Migration and Human Rights: Alternatives to Administrative Coercive Measures

Organizers
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The Transatlantic Forum on Migration and Integration (TFMI) is a multilateral network and learning community of future leaders and relevant institutions in immigration and integration from Europe, North America and sending countries. The network consists of multiple activities and formats throughout the year and fosters the exchange of young leaders and relevant institutions from business, government, media, academia, and the nonprofit sector. By exploring multiple perspectives on immigration and integration issues, TFMI participants share ideas for best practices, form lasting and sustainable professional relationships across political and national boundaries, and become equipped to guide the political decision-making process and shaping public discourse on these issues. TFMI was established in 2008 by the German Marshall Fund of the United States and the Robert Bosch Stiftung.

Project Background
Bulgaria is a comparatively new member state of the European Union and as part of its external borders is still in search of the right approach towards building a successful migration policy, based on the balance between the coercive security measures and the respect of individual human rights. Part of the process of building up this policy is the accumulation and discussion of the international experience and good practices in the sphere of migration flow management and formation of appropriate internal mechanisms for reception, regulation, prevention and coercion. The purpose of the project is to analyze the alternatives to coercive measures with the purpose of establishment of a balanced national migration policy, using the shared international experience and the contemporary Bulgarian practice as background information. As a result of the project an official written proposal
towards the competent state institutions will be drawn up, summarizing the main conclusions and suggestions from the carried out working conference.

The coercive administrative measures, applied according to the Bulgarian Law on Foreigners, which will be subject to the presentations, are **forced deportation (removal)** of third-country nationals\(^1\), who enter, reside or later on remain in the country not in correspondence to the legal requirements; **entry ban** and **detention** in special detention centers. The listed coercive measures of course are important for establishment of security and rule of law guarantees within the functioning of each national migration policy, but because of their heaviness in restriction, they should be the last resort of application for migrants’ flow regulation. As the Bulgarian national migration system is still not very well structured and supplied with necessary resources and base, the predominant application of such measures is not the most efficient and expedient way of regulation both in regard to third-country nationals as well as state institutions and officials. The purpose of the project described is through the planned panels and discussion to present possible alternatives for regulation of the residing on the territory third-country nationals, based on the basic human rights principles, including the right of dignity, freedom of movement, family unity, priority of voluntary return. Part of the discussion on the available alternatives to administrative coercion is also the subject of prevention against forced “creation” of undocumented migrants as a result of heavy migration regulations. The mentioned above can be avoided by reasonable and well balanced mitigation of the requirements for receiving long-term and permanent residency. Not lastly, good migration practice is closely connected with the availability of legal guarantees against arbitrariness on part of state actors in the process of application of legal norms and requirements.

In spite of the fact that Bulgaria is still a transition country with small percentage of migrants population in comparison to other European countries, we consider that now is the right timing for practical building up of a well structured governmental and social policy and practice in the sphere of migration. This will best guarantee the further fluent integration of Bulgaria towards the standards and requirements of the European and international practice in the sphere.

In order to reach the upper described purposes, the format of the project will include:

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\(^1\) For the purpose of this project, ‘third-country national’ is any person who is not a citizen of the Union.
One-day working conference in Sofia on July 5th, 2010, with the participation of representatives working in the sphere of migration of state institutions in Bulgaria, representatives of the non-governmental organizations, academia, media and the migrant community. The discussion will be enriched by the shared experience of international experts from the USA, Belgium and Germany. The focus of the panel discussions during the conference will be on: migration practices in Bulgaria through the view of the administrative and non-governmental actors; international experience on application of alternatives to coercive migration measures; mechanisms for regularization and the right to work.

Visit in the Detention center for undocumented migrants at the Direction Migration in Sofia, followed by a field visit at the border-control stations at the Bulgarian-Turkish border in Svilengrad and visit at the detention center in Liubimets, with purpose of observation of the applied border security facilities.

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