

Proposal for an Act on amendments to the Foreigners Act (EVA 2018-1711-0004)

UNHCR comments

1. Introduction

1. On 17 June 2020, the Ministry of Interior of Slovenia published its proposal for an act on amendments to the Foreigners Act¹ (hereinafter referred to as ‘draft law’) for public consultation with the deadline of 26 June 2020.²

2. UNHCR has a direct interest in law proposals related to asylum, as the agency entrusted by the United Nations General Assembly with the mandate to provide international protection to refugees and, together with Governments, seek permanent solutions to the problems of refugees.³ Paragraph 8 of UNHCR’s Statute confers responsibility on UNHCR for supervising international conventions for the protection of refugees,⁴ whereas the 1951 Convention relating to the Status of Refugees (hereafter referred to as “1951 Convention”)⁵ and its 1967 Protocol oblige States to cooperate with UNHCR in the exercise of its mandate, in particular facilitating UNHCR’s duty of supervising the application of the provisions of the 1951 Convention and 1967 Protocol (Article 35 of the 1951 Convention and Article II of the 1967 Protocol). This has also been reflected in European Union law, including by way of a general reference to the 1951 Convention in Article 78(1) of the Treaty on the Functioning of the European Union.⁶

3. Based on its supervisory responsibility, UNHCR herewith presents the following concerns regarding the draft law to the Government of Slovenia:⁷

- The denial of access to the asylum procedure by the police (rather than the competent asylum authority) on the basis of irregular entry during a ‘complex crisis situation’ and subsequent unilateral removal to a ‘safe neighboring EU Member State’ without essential safeguards is at variance with obligations under international refugee and human rights law and EU law.
- The draft law may also be at variance with the exemption from the imposition of penalties for unauthorised entry or presence under Article 31 of the 1951 Convention.

¹ Official Gazette of RS, No. 50/11 and subsequent amendments, available in Slovenian at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761>.

² The draft amendments are available in Slovenian at: <https://e-uprava.gov.si/drzava-in-druzba/e-demokracija/predlogi-predpisov/predlog-predpisa.html?id=9555>.

³ UN General Assembly, *Statute of the Office of the United Nations High Commissioner for Refugees*, 14 December 1950, A/RES/428(V), available at: <http://www.refworld.org/docid/3ae6b3628.html>.

⁴ *Ibid.*, para. 8(a). According to para. 8(a) of the Statute, UNHCR is competent to supervise international conventions for the protection of refugees. The wording is open and flexible and does not restrict the scope of applicability of UNHCR’s supervisory function to one or other specific international refugee conventions. UNHCR is therefore competent qua its Statute to supervise all conventions relevant to refugee protection, *UNHCR’s supervisory responsibility*, October 2002, pp. 7-8, available at: <http://www.refworld.org/docid/4fe405ef2.html>.

⁵ UN General Assembly, *Convention Relating to the Status of Refugees*, 28 July 1951, United Nations Treaty Series, No. 2545, vol. 189, available at: <http://www.unhcr.org/refworld/docid/3be01b964.html>. According to Article 35 (1) of the 1951 Convention, UNHCR has the “duty of supervising the application of the provisions of the Convention.”

⁶ European Union, *Consolidated version of the Treaty on the Functioning of the European Union*, 13 December 2007, OJ C 115/47 of 9.05.2008, available at: <http://www.unhcr.org/refworld/docid/4b17a07e2.html>.

⁷ See also UNHCR, *Recommendations by UNHCR on Slovenia’s Draft Act of 12 October 2016 amending the Aliens Act of 22 May 2014*, December 2016, available at: <https://www.refworld.org/docid/5858ffd34.html>.

2. Access to a fair and efficient asylum procedure at the border

4. Section 10.b (2) and (3) of the draft law provide that during a new ‘complex migration crisis,’⁸ individuals who try to enter irregularly at the border or who have already entered the territory of Slovenia irregularly from a neighboring EU Member State and indicate an intent to seek asylum, shall be removed from the territory. More specifically, by way of derogation from the International Protection Act,⁹ section 10.b (2) – including in situations covered by section 10.b (3) – provides that the police shall reject the intent to seek asylum as inadmissible and ‘direct’ the individual to the EU Member State from which (s)he entered if there are no systematic deficiencies in the asylum procedures and reception conditions in that Member State that might expose him/her to a risk of torture or inhuman or degrading treatment.¹⁰ The appeal against this order does not have suspensive effect. Section 10.b (4) of the draft law only provides for a limited number of exceptions from this procedure.¹¹

5. UNHCR notes that the primary responsibility for providing international protection rests with the State in which an asylum-seeker arrives and seeks that protection. Claims for international protection from asylum-seekers should ordinarily be processed in the State in which they are present, or which otherwise has jurisdiction over them, in line with general State practice and international law.¹² In some cases, however, another State may assume responsibility for determining the need for providing international

⁸ Proposed Paragraphs 2 and 3 of Section 10.a read: ‘(2) If the ministry responsible for the interior, on the basis of information from the bodies and institutions referred to in the preceding paragraph, assesses that in the Republic of Slovenia, due to changed conditions in the field of migration or other circumstances referred to in the sixth paragraph of Article 20 of the Government of the Republic of Slovenia Act (Official Gazette of the RS, No. 24/05 - official consolidated text, 109/08, 38/10 - ZUKN, 8/12, 21/13, 47/13 - ZDU-1G, 65/14 and 55/17), a complex crisis has arisen, it shall propose to the Government of the Republic of Slovenia, on the basis of the eighth paragraph of Article 20 of the Government of the Republic of Slovenia Act (Official Gazette of the RS, No. 24/05 - official consolidated text, 109/08, 38/10 - ZUKN, 8/12, 21/13, 47/13 - ZDU-1G, 65/14 and 55/17), to make a decision on the implementation of crisis management and governance in a complex crisis.

(3) In the context of crisis management and complex crisis governance, the Government of the Republic of Slovenia may, on the basis of a substantiated and reasoned proposal of the ministry responsible for the interior, propose to the National Assembly, taking into account the principle of proportionality, to decide on the application of Article 10.b of this Act, for a maximum period of six months, and determine the area of application of this measure. At the proposal of the Government of the Republic of Slovenia, the National Assembly of the Republic of Slovenia may, by the same procedure, extend the application of Article 10.b of this Act for a maximum of six months each time, if there are still reasons for this.’

⁹ Official Gazette of RS, No. 22/16 and subsequent amendments, available in Slovenian at: <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO7103>. Consequently, essential safeguards under the International Protection Act would not be applicable, including those under sections 54, 55, 59, 60 and 70(3) read in conjunction with the third indent of section 51 (automatic suspensive effect).

¹⁰ Proposed Paragraphs 2 and 3 of Section 10.b read: ‘(2) After the entry into force of the decision of the National Assembly of the Republic of Slovenia referred to in the third paragraph of the previous article, if an alien who tries to enter at the border crossing point illegally or has already entered the territory of the Republic of Slovenia illegally from a neighbouring Member State of the European Union is located in the area where this article is implemented and expresses the intention to submit an application for international protection, the police carry out the identification procedure and establish the identity of the alien in accordance with the law governing the tasks and powers of the police. *Notwithstanding the provisions of the Act governing international protection, the police shall reject such an intention as inadmissible if in the neighbouring EU Member State from which the foreigner entered there are no systemic deficiencies related to asylum procedures and reception conditions for applicants that might expose them to the risk of torture or inhuman or degrading treatment and direct the foreigner to this country. An appeal against the order shall not stay the execution thereof.* Appeals shall be decided by the ministry responsible for the interior.

(3) If an alien who attempts to enter the territory of the Republic of Slovenia illegally outside the border crossing is located in the area where this article is implemented, after the decision of the National Assembly of the Republic of Slovenia from the third paragraph of the previous article enters into force, and expresses the intention to apply for international protection, the police, regardless of the provisions of the law governing international protection, shall refer him/her to the border crossing in operation, where the procedure referred to in the second, third and fourth sentences of the previous article is carried out.’

¹¹ Proposed Paragraph 4 of Section 10.b reads: ‘The previous paragraph shall not apply if the health condition of the alien would obviously prevent the action referred to in the previous paragraph, or if the alien is a family member of an alien for whom action is not possible due to health condition, or if the appearance, behaviour or other circumstances indicate that he/she is an unaccompanied minor or in the event that in the proceedings an alien unequivocally demonstrates that a neighbouring Member State of the European Union is not a safe country for him/her personally and that he/she has not been able to apply for international protection in that country for justified reasons.’

¹² See UNHCR, *Guidance Note on Bilateral and/or Multilateral Transfer Arrangements of Asylum-Seekers*, May 2013, para. 1, www.refworld.org/docid/51af82794.html. See also UNHCR, *Guidance on Responding to Irregular Onward Movement of Refugees and Asylum-Seekers*, September 2019, para. 16, available at: <https://www.refworld.org/docid/5d8a255d4.html>.

protection, based on a bilateral or multilateral arrangement for the transfer of asylum-seekers and the allocation of responsibility for determining their asylum claims and providing international protection,¹³ or for relocation of recognized refugees;¹⁴ or the ‘first country of asylum’ or the ‘safe third country’ concepts.¹⁵

6. UNHCR considers that the removing State must assess, prior to the removal and subject to procedural safeguards, the appropriateness of the removal for each person individually. In order to be compatible with international law the removing State must ensure that the receiving State will treat the person in line with internationally accepted standards, which include that the person:

- will be admitted to the proposed receiving state;
- will be protected against *refoulement*;
- will have access to fair and efficient procedures for the determination of refugee status and/or other forms of international protection;
- and will be treated in accordance with accepted international standards (for example, appropriate reception arrangements; access to health, education and basic services; safeguards against arbitrary detention; persons with specific needs are identified and assisted).¹⁶

These principles are also reflected in European law.¹⁷

7. The obligation to ensure that conditions in the receiving State meet these requirements, in practice, rests on the removing State. It is not enough to merely assume that an asylum-seeker would be treated in conformity with these standards – either because the receiving State is a party to the 1951 Convention or other refugee or human rights instruments, or on the basis of an ongoing arrangement or past practice.¹⁸ This assessment by the removing State is required irrespective of which receiving State is envisaged, the fact that the receiving State is generally designated as safe, or whether or not the asylum-seeker has expressed an additional fear, including of being further refouled from that receiving State. At a minimum,

¹³ Consistent with the Dublin Regulation (Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast)), 29 June 2013, OJ L. 180/31-180/59; 29.6.2013, (EU)No 604/2013, available at: <https://www.refworld.org/docid/51d298f04.html>.

¹⁴ UNHCR, *Guidance Note on Bilateral and/or Multilateral Transfer Arrangements of Asylum-Seekers*, May 2013, www.refworld.org/docid/51af82794.html. See also University of Michigan Law School, *The Michigan Guidelines on Protection Elsewhere*, 3 January 2007, www.refworld.org/docid/4ae9acd0d.html.

¹⁵ See UNHCR, *Legal Considerations Regarding Access to Protection and a Connection Between the Refugee and the Third Country in the Context of Return or Transfer to Safe Third Countries*, April 2018, available at: www.refworld.org/docid/5acb33ad4.html.

¹⁶ UNHCR, *Guidance Note on bilateral and/or multilateral transfer arrangements of asylum-seekers*, May 2013, paras. 3(v) and (vi). See also, ExCom Conclusion No. 8 (XXVIII), 1977, available at: <http://www.unhcr.org/excom/exconc/3ae68c6e4/determination-refugee-status.html>; UNHCR, *Global Consultations on International Protection/Third Track: Asylum Processes (Fair and Efficient Asylum Procedures)*, 31 May 2001, EC/GC/01/12, <http://www.refworld.org/docid/3b36f2fca.html>; ExCom Conclusion No. 85 (XLIX), 1998, para. (aa), <http://www.unhcr.org/excom/exconc/3ae68c6e30/conclusion-international-protection.html>; ExCom Conclusion No. 58 (XL), 1989, para. (f), <http://www.unhcr.org/excom/exconc/3ae68c4380/problem-refugees-asylum-seekers-move-irregular-manner-country-already-found.html>;

UNHCR, *Summary Conclusions on the Concept of "Effective Protection" in the Context of Secondary Movements of Refugees and Asylum-Seekers (Lisbon Expert Roundtable, 9-10 December 2002)*, February 2003, available at: <http://www.unhcr.org/refworld/docid/3fe9981e4.html>.

¹⁷ ECtHR, *M.S.S. v. Belgium and Greece* [GC], Application no. 30696/09, 21 January 2011, paras. 354, 358 and 359, available at: <https://www.refworld.org/cases,ECHR,4d39bc7f2.html>; ECtHR, *Tarakhel v. Switzerland* [GC], Application no. 29217/12, 4 November 2014, paras. 120-121, available at: <https://www.refworld.org/cases,ECHR,5458abfd4.html>. In a recent judgment, the Court of Justice of the EU stated that the inadmissibility grounds under EU law are exhaustive (Article 33(2) of the Asylum Procedures Directive - Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast), 29 June 2013, OJ L. 180/60 -180/95; 29.6.2013, 2013/32/EU, available at: <https://www.refworld.org/docid/51d29b224.html>). Inadmissibility provisions must therefore comply with either the concept of “safe third country” (Articles 33(2)(c) and 38 of the APD) or the concept of “first country of asylum” (Articles 33(2)(b) and 35 of the APD). See *LH*, C-564/18, Court of Justice of the EU, 19 March 2020, paras. 29 and 30, available at: <http://curia.europa.eu/juris/liste.jsf?language=en&td=ALL&num=C-564/18>.

¹⁸ UNHCR, *Guidance Note on bilateral and/or multilateral transfer arrangements of asylum-seekers*, May 2013, para. 3(viii).

persons seeking international protection must have the ability to make a formal asylum claim with the competent authority and have access to legal assistance and representation, to relevant information in a language they understand and to necessary facilities and services, including interpretation services. They must also be permitted to remain in the country pending a decision on the claim and be given a reasonable time to appeal the decision.¹⁹ Finally, persons seeking international protection must be given the opportunity to contact UNHCR. Simultaneously, pursuant to its mandate,²⁰ UNHCR should be given the possibility to contact and visit persons in need of international protection, including at the border, to assess and supervise their well-being.²¹ These safeguards are particularly important when asylum is requested and/or sought at the border, because of the particular vulnerability of asylum-seekers in that context, which is often beyond public scrutiny.²²

8. In some circumstances, transfers or relocation of refugees or asylum-seekers under a formal bilateral or multilateral arrangement may be carried out in the absence of an individual assessment. This would require both the existence of certain objective standards of protection in the receiving country, as well as firm undertakings by that country that those returned will have access to protection, assistance and solutions.²³ Pre-transfer individual assessments are nonetheless necessary in all cases for vulnerable groups

¹⁹ ExCom Conclusion No. 8 (XXVIII), 1977, para. (e)(i), <http://www.unhcr.org/excom/exconc/3ae68c6e4/determination-refugeestatus.html>. See also, ExCom Conclusion No. 81 (XLVIII), 1997, para. (h), <http://www.unhcr.org/excom/exconc/3ae68c690/general-conclusion-international-protection.html>; ExCom Conclusion No. 82 (XLVIII), 1997, para. (d)(ii) and (iii), <http://www.unhcr.org/excom/exconc/3ae68c958/safeguarding-asylum.html>; ExCom Conclusion No. 85 (XLIX), 1998, para. (q), <http://www.unhcr.org/excom/exconc/3ae68c6e30/conclusion-internationalprotection.html>. See also: UN General Assembly, *Recommended Principles and Guidelines on Human Rights at International Borders: Conference room paper*, 23 July 2014, A/69/CRP. 1, Guideline 7, para. 5, <http://www.refworld.org/docid/54b8f58b4.html>.

²⁰ UN General Assembly, *Statute of the Office of the United Nations High Commissioner for Refugees*, 14 December 1950, A/RES/428(V), available at: <http://www.refworld.org/docid/3ae6b3628.html>. UNHCR, *Note on the Mandate of the High Commissioner for Refugees and his Office, October 2013*, available at: <http://www.refworld.org/docid/5268c9474.html>.

²¹ ExCom Conclusion No. 22 (XXXII), 1981, para. III, <http://www.unhcr.org/excom/exconc/3ae68c6e10/protection-asylumseekers-situations-large-scale-influx.html>; ExCom Conclusion No. 33 (XXXV), 1984, para. (h), <http://www.unhcr.org/excom/exconc/3ae68c6e20/general-conclusion-international-protection.html>; ExCom Conclusion No. 72 (XLIV), 1993, para. (b), <http://www.unhcr.org/excom/exconc/3ae68c4314/personal-security-refugees.html>; ExCom Conclusion No. 73 (XLIV), 1993, at para. (b) (iii), <http://www.unhcr.org/excom/exconc/3ae68c6810/refugee-protection-sexual-violence.html>; ExCom Conclusion No. 79 (XLVII), 1996, para. (p), <http://www.unhcr.org/excom/exconc/3ae68c430/general-conclusioninternational-protection.html>. See also UNHCR, *Note on the Mandate of the High Commissioner for Refugees and his Office, October 2013*, p. 7, <http://www.refworld.org/docid/5268c9474.html>.

²² The APD also provides for important principles and guarantees to ensure effective access to the asylum procedure, including at the border, such as the provision of information on the possibility to seek asylum and the related procedures, if necessary through interpretation (Articles 8(1), 12(1)(a) and 12(1)(b)), granting access to organisations and persons providing advice and counselling at the several stages of the procedure (Articles 8(2), 12(1)(c) and 22)), including free procedural and legal information at first instance (Article 19), free legal aid and representation in appeals procedures (Articles 20 and 21), as well as granting a right to remain pending a first-instance decision (Article 9). In its judgment in the case of *LH*, in paras. 66, 70, and 71, the CJEU stated that EU law principles of effectiveness require, in compliance with the APD, that national courts are obliged to undertake a full and *ex nunc* assessment of a claim, even in cases of inadmissibility decision. The Court also emphasized the procedural rights of applicants, including the right to an interpreter and information, access to UNHCR, and legal assistance. Further, particular safeguards apply for vulnerable applicants and unaccompanied children and a hearing, if required, for a full and *ex nunc* assessment of both facts and points of law. Further, in the case of *Gnandi*, the CJEU stated that in relation to a return decision and a possible removal decision, the protection inherent in the right to an effective remedy and in the principle of *non-refoulement* must be guaranteed by according an applicant for international protection the right to an effective remedy with automatic suspensive effect at least before one judicial body (*Gnandi v État belge*, C-181/16, 19 June 2018, para 54, available at: <http://curia.europa.eu/juris/liste.jsf?language=en&jur=C.T.F&num=c-181/16>). See also *X v. Belastingdienst/Toeslagen*, C-175-17, 26 September 2018, paras. 32-33, available at: <http://curia.europa.eu/juris/document/document.jsf?text=&docid=206119&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=102651>; *X and Y v. Staatssecretaris van Veiligheid en Justitie*, C-180-17, 26 September 2018, paras. 28-29, available at: <http://curia.europa.eu/juris/document/document.jsf?text=&docid=206115&pageIndex=0&doclang=EN&mode=lst&dir=&occ=first&part=1&cid=102823>. According to the settled case law of the European Court of Human Rights, in order to be effective, an appeal against a return decision that may entail a risk of treatment contrary to Article 3 of the European Convention on Human Rights, must have automatic suspensive effect. See ECtHR, *Conka v. Belgium*, Application no. 51564/99, 5 February 2002, paras. 83-85, available at: <http://www.refworld.org/cases.ECHR.3e71fdfb4.html>; ECtHR, *Gebremedhin [Gaberamadhien] v. France*, Application no. 25389/05, 26 April 2007, para. 66, available at: <http://www.refworld.org/cases.ECHR.46441fa02.html>; ECtHR, *M.S.S. v. Belgium and Greece*, Application no. 30696/09, 21 January 2011, para. 293., available at: <http://www.refworld.org/cases.ECHR.4d39bc7f2.html>.

²³ Such an arrangement would also need to respect the prohibition of collective expulsion under international law. This means that individual must have an opportunity to put forward arguments against expulsion in his or her specific case.

and/or people with specific needs, including unaccompanied and separated children, with the best interests of the child being given primary consideration.²⁴

9. Bilateral or multilateral arrangements among States to allocate responsibility for determining asylum claims need to be implemented in good faith with the objective of effectively sharing burdens and responsibilities among States. There should be no “burden-shifting” in the sense of seeking to avoid responsibility and/or disproportionately increasing strains on the capacity of another State nor any attempt to avoid or minimize responsibilities under international law. Their application needs to ensure that refugees and asylum-seekers are not summarily denied entry or pushed back at borders.²⁵

10. Furthermore, the removal of individuals who expressed an intent to seek asylum after irregular entry also raises an issue under Article 31 of the 1951 Convention, which prohibits the penalization of refugees on account of their illegal entry or presence. The material scope of Article 31(1) extends to the territory under a State’s control, which includes borders.

11. In exercising the right to seek asylum, asylum-seekers are often forced to arrive at, or enter, a territory without prior authorization. The effective implementation of Article 31(1) requires that it applies to any person seeking international protection. In consequence, a person seeking international protection is presumed to benefit from the prohibition to impose penalties as stipulated under Article 31(1) until found not to be in need of international protection following a fair procedure. ‘Penalties’ as referred to in this article is to be broadly understood, and under no circumstances can a State, by way of a penalty for not coming directly, failing to present themselves without delay to the authorities, or not showing good cause for their irregular entry or presence, prevent asylum-seekers or refugees who have arrived or are present without authorisation from applying for asylum or accessing an asylum procedure, or impose procedural or other requirements or preconditions which would in practice prevent refugees from applying or accessing such a procedure. This would deny them the right to seek asylum, contrary to the purpose of Article 31(1), and the overall object and purpose of the 1951 Convention and its 1967 Protocol.²⁶

12. Finally, the draft law also runs counter to Slovene constitutional law as it introduces provisions that are similar in wording and effect to earlier provisions of the law which were annulled by the Slovenian Constitutional Court. In its decision of 18 September 2019, the Constitutional Court held that the second sentence of Section 10.b (2) does not guarantee access to a fair and efficient asylum procedure during a special legal regime proclaimed under Section 10.a and individuals are not provided with a substantive assessment of whether their removal from Slovenian territory would result in inhumane or degrading treatment. Consequently, the Constitutional Court declared that this provision violates the absolute nature of the constitutionally protected right to be free from torture,²⁷ and – together with Section 10.b (3)²⁸ – annulled the sentence.²⁹ The draft law, if adopted, would also undermine legal certainty which inter alia requires respect for the principle of *res judicata*, i.e. final judgments of the courts must be respected.

²⁴ UNHCR, *Guidance Note on Bilateral and/or Multilateral Transfer Arrangements of Asylum-Seekers*, May 2013, www.refworld.org/docid/51af82794.html. See also UNHCR, *Guidance on Responding to Irregular Onward Movement of Refugees and Asylum-Seekers*, September 2019, para. 22, available at: <https://www.refworld.org/docid/5d8a255d4.html>.

²⁵ UNHCR, *Guidance on Responding to Irregular Onward Movement of Refugees and Asylum-Seekers*, September 2019, para. 25.

²⁶ UNHCR, *Guidance on Responding to Irregular Onward Movement of Refugees and Asylum-Seekers*, para. 40. See also Recital 21 and Articles 2(b), 6(1) and 9 of the APD and LH, C-564/18, Court of Justice of the EU, 19 March 2020, paras. 37-42.

²⁷ See Article 18 of the Constitution of the Republic of Slovenia, Official Gazette of the Republic of Slovenia Nos. 33/91-I, 42/97, 66/2000, 24/03, 69/04, 68/06, and 47/13, available in English at: <https://www.us-rs.si/media/constitution.pdf>.

²⁸ Essentially reintroduced by proposed Paragraph 4 of Section 10.b.

²⁹ Constitutional Court, Decision U-I-59/17, 18 September 2019, available at: <https://bit.ly/2TUCkz5>.

13. Against this background, UNHCR considers that the draft law lacks essential safeguards prior to removal to a country assumed to be safe, including an individualized pre-transfer assessment subject to internationally accepted standards and a right to remain on the territory pending the decision on the claim.³⁰ Consequently, individuals who express an intent to seek asylum in Slovenia at the border are denied access to fair and efficient asylum procedures contrary to international refugee and human rights law and EU law.

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³⁰ See Paragraphs 6-7, above.