

Information against the fear: Fingerprints in Bulgaria - how to stop a deportation

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If you have given your fingerprints to authorities in Bulgaria and you don't stay there but continue your journey, you might get threatened to be deported back to Bulgaria. This is based on the so-called Dublin-regulation. So far there is a general (temporary) deportation stop to Greece (that means no deportation to Greece because of the fingerprints) but not to any other EU-countries (like Bulgaria for example). Usually, the country, in which you apply for asylum, will take your fingerprints upon registration to compare them with data from other EU-countries in the computerized system called Eurodac. The authorities will also ask you, which way you arrived (your travel route). Based on this information, the authorities will decide if they are responsible to process your asylum application or if another country (that you passed through earlier) is responsible for that. If they find your fingerprint or any other information to prove that you have been in another EU-country (other than Greece), they will ask this country to take you back. If this country does not refuse within the legal time frame or does not answer at all (within 2-3 months after your fingerprints have been taken in the country of arrival), you will receive a letter informing you about your scheduled deportation.

The good news is: in many cases the people, who had to give their fingerprints in Bulgaria will not be deported back in the end. According to our experiences, particularly in 2015, we would even say that fewer and fewer people are deported. Fingerprints from Bulgaria or any other country cannot be "deleted" or "cleared", but there are certain time limits for the deportation. So for example after Bulgaria became responsible for you, there is a time limit of 6 months to carry out the deportation. **IMPORTANT:** it is **NOT** 6 months from your arrival in another country, but six months after a date that can only be found in your file in the migration office. You need help to understand your personal time limit. This time limit can be extended to 18 months if you were "hiding".

Information: Unaccompanied minors (under the age of 18) have no legal limitation to stay in any specific country. They can even apply for asylum several times within Europe. As long as they don't receive any papers they can move freely. If they are fingerprinted in Bulgaria for example and registered there falsely as adults, in some countries (Germany for example) they will still not be sent back if registered as under-aged in the country where they finally decided to stay. Beware that this practice does not apply to all EU countries. We know for example that the Netherlands consider the age you have given in your first interview in an EU country as decisive. That means if you have been registered in Bulgaria as an adult, you will be an adult in the Netherlands as well. Beware that you have to register your asylum application with the competent asylum authority before you turn 18! Beware, that in the moment you are made older by the authorities after an age-testing and you are not registered as a minor, it is again different!

Here you will find some useful information, which way a deportation to Bulgaria can be avoided. This is possible in many cases and you can be sure that you have a lot of reasons to be hopeful not to get deported. How to do that:

1) Build your own team!

Like in most other struggles, you can succeed to stop a deportation if you are able to build a team. For your team you need some experts: counselors who have knowledge about Dublin-deportations and how to stop them, most probably also a lawyer, maybe a good doctor and/or psychologist. And most importantly: friends who will support you to not give up.

2) Document your own story in Bulgaria!

In order to document the bad living circumstances, mistreatment and human rights violations which you suffered in Bulgaria, collect photos and any other forms of evidence that show your problems there, keep a copy of papers from doctors or NGOs about illnesses or injuries if possible in your Facebook or email-account to be able to get it back later. It is also helpful to write down in advance all your stories of persecution plus all difficulties you encountered on the road to and through Europe. There might be traumatizing experiences you yourself don't consider important but which your lawyer can use to argue against your intended deportation. Maybe you can write down some data and stories already now. Many people for example tend to forget the name of the prison they were kept in or the date when they were imprisoned. What is very important to mention: if you have experienced pushbacks at the border, if the police and/or military of Bulgaria have beaten, kicked or threatened you, if you have been imprisoned, if you have been homeless or without food for longer times.

3) Contact support groups and look for counseling after arrival!

If you had to give fingerprints in Bulgaria, you should contact support-groups in your country of arrival as soon as possible. In most countries and in most cases you will also need a lawyer. Seek advice from support groups for contacts to good, experienced lawyers to prevent a deportation based on the Dublin III Regulation to Bulgaria.

3) Take a lawyer and fight for your rights in front of a court!

In some countries (for example in Germany) lawyers are very useful in the procedure. Usually they take money for supporting your case. Even if you lack money, you can probably arrange to pay the lawyer in monthly rates with the social welfare money you get from the state where you seek asylum – it makes a lot of sense to invest this money. In other countries (for example France) lawyer work for free and/or are paid by the state. The moment when you receive a letter with a deportation order is the latest moment when YOU HAVE TO SEEK HELP of a lawyer IMMEDIATELY. There is only one week time for the lawyer to appeal before the court against your deportation. In the best case you will have already taken a lawyer in advance and you will be prepared to fight against your deportation. Don't wait until the last moment! The chances to stop a deportation to Bulgaria in front of a court are often given, because many judges know that the situation in Bulgaria for refugees is very bad.

4) In case you have medical or psychological problems look for a good doctor and/or psychologist!

In order to appeal against your deportation it is important to express your vulnerabilities and – if you have any - evidence on why your living circumstances in the country they want to deport you to were so sub-standard that you cannot return. Vulnerable groups such as families with children under 2 years, sick persons, the mentally ill, single mothers etc. are more likely not to be deported. Prepare a good documentation of your vulnerability. Lawyers need documents to argue on your behalf, so start early to collect any written evidence by doctors, psychologists, social workers etc.

5) Mention Family links if possible already in your first interview!

If you have any family members in the country where you registered and where want to stay, explain to your lawyer and the authorities why you rely on the help of your relatives or why they rely on you. This dependency can be another factor supporting your claim that you cannot be returned to another EU-country, or example, if you have your elderly mother who cannot take care of herself, or an underage relative with no other family members nearby etc. It is good to mention all sorts of family links – authorities can decide not to follow the Dublin-procedure because of family links.

7) Even if the court will finally decide against you, there are many other ways to stop a deportation:

There are many people who manage to prevent Dublin-deportations even after negative court decisions. There is a time limit for the deportation: from the moment the country became "responsible" for you and/or after a negative court-decision, there are only 6 months given in which the authorities have to carry out the deportation. After this time limit expired, the country of arrival will be responsible. So there are many people who managed to exceed that time limit:

- a) they had been (mentally or physically) sick to a degree that they could not travel (mental state: i.e. that you are a danger for yourself or others; physical state: i.e. heart disease),
- b) they resisted against the deportation and it was too late for the authorities to book a next flight,
- c) in some countries churches offer asylum and protect refugees who are under threat of deportation,
- d) there can be decisions to transfer the responsibility to the country of arrival, if there is a political decision or will to do so. For all these steps you need a good network of friends around you to support you.

Beware: In many countries there are many new asylum applications right now so the asylum system including the registration system and the comparison of fingerprints is blocked sometimes for weeks and even months. The resulting delays lead in some cases to the expiration of time-limits defined in law concerning the Dublin deportations so that a forced return based on fingerprints cannot be carried out anymore. The more time is passing by, the better for you. BUT your lawyer needs to check the time limits by himself by getting your permit to look into your file.

Some information concerning fingerprints in Serbia, Croatia and Slovenia:

Fingerprints in Serbia or even asylum application in Serbia have no effect at all on your asylum case in any other European country, since Serbia has not signed the Dublin agreement.

Croatia and Slovenia, up to now, usually don't take fingerprints for Eurodac, but only for their national security checks. There is no guarantee that this stays like that forever, but up to now there have not been any deportations to Croatia and Slovenia carried out based on the fingerprints taken there since this summer, when many people started going to Northern Europe by crossing these two countries.

For useful contacts in the countries of arrival who can help you to build your team, please check:

<http://w2eu.info/contacts.en.html>

**Good luck and a lot of strength for you for the future!
Have a safe journey!**