<b>Nov. 2015</b>	64
<b>Dec. 2015</b>	31
<b>Jan. 2016</b>	35
<b>Feb. 2016</b>	26
<b>March 2016</b>	13
<b>April 2016</b>	28
<b>May 2016</b>	29



*Persons detained – numbers and demographics; length of detention*

The numbers of persons detained in the tables below<sup>28</sup> refers to the number of pre-removal detention orders issued (an “order to forcibly place a foreigner in a specialized home for accommodating foreigners” – either the Busmantsi or Lyubimets closed centres) and not to the persons in detention at any given point.

In regards to length of detention, a marked decrease was observed after the transposition into national law of EU directives 2013/33/EU and 2013/32/EU in October and December 2015, resp., imposing deadlines of 3-6 days for registering asylum claims, which meant that most migrants in detention filing such claims had to be released quickly. Regardless, some remained in detention for extended periods after filing an application, for undermined reasons.

**Persons detained by gender, 2012-2016, by detention centre, by year**

	Busmantsi			Lyubimets			Total		
	Men	Women	Both	Men	Women	Both	Men	Women	Both
<b>2012</b>	873	94	967	1,340	170	1,510	2,213	264	2,477
<b>2013</b>	2,370	367	2,737	4,095	631	4,726	6,465	998	7,463
<b>2014</b>	2,559	208	2,767	1,929	114	2,043	4,488	322	4,810
<b>2015</b>	5,558	490	6,048	5,149	705	5,854	10,707	1,195	11,902
<b>YTD 28.04.2016</b>	988	152	1,140	976	270	1,246	1,964	422	2,386

<sup>28</sup> Source: response from 16.05.2016 of the Ministry of Interior to an access to information request, filed by member of the CLA team.



<b>Minors* placed in detention, 2012-2016, by detention centre</b>			
	Busmantsi	Lybumets	Total
<b>2012</b>	11	121	132
<b>2013</b>	225	849	1,074
<b>2014</b>	233	201	434
<b>2015</b>	1,073	1,450	2,523
<b>YTD 28.04.2016</b>	85	410	495

*\*All minors included here who were detained after March 2013 are considered "accompanied", as the Bulgarian law was amended to prohibit detaining unaccompanied minors.*

<b>Average length of detention, 2012-2016, by detention centre – days</b>		
	Busmantsi	Lybumets
<b>2012</b>	61.00	31.00
<b>2013</b>	61.20	33.00
<b>2014</b>	39.59	42.00
<b>2015</b>	21.26	18.00
<b>YTD 28.04.2016</b>	19.00	9.00

<b>Nationalities of detained persons – top 5 countries, per year – Busmantsi detention centre</b>					
	2012	2013	2014	2015	YTD 28.04.2016
Algeria	161	500	(not in Top 5)	(not in Top 5)	(not in Top 5)
Syria	105	755	1,027	1,350	163



Iraq	94	(not in Top 5)	238	1,084	143
Afghanistan	91	308	939	3,140	702
Pakistan	50	(not in Top 5)	84	169	59
Mali	(not in Top 5)	120	(not in Top 5)	(not in Top 5)	(not in Top 5)
Palestine	(not in Top 5)	89	(not in Top 5)	(not in Top 5)	(not in Top 5)
Iran	(not in Top 5)	(not in Top 5)	67	51	20

**Nationalities of detained persons – top 5 countries per year – Lyubimets detention centre**

	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>YTD 28.04.2016</b>
Syria	468	1,055	181	1,425	127
Iraq	211	(not in Top 5)	31	1,348	284
Algeria	179	367	(not in Top 5)	(not in Top 5)	(not in Top 5)
Palestine	128	155	(not in Top 5)	(not in Top 5)	(not in Top 5)
Afghanistan	36	259	363	2,476	691
Mali	(not in Top 5)	182	(not in Top 5)	(not in Top 5)	(not in Top 5)
Pakistan	(not in Top 5)	(not in Top 5)	36	115	81
Iran	(not in Top 5)	(not in Top 5)	32	54	(not in Top 5)
Sri Lanka	(not in Top 5)	22			



<b>Percentage of capacity filled, by detention centre, selected dates</b>		
Point in time	Busmantsi (max. capacity – 400 persons)	Lybumets (max. capacity – 300 persons)
<b>end of August 2015</b>	103%	134%
<b>end of November 2015</b>	168%	142%
<b>end of February 2016</b>	36.5%	22%
<b>28.04.2016</b>	42%	54%

*Deportation orders and actual removals from the country*

By Bulgarian law, the only legal reason to detain a migrant is for the purpose of organizing his or her removal from the country, after a deportation order has been issued, and if other conditions are present (identity not established, or there is a risk of absconding, or the person obstructs the execution of the order). In addition, the judicial interpretation of the provisions regarding pre-removal detention of the European courts requires that national authorities take actual steps for organizing the removal, and that there is a realistic prospect of carrying out the removal. Thus, information on what share of deportation orders are actually carried out is pertinent to the necessity and legality of pre-removal detention. A discrepancy between the countries of origin the detained persons, on one hand, and the countries to which returns are effected, would indicate that a given country's nationals' continue to be detained in spite of the authorities' knowledge that deportations to their country of origin are difficult or impossible for legal or practical reasons, and that there is no reasonable prospect of removal.

<b>Deportation orders and deportations completed, by year 2012-2016</b>			
	<b>Deportation orders*</b>	<b>Deportations completed</b>	<b>Top 5 countries to which deportations completed, 2012-2016</b>
<b>2012</b>	2,000	888	Turkey; Greece; Iraq; Algeria; Afghanistan
<b>2013</b>	5,296	1,025	
<b>2014</b>	12,874	1,062	



<b>2015</b>	20,819	755	
<b>YTD 28.04.2016</b>	4,140	154	
<i>*Includes expulsion orders (on national security grounds) and orders of forcible return on the basis of illegal entry or stay.</i>			

### *Asylum claim outcomes by country of origin*

Finally, seeking asylum is the primary legal avenue for most recent migrants to obtain and maintain regular status on the territory of Bulgaria and avoid being subject to deportation and detention orders. Thus, data on the outcomes of asylum applications are relevant to the study of irregular migration and to the measures taken against undocumented persons. This is particularly so after the legislative amendments adopted in December 2015, which made it difficult to have a subsequent asylum claim registered, thus exposing a potentially large group of people to the risk of becoming irregular migrants on the territory of Bulgaria.

The statistics below<sup>29</sup> indicate that Bulgaria has an overall low percentage of positive (refugee or humanitarian status) decisions, particularly in concern to most non-Syrian applicants. 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 as a matter of policy.

In addition, in 2014 and 2015, a significant trend of increased abandoning of asylum claims was observed, with as much as 70% of the claims decided in 2015 being “terminated” – the claimant failed to appear at interviews and/or could not be contacted at the declared address. This typically happens when the person has left the country illegally, to seek asylum elsewhere in Europe. While not the only factor motivating asylum seekers to use Bulgaria as a transit country, the known low chances of a positive decision has undoubtedly been a one of the reasons. Thus, out of the four possible outcomes, “refugee status”, “humanitarian status”, “refusal” and “terminated”, only the first two are used in calculating the success rate.

<sup>29</sup> Source: statistics provided by the State Agency for the Refugees to the Center for Legal Aid – Voice in Bulgaria in response to access to information requests filed in 2014 and 2016.



**Success rate (refugee or humanitarian status) of asylum claims in Bulgaria, selected countries, percentage, 2011 – 2015, by year**

	<b>2015</b>	<b>2014</b>	<b>2013</b>	<b>2012</b>	<b>2011</b>
Afghanistan	0.1%	2.2%	5.3%	26.7%	60.0%
Algeria*	2.4%	0.0%	0.0%	0.0%	0.0%
Iran	1.8%	13.3%	11.1%	9.0%	25.0%
Iraq	2.5%	24.4%	25.2%	23.3%	30.7%
Pakistan	0.0%	3.6%	5.8%	6.6%	0.0%
Syria	75.9%	91.0%	90.2%	51.8%	8.0%
African continent (composite)	4.7%	2.2%	5.5%	7.2%	6.6%

*\*While asylum claims by Algerian nationals were fewer than those by nationals of the other countries in the table, Algeria was included as country of origin over-represented among the detainees in closed centres.*