



REFUGEES IN THE KYRGYZ REPUBLIC

ANALYSIS OF NATIONAL LEGISLATION AND PRACTICE

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FOREWORD

Dear Reader,

Since its independence in 1991, the Kyrgyz Republic has generously hosted thousands of people forcibly displaced from neighbouring countries and beyond, including over 20,000 refugees who fled the civil war in Tajikistan in 1995. Over the years, the Kyrgyz Republic locally integrated half of these refugees by granting them citizenship, while others voluntarily returned to Tajikistan.

In 1996, the Kyrgyz Republic ratified both the 1951 Convention relating to the Status of Refugees and its 1967 Protocol, without reservations, committing not to return (refoule) refugees to danger, but to grant them access to territory, quality asylum procedures and protection, and basic human and socio-economic rights.

In 2002, the Kyrgyz Republic established a national Refugee Law which includes the extended refugee definition, enabling refugees fearing persecution as well as people fleeing armed conflict, generalized violence or other serious human rights violations to seek and enjoy international protection on its territory. Since then, the Kyrgyz Republic has continued to make incremental improvements to its legal and administrative framework for asylum and refugee protection.

As of May 2024, the Kyrgyz Republic hosts 272 refugees and 2,393 asylum-seekers.

For over 70 years, the principles of responsibility-sharing and solidarity enshrined in the Refugee Convention and shared between signatory States have saved the lives of millions of refugees and contributed to the sustainable development of their generous host communities around the globe.

To further strengthen international solidarity with refugees, and recognizing that a sustainable solution to refugee situations cannot be achieved without international cooperation, in 2018, United Nations Member States – including the Kyrgyz Republic – unanimously adopted the Global Compact on Refugees as a framework for more predictable and equitable responsibility-sharing.

The Global Compact on Refugees provides a blueprint for governments, international organizations, and other stakeholders to ensure that host communities get the support they need and that refugees can lead productive lives. It links forced displacement also to the overarching goal of the 2030 Agenda to ‘leave no one behind’ in achieving sustainable development. The protection and local integration of refugees, as well as support to their host communities, is thus fully incorporated into the United Nations Sustainable Development Cooperation Framework for the Kyrgyz Republic.

Pledging to the objectives of the Global Compact on Refugees, in 2021 the Kyrgyz Republic committed to issue machine-readable travel documents to recognized refugees and stateless persons, and to provide refugees and asylum-seekers access to healthcare and social protection on par with its citizens.

Fulfilling the latter pledge, in 2023 the Kyrgyz Republic improved its Law on Refugees, allowing refugees access to socio-economic rights, including healthcare and social protection, and to contribute to the sustainable development of the country.

In 2023, the Kyrgyz Republic submitted a further five pledges, including three to advance refugee protection, including to provide refugees and asylum-seekers with access to State legal aid, to provide refugees with equal access to higher education opportunities, and to improve its Refugee Status Determination procedure through advanced collection of statistical data. In May 2024, the Kyrgyz Republic included foreign citizens, stateless persons and refugees in the category of persons entitled to qualified legal assistance in administrative proceedings under the Law ‘On State Guaranteed Legal Aid’, already fulfilling one of these new pledges.

As the agency entrusted by the United Nations General Assembly to monitor States’ protection of refugees and to assist them in finding durable solutions to their plight, the United Nations Refugee Agency, UNHCR, commends the Kyrgyz Republic on these commitments to protecting forcibly displaced people.

To further support the Kyrgyz Republic in its efforts to align national legislation and practices with international standards, UNHCR has prepared this analysis.

The analysis highlights the following three main areas for priority attention:

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- ① **Protection against refoulement** is a basic right of every refugee and asylum-seeker, and a fundamental obligation of all parties to the Refugee Convention, however it is not yet comprehensively secured in law and practice in the Kyrgyz Republic.

 - ② **Right to access asylum procedures from detention** also still needs to be explicitly guaranteed in national legislation and practices.

 - ③ **Refugee recognition** by the authorities of the Kyrgyz Republic has, unfortunately, decreased significantly in recent years, to only six in 2023, leaving an increasing number of asylum-seekers in limbo and depriving them of accessing their due rights as refugees.

Last but not least, the Kyrgyz Republic is well-advised to solve the protracted refugee situation of a small number of remaining mandate refugees. Before authorities assumed responsibility for national asylum procedures, UNHCR carried out Refugee Status Determination under its global mandate, recognizing eligible applicants as refugees. Many of them then obtained refugee status from the authorities, or moved onto other countries. However, 37 mandate refugee families, mostly from Afghanistan, still reside peacefully in the Kyrgyz Republic – speaking local languages, living, studying, or working together with nationals, and culturally well integrated. More than half of the 121 mandate refugees, moreover, are minors, having already been born in the Kyrgyz Republic to mandate refugee or are of mixed parentage. Without legal status, however, they have no access to socio-economic rights of services, and remain especially vulnerable. UNHCR implores the Kyrgyz Republic to offer solutions for these few refugee families, such as granting them citizenship or refugee status.

Dear Reader,

I hope that this study will aid you in joining UNHCR, the United Nations Country Team and other stakeholders in supporting the Kyrgyz Republic in its progress to consolidate refugee protection and all its related international treaty obligations, and human rights, peace, security and developmental commitments.

I thank all colleagues in parliament, government, and authorities, as well as experts and translators for their support in making this publication possible.

UNHCR stands ready to continue supporting the Government and the people of the Kyrgyz Republic to uphold their commitments as party to the Refugee Convention and member of the Human Rights Council, achieving sustainable development, and leaving no one behind.

Hans Friedrich Schodder

UNHCR Representative for Central Asia

May 2024, Bishkek

1.

FAVOURABLE PROTECTION ENVIRONMENT

1.1 National Administrative Framework

ISSUE

State authorities have limited human and financial resources and capacity to commit to asylum issues, leading to a backlog of cases.

BACKGROUND

The asylum authority (Ministry of Labour, Social Security and Migration of the Kyrgyz Republic) is also responsible for applications from ethnic Kyrgyz people for a special compatriots – ‘Kairylmans’ – status, in particular those returning from Tajikistan to the Kyrgyz Republic. As the shared border has been closed since 24 May 2021, to avoid criminal charges for illegal crossing of the border, ethnic Kyrgyz often apply for asylum, placing unnecessary burden on the asylum authorities.

After registration as asylum-seekers, individuals then apply for Kairylman status, and do not undergo the Refugee Status Determination procedure. Once Kairylman status is granted, the cases are administratively closed.

RECOMMENDATIONS

- ➡ Amend legislation – in particular, *Law on Kairylman* – to exempt Kairylmans from responsibility for illegal crossing of the border if they are entering the country with the intention of obtaining Kairylman status.

1.2 Access to territory

ISSUE

The mechanism for referral of asylum applications between State authorities needs clarification and support to ensure effective implementation.

BACKGROUND

The right to seek asylum at the border is established in the Kyrgyz Republic's Refugee Law, and certain provisions are included in the *2003 Regulations on the Work with Refugees*.¹ However, there is not yet a detailed mechanism for receiving applications for asylum and referral of refugee cases, especially from those who are detained after crossing the border.

RECOMMENDATIONS

- ➡ Amend the *2003 Regulations on the Work with Refugees* to develop a coordination and referral mechanism in cases of individual arrivals of refugees, including applications from the border, detailing responsibilities of State authorities.

1.3 Non-refoulement

ISSUE

Protection against refoulement is not comprehensive in law and practice in the Kyrgyz Republic.

BACKGROUND

According to Article 33(1) of the 1951 Convention relating to the Status of Refugees, *"no Contracting State shall expel or return ("refouler") a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be*

¹ Regulations on the Work with Refugees, approved by the Regulations of the Cabinet of Ministers of the Kyrgyz Republic of 4 April 2003 No.188, <https://cbd.minjust.gov.kg/42065>

threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.”

The *Criminal Procedure Code of the Kyrgyz Republic*² contains provisions protecting refugees from extradition. According to Article 532 “Denial of extradition” of the Code, extradition shall not be allowed if the person has been granted asylum in the Kyrgyz Republic, due to the possibility of persecution in that State on the grounds of race, religion, citizenship, nationality, membership of a particular social group or political opinion. The same article establishes that the extradition of a person **may be** refused if the authorized body has issued a certificate of registration of the person’s application for refugee status.

The provisions of the Criminal Procedure Code, however, are not comprehensive and include gaps such as unclear clauses regarding prevention of extradition of asylum-seekers, and access of asylum authorities to register asylum claims while in detention.

In 2023, two asylum-seekers were extradited (refouled) to their countries of origin, and another asylum-seeker was abducted and reappeared in prison in their country of origin. These asylum-seekers, while in detention, were denied access to Refugee Status Determination Procedures.

In response to these cases of refoulement, UNHCR developed a proposal to introduce changes to the Criminal Procedure Code to include all possible scenarios where protection of refugees and asylum-seekers is needed, and extradition should be denied.

Article 11 of the 2002 *Law on Refugees*³ of the Kyrgyz Republic provides that persons rejected in refugee status cannot be returned to a country where their life or freedom are threatened, or where they are in danger of being subjected to torture or inhuman or degrading treatment. It can be read as to provide protection from deportation in such cases, however, there is no mechanism in terms of procedures and the responsible State body for providing corresponding legal status.

² The Criminal Procedure Code of the Kyrgyz Republic of 28 October 2021 No.129, <https://cbd.minjust.gov.kg/112308>

³ Law of the Kyrgyz Republic on Refugees of 25 March 2002 No.44, <https://cbd.minjust.gov.kg/999>

In 2023, UNHCR proposed changes to the *Law on External Migration*,⁴ which would include non-refoulement guarantees for people who must not be returned, and appropriate right to legal stay for persons who do not otherwise have legal status in the Kyrgyz Republic, including the situations of:

- Refugees and asylum-seekers
- Stateless persons
- Protection against torture
- Impossibility to return a person because of practical considerations (refusal of destination State to admit a person)
- Humanitarian considerations due to the age, state of health and other personal circumstances.

RECOMMENDATIONS

- Amend the *Criminal Procedure Code of the Kyrgyz Republic* to ensure the protection of refugees and asylum-seekers in all applicable scenarios, explicitly preventing the extradition of individuals with registered or pending asylum applications and addressing situations where asylum applications are not registered due to delays in granting migration authorities access to the applicants.
- Amend the *Law on External Migration* to include an appropriate right to legal stay for persons who cannot be returned to other countries and who do not otherwise have legal status in the Kyrgyz Republic.
- Implement the methodology of work on cases involving possibility of torture upon return for National Center for Prevention of Torture, General Prosecutor's Office, and Ministry of Internal Affairs.

⁴ Law of the Kyrgyz Republic on External Migration of 17 July 2000 No.61, <https://cbd.minjust.gov.kg/350>

2.

REGISTRATION AND STATUS DETERMINATION

2.1 Reception conditions

ISSUE

Asylum-seekers and refugees are not provided with any accommodation or housing support.

BACKGROUND

According to the 2002 *Law on Refugees* of the Kyrgyz Republic, asylum-seekers and refugees have a right to State-provided accommodation.

A Temporary Accommodation Centre – foreseen in the law, established in 2008 and supported by UNHCR – was closed in 2016 after UNHCR handed over full responsibility to the government. Since then, there have been no allowances and no right to work for asylum-seekers, and no support provided to refugees.

RECOMMENDATIONS

- ➡ Allocate funds from the State budget for the accommodation of the most vulnerable asylum-seekers, either by providing accommodation or the means to rent.

2.2 Registration and profiling

ISSUE

UNHCR assisted the national asylum authority to install a centralized, online and secure registration database. However, transition from manual registration to database is still ongoing.

BACKGROUND

National statistics on Refugee Status Determination do not currently reflect the number of rejected asylum-seekers who are at the appeal stage, distorting overall asylum figures.

At the 2023 Global Refugee Forum in Geneva, the Kyrgyz Republic pledged *Improvement of procedures for granting refugee status through introduction of a database with advanced collection of statistical data.*

RECOMMENDATIONS

- ➡ Introduce the refugee database to ensure secure and accurate collection, management and storage of asylum-seeker information at all stages of the procedure, and improve collection of related statistics.

ISSUE

When foreign citizens are detained in the Kyrgyz Republic, their identity information is shared with their country of origin, with no exceptions for asylum-seekers.

According to Article 102 “Notification of relatives and the advocate of the accused about detention” of the *Criminal Procedure Code of the Kyrgyz Republic*, if a detained suspect is a national of another State, the relevant embassy or consulate should be informed in the order prescribed by Part 1 of the Article, and the corresponding note should be inserted in the detention order. When there is no embassy or consulate of the State in the Kyrgyz Republic, the notification is addressed to the authorized State body.

BACKGROUND

In 2023 UNHCR developed and shared a proposal to introduce changes to the *Criminal Procedure Code of the Kyrgyz Republic* to protect confidentiality of people forced to flee.

RECOMMENDATIONS

- ➡ Introduce changes to the *Criminal Procedure Code* to protect confidentiality of refugees and asylum-seekers.

2.3 Access to asylum procedures

ISSUE

Asylum-seekers in detention have challenges accessing Refugee Status Determination Procedures. While asylum authorities have to personally meet with applicants to register their applications, in practice, their access to detained asylum-seekers is not guaranteed.

BACKGROUND

The *Criminal Procedure Code of the Kyrgyz Republic* and other laws regulating detention do not have provisions regulating access of the asylum authorities to detained asylum-seekers in order to start Refugee Status Determination procedures.

In 2023, UNHCR proposed amendments to the *Criminal Procedure Code of the Kyrgyz Republic* to introduce unhindered access to refugee procedures from detention – in particular, to ensure access of asylum authorities to asylum-seekers (Article 114). Similar changes were proposed to be introduced to the *Law On the Procedure and Conditions of Detention of Persons Detained on Suspicion and Charge of Committing Crimes*⁵ and the *Criminal Execution Code*.⁶

As a separate option, UNHCR proposed introduction of the possibility to apply and be registered as an asylum-seeker through a representative, eliminating the necessity for the in-person meeting and the need for the asylum authorities to have access to the individual.

RECOMMENDATIONS

- ➡ Initiate the draft Law to introduce changes to the Criminal Procedure Code of the Kyrgyz Republic and other related Laws.
- ➡ Collaborate with Ombudsperson and National Center for Prevention of Torture.

⁵ Law of the Kyrgyz Republic “On the Procedure and Conditions of Detention of Persons Detained on Suspicion and Charge of Committing Crimes” of 31 October 2002 No.150, <https://cbd.minjust.gov.kg/1107>

⁶ Criminal Execution Code of the Kyrgyz Republic of 31 January 2017 No.17, <https://cbd.minjust.gov.kg/111528>

- ➡ Enable registration of asylum applications through representative of the applicant without the need for in-person meeting.

2.4 Refugee definition

ISSUE

Recognition rates for individuals coming from certain countries are unfairly low, contrary to UNHCR's recommendations.

Cases of applicants from “sensitive countries” can be pending indefinitely.

BACKGROUND

According to Article 3 of 1951 Convention: *“The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.”*

UNHCR continues advocating for fair and inclusive interpretation of the refugee definition and implementation of protection standards. For example, in 2023, only two asylum-seekers from Afghanistan were granted refugee status, while 101 were rejected (as of November 2023) – a recognition rate of just 1.9%. In the European Union, the recognition rate of Afghan citizens in September 2023 alone was 66%. During first four months of 2024, 11 persons were recognized as refugees and four were rejected.

In view of the large-scale humanitarian crisis and significant challenges affecting Afghanistan, UNHCR calls on governments around the world, including the Government of the Kyrgyz Republic, to allow civilians fleeing Afghanistan access to international protection.

RECOMMENDATIONS

- ➡ Strengthen capacity of national asylum authorities and security authorities to ensure non-discriminatory consideration of refugee claims.

2.5 Fair and efficient refugee status determination procedures

ISSUE

Current procedural guarantees during refugee status determination are not fully aligned with international standards.

BACKGROUND

The 2003 *Regulations on the Work with Refugees* do not indicate the timeframe required for authorities to register an application for refugee status. In practice, registration may take from two to 49 days, and applications from detention can be pending registration indefinitely.

The government has the authority to indefinitely suspend consideration of claims of asylum-seekers coming from “sensitive countries”, while maintaining their asylum-seeker’s status.

RECOMMENDATIONS

- ➡ Amend the 2003 *Regulations on the Work with Refugees* to include certain procedural guarantees, including a timeframe for the registration of refugee status applications, as well as choice of gender of interviewer and interpreter, participation of a lawyer in the process, more detailed rules on the substance of recommendations by State eligibility officers, including credibility assessment, principle of benefit of the doubt, and use of Country of Origin Information, including documents of UN and UNHCR.
- ➡ Introduce courses on refugee law at universities in the Kyrgyz Republic which would, in the long run, capacitate State authorities’ employees.
- ➡ Include modules on protection of refugees in regular training sessions conducted for law-enforcement authorities and judges under their respective training centres.
- ➡ Conduct regular and ad hoc trainings for relevant authorities (for example, the UNHCR Refugee Status Determination Distance Learning Programme).

ISSUE

While national legislation provides for judicial appeal against negative decisions on refugee status in the courts, in all recent (several years) instances the courts uphold the initial decisions.

BACKGROUND

UNHCR has been cooperating with the judiciary for many years and supported the authorities to establish a High School of Justice of the Supreme Court of the Kyrgyz Republic (then Training Centre for Judges).

In 2005, UNHCR signed a Memorandum of Understanding with the Supreme Court of the Kyrgyz Republic, which has since expired.

UNHCR regularly invites judges to its trainings.

RECOMMENDATIONS

- ➡ Intensify discussions with judiciary on addressing unduly low refugee recognition rates.
- ➡ Continue regular and ad hoc trainings for judges (for example, the UNHCR Refugee Status Determination Distance Learning Programme).
- ➡ Consider signing of a new MOU between UNHCR and the Supreme Court of the Kyrgyz Republic that includes support from UNHCR for the judicial overview.

ISSUE

Legal curriculum in the Kyrgyz Republic does not include refugee law resulting in trained lawyers who are unfamiliar with forced displacement and international protection.

BACKGROUND

As of 2024, no universities in the Kyrgyz Republic offer a course on Refugee Law.

At the 2023 Global Refugee Forum, American University of Central Asia (AUCA) in the Kyrgyz Republic pledged to capacitate legal academia on refugee law through a regular Refugee Law course.

RECOMMENDATIONS

- ➡ Support universities in the Kyrgyz Republic to develop and introduce courses on Refugee law.
- ➡ Continue regular and ad hoc trainings of lawyers (for example, the UNHCR Refugee Status Determination Distance Learning Programme) involved in provision of legal assistance to refugees and asylum-seekers.

3.

DOCUMENTS CONFIRMING PROTECTED AND CIVIL STATUS

3.1 Civil documentation

ISSUE

Asylum-seekers are not able to register changes in their civil status using their government-issued asylum-seeker certificate, and are unable to obtain a PIN (national identification number needed for many administrative procedures).

If both spouses are foreign citizens, refugees are unable to register their marriage.

Asylum-seekers and refugees should be exempt from requiring legalization of documents issued in their countries of origin.

BACKGROUND

Refugees recognized by the Government of the Kyrgyz Republic are able to register changes in their civil status in accordance with Article 13 of the national *Law on Refugees*.

In accordance with the *Law on Acts of Civil Status*,⁷ Article 7, refugee certificate (but not the asylum-seeker's certificate) is included in the list of ID documents that allow the bearer to register acts of civil status – i.e. birth, marriage, divorce, change of name, death. However, as per paragraph 40 of the *Instruction on State registration of the acts of civil state*, if both refugee spouses are foreign citizens, they are unable to register their marriage.

⁷ Law of the Kyrgyz Republic on Acts of Civil Status of 1 August 2020 No.110, <https://cbd.minjust.gov.kg/112094>

In 2022, UNHCR proposed amendments to the *Law on Civil Status Acts*,⁸ including adding “asylum-seeker certificate” to the list of identity documents (Article 7, paragraph 2). This proposal was rejected in 2023, and asylum-seekers are therefore unable to register their marriages, divorces and change of names. However, birth registration of newborn children is possible even without ID documents.

In 2023, UNHCR again proposed amendments⁹ to the *Law on Civil Status Acts*, suggesting to: add “asylum-seeker certificate” to the list of identity documents; eliminate the requirement for the authentication of documents issued by foreign States for individuals recognized as refugees through consular legalization or apostille; and allow simultaneous State registration of changes in the surname, given name, and patronymic of individuals recognized as refugees.

UNHCR suggested including asylum-seekers in the draft amendments to the *Regulations of the Cabinet of Ministers* related to assignment of PIN.¹⁰

UNHCR prepared recommendations to the draft amendments to the *Resolution of the Cabinet of Ministers #90 of 11.03.2021 on Registration of the Acts of Civil State*¹¹ advocating for refugees to be exempted from requirements to legalize civil acts documents issued in their country of origin, and also allowing refugees to change their names (based on personal security concerns).

RECOMMENDATIONS

- ➡ Include asylum-seeker’s certificate in the list of ID docs that allow registration of civil status changes
- ➡ Allow refugees to register their marriage, when both spouses are foreign citizens.

⁸ Observations of the Office of the United Nations High Commissioner for Refugees (UNHCR) on the draft law “On Acts of Civil Status of the Kyrgyz Republic”, November 2022, <https://www.refworld.org/docid/6514198a4.html>

⁹ Observations of the Office of the United Nations High Commissioner for Refugees (UNHCR) on the draft Law on Amendments to the Law of the Kyrgyz Republic “On Acts of Civil Status” (Sep. 2023), 29 September 2023, <https://www.refworld.org/docid/652e81904.html>

¹⁰ Regulations of the Government of the Kyrgyz Republic “On assignment and change of PIN” of 28 September 2017 No. 619, <https://cbd.minjust.gov.kg/98940>

¹¹ Instruction on State Registration of the Acts of Civil State in the Kyrgyz Republic approved by the Resolution of the Cabinet of Ministers of the Kyrgyz Republic of 11 March 2021 No. 90, <https://cbd.minjust.gov.kg/158111>

- ➡ Consider assignment of PINs to asylum-seekers.
- ➡ Exempt refugees from the requirement to provide legalization or apostille for civil acts documents issued in their countries of origin.
- ➡ Provide refugees with the right to change their names.

3.2 Travel documents for refugees

ISSUE

Refugees in the Kyrgyz Republic are not issued with Convention Travel Documents severely limiting their freedom of movement and prohibiting them from traveling.

BACKGROUND

According to Article 28 of the 1951 Refugee Convention, the Contracting States shall issue to refugees, lawfully staying in their territory, travel documents for the purpose of travel outside their territory.

As amended in 2023, the *Law on Refugees* defines a Convention Travel Document and provides that it shall be issued in accordance with regulations adopted by the Cabinet of Ministers, paving the way for development of related bylaws.

Global Compact on Refugees Pledges¹² made by the Kyrgyz Republic at the High-Level Officials meeting in Geneva, 14-15 December 2021, include: *Issuance and provision of machine-readable travel documents for refugees and stateless persons recognized by the Kyrgyz Republic in line with ICAO standards.*

RECOMMENDATIONS

- ➡ Finalize development of bylaws relating to Convention Travel Documents – which could be regulated by the same legal act as the travel documents for Stateless persons, and issued by Ministry of Digital Development – and begin issuing them to refugees.

¹² Global Compact on Refugees, Pledges and Contributions, <https://globalcompactrefugees.org/pledges-contributions>

4.

SECURITY FROM VIOLENCE AND EXPLOITATION

4.1 Unaccompanied and separated children

ISSUE

Rules relating to asylum applications by children should be improved to include clear procedures and guarantees allowing minor asylum-seekers to exercise their rights and receive protection and assistance, including through specialized State authorities.

BACKGROUND

National legislation – including the *Law on Refugees* and *Regulations on the Work with Refugees* – contains certain provisions relating to the government's work with asylum-seekers and refugees who are minors. Minors can exercise their rights through guardians and/or dedicated State authorities, however such coordination is not sufficiently defined, leading to uncertainty and gaps in procedures in case of such arrivals.

RECOMMENDATIONS

- ➡ Study existing practices and propose changes to legislation and practice to address potential gaps, including in appointment of guardian, lodging applications, accommodation.
- ➡ Train staff of dedicated State authorities on nuances of managing cases of asylum-seekers who are children.

5.

FREEDOM OF MOVEMENT AND ACCESS TO LEGAL REMEDIES

5.1 Non-arbitrary detention

ISSUE

Asylum-seekers are routinely arrested and prosecuted for irregular crossing of the State border.

BACKGROUND

According to Article 31 of the 1951 Convention: *The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.*

While the *Criminal Code of the Kyrgyz Republic*¹³ provides for a criminal offense of illegal crossing of the border, it also contains an exception for asylum-seekers (Article 378), in line with the 1951 Convention.

RECOMMENDATIONS

- ➡ Ensure proper implementation of exemption from responsibility for illegal crossing of the border with law-enforcement authorities and judges.

¹³ Criminal Code of the Kyrgyz Republic of 28 October 2021 No.127,
<https://cbd.minjust.gov.kg/112309>

5.2 Access to legal remedies

ISSUE

There is a need to strengthen the capacity of the State Legal Aid Service to provide free legal assistance to asylum-seekers, refugees and stateless persons on cases related to their status.

BACKGROUND

Free legal aid is coordinated by the Legal Aid Service under the Ministry of Justice.¹⁴

At the 2023 Global Refugee Forum in Geneva, the Kyrgyz Republic pledged to provide access to State-guaranteed legal aid in administrative proceedings to refugees, stateless persons, and to those who are applying for such statuses, without mandatory income requirement.

Implementing this pledge, the 2022 *Law on Legal Assistance Guaranteed by State*,¹⁵ as amended in 2024, mentions refugees and stateless persons as beneficiaries of legal consultations, and they are included in the list of beneficiaries of “qualified legal aid” related to refugee status cases and Statelessness Determination Procedures (Article 15).

RECOMMENDATIONS

- ➡ Strengthen the capacity of State Legal Aid Service staff.
- ➡ Develop by-laws for implementation of the law as related to assistance to refugees and stateless persons.

¹⁴ Legal Aid Service under the Ministry of Justice, <http://ukuk-jardam.gov.kg/ru>

¹⁵ Law of the Kyrgyz Republic on Legal Assistance Guaranteed by State of 10 August 2022 No.91, <https://cbd.minjust.gov.kg/112412>

6.

BASIC NEEDS AND ESSENTIAL SERVICES

6.1 Health care

ISSUE

Refugees and asylum-seekers do not have the same access to health services as citizens.

BACKGROUND

According to Article 23 “Public Relief” of the 1951 Convention, refugees should be accorded the same treatment with respect to public services, as nationals.

Global Compact on Refugees pledges made by the Kyrgyz Republic at the High-Level Officials meeting in Geneva, 14-15 December 2021, include: *Access to healthcare and social protection to refugees and asylum-seekers on par with citizens of the Kyrgyz Republic.*

According to Article 13 of the *Law on Refugees*, as amended in 2023, refugees have the right to receive health services equally with citizens.

According to Article 3 of the *Law on Legal Status of Foreign Citizens*,¹⁶ foreign citizens and stateless persons can exercise rights and fulfil obligations equally with citizens of the Kyrgyz Republic unless otherwise provided by law or an international treaty of the Kyrgyz Republic. According to Article 9 of the same law, permanently residing foreign citizens have the same rights as related to health services, as citizens.

¹⁶ Law of the Kyrgyz Republic on Legal Status of Foreign Citizens in Kyrgyz Republic of 14 December 1993 No.1296-XII, <https://cbd.minjust.gov.kg/772>

According to Article 63 of the *Law on Protection of Health of Citizens in Kyrgyz Republic*,¹⁷ foreign citizens, stateless persons permanently residing in Kyrgyz Republic, and refugees are guaranteed the right for protection of health in accordance with legislation and international treaties of the Kyrgyz Republic.

According to Article 8 of the *Law on Medical Insurance*,¹⁸ the system of compulsory medical insurance applies to refugees, asylum-seekers and stateless persons.

In 2022, UNHCR proposed changes to the *Law on Medical Insurance*, stipulating that refugees have the same rights as citizens (including tariffs). This proposal was rejected in 2023, however, the Cabinet of Ministers adopted new *Regulations on the Mandatory Insurance Policy No.491 of 20 September 2023*,¹⁹ and *Regulations on Adoption of the Programme of the State Guarantees on Provision of Medical and Sanitary Assistance to Citizens No. 493 of 21 September 2023*.²⁰ This legislation now provides for equal cost of Mandatory Health Insurance for citizens, refugees, and asylum-seekers.

RECOMMENDATIONS

- ➡ Issue clarifications that any costs beyond what is covered by insurance should be paid by asylum-seekers and refugees according to tariffs established for citizens.

6.2 Primary and secondary education

ISSUE

While all foreigners generally have access to primary and secondary education, in practice, obstacles persist when asylum-seekers and refugees are unable to present the required ID documents.

¹⁷ Law of the Kyrgyz Republic on Protection of Health of citizens in Kyrgyz Republic of 9 January 2005 No.6, <https://cbd.minjust.gov.kg/1602>

¹⁸ Law of the Kyrgyz Republic on Medical Insurance in Kyrgyz Republic of 18 October 1999 No.112, <https://cbd.minjust.gov.kg/275>

¹⁹ Regulations on the Mandatory Insurance Policy approved by the Resolution of the Cabinet of Ministers of the Kyrgyz Republic of 20 September 2023 No.491, <https://cbd.minjust.gov.kg/160447>

²⁰ Programme of the State Guarantees on Provision of Medical and Sanitary Assistance to Citizens adopted by the Resolution of the Cabinet of Ministers of the Kyrgyz Republic of 21 September 2023 No. 493, <https://cbd.minjust.gov.kg/160439>

BACKGROUND

To enrol children in primary or secondary schools in the Kyrgyz Republic, the parents must present valid ID documentation. If a school will not accept an asylum-seeker or refugee child based on the documents presented by the parents, intervention from UNHCR's legal partner is often required.

At the 2023 Global Refugee Forum in Geneva, the Kyrgyz Republic pledged to ensure children have access to secondary education, regardless of legal status of parents or their registration.

RECOMMENDATIONS

- ➡ Amend existing regulations facilitating access of children to education to remove obstacles.

6.3 Higher education, language and vocational training

ISSUE

Refugees and stateless persons do not have the same rights regarding higher education as citizens.

Legislation does not provide for free-of-charge language courses for asylum-seekers and refugees.

BACKGROUND

According to the Article 13 of the *Law on Refugees*, refugees have at least the same rights as permanently residing foreigners.

According to Article 3 of the *Law on Legal Status of Foreign Citizens*, foreign citizens and stateless persons can exercise rights and fulfil obligations equally with citizens of the Kyrgyz Republic unless otherwise provided by law or an international treaty of the Kyrgyz Republic.

According to Article 12 of the *Law on Legal Status of Foreign Citizens*, permanently residing foreigners – including refugees – have the same rights as citizens concerning education in accordance with order provided by legislation.

The Law on Education does not contain special provisions relating to refugees, and only provides that the tuition fees for education is established by educational institutions independently. However, the Cabinet of Ministers has established different methodology²¹ for calculating tuition fees for students who are nationals and who are foreigners.

In 2023, UNHCR recommended to the authorities that refugees and stateless persons obtain the right to education on an equal basis with citizens of the Kyrgyz Republic, including as related to tariffs for tuition. UNHCR was invited to participate in the working group on development of by-laws.

At the 2023 Global Refugee Forum, Kyrgyz Republic pledged to consider the possibility of equating tuition fees for tertiary education for refugees on par with citizens within the national legislation, and the American University of Central Asia (AUCA) in the Kyrgyz Republic proposed pledged to provide refugees with 50% discount on tuition fees for a full bachelor's program (on the condition of maintaining a GPA of 3.0 each semester); summer language courses at no-cost; and to capacitate legal academia on refugee law through a regular Refugee Law course.

RECOMMENDATIONS

- ➔ Provide refugees and stateless persons with access to higher education and vocational education on par with citizens.

²¹ Regulations on Establishing and Application of Tariffs for Paid Educational Services in the Kyrgyz Republic adopted by the Resolution of the Cabinet of Ministers of the Kyrgyz Republic of 18 May 2009 No.300, <https://cbd.minjust.gov.kg/59738>

7.

COMMUNITY PARTICIPATION, SELF-MANAGEMENT AND SELF- RELIANCE

7.1 Wage earning employment, trade and self-employment

ISSUE

The right to work for asylum-seekers – without specific work permit – is not provided for in national legislation.

BACKGROUND

While recognized refugees have the right to work equally with citizens, the right to work for asylum-seekers without a work permit is not provided for in national legislation. As the State also does not provide asylum-seekers with any allowances, they must resort to working in the informal sector to support themselves and their families. They cannot pay taxes as informal employees, and are vulnerable to discrimination, extortion, and pressure.

RECOMMENDATIONS

- ➡ Introduce changes to Article 6 of the *Law on Refugees* that provides the right to work without a work permit for asylum-seekers.

7.2 Social security and just and favourable conditions of work

ISSUE

Refugees do not have the same social security rights as citizens.

BACKGROUND

According to Article 23 “Public Relief” of the 1951 Convention, refugees should be accorded the same treatment with respect to public services, as nationals.

According to Article 24 “Labour legislation and social security”, refugees should be accorded the same treatment as is accorded to nationals in respect of social security, subject to certain possible limitations. Social security is understood as “legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme”.

According to the national *Law on Refugees* (preamble and Article 16), the State is responsible for providing “*legal, economic and social guarantees for the protection of refugees’ rights in the Kyrgyz Republic*” including “*helping elderly and lonely and disabled refugees in need of assisted care to get beds in the institutions of social protection of population*”. These provisions are unclear and insufficient.

Global Compact on Refugees pledges made by the Kyrgyz Republic at the High-Level Officials meeting in Geneva, 14-15 December 2021, include: *Access to healthcare and social protection to refugees and asylum-seekers on par with citizens of the Kyrgyz Republic.*

In 2022 UNHCR proposed to amend the *Law on Refugees* to grant refugees the same rights as permanently residing foreigners, and the right to social protection on an equal basis with citizens. In 2023, the first proposal was accepted, while the second proposal was rejected.

According to Article 3 of the *Law on Legal Status of Foreign Citizens*, foreign citizens and stateless persons can exercise rights and fulfil obligations equally with citizens of the Kyrgyz Republic unless otherwise provided by law or an international treaty. According to Article 5, permanently residing foreigners generally have the same rights as citizens, with some exceptions. Article 5 was amended in 2023 (as suggested by UNHCR) and included refugees and stateless persons into “permanently residing foreigners”.

Following recent amendments to Article 10, social rights of permanently residing foreigners (including refugees) are no longer the same as those of citizens, unless otherwise provided in special treaties. As a result, refugees do not have the same social rights as citizens.

National legislation should be sufficiently clear to provide refugees with the same access to benefits and allowances as citizens.

RECOMMENDATIONS

- 🔗 Restore Article 10 of the Law on Legal Status of Foreign Citizens to its previous version, providing refugees with access to social rights on par with citizens.

7.2 Recognition of foreign diplomas

ISSUE

There are no special exemptions from complicated rules for refugees in relation to recognition of foreign diplomas which inhibits refugees from working in their trained professions.

BACKGROUND

There are specific and burdensome procedures for recognition of foreign diplomas, unless otherwise exempt in an international treaty. The Kyrgyz Republic concluded

agreements on recognition of foreign diplomas with several countries of former USSR (1998,²² 2005,²³ 2013²⁴), and China.²⁵

The Kyrgyz Republic is a party²⁶ to the Convention on the Recognition of Qualifications concerning Higher Education in the European Region (Lisbon, 11.IV.1997).²⁷ According to Article VII of the Convention: *Each Party shall take all feasible and reasonable steps within the framework of its education system and in conformity with its constitutional, legal, and regulatory provisions to develop procedures designed to assess fairly and expeditiously whether refugees, displaced persons and persons in a refugee-like situation fulfil the relevant requirements for access to higher education, to further higher education programmes or to employment activities, even in cases in which the qualifications obtained in one of the Parties cannot be proven through documentary evidence.*

However, these provisions are complicated and often not accessible for refugees.

RECOMMENDATIONS

- ➡ Define practical steps to enable assessment and recognition of refugees' qualifications.

²² Agreement between the Government of the Republic of Belarus, Government of the Republic of Kazakhstan, Government of the Kyrgyz Republic, Government of the Russian Federation and Government of the Republic of Tajikistan on Mutual Recognition and Equivalency of the Documents on Education, Scientific Degrees and Titles (Moscow, 1998), <https://cbd.minjust.gov.kg/17477>

²³ Agreement on the mechanism of mutual recognition and establishment of equivalence of documents on academic degrees of the member states of the Eurasian Economic Community (Dushanbe, 2005), <https://cbd.minjust.gov.kg/17476>

²⁴ Agreement of the member states of the Commonwealth of Independent States on the mutual recognition of documents on higher/higher professional education (Minsk, 2013), <https://cbd.minjust.gov.kg/17298>

²⁵ Agreement between the Government of the Kyrgyz Republic and the Government of the People's Republic of China on mutual recognition of educational documents and academic degrees (Beijing, 2002), <https://cbd.minjust.gov.kg/17714>

²⁶ Law of the Kyrgyz Republic of 15 July 2003 No. 147 on Accession of the Kyrgyz Republic to the Convention on the Recognition of Qualifications concerning Higher Education in the European Region, <https://cbd.minjust.gov.kg/17298>

²⁷ Convention on the Recognition of Qualifications concerning Higher Education in the European Region (Lisbon, 11.IV.1997) <https://rm.coe.int/168007f2c7>

8.

OPPORTUNITIES FOR DURABLE SOLUTIONS

8.1 Local integration

ISSUE

Mandate refugees do not have any legal status in the Kyrgyz Republic. While they are tolerated and not deported, they do not have the option of naturalization or even recognition as refugees by the State.

BACKGROUND

As per the *Law on Citizenship*,²⁸ applications for naturalization under the general procedure requires applicants to maintain “permanent, continuous” stay on the territory of the Kyrgyz Republic for a period of at least five years. Authorities interpret this provision as ‘legal stay’, which excludes years – and in some cases decades – spent by mandate refugees in the Kyrgyz Republic without a visa or other document allowing their stay.

In 2023, UNHCR suggested amendments to the *Regulations on Consideration of Citizenship Issues*,²⁹ proposing exemption from requirement of a legal stay – factual residence is sufficient – within the general naturalization procedure. Factual residence could be confirmed by various documents, such as affidavits from neighbours and local authorities, and court decision.

Another option to regularize the stay of mandate refugees would be to apply the accelerated procedure, as per paragraph 6 of Article 14 of the *Law on Citizenship*,

²⁸ Law of the Kyrgyz Republic on Citizenship of 21 May 2017 No.70, <https://cbd.minjust.gov.kg/202103>

²⁹ Regulations on Consideration of Citizenship Issues approved by Decree of the President of the Kyrgyz Republic of 10 August 2013, No.174, <https://cbd.minjust.gov.kg/4798>

according to which citizenship can be granted by the President to persons who have special situations connected with the personality of the applicants.

RECOMMENDATIONS

- ➡ Consider requiring factual residence rather than “legal stay” for naturalization by a general procedure.
- ➡ Consider granting citizenship to mandate refugees by a special Decree of the President in accordance with paragraph 6 of Article 14 of the Law on Citizenship.
- ➡ Reconsider granting mandate refugees convention refugee status, or equating mandate refugee status to convention refugee status.

ISSUE

Refugees recognized by the Kyrgyz Republic have difficulties accessing their right to apply for naturalization.

BACKGROUND

According to Article 34 “Naturalization” of the 1951 Refugee Convention, *“The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and cost of such proceedings.”*

For convention refugees, in 2023 UNHCR suggested amendments³⁰ to the *Law on Citizenship*, facilitating consideration of citizenship applications at the initial stages and clarifying that all applications are forwarded to the President and the final decision belongs exclusively to the President.

UNHCR proposed further suggestions to the *Regulations on Consideration of Citizenship Issues*, proposing that refugees are exempt from requiring legalization of documents from their country of origin, and providing proof of the absence of

³⁰ UNHCR Observations on the Draft Law of the Kyrgyz Republic “On Amendments to the Law of the Kyrgyz Republic “On Citizenship of the Kyrgyz Republic”, August 2023, <https://www.refworld.org/docid/65142e724.html>

a criminal record in the foreign State (as they are unable to receive it). UNHCR proposals also recommended prohibition of contacts with the country of origin in case of discrepancies in the documents, and that refugee children are exempt from providing certain documents relating to their application for naturalization.

RECOMMENDATIONS

- ➡ Amend legislation to ensure that all citizenship applications are forwarded to the President and the final decision belongs exclusively to the President (remove the right of other authorities to preliminarily reject citizenship applications, and enable them to produce recommendations for the President's decision).
- ➡ Exempt refugees from requiring legalized documents to apply for naturalization, and prohibit contacts with the country of origin in case of discrepancies in the documents of refugees.

ANNEX 1:

CONVENTION RELATING TO THE STATUS OF REFUGEES

(GENEVA, 28 JULY 1951)

PREAMBLE

The High Contracting Parties,

Considering that the Charter of the United Nations and the Universal Declaration of Human Rights approved on 10 December 1948 by the General Assembly have affirmed the principle that human beings shall enjoy fundamental rights and freedoms without discrimination,

Considering that the United Nations has, on various occasions, manifested its profound concern for refugees and endeavoured to assure refugees the widest possible exercise of these fundamental rights and freedoms,

Considering that it is desirable to revise and consolidate previous international agreements relating to the status of refugees and to extend the scope of and the protection accorded by such instruments by means of a new agreement,

Considering that the grant of asylum may place unduly heavy burdens on certain countries, and that a satisfactory solution of a problem of which the United Nations has recognized the international scope and nature cannot therefore be achieved without international co-operation,

Expressing the wish that all States, recognizing the social and humanitarian nature of the problem of refugees, will do everything within their power to prevent this problem from becoming a cause of tension between States,

Noting that the United Nations High Commissioner for Refugees is charged with the task of supervising international conventions providing for the protection of refugees, and recognizing that the effective co-ordination of measures taken to deal with this problem will depend upon the co-operation of States with the High Commissioner,

Have agreed as follows:

Chapter I: General Provisions

ARTICLE 1.

DEFINITION OF THE TERM “REFUGEE”

A. For the purposes of the present Convention, the term “refugee” shall apply to any person who:

- (1) Has been considered a refugee under the Arrangements of 12 May 1926 and 30 June 1928 or under the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 or the Constitution of the International Refugee Organization; Decisions of non-eligibility taken by the International Refugee Organization during the period of its activities shall not prevent the status of refugee being accorded to persons who fulfil the conditions of paragraph 2 of this section;
- (2) As a result of events occurring before 1 January 1951 and owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country; or who, not having a nationality and being outside the country of his former habitual residence as a result of such events, is unable or, owing to such fear, is unwilling to return to it. In the case of a person who has more than one nationality, the term “the country of his nationality” shall mean each of the countries of which he is a national, and a person shall not be deemed to be lacking the protection of the country of his nationality if, without any valid reason based on well-founded fear, he has not availed himself of the protection of one of the countries of which he is a national.

B. (1) For the purposes of this Convention, the words “events occurring before 1 January 1951” in article 1, section A, shall be understood to mean either:

- “events occurring in Europe before 1 January 1951”; or
- “events occurring in Europe or elsewhere before 1 January 1951”; and each Contracting State shall make a declaration at the time of signature, ratification or

accession, specifying which of these meanings it applies for the purpose of its obligations under this Convention.

- Any Contracting State which has adopted alternative (a) may at any time extend its obligations by adopting alternative (b) by means of a notification addressed to the Secretary-General of the United Nations.

C. This Convention shall cease to apply to any person falling under the terms of section A if:

- (1) He has voluntarily re-availed himself of the protection of the country of his nationality; or
- (2) Having lost his nationality, he has voluntarily reacquired it; or
 - He has acquired a new nationality, and enjoys the protection of the country of his new nationality; or
 - He has voluntarily re-established himself in the country which he left or outside which he remained owing to fear of persecution; or
- (3) He can no longer, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, continue to refuse to avail himself of the protection of the country of his nationality; Provided that this paragraph shall not apply to a refugee falling under section A (1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality;
- (4) Being a person who has no nationality he is, because the circumstances in connection with which he has been recognized as a refugee have ceased to exist, able to return to the country of his former habitual residence;

Provided that this paragraph shall not apply to a refugee falling under section A (1) of this article who is able to invoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

- This Convention shall not apply to persons who are at present receiving from organs or agencies of the United Nations other than the United Nations High Commissioner for Refugees protection or assistance.

When such protection or assistance has ceased for any reason, without the position of such persons being definitively settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations, these persons shall ipso facto be entitled to the benefits of this Convention.

D. This Convention shall not apply to a person who is recognized by the competent authorities of the country in which he has taken residence as having the rights and obligations which are attached to the possession of the nationality of that country.

E. The provisions of this Convention shall not apply to any person with respect to whom there are serious reasons for considering that:

- (a) He has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments drawn up to make provision in respect of such crimes;
- (b) He has committed a serious non-political crime outside the country of refuge prior to his admission to that country as a refugee;
- (c) He has been guilty of acts contrary to the purposes and principles of the United Nations.

ARTICLE 2.

GENERAL OBLIGATIONS

Every refugee has duties to the country in which he finds himself, which require in particular that he conform to its laws and regulations as well as to measures taken for the maintenance of public order.

ARTICLE 3.

NON-DISCRIMINATION

The Contracting States shall apply the provisions of this Convention to refugees without discrimination as to race, religion or country of origin.

ARTICLE 4.

RELIGION

The Contracting States shall accord to refugees within their territories treatment at least as favourable as that accorded to their nationals with respect to freedom to practise their religion and freedom as regards the religious education of their children.

ARTICLE 5.

RIGHTS GRANTED APART FROM THIS CONVENTION

Nothing in this Convention shall be deemed to impair any rights and benefits granted by a Contracting State to refugees apart from this Convention.

ARTICLE 6.

THE TERM “IN THE SAME CIRCUMSTANCES”

For the purposes of this Convention, the term “in the same circumstances” implies that any requirements (including requirements as to length and conditions of sojourn or residence) which the particular individual would have to fulfil for the enjoyment of the right in question, if he were not a refugee, must be fulfilled by him, with the exception of requirements which by their nature a refugee is incapable of fulfilling.

ARTICLE 7.

EXEMPTION FROM RECIPROCITY

- Except where this Convention contains more favourable provisions, a Contracting State shall accord to refugees the same treatment as is accorded to aliens generally.
1. After a period of three years' residence, all refugees shall enjoy exemption from legislative reciprocity in the territory of the Contracting States.
 - Each Contracting State shall continue to accord to refugees the rights and benefits to which they were already entitled, in the absence of reciprocity, at the date of entry into force of this Convention for that State.
 2. The Contracting States shall consider favourably the possibility of according to refugees, in the absence of reciprocity, rights and benefits beyond those

to which they are entitled according to paragraphs 2 and 3, and to extending exemption from reciprocity to refugees who do not fulfil the conditions provided for in paragraphs 2 and 3.

3. The provisions of paragraphs 2 and 3 apply both to the rights and benefits referred to in articles 13, 18, 19, 21 and 22 of this Convention and to rights and benefits for which this Convention does not provide.

ARTICLE 8.

EXEMPTION FROM EXCEPTIONAL MEASURES

With regard to exceptional measures which may be taken against the person, property or interests of nationals of a foreign State, the Contracting States shall not apply such measures to a refugee who is formally a national of the said State solely on account of such nationality. Contracting States which, under their legislation, are prevented from applying the general principle expressed in this article, shall, in appropriate cases, grant exemptions in favour of such refugees.

ARTICLE 9.

PROVISIONAL MEASURES

Nothing in this Convention shall prevent a Contracting State, in time of war or other grave and exceptional circumstances, from taking provisionally measures which it considers to be essential to the national security in the case of a particular person, pending a determination by the Contracting State that that person is in fact a refugee and that the continuance of such measures is necessary in his case in the interests of national security.

ARTICLE 10.

CONTINUITY OF RESIDENCE

1. Where a refugee has been forcibly displaced during the Second World War and removed to the territory of a Contracting State, and is resident there, the period of such enforced sojourn shall be considered to have been lawful residence within that territory.
2. Where a refugee has been forcibly displaced during the Second World War from the territory of a Contracting State and has, prior to the date of entry into force of this Convention, returned there for the purpose of taking up residence,

the period of residence before and after such enforced displacement shall be regarded as one uninterrupted period for any purposes for which uninterrupted residence is required.

ARTICLE 11.

REFUGEE SEAMEN

In the case of refugees regularly serving as crew members on board a ship flying the flag of a Contracting State, that State shall give sympathetic consideration to their establishment on its territory and the issue of travel documents to them or their temporary admission to its territory particularly with a view to facilitating their establishment in another country.

Chapter II:

Juridical Status

ARTICLE 12.

PERSONAL STATUS

1. The personal status of a refugee shall be governed by the law of the country of his domicile or, if he has no domicile, by the law of the country of his residence.
2. Rights previously acquired by a refugee and dependent on personal status, more particularly rights attaching to marriage, shall be respected by a Contracting State, subject to compliance, if this be necessary, with the formalities required by the law of that State, provided that the right in question is one which would have been recognized by the law of that State had he not become a refugee.

ARTICLE 13.

MOVABLE AND IMMOVABLE PROPERTY

The Contracting States shall accord to a refugee treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the acquisition of movable and immovable property and other rights pertaining thereto, and to leases and other contracts relating to movable and immovable property.

ARTICLE 14.

ARTISTIC RIGHTS AND INDUSTRIAL PROPERTY

In respect of the protection of industrial property, such as inventions, designs or models, trademarks, trade names, and of rights in literary, artistic and scientific works, a refugee shall be accorded in the country in which he has his habitual residence the same protection as is accorded to nationals of that country. In the territory of any other Contracting States, he shall be accorded the same protection as is accorded in that territory to nationals of the country in which he has his habitual residence.

ARTICLE 15.

RIGHT OF ASSOCIATION

As regards non-political and non-profit-making associations and trade unions the Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country, in the same circumstances.

ARTICLE 16.

ACCESS TO COURTS

1. A refugee shall have free access to the courts of law on the territory of all Contracting States.
 - A refugee shall enjoy in the Contracting State in which he has his habitual residence the same treatment as a national in matters pertaining to access to the courts, including legal assistance and exemption from *cautio judicatum solvi*.
 - A refugee shall be accorded in the matters referred to in paragraph 2 in countries other than that in which he has his habitual residence the treatment granted to a national of the country of his habitual residence.

Chapter III:

Gainful Employment

ARTICLE 17.

WAGE-EARNING EMPLOYMENT

- The Contracting States shall accord to refugees lawfully staying in their territory the most favourable treatment accorded to nationals of a foreign country in the same circumstances, as regards the right to engage in wage earning employment.
- 1. In any case, restrictive measures imposed on aliens or the employment of aliens for the protection of the national labour market shall not be applied to a refugee who was already exempt from them at the date of entry into force of this Convention for the Contracting State concerned, or who fulfils one of the following conditions:
 - a. He has completed three years' residence in the country;
 - He has a spouse possessing the nationality of the country of residence. A refugee may not invoke the benefit of this provision if he has abandoned his spouse;
 - He has one or more children possessing the nationality of the country of residence.
 - The Contracting States shall give sympathetic consideration to assimilating the rights of all refugees with regard to wage-earning employment to those of nationals, and in particular of those refugees who have entered their territory pursuant to programmes of labour recruitment or under immigration schemes.

ARTICLE 18.

SELF-EMPLOYMENT

The Contracting States shall accord to a refugee lawfully in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, as regards the right to engage on his own account in agriculture, industry, handicrafts and commerce and to establish commercial and industrial companies.

ARTICLE 19.

LIBERAL PROFESSIONS

- Each Contracting State shall accord to refugees lawfully staying in their territory who hold diplomas recognized by the competent authorities of that State, and who are desirous of practising a liberal profession, treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.
1. The Contracting States shall use their best endeavours consistently with their laws and constitutions to secure the settlement of such refugees in the territories, other than the metropolitan territory, for whose international relations they are responsible.

Chapter IV: Welfare

ARTICLE 20.

RATIONING

Where a rationing system exists, which applies to the population at large and regulates the general distribution of products in short supply, refugees shall be accorded the same treatment as nationals.

ARTICLE 21.

HOUSING

As regards housing, the Contracting States, in so far as the matter is regulated by laws or regulations or is subject to the control of public authorities, shall accord to refugees lawfully staying in their territory treatment as favourable as possible and, in any event, not less favourable than that accorded to aliens generally in the same circumstances.

ARTICLE 22.

PUBLIC EDUCATION

- The Contracting States shall accord to refugees the same treatment as is accorded to nationals with respect to elementary education.
1. The Contracting States shall accord to refugees treatment as favourable as possible, and, in any event, not less favourable than that accorded to aliens generally in the same circumstances, with respect to education other than elementary education and, in particular, as regards access to studies, the recognition of foreign school certificates, diplomas and degrees, the remission of fees and charges and the award of scholarships.

ARTICLE 23.

PUBLIC RELIEF

The Contracting States shall accord to refugees lawfully staying in their territory the same treatment with respect to public relief and assistance as is accorded to their nationals.

ARTICLE 24.

LABOUR LEGISLATION AND SOCIAL SECURITY

- The Contracting States shall accord to refugees lawfully staying in their territory the same treatment as is accorded to nationals in respect of the following matters;
- In so far as such matters are governed by laws or regulations or are subject to the control of administrative authorities: remuneration, including family allowances where these form part of remuneration, hours of work, overtime arrangements, holidays with pay, restrictions on home work, minimum age of employment, apprenticeship and training, women's work and the work of young persons, and the enjoyment of the benefits of collective bargaining;
 - a. Social security (legal provisions in respect of employment injury, occupational diseases, maternity, sickness, disability, old age, death, unemployment, family responsibilities and any other contingency which, according to national laws or regulations, is covered by a social security scheme), subject to the following limitations:

- There may be appropriate arrangements for the maintenance of acquired rights and rights in course of acquisition;
 - National laws or regulations of the country of residence may prescribe special arrangements concerning benefits or portions of benefits which are payable wholly out of public funds, and concerning allowances paid to persons who do not fulfil the contribution conditions prescribed for the award of a normal pension.
2. The right to compensation for the death of a refugee resulting from employment injury or from occupational disease shall not be affected by the fact that the residence of the beneficiary is outside the territory of the Contracting State.
 3. The Contracting States shall extend to refugees the benefits of agreements concluded between them, or which may be concluded between them in the future, concerning the maintenance of acquired rights and rights in the process of acquisition in regard to social security, subject only to the conditions which apply to nationals of the States signatory to the agreements in question.
- The Contracting States will give sympathetic consideration to extending to refugees so far as possible the benefits of similar agreements which may at any time be in force between such Contracting States and non-contracting States.

Chapter V:

Administrative Measures

ARTICLE 25.

ADMINISTRATIVE ASSISTANCE

- When the exercise of a right by a refugee would normally require the assistance of authorities of a foreign country to whom he cannot have recourse, the Contracting States in whose territory he is residing shall arrange that such assistance be afforded to him by their own authorities or by an international authority.
1. The authority or authorities mentioned in paragraph 1 shall deliver or cause to be delivered under their supervision to refugees such documents or certifications as would normally be delivered to aliens by or through their national authorities.

- Documents or certifications so delivered shall stand in the stead of the official instruments delivered to aliens by or through their national authorities, and shall be given credence in the absence of proof to the contrary.
- Subject to such exceptional treatment as may be granted to indigent persons, fees may be charged for the services mentioned herein, but such fees shall be moderate and commensurate with those charged to nationals for similar services.

2. The provisions of this article shall be without prejudice to articles 27 and 28.

ARTICLE 26.

FREEDOM OF MOVEMENT

Each Contracting State shall accord to refugees lawfully in its territory the right to choose their place of residence and to move freely within its territory subject to any regulations applicable to aliens generally in the same circumstances.

ARTICLE 27.

IDENTITY PAPERS

The Contracting States shall issue identity papers to any refugee in their territory who does not possess a valid travel document.

ARTICLE 28.

TRAVEL DOCUMENTS

- The Contracting States shall issue to refugees lawfully staying in their territory travel documents for the purpose of travel outside their territory, unless compelling reasons of national security or public order otherwise require, and the provisions of the Schedule to this Convention shall apply with respect to such documents. The Contracting States may issue such a travel document to any other refugee in their territory; they shall in particular give sympathetic consideration to the issue of such a travel document to refugees in their territory who are unable to obtain a travel document from the country of their lawful residence.
- Travel documents issued to refugees under previous international agreements by Parties thereto shall be recognized and treated by the Contracting States in the same way as if they had been issued pursuant to this article.

ARTICLE 29.

FISCAL CHARGES

- The Contracting States shall not impose upon refugees duties, charges or taxes, of any description whatsoever, other or higher than those which are or may be levied on their nationals in similar situations.
1. Nothing in the above paragraph shall prevent the application to refugees of the laws and regulations concerning charges in respect of the issue to aliens of administrative documents including identity papers.

ARTICLE 30.

TRANSFER OF ASSETS

- A Contracting State shall, in conformity with its laws and regulations, permit refugees to transfer assets which they have brought into its territory, to another country where they have been admitted for the purposes of resettlement.
- A Contracting State shall give sympathetic consideration to the application of refugees for permission to transfer assets wherever they may be and which are necessary for their resettlement in another country to which they have been admitted.

ARTICLE 31.

REFUGEES UNLAWFULLY IN THE COUNTRY OF REFUGE

1. The Contracting States shall not impose penalties, on account of their illegal entry or presence, on refugees who, coming directly from a territory where their life or freedom was threatened in the sense of article 1, enter or are present in their territory without authorization, provided they present themselves without delay to the authorities and show good cause for their illegal entry or presence.
- The Contracting States shall not apply to the movements of such refugees restrictions other than those which are necessary and such restrictions shall only be applied until their status in the country is regularized or they obtain admission into another country. The Contracting States shall allow such refugees a reasonable period and all the necessary facilities to obtain admission into another country.

ARTICLE 32.

EXPULSION

1. The Contracting States shall not expel a refugee lawfully in their territory save on grounds of national security or public order.
 - The expulsion of such a refugee shall be only in pursuance of a decision reached in accordance with due process of law. Except where compelling reasons of national security otherwise require, the refugee shall be allowed to submit evidence to clear himself, and to appeal to and be represented for the purpose before competent authority or a person or persons specially designated by the competent authority.
 - The Contracting States shall allow such a refugee a reasonable period within which to seek legal admission into another country. The Contracting States reserve the right to apply during that period such internal measures as they may deem necessary.

ARTICLE 33.

PROHIBITION OF EXPULSION OR RETURN (“REFOULEMENT”)

- No Contracting State shall expel or return (“refouler”) a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his race, religion, nationality, membership of a particular social group or political opinion.
1. The benefit of the present provision may not, however, be claimed by a refugee whom there are reasonable grounds for regarding as a danger to the security of the country in which he is, or who, having been convicted by a final judgement of a particularly serious crime, constitutes a danger to the community of that country.

ARTICLE 34.

NATURALIZATION

The Contracting States shall as far as possible facilitate the assimilation and naturalization of refugees. They shall in particular make every effort to expedite naturalization proceedings and to reduce as far as possible the charges and costs of such proceedings.

Chapter VI:

Executory and Transitory Provisions

ARTICLE 35.

CO-OPERATION OF THE NATIONAL AUTHORITIES WITH THE UNITED NATIONS

- The Contracting States undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of this Convention.
- In order to enable the Office of the High Commissioner or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the Contracting States undertake to provide them in the appropriate form with information and statistical data requested concerning:
 - a. The condition of refugees,
 - b. The implementation of this Convention, and
- Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

ARTICLE 36.

INFORMATION ON NATIONAL LEGISLATION

The Contracting States shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of this Convention.

ARTICLE 37.

RELATION TO PREVIOUS CONVENTIONS

Without prejudice to article 28, paragraph 2, of this Convention, this Convention replaces, as between Parties to it, the Arrangements of 5 July 1922, 31 May 1924, 12 May 1926, 30 June 1928 and 30 July 1935, the Conventions of 28 October 1933 and 10 February 1938, the Protocol of 14 September 1939 and the Agreement of 15 October 1946.

Chapter VII:

Final Clauses

ARTICLE 38.

SETTLEMENT OF DISPUTES

Any dispute between Parties to this Convention relating to its interpretation or application, which cannot be settled by other means, shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

ARTICLE 39.

SIGNATURE, RATIFICATION AND ACCESSION

1. This Convention shall be opened for signature at Geneva on 28 July 1951 and shall thereafter be deposited with the Secretary-General of the United Nations.

It shall be open for signature at the European Office of the United Nations from 28 July to 31 August 1951 and shall be re-opened for signature at the Headquarters of the United Nations from 17 September 1951 to 31 December 1952.

- This Convention shall be open for signature on behalf of all States Members of the United Nations, and also on behalf of any other State invited to attend the Conference of Plenipotentiaries on the Status of Refugees and Stateless Persons or to which an invitation to sign will have been addressed by the General Assembly. It shall be ratified and the instruments of ratification shall be deposited with the Secretary-General of the United Nations.
- This Convention shall be open from 28 July 1951 for accession by the States referred to in paragraph 2 of this article. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

ARTICLE 40.

TERRITORIAL APPLICATION CLAUSE

- Any State may, at the time of signature, ratification or accession, declare that this Convention shall extend to all or any of the territories for the international

relations of which it is responsible. Such a declaration shall take effect when the Convention enters into force for the State concerned.

1. At any time thereafter any such extension shall be made by notification addressed to the Secretary-General of the United Nations and shall take effect as from the ninetieth day after the day of receipt by the Secretary-General of the United Nations of this notification, or as from the date of entry into force of the Convention for the State concerned, whichever is the later.
2. With respect to those territories to which this Convention is not extended at the time of signature, ratification or accession, each State concerned shall consider the possibility of taking the necessary steps in order to extend the application of this Convention to such territories, subject, where necessary for constitutional reasons, to the consent of the Governments of such territories.

ARTICLE 41.

FEDERAL CLAUSE

In the case of a Federal or non-unitary State, the following provisions shall apply:

- With respect to those articles of this Convention that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of parties which are not Federal States;
 - a) With respect to those articles of this Convention that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the Federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;
 - b) A Federal State Party to this Convention shall, at the request of any other Contracting State transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention showing the extent to which effect has been given to that provision by legislative or other action.

ARTICLE 42.

RESERVATIONS

1. At the time of signature, ratification or accession, any State may make reservations to articles of the Convention other than to articles 1, 3, 4, 16 (1), 33, 36-46 inclusive.
 - Any State making a reservation in accordance with paragraph 1 of this article may at any time withdraw the reservation by a communication to that effect addressed to the Secretary-General of the United Nations.

ARTICLE 43.

ENTRY INTO FORCE

1. This Convention shall come into force on the ninetieth day following the day of deposit of the sixth instrument of ratification or accession.
2. For each State ratifying or acceding to the Convention after the deposit of the sixth instrument of ratification or accession, the Convention shall enter into force on the ninetieth day following the date of deposit by such State of its instrument of ratification or accession.

ARTICLE 44.

DENUNCIATION

1. Any Contracting State may denounce this Convention at any time by a notification addressed to the Secretary-General of the United Nations.
2. Such denunciation shall take effect for the Contracting State concerned one year from the date upon which it is received by the Secretary-General of the United Nations.
3. Any State which has made a declaration or notification under article 40 may, at any time thereafter, by a notification to the Secretary-General of the United Nations, declare that the Convention shall cease to extend to such territory one year after the date of receipt of the notification by the Secretary-General.

ARTICLE 45.

REVISION

1. Any Contracting State may request revision of this Convention at any time by a notification addressed to the Secretary-General of the United Nations.
2. The General Assembly of the United Nations shall recommend the steps, if any, to be taken in respect of such request.

ARTICLE 46.

NOTIFICATIONS BY THE SECRETARY-GENERAL OF THE UNITED NATIONS

The Secretary-General of the United Nations shall inform all Members of the United Nations and nonmember States referred to in article 39:

- Of declarations and notifications in accordance with section B of article 1;
- Of signatures, ratifications and accessions in accordance with article 39;
- Of declarations and notifications in accordance with article 40;
- Of reservations and withdrawals in accordance with article 42;
- Of the date on which this Convention will come into force in accordance with article 43;
- Of denunciations and notifications in accordance with article 44;
- Of requests for revision in accordance with article 45.

In faith whereof the undersigned, duly authorized, have signed this Convention on behalf of their respective Governments.

Done at Geneva, this twenty-eighth day of July, one thousand nine hundred and fifty-one, in a single copy, of which the English and French texts are equally authentic and which shall remain deposited in the archives of the United Nations, and certified true copies of which shall be delivered to all Members of the United Nations and to the non-member States referred to in article 39.

ANNEX 2:

PROTOCOL RELATING TO THE STATUS OF REFUGEES

The Protocol was taken note of with approval by the Economic and Social Council in resolution 1186 (XLI) of 18 November 1966 and was taken note of by the General Assembly in resolution 2198 (XXI) of 16 December 1966. In the same resolution the General Assembly requested the Secretary-General to transmit the text of the Protocol to the States mentioned in article V thereof, with a view to enabling them to accede to the Protocol Entry into force 4 October 1967, in accordance with article VIII

The States Parties to the present Protocol,

Considering that the Convention relating to the Status of Refugees done at Geneva on 28 July 1951 (hereinafter referred to as the Convention) covers only those persons who have become refugees as a result of events occurring before 1 January 1951,

Considering that new refugee situations have arisen since the Convention was adopted and that the refugees concerned may therefore not fall within the scope of the Convention,

Considering that it is desirable that equal status should be enjoyed by all refugees covered by the definition in the Convention irrespective of the dateline 1 January 1951,

Have agreed as follows:

ARTICLE 1.

GENERAL PROVISION

1. The States Parties to the present Protocol undertake to apply articles 2 to 34 inclusive of the Convention to refugees as hereinafter defined.
2. For the purpose of the present Protocol, the term “refugee” shall, except as regards the application of paragraph 3 of this article, mean any person within the definition of article I of the Convention as if the words “As a result of events

occurring before 1 January 1951 and...” and the words “...as a result of such events”, in article 1 A (2) were omitted.

3. The present Protocol shall be applied by the States Parties hereto without any geographic limitation, save that existing declarations made by States already Parties to the Convention in accordance with article I B (I) (a) of the Convention, shall, unless extended under article I B (2) thereof, apply also under the present Protocol.

ARTICLE 2.

CO-OPERATION OF THE NATIONAL AUTHORITIES WITH THE UNITED NATIONS

1. The States Parties to the present Protocol undertake to co-operate with the Office of the United Nations High Commissioner for Refugees, or any other agency of the United Nations which may succeed it, in the exercise of its functions, and shall in particular facilitate its duty of supervising the application of the provisions of the present Protocol.
2. In order to enable the Office of the High Commissioner or any other agency of the United Nations which may succeed it, to make reports to the competent organs of the United Nations, the States Parties to the present Protocol undertake to provide them with the information and statistical data requested, in the appropriate form, concerning:
 - a. The condition of refugees;
 - b. The implementation of the present Protocol;
- Laws, regulations and decrees which are, or may hereafter be, in force relating to refugees.

ARTICLE 3.

INFORMATION ON NATIONAL LEGISLATION

The States Parties to the present Protocol shall communicate to the Secretary-General of the United Nations the laws and regulations which they may adopt to ensure the application of the present Protocol.

ARTICLE 4.

SETTLEMENT OF DISPUTES

Any dispute between States Parties to the present Protocol which relates to its interpretation or application and which cannot be settled by other means shall be referred to the International Court of Justice at the request of any one of the parties to the dispute.

ARTICLE 5.

ACCESSION

The present Protocol shall be open for accession on behalf of all States Parties to the Convention and of any other State Member of the United Nations or member of any of the specialized agencies or to which an invitation to accede may have been addressed by the General Assembly of the United Nations. Accession shall be effected by the deposit of an instrument of accession with the Secretary-General of the United Nations.

ARTICLE 6.

FEDERAL CLAUSE

In the case of a Federal or non-unitary State, the following provisions shall apply:

- With respect to those articles of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol that come within the legislative jurisdiction of the federal legislative authority, the obligations of the Federal Government shall to this extent be the same as those of States Parties which are not Federal States;
 - a) With respect to those articles of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol that come within the legislative jurisdiction of constituent States, provinces or cantons which are not, under the constitutional system of the Federation, bound to take legislative action, the Federal Government shall bring such articles with a favourable recommendation to the notice of the appropriate authorities of States, provinces or cantons at the earliest possible moment;

b) A Federal State Party to the present Protocol shall, at the request of any other State Party hereto transmitted through the Secretary-General of the United Nations, supply a statement of the law and practice of the Federation and its constituent units in regard to any particular provision of the Convention to be applied in accordance with article I, paragraph 1, of the present Protocol, showing the extent to which effect has been given to that provision by legislative or other action.

ARTICLE 7.

RESERVATIONS AND DECLARATIONS

1. At the time of accession, any State may make reservations in respect of article IV of the present Protocol and in respect of the application in accordance with article I of the present Protocol of any provisions of the Convention other than those contained in articles 1, 3, 4, 16(1) and 33 thereof, provided that in the case of a State Party to the Convention reservations made under this article shall not extend to refugees in respect of whom the Convention applies.
- Reservations made by States Parties to the Convention in accordance with article 42 thereof shall, unless withdrawn, be applicable in relation to their obligations under the present Protocol.
- Any State making a reservation in accordance with paragraph I of this article may at any time withdraw such reservation by a communication to that effect addressed to the Secretary-General of the United Nations.
- Declarations made under article 40, paragraphs 1 and 2, of the Convention by a State Party thereto which accedes to the present Protocol shall be deemed to apply in respect of the present Protocol, unless upon accession a notification to the contrary is addressed by the State Party concerned to the Secretary-General of the United Nations. The provisions of article 40, paragraphs 2 and 3, and of article 44, paragraph 3, of the Convention shall be deemed to apply *mutatis mutandis* to the present Protocol.

ARTICLE 8.

ENTRY INTO PROTOCOL

1. The present Protocol shall come into force on the day of deposit of the sixth instrument of accession.
2. For each State acceding to the Protocol after the deposit of the sixth instrument of accession, the Protocol shall come into force on the date of deposit by such State of its instrument of accession.

ARTICLE 9.

DENUNCIATION

1. Any State Party hereto may denounce this Protocol at any time by a notification addressed to the Secretary-General of the United Nations.
2. Such denunciation shall take effect for the State Party concerned one year from the date on which it is received by the Secretary-General of the United Nations.

ARTICLE 10.

NOTIFICATIONS BY THE SECRETARY-GENERAL OF THE UNITED NATIONS

The Secretary-General of the United Nations shall inform the States referred to in article V above of the date of entry into force, accessions, reservations and withdrawals of reservations to and denunciations of the present Protocol, and of declarations and notifications relating hereto.

ARTICLE 11.

DEPOSIT IN THE ARCHIVES OF THE SECRETARIAT OF THE UNITED NATIONS

A copy of the present Protocol, of which the Chinese, English, French, Russian and Spanish texts are equally authentic, signed by the President of the General Assembly and by the Secretary-General of the United Nations, shall be deposited in the archives of the Secretariat of the United Nations. The Secretary-General will transmit certified copies thereof to all States Members of the United Nations and to the other States referred to in article 5 above.

