

**Temporary protection in Bulgaria
and the implementation of the Temporary
Protection Directive 2001/55/EC of 21 July 2001
in relationship with the war in Ukraine**

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Abstract. The article is aimed at presenting and analysing the state of the art of the implementation of the Temporary Protection Directive 2001/55/EC in Bulgaria after the adoption of the Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC. The Russian aggression in Ukraine on 24 February 2022 urged the European Union to apply for the first time the protective measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof. The article makes a comparative analysis of the main dispositions of the Directive, the Implementing Decision and the relevant Bulgarian domestic legislation and implementing decisions. The focus is on selected rights of the displaced Ukrainian people under the temporary protection: the right to appropriate accommodation/housing; and the right to work and access to the labour market. The article presents statistical data as of 29 November 2023. The main findings are that the Bulgarian implementation of the Temporary Protection Directive is larger than the European approach; the housing measures were prompt and adequate, and the access to the labour market is equal to the rights of the Bulgarian citizens.

Keywords: temporary protection, implementing decision of the Temporary Protection Directive, displaced persons, right of appropriate accommodation, right to work

Introduction

The Russian aggression in Ukraine on 24 February 2022 is a tragic event that will be assessed many years after it. The war in Ukraine is the third asymmetric shock to the European Union (EU) in the last 20 years, following the financial and economic crisis, the subsequent Eurozone crisis in 2008, and the Covid-19 pandemic. This asymmetric shock represents an unexpected change in the economic environment, impacting the EU Member States unequally. Bul-

garia was and is among the most affected countries in Europe. In addition to the short-term effects, there are also long-term impacts: loss of thousands of human lives, humanitarian, economic, environmental, energy-linked disasters, and radical changes in the system of international relations.

One of the long-term effects of the war is without doubt the crisis with displaced Ukrainian persons, seeking international protection. The main question in the future will be: is there a formation of a “new minority” in the most affected EU Member States?

Materials and methods

Data on the number of Ukrainians who arrived and remained in Bulgaria are variable during the different stages of the war. Methodologically, I used only reliable sources, such as information from the Bulgarian Telegraph Agency (reproduced by the Bulgarian National Radio) and the official site of the Council of Ministers, created especially for informing and helping the Ukrainian people.

As of 9 April 2022, registered persons for temporary protection were 20,000. Later, the number of people with temporary protection rose to 52,000, the reported number was 73,000.

According to the official government portal *Bulgaria for Ukraine* (<https://ukraine.gov.bg/bg/>), since the beginning of the war, over 330,000 Ukrainians have entered Bulgaria. At the height of the crisis, more than 115,000 people were accommodated in the country, and as of 15 June 2022 approximately 78,000 are still residing in Bulgaria. About half of them are housed in state bases and hotels under the new humanitarian programme¹.

The data as of November 2023 from the official government portal *Bulgaria for Ukraine* are as follows: 2,133,450 Ukrainians entered, 171,571 registered for temporary protection, 52,125 people remained, and 6,919 are accommodated.

The methods used for analysis in the article include classical legal and comparative analyses of European Union secondary and domestic legislation, as well as content and teleological analyses.

The Temporary Protection Directive

The Temporary Protection Directive (“Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof”²) was adopted by the Council of the European Union on

¹ This information is actual as to 15 June 2022 (More than 5,600 Ukrainians... 2022).

² Available from: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex:32001L0055> [Accessed: 29 November 2023].

20 July 2001 (OJ L 212, 7.8.2001, 12-23). The only Member State not participating in the Directive is Denmark.

The Directive points out that the cases of a mass influx of displaced persons unable to return to their country of origin have become more substantial in Europe in recent years. The document reflects the lessons learned from the situation of persons displaced during the conflict in the former Yugoslavia. The conclusions derived from this tragic experience are embodied in the documents from the meeting of the ministers responsible for immigration in London on 30 November and 1 December 1992, and Copenhagen on 1 and 2 June 1993.

The adoption of the Directive was preceded by the "Council Resolution of 25 September 1995 on burden-sharing with regard to the admission and residence of displaced persons on a temporary basis" (OJ C 262, 7.10.1995, 1) and "Council Decision 96/198/JHA of 4 March 1996 on an alert and emergency procedure for burden-sharing with regard to the admission and residence of displaced persons on a temporary basis" (OJ L 63, 13.3.1996, 10). On 3 December 1998, an Action Plan of the Council and the Commission was adopted, providing a minimum standards for giving temporary protection to displaced persons (OJ C 19, 23.1.1999, 1).

The Council's Conclusion on the displaced persons from Kosovo (27 May 1999) called on the Commission and the Member States to learn the lessons from their response to the Kosovo crisis and establish measures in accordance with the Treaty of Amsterdam.

The need to reach a special agreement on the issue of temporary protection for displaced persons was also acknowledged at the European Council meeting in Tampere on 15 and 16 October 1999.

Terminological remarks

According to the Temporary Protection Directive:

- '**temporary protection**' means a procedure of exceptional character to provide, in the event of a mass influx or imminent mass influx of displaced persons from third countries who are unable to return to their country of origin, immediate and temporary protection to such persons, in particular if there is also a risk that the asylum system will be unable to process this influx without adverse effects for its efficient operation, in the interests of the persons concerned and other persons requesting protection;

- '**displaced persons**' means third-country nationals or stateless persons who have had to leave their country or region of origin, or have been evacuated, in particular in response to an appeal by international organisations, and are unable to return in safe and durable conditions because of the situation prevailing in that country, who may fall within the scope of Article IA of the Geneva Convention or other international or national instruments giving international protection, in particular:

- (i) persons who have fled areas of armed conflict or endemic violence;
- (ii) persons at serious risk of, or who have been the victims of, systematic or generalised violations of their human rights;

- **‘mass influx’** means the arrival in the Community of a large number of displaced persons, who come from a specific country or geographical area, whether their arrival in the Community was spontaneous or aided, for example through an evacuation programme;

- **‘refugees’** means third-country nationals or stateless persons within the meaning of Article IA of the Geneva Convention.

Implementation of temporary protection

Temporary protection is implemented in all EU Member States by a decision of the Council of the European Union confirming a mass influx of displaced people to the EU and stating the groups of people who need protection. The duration is one year but it can be extended by up to two years. Protection may end if the Council deems it safe for people to return to their home country. Member States must ensure that displaced people are willing to come to their country.

Some people may be excluded from temporary protection. This includes people who are:

- suspected of:
 - crimes against peace³;
 - war crimes;
 - crimes against humanity;
 - serious non-political crimes;
- acting against the purposes and principles of the United Nations;
- a danger to security in the host Member State.

Member States must give people who are granted temporary protection a residence permit. This permit is valid for the full duration of protection.

People granted temporary protection have the right to:

- be employed or self-employed;
- access adult education, vocational training, and work experience;
- suitable accommodation;
- social welfare, financial support, and medical care.

Children under 18 will also have the right to education under the same conditions as nationals of the host Member State.

If some members of the same family have been granted temporary protection in different Member States, or if some family members are not yet in the EU, they must have the right to be reunited in the same Member State.

An important feature of the temporary protection as defined in the Directive is that the temporary protection shall not prejudice recognition of refugee status under the Geneva Convention of 28 July 1951 on status of refugees, as

³ Under international law, it means planning, preparing, initiating, or waging a war of aggression or a war in violation of international treaties, agreements, or assurances, or participating in a common plan or conspiracy for the accomplishment of any of these.

amended by the New York Protocol of 31 January 1967, ratified by all Member States.

People granted temporary protection must be able to lodge an application for asylum. The Member State that receives the person is responsible for examining the application.

However, Member States may decide that someone who has been granted temporary protection cannot have the status of an asylum seeker at the same time.

This helps Member States to reduce the burden on their asylum system by offering temporary protection while postponing the examination of asylum applications.

During protection, or when temporary protection ends, Member States must take steps to enable the voluntary return of protected people. If an enforced return is necessary, Member States must make sure there is due respect for human dignity and that there are no compelling humanitarian reasons that would make a return impossible. People who cannot travel for health reasons cannot be forced to return until their health improves. Families whose children are under 18 and attend school may be allowed to stay until the end of the school year.

Temporary protection according to the Bulgarian legislation

The temporary protection regulation in Bulgaria is embodied in the Asylum and Refugees Act (ARA)⁴.

Temporary protection shall be granted in the event of a mass influx of foreigners who are compelled to leave their country of origin due to an armed conflict, civil war, foreign aggression, violation of human rights, or indiscriminate violence on the territory of the relevant country or in a part of the country, and who for these reasons are unable to return there (Article 1a, Para. 3 ARA).

An important feature of the ARA is that the four different statuses (asylum, refugee status, humanitarian status, and temporary protection) are independent (Ilieva 2019).

⁴ Promulgated, State Gazette (SG) No. 54/31.05.2002, effective 1.12.2002, amended and supplemented, SG No. 31/8.04.2005, amended, SG No. 30/11.04.2006, effective 12.07.2006, amended and supplemented, SG No. 52/29.06.2007, SG No. 109/20.12.2007, effective 1.01.2008, amended, SG No. 82/16.10.2009, SG No. 39/20.05.2011, SG No. 15/15.02.2013, effective 1.01.2014, SG No. 66/26.07.2013, effective 26.07.2013, SG No. 98/28.11.2014, effective 28.11.2014, amended and supplemented, SG No. 80/16.10.2015, effective 16.10.2015, SG No. 101/22.12.2015, amended, SG No. 33/26.04.2016, effective 21.05.2016, amended and supplemented, SG No. 97/6.12.2016, amended, SG No. 101/20.12.2016, effective 20.12.2016, supplemented, SG No. 103/27.12.2016, amended, SG No. 17/26.02.2019, SG No. 24/22.03.2019, effective 1.07.2020, amended and supplemented, SG No. 34/23.04.2019, amended, SG No. 101/27.12.2019, amended and supplemented, SG No. 89/16.10.2020, amended, SG No. 32/26.04.2022, effective 26.04.2022.

Because of this legislative solution, an alien who has been granted temporary protection shall be entitled to apply for granting international protection (Article 58, Para. 7 - amended, SG No. 52/2007, SG No. 80/2015, effective 16.10.2015, previous Paragraph 5, SG No. 101/2015). This disposition is fully in line with the Directive 2001/55/EC.

The rules for temporary protection are regulated in Section V ARA “Rules of temporary protection” and are as follows:

The Council of Ministers shall:

1. make a request to the European Commission for introduction of temporary protection;
2. inform the European Commission about the capacity of the Republic of Bulgaria to receive aliens needing temporary protection;
3. appoint a national contact point and notify the other European Union Member States and the European Commission thereof;
4. adopt an action plan for temporary protection in the Republic of Bulgaria;
5. make a request to the European Commission regarding the discontinuation of temporary protection or extension thereof;
6. undertake measures to facilitate the voluntary return of aliens who have been granted temporary protection or whose temporary protection has been discontinued (Article 80, Para. 1 - amended, SG No. 52/2007).

The action plan for temporary protection shall contain:

1. the organization and functions of a temporary operational body that will implement the plan;
2. funding mechanisms;
3. procedures to ensure food and shelter (Article 80, Para. 2).

The temporary operational body shall exchange information with the European Union Member States and European Union bodies, as well as with the United Nations High Commissioner for Refugees regarding the national legislation and other provisions related to the implementation of temporary protection, number of aliens who have been granted temporary protection, capacity for additional aliens who may be received and information about individual aliens in the cases of family reunions and transfer of aliens enjoying temporary protection (Article 81, Para. 1 - amended, SG No. 52/2007).

The temporary operational body shall handle issues related to temporary protection in conjunction with international and Bulgarian organisations (Article 81, Para. 2).

Temporary protection shall be discontinued:

1. upon the expiration of its term;
2. upon a decision of the Council of the European Union (Article 82, Para. 1 - amended, SG No. 52/2007).

The Chairperson of the State Agency for Refugees shall revoke temporary protection concerning an alien in the cases stipulated in Article 17, Para. 5. If there is a revocation ruling, the provisions of Article 78 shall apply and a copy of the ruling shall be delivered per the provisions of Article 76 (Article 82, Para. 2 - amended, SG No. 89/2020).

After the termination or withdrawal of temporary protection enjoyed by the alien, unless the latter has filed an application for granting international pro-

tection, the provisions of the Foreigners in the Republic of Bulgaria Act (FRBA) shall apply (Article 82, Para. 3 - amended, SG No. 80/2015, effective 16.10.2015).

The Republic of Bulgaria shall receive back on its territory aliens registered in the country as persons enjoying temporary protection who illegally stay or attempt to enter the territory of another European Union Member State. Bulgaria shall receive back on its territory aliens registered in the country as persons enjoying temporary protection who have gone back to their country of origin (Article 83, Para. 1 and 2 ARA).

Refugee status in the Republic of Bulgaria shall be granted to a foreigner who, for reasons of a well-founded fear of persecution due to his/her race, religion, nationality, political opinion or affiliation to a specific social group, is outside his/her country of origin and who, for those reasons, is unable or unwilling to avail himself/herself of the protection of that country or return thereto.

Current implementation

Following Russia's large-scale invasion of Ukraine in February 2022, the Council adopted an implementing act: "Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection" (OJ L 71, 4.3.2022, 1-6).

This is the first instance where such a decision has been adopted in the context of Directive 2001/55/EC. Implementing Decision (EU) 2022/382 applies to:

- Ukrainian nationals residing in Ukraine before 24 February 2022;
- stateless persons and nationals of non-EU countries other than Ukraine who benefited from international protection or equivalent national protection in Ukraine before 24 February 2022; and
- family members of the persons listed above.

Implementation in Bulgaria

In accordance with the Decision of the EU Council of 4 March 2022 and the Decision of the Government of Bulgaria of 9 March 2022, temporary protection is applicable to:

- Ukrainian citizens residing in Ukraine before 24 February 2022 and their family members;
- Citizens of third states (except Ukraine) and stateless persons who were granted international protection or another equivalent type of national protection in Ukraine before 24 February 2022 and their family members;
- Persons with foreign citizenship or stateless persons who have left Ukraine due to the armed conflict and entered and stayed on Bulgarian territory, in case they have explicitly stated that they want to be granted temporary protection until 31 March 2022.

“Family members” include spouses, unmarried partners in a stable relationship, minor unmarried children, and other close relatives, such as parents who are dependent on the beneficiary.

- When arriving on the territory of the EU, the people fleeing the war have the right to choose from which Member State they want to receive temporary protection. Ukrainian citizens are exempted from a visa requirement and have the right to free movement within the EU for 90 days after they have been permitted to stay on the territory of the Union. The beneficiary of temporary protection has a guaranteed right to use all rights granted to them under the temporary protection, but only in the Member State, which has issued the residence permit.

- They have the right to choose whether to apply for immediate temporary protection or for individual international protection (the maximum time limit for examination of the application is 21 months), or choose to settle their residence in Bulgaria as per the Foreigners in the Republic of Bulgaria Act. Even after they have received temporary protection they continue to have the right to apply for individual international protection (Art. 17 and 19 of Directive 2001/55/EC).

As opposed to the individual application for international protection, which is managed by the State Agency for Refugees, the application for temporary protection can be registered by officials from the Ministry of Interior (border police or regional departments of the Ministry of Interior on the territory of the State). The state employees will take their personal and biometric data, then generate a Personal Identification Number (PIN) and issue a temporary registration document (laminated cardboard) with a photo and QR code with the number of the document printed on it.

A new registration process started on 13 February 2023 till 31 March 2023 to prolong the validity of the registration cards to 4 March 2024 (The re-registration... 2023) following the adoption of the Decision for amending the RMS № 642 from 4 August 2016 for confirmation of the sample of the registration card, which is issued by the State Agency for Refugees at the Council of Ministers.

Temporary protection is granted for an initial period of one year. If the situation in Ukraine normalises, protection can be ceased earlier. If the dangerous situation continues after the first year, temporary protection is automatically prolonged twice for six months. If needed, temporary protection can be prolonged by another year, based on a decision made by the Council of the EU.

The Council of Ministers adopted on 1 February 2023 a Decision to amend the RMS № 144 from 10 March 2022 for the provision of temporary protection for the displaced persons from Ukraine and for the amendment of the National Plan of Action for the temporary protection in the Republic of Bulgaria, with which the effect of the temporary protection for the displaced persons from Ukraine on the territory of the Republic of Bulgaria is extended by one year, counted up to 4 March 2024.

Rights under temporary protection

In Bulgaria, persons under temporary protection have the following rights:

- Right to remain on the territory of the Republic of Bulgaria.
- Right to written information in an understandable language about the rules and conditions of temporary protection.
- Right to a temporary protection registration card for the period of the protection.
- Right to family reunification.
- Right to work and professional education.
- Right to education and right to access kindergarten for children under the age of six.
- Right to appropriate accommodation or to funds for accommodation if needed.

On 9 March 2022, the Bulgarian government approved a programme for humanitarian aid for persons under temporary protection in the Republic of Bulgaria. They have a right to accommodation and food at places for accommodation, that have been entered in the National Tourist Register, both for the sum of 40 BGN (without taxes) per person per day (including breakfast, lunch and dinner), including the tourist tax, paid to the supplier of the service. The aid will be granted for three months. The same rights are granted to the people, who have expressed their wish to access the labour market in the state, available for a period one month after applying. Initially, the programme was envisaged to continue from 24 February 2022 until 31 May 2022. The government extended the Programme for humanitarian assistance until 31 December 2023 (The government extends... 2023).

- Right to social aid.
- Right to medical assistance in urgent cases.

Vulnerable people (children under the age of 18, unaccompanied children, pregnant women, single parents with underaged children and disabled people, people with severe health issues or psychological disorders, victims of trafficking or torture, rape, or other severe forms of violence) have a right to full medical assistance equal to that of a Bulgarian citizen.

- Right to apply for individual international protection.

Right to appropriate accommodation/housing

On 21 November 2022 on the meeting of the National Operative Council on migration, borders, asylum, and integration have been discussed concrete directions for the implementation of the “Programme for humanitarian aid of the displaced persons from Ukraine with granted temporary protection”, adopted by Decision No. 317/2022, amended by Decision No. 535, No. 665 and No. 856/2022 of the Council of Ministers and prolonged by Decision No. 909/16.11.2022 of the Council of Ministers for the housing places (The term of operation of the Program... 2022).

The Council of Ministers extended until 24 February 2023 the term of operation of the Programme for humanitarian assistance to displaced persons from Ukraine with temporary protection in the Republic of Bulgaria, and in the extended period of operation new accommodation will be carried out only in state and municipal bases. The extension of the deadline is a result of a government decision to amend the Programme, adopted on 21 November 2022.

The aid will be allocated to facilities listed in the Register of Shelter Places established to implement the Programme, as well as to facilities for which the following conditions are met cumulatively:

- are state property or municipal property, or property of public enterprises, regardless of their legal organisational form;
- are places of accommodation, within the meaning of the Tourism Act, registered in the National Tourist Register;
- are listed in a list approved by the Head of the Temporary Task Force (TTF) at the National Council for Migration, Borders, Asylum and Integration on the issues of Ukrainian citizens enjoying temporary protection in the Republic of Bulgaria, established by Order No. R-213 from 03.10.2022 of the Prime Minister.

The aid will also be allocated to categorised or registered places of accommodation entered in the National Tourist Register - only for accommodated persons with temporary protection granted, for whom the following conditions are cumulatively met:

- as of 31 October 2022 have used the Programme and on the same date have been accommodated in a categorised/registered accommodation in the National Tourist Register;
- in the period from 1 November 2022 to 15 November 2022 they continued to use the Programme and for the same period were accommodated in the same accommodation categorised/registered in the National Tourist Register in which the person was accommodated on 31 October 2022;
- during the period from 16 November 2022 to 24 February 2023, they continue to be accommodated in the same place of accommodation in which the person was accommodated as of 31 October 2022.

The persons operating in the sites included in the National Tourist Register and in the Register of Shelter Places participate in the Programme by providing the displaced persons with overnight accommodation/shelter with an aid amount of BGN 15.00 (fifteen BGN) excluding VAT, respectively 16.35 BGN (sixteen BGN and thirty-five cents) including VAT at a rate of 9% for categorised accommodation, and BGN 18.00 (eighteen BGN) including VAT at a rate of 20% for uncategorised accommodation. The costs for VAT are at the expense of the Programme.

From 16 November 2022, the accommodation of the displaced persons with temporary protection is carried out only in the places of state or municipal ownership by the Temporary Task Force (TTF) of the National Council for Migration, Borders, Asylum and Integration on the issues of the beneficiaries of temporary protection in the Republic Bulgaria citizens of Ukraine, established by Order No. R-213 of 03.10.2022 of the Prime Minister (Srokat... 2022).

According to the last data received after my official request, the Ministry of Tourism confirmed that the number of the Ukrainian citizens housed through the presented schemas in Bulgaria for the period 24 February 2022 - 6 January 2023 is 235,849. As of 6 January 2023 currently, according to no definitive data, there are 9,443 persons housed in the places of accommodation.

Right to work and access to the labour market

Ukrainians and their family members who have received temporary protection, asylum or international protection in Bulgaria have the right to work in the country without a permit. Persons with refugee or humanitarian status can register as jobseekers with the Labour Office at their permanent or current address⁵.

Ukrainian citizens under temporary protection have the right to work in Bulgaria without a permit for access to the labour market, as well as to take language training courses.

The Asylum and Refugees Act introduces the requirement of Art. 12 of Council Directive 2001/55 /EC of 20 July 2001 on minimum standards for the granting of temporary protection that aliens enjoying temporary protection have the right to work and vocational training. It follows that Ukrainian citizens enjoying temporary protection could work in Bulgaria without a work permit, register as jobseekers at an employment office at their permanent or current address, and benefit from employment services and vocational training.

Citizens of Ukraine can gain access to the Bulgarian labour market to work under the following simplified procedures:

- Ukrainian citizens who have the necessary documents proving Bulgarian origin can start working immediately (even before they have received a residence permit) only by registering with the Employment Agency. For this purpose, they must have an employment contract with a local employer for at least six months.

- Ukrainian citizens have the right to seasonal work of up to 90 days in agriculture, forestry, fisheries, hotels, and restaurants in Bulgaria without interruption for 12 months. For this purpose, registration with the Employment Agency is required based on a declaration submitted by the employer.

- Ukrainian citizens who have applied for international protection and the proceedings have not been completed within three months of applying for reasons beyond their control have the right to work in Bulgaria without a work permit until the procedure is completed. Declaring the employment of Ukrainians in these cases is done by the local employer, who hired them under an employment contract.

⁵ The hotline of the Ministry of Labour and Social Policy at 0800 88 001 provides free consultations in Bulgarian, Russian, and English to Ukrainian citizens on access to the labour market in Bulgaria and opportunities for social support for children and families.

The control bodies of the General Labour Inspectorate are ready to advise Ukrainian citizens on their labour rights. For this purpose, an email has been created where they can ask their questions related to the Bulgarian labour legislation, as well as submit signals if they are already employed and believe that their rights have been violated⁶.

Bulgarian employers who want to hire citizens of Ukraine should provide them with equal working conditions with their colleagues from Bulgaria, and they can not be less favourable than the minimum set in labour legislation.

Over 5,600 Ukrainian citizens are employed under temporary protection in Bulgaria, which represents more than 15% of the working population of those fleeing the war in Ukraine. This number of more than 5,600 people does not include those employed on civil contracts and those on probation, and yet this is the highest percentage of integrated refugees the state has managed to achieve in its recent history, and only within 3 months.

Employees are distributed in almost all districts of the country, in 20 sectors of the economy in nine different professional fields. The work sectors are expanding in the following directions: from hotels and restaurants, administrative and ancillary activities to construction and professional activities and research and IT. At the beginning of the crisis, the IT sector said it needed about 30,000 staff and the textile industry could take in about 20,000. Ukrainians have already been recruited in various industries as managers, specialists, technicians, support and administrative staff, and people with professions that do not require special qualifications.

Additional employment measures

On 6 June 2022, the Employment Agency launched a programme to help Ukrainian people with temporary protection in our country. BGN 356 for three months will be provided for rent and overheads to Ukrainian citizens who have started working in Bulgaria. In addition, the state will provide employers employing refugees with a minimum wage and insurance for the same period. The money is provided by the EU under the Solidarity project, funded by the Operational Programme “Human Resources Development” 2014-2020.

During the period of subsidised employment, employers will receive funds for remuneration of employed Ukrainians in the amount of the minimum wage (BGN 710.00) and due insurance at the expense of employers, as well as incentives covering the costs of all due contributions at the expense of the employer, according to the requirements of the Labour Code and the Social Security Code.

According to the survey, conducted by Petar Ganey in the summer of 2022 at the end of June, there were nearly 120,000 people registered for temporary protection, 84,000 of them women and 36,000 men. This distribution in favour

⁶ The email is BGhelp.Ukrainians@gli.government.bg and is published on the website of the Labour Inspectorate, in the section “Contacts”, as well as in the section “For employers and workers”, section “Work of foreigners on the territory of the Republic of Bulgaria”. The experts of the General Labour Inspectorate will answer the questions promptly in the mentioned email, and for this purpose, feedback contacts should be provided.

of women is expected, considering the reason for the influx of Ukrainian citizens seeking protection in the country. The age structure is also specific - 65,000 are persons of working age (18-64 years), 46,000 are children (up to 18 years) and nearly 9,000 are elderly people (over 65 years). Taking into account the profile of the persons - mostly women with children - the data on participation in the labour market are also not surprising. As of 15 July 2022, exactly 7,391 persons who received temporary protection have started work, according to the data on the registered employment contracts in the National Revenue Agency (NRA). This is 11.4% of all persons granted temporary protection who are of working age (Ganev 2022).

Conclusions

The analysis of the Temporary Protection Directive 2001/55/EC of 21 July 2001 and its transposition in the Bulgarian legislation (the Asylum and Refugees Act) shows full compliance of the domestic regulation with the secondary EU legislation. It is important to point out that this transposition was made many years before to be implemented in fact after the war in Ukraine in 2022. The preparedness of the Bulgarian legislation is to be assessed as high level and adequate to the current challenges.

The comparison between the Council Implementing Decision (EU) 2022/382 and the Decision of the Government of Bulgaria on 9 March 2022 shows a larger and more democratic approach to the people fleeing the war. The Decision of the Bulgarian Council of Ministers included also persons foreign citizens or stateless persons who have left Ukraine due to the armed conflict and entered and stayed on Bulgarian territory, in case they have explicitly stated that they want to be granted temporary protection until 31 March 2022. This conclusion is confirmed also by the findings in the Fundamental Rights Agency Fundamental Rights Report 2023 (Fundamental Rights Report 2023).

The fluctuation of data about the number of housed people makes difficult the assessment of the real implementation of the right of appropriate accommodation.

According to the data provided by the study of Petar Ganev about the number of employed Ukrainian people, as of 15 July 2022, exactly 7,391 persons who received temporary protection started work according to the data on the registered employment contracts in the NRA. This is 11.4% of all persons granted temporary protection who are of working age. The reason is that the majority of persons with temporary protection are women and children.

The expectations for boosting the Bulgarian economy were too ambitious. Nevertheless, this is the highest percentage of integrated displaced persons that Bulgaria has achieved in its recent history. The question is open: is there the beginning of the formation of a “new” Ukrainian minority in Bulgaria?

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