

STATEMENT

from

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Subject: dissertation for the award of the degree of Doctor of Law in the field of higher education 3. Social, Economic and Legal Sciences, professional field 3.6 Law, scientific specialty Theory of State and Law

Doctoral student: **Veronika Samuilova Doichinova**, full-time doctoral student at the Department of Theory and History of Law, Faculty of Law, University of Plovdiv "Paisii Hilendarski", scientific supervisor Prof. Dr. Boyka Ivaylova Cherneva

Thesis: "Migration Processes in the Context of Legal System Theory"

1. General presentation of the procedure

According to the Order № RD-21-1532/20.07.2023 of the Rector of University of Plovdiv I am included in the Scientific Jury for the competition for the degree of Doctor of Education in the field of higher education "3. Social, Economic and Legal Sciences", professional field 3.6. Law, scientific specialty "Theory of State and Law" with candidate Veronika Samuilova Doichinova.

The set of materials submitted by the PhD student for participation in the procedure is in compliance with the requirements of the Law on PhD, the PhD Law on PhD and the internal acts of University of Plovdiv. The Faculty of Law of University of Plovdiv has an accredited doctoral program in Theory of State and Law. The procedure up to the public defense of the dissertation was conducted before the Departmental Council in a lawful manner, the necessary documents were submitted to the Scientific Jury for the public defense. The doctoral candidate has presented in accordance with the national minimum requirements for the educational and scientific degree "Doctor" in scientific field 3. Social, Economic and Legal Sciences, professional field 3.6. Law, scientific specialty "Theory of State and Law" publications, as well as a declaration of originality and credibility under Article 27, paragraph 2 of the Regulations for the Implementation of the Academic Staff Development Act of the Republic of Bulgaria.

The scientific-metric requirements in relation to the PhD procedure have been fulfilled, with more than the minimum required 30 points formed by the five independent articles submitted for the defense. They are:

1) Doichinova, Veronika. Legal Problems of Migration Processes in Europe - *Studia Iuris* [online]. Plovdiv, 2019, № 2, pp. 118-131. [accessed 27.06.2023]. Available from: <https://studiaiuris.com/wp-content/uploads/2021/01/Studia-Iuris-2-2019-book-all.pdf>

2) Doichinova, Veronika. Illegal migrants in Europe - the new category of foreigners - *Society and Law*. Sofia, 2020, № 2, pp. 4-14.

3) Doichinova, Veronika. The Role of Migration Processes in the Development of the Legal System. - In. 158-170.

4) Doichinova, Veronika. Protecting the rights of migrants at sea entering Europe. - *Ius Romanum* [online]. Sofia, 2021, № II, pp. 593-610 [accessed 28.06.2023]. Available from:

https://iusromanum.info/wp-content/uploads/2022/03/IUS-ROMANUM_2_2021_MARE-NOSTRUM.pdf

5) Doichinova, Veronika. Practical Problems in Regulation of Migration Processes - Justice and Human Rights [online]. Sofia, 2023, № 1, pp. 70-87. [accessed 27.06.2023]. Available from: <https://justicehr.com/wp-content/uploads/2023/04/Правосъдие-и-права-на-човека-брой-1.pdf>

2. Brief biographical data about the PhD student Veronika Samuilova Doichinova

I know the PhD student as a student at the Police Faculty of the Academy of the Ministry of Interior (2003-2007). For her legal education is a second higher education.

The doctoral candidate has her own career development in the system of the Ministry of Interior, which determines the choice of the topic of the dissertation.

3. Dissertation Data

3.1. Theme of the dissertation

The topic of the dissertation is devoted to a classical, significant and topical for the current law, practice and social sciences institute - migration as a social phenomenon, its legal aspects and the fundamental rights of the migrant.

This dissertation presents a new perspective on the impact of migration processes on the development of law, using legal system theory. It allows to trace the impact of migration processes on the development of law in two aspects. On the one hand, the law should regulate all major manifestations of migration as a subject of legal regulation. On the other hand, the analysis of the relations of migration as part of the social environment provides an opportunity to discuss the effectiveness of the legal system in this area. This dissertation has the ambition to examine migration processes as factors that influence the social environment.

The thesis rightly considers migration as a carrier of a legal culture and even of a legal system, which in fact establishes itself as part of another legal system - the system of the state, in which migration has acquired the character of a factor that influences the identification of the legal system and its development in general.

In the twentieth century, works in the various social sciences and in the field of legal theory that deal with migration are extremely numerous. Migration is a human mobility that consists in crossing borders, but also a process of settling, adapting and integrating into a foreign social environment. As part of human history, migration influences the development of society demographically, socio-economically and culturally. In legal scholarship, migration is a fundamental human right regulated in international legal instruments. Guaranteeing migrants' rights and preventing their violation represents a major challenge for state institutions.

There are different manifestations of migration in law. Public international law and EU law establish the protection of migrants' rights. Policies are in place to secure national borders and control migration flows. The law should find solutions to illegal migration linked to human trafficking. A comprehensive approach to the development of legal frameworks in these areas requires a thorough examination of the interactions between migration as a social process and the elements of the legal system.

In the legal literature, outside public international law, there are not many contemporary publications in Bulgarian that are dedicated to the topic of the dissertation.

The topic is topical and dissertable because there is no independent work in the contemporary Bulgarian public law literature on migration from the point of view of the constitutional legal framework, the content of the fundamental rights of migrants and the limits within which these fundamental rights are implemented in the Republic of Bulgaria.

The topic has an applied relevance for law enforcement because it answers questions that arise in practice under increased migratory pressure, the legal framework of migrants' rights in a democratic society and the sensitive issue of the human-host state relationship, including the impact on the EU's common migration policy.

In this sense, the requirements of Article 27(2) of the Regulations for the Implementation of the Academic Staff Development Act of the Republic of Bulgaria are met.

3.2. Characteristics and evaluation of the main parts of the thesis and contributions.

The dissertation is 243 pages (font 12, spacing 1.5 Times New Roman), which includes a title page, table of contents, and bibliography. In the content part of the dissertation there are three chapters, each divided into paragraphs and sub-paragraphs. The thesis has a classical structure, with each component of the topic being separated into an independent chapter - a derivation of concepts fundamental to the Theory of Law, a review of supranational acts relevant to the problem at hand and a legal analysis of the content of the fundamental rights of migrants through the prism of human rights. The three chapters develop the aims, objectives and methods of the research, which are set out in the Introduction, and the conclusions are summarised in the Conclusion.

The **first chapter** analyses migration processes as a social factor influencing the development of legal systems. This influence is presented through the lens of legal positivism. Legal system theories make it possible to explain the relationship between the social environment, of which migration processes are a part, and its legal regulation. The notion of legal system, which is the working one for the thesis, makes it possible to raise the issue of the effectiveness of legislation in the field of the legal status of foreigners and migrants in particular.

The second chapter is devoted to different aspects of migration processes: historical, social, political, economic. The study seeks to explore more specific dimensions of the interaction "social environment" (migration) - "legal regulation" and to examine the way in which migration affects law and vice versa, how law establishes legal regulation to achieve the objectives of laws and in order to preserve the unity and homogeneity of the legal system. Migration processes constitute a social form through which legal culture and experience are disseminated (exported) to other regions of the world.

A substantial part of Chapter 2 is devoted to identifying the nature, causes and consequences of migration processes in Europe. The concepts are placed in the context of continental-type legal systems in Europe in order to discuss the general theoretical issues already raised in the first chapter. Definitions of the terms migration process, migration, migrant, economic migrant, irregular migrant are outlined. A distinction is made between the concepts of migrant and refugee.

I read the **third chapter** of the dissertation with the greatest interest. It is devoted to the current legal framework of the right to legal protection of migrants' rights and the implementation

of international standards on migrants' rights in national law. This also achieves the aim of improving legal systems and increasing the efficiency of institutions.

The large number of migrants from the Middle East and Africa entering Europe irregularly puts countries to a severe test. Despite the statistics of international organizations and national competent services, the exact number of irregular migrants is difficult to determine and, in the case of secondary migration, it is impossible at this stage to specify the country of destination of each of them. This makes it difficult to introduce indicators that would lead to effective control and management of the migration process, which makes it difficult for institutions to implement legal mechanisms to protect migrants' rights.

Without migrants having a status and without legal recognition by state institutions, their rights cannot be fully protected. Their protection is closely linked to the level of integration of migrants in the host country, which in turn is linked to the country's willingness to provide conditions for integration, but also to the migrant's efforts to integrate. The level of effectiveness of protection mechanisms is an indicator of the degree of development of the national legal system.

The movement of people across the borders of European countries with unprovable identity and undetermined place of residence hampers the implementation of the current legal framework on migration control and asylum.

One can support the PhD student's understanding that unresolved migration issues cause international political controversies and become one of the factors that threaten the stability of international relations. In an attempt to preserve national security, some states are taking measures to restrict migrants' access to their territories. The 'migrant factor' has also been used frequently recently in electoral and explanatory campaigns with populist aims.

3.3. Scientific apparatus

The bibliography used consists of 105 titles, of which 76 in Bulgarian and 39 foreign, as well as 17 Internet sources. In addition, the study refers to acts of supranational institutions (more than 15 decisions of the ECHR).

It is noteworthy that the PhD student refers to all the authors she has included in 311 footnotes. In them there is both reference to actually used and researched works. The sources are correctly cited according to established standards.

3.4. Abstract

The doctoral candidate has submitted an abstract of 32 pages. It fully meets the requirements for the presentation of the dissertation, reflecting faithfully and accurately its content and the main points of contribution.

4. Assessment of publications

The PhD student has submitted 5 publications on the topic of the dissertation in refereed and indexed periodicals. The publications present individual aspects of the topic, further developing the theses of the dissertation.

5. Recommendations for future use of the dissertation contributions and results

5.1. In accordance with the requirements of the Law on Research and Development, the dissertation work of Veronika Samuilova Doichinova presents scientific results constituting an original contribution to science, demonstrating in-depth theoretical knowledge in the relevant specialty and the ability to produce a scientific work.

5.2. Some recommendations can always be made both for the individual theses advocated by the PhD student and for the internal structure and the separate paragraphs and sub-paragraphs of the thesis.

It is the author's decision as to what should be the relationship between the triad of theory, history and positive supranational and national law, but the analysis of the current legislation could have been more thorough.

The balance between the three chapters is achieved, but there is some repetition of these that can be avoided.

The topic is extremely promising and I believe that the PhD student has enough knowledge and opportunities to continue in some of the researched aspects of her further scientific work. In a future publication of the dissertation, which I would recommend, the PhD student could undoubtedly make bolder recommendations for future legal regulation.

5.3. Regarding the upcoming public defense, I have two questions for the PhD student. The first one is about the scope of possible curbs on migration processes - international, European or national approach to be used? My second question is whether a new asylum and refugee law is needed?

CONCLUSION

The dissertation work of Veronika Samuilova Doichinova on the topic " Migration Processes in the Context of the Theory of the Legal System " contains scientific results that represent an original contribution to science and meet the requirements of the Law on the Development of Academic Staff in the Republic of Bulgaria and the Regulations for the Implementation of this Law. The submitted materials and dissertation results comply with the regulatory requirements. The dissertation demonstrates that the PhD candidate possesses in-depth theoretical knowledge and professional skills in Theory and History of Law, Constitutional Law and Public International Law and EU Law, qualities and skills to conduct scientific research with original and significant scientific contributions.

Due to the above, I confidently give **my positive assessment** of the dissertation "Migration Processes in the Context of the Theory of the Legal System" presented in the defense procedure, recommend to the honorable Scientific Jury and will vote positively the doctoral candidate Veronika Samuilova Doychinova to acquire the educational and scientific degree "Doctor" in the field of higher education. Social, economic and legal sciences, professional field 3.6 Law, scientific specialty Theory of State and Law.

29 September 2023
Sofia

/ Nataliya Kiselova /