

Clarification 1. Rationale for counting in-donor refugee costs as ODA

Q1/ Describe in a nutshell the asylum procedure in your country.

The rationale for counting in-donor refugee costs as ODA is a **humanitarian one**, as international protection is a form of providing basic goods and services to individuals from ODA-eligible countries in order to protect their lives, rights, and dignity.

The **International Protection Act** (Official Gazette of RS, No. 16/17 - [official consolidated text](#)) defines the key elements of the procedure and allowances offered. Key bylaws include:

- Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection (Official Gazette of RS, No. 29/17);
- Decree on the implementation of the statutory representation of unaccompanied minors and the method of ensuring adequate accommodation, care and treatment of unaccompanied minors outside the Asylum Centre or a branch thereof (Official Gazette of RS, No. 35/17);
- Rules on the access of applicants for international protection to refugee counsellors and on the remuneration and reimbursement of the expenses of refugee counsellors (Official Gazette of RS, No. 22/17);
- Decree on the methods and conditions for ensuring the rights of applicants for international protection (Official Gazette of RS, No. 27/17);
- Decree on the relocation of persons admitted to the Republic of Slovenia on the basis of a quota and burden sharing among Member States of the European Union (Official Gazette of RS, No. 24/17);
- Ordinance determining the list of safe countries of origin (Official Gazette of RS, No. 13/16).

General clarifications on the procedure and status: As a signatory to the Geneva Convention and a member of the European Union (EU), the Republic of Slovenia is obliged to provide international protection (asylum) to those individuals who do not receive protection in the country of their citizenship or permanent residence (country of origin). International protection in the Republic of Slovenia means refugee status and subsidiary protection status.

Application for international protection: International protection may be sought by a third-country national or a stateless person who considers that he/she is systematically persecuted in his or her home country because of his/her political beliefs or because of his/her religion, race, or national or ethnic affiliation. International protection may also be applied for by a person who considers that, upon return to the country of origin, his or her life or liberty would be endangered or that he or she could be subjected to torture, inhuman treatment, or punishment.

When an applicant comes from a "safe country of origin", an accelerated procedure is used as defined in the International Protection Act (the application is rejected as manifestly unfounded).

The International Protection Act provides for the implementation of Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in a Member State by a third-country national or a stateless person (recast) (OJ L 180, 29.6.2013, p. 31). The procedure is carried out in accordance with the regulation. All Dublin procedures have been co-financed (75%) by the EU Asylum, Migration and Integration Fund (AMIF). National costs on Dublin transfers have not been reported as ODA.

Acceptance of the application: a third-country national or a stateless person must, as soon as possible after entering the Republic of Slovenia, express his/her intention to lodge an application for international protection to any state body or body of a self-governing local community (i.e. municipality). This is followed by a procedure in which

the police establish his/her identity, the route by which he/she came to the Republic of Slovenia, and then hand him/her over to the competent authorities at the Asylum Centre, where the third-country national or a stateless person lodges an application for international protection. Prior to accepting an application for international protection, a third-country national or a stateless person shall be duly informed of the procedure and their rights in a language he/she understands. The application for international protection is also accepted in the presence of a translator or interpreter.

Refugee status can be granted to a person who justifiably and credibly proves that he/she is at risk in his/her home country because of his/her race or ethnic group, religion, nationality, political opinion or membership in a particular social group. The decision on the recognition of refugee status, when handed over to the addressee, is also valid as a permanent residence permit in the Republic of Slovenia.

Subsidiary protection may be granted to a person who does not qualify for refugee status, but for whom well-grounded and credible reasons exist to believe he/she could face a real risk of suffering serious harm (death penalty or execution, torture, inhuman or degrading treatment or punishment) on his/her return to his/her country of origin. We also recognise subsidiary protection against a serious and individual threat to the life or liberty of an applicant due to arbitrary violence in situations of international or internal armed conflict in the country of origin. The decision on the recognition of subsidiary protection, when handed over to the addressee, is also valid as a temporary residence permit in the Republic of Slovenia for as long as this protection lasts.

Allowances offered: An applicant's rights are set by Articles 78-79 of the International Protection Act and include:

- residence in the Republic of Slovenia;
- material support if accommodated in the Asylum Centre or its branch (accommodation, food, clothing and footwear, personal hygiene necessities);
- financial assistance, if accommodated in a private residence in accordance with the International Protection Act;
- emergency medical treatment;
- education;
- access to the labour market;
- humanitarian aid;
- monthly allowance.

An applicant becomes entitled to the rights stated in the previous paragraph with the lodging of a complete application and is eligible for those rights until the enforceability of the decision of the responsible authority.

Countries of origin: The majority of applications in 2019 were lodged by citizens of Algeria, Morocco, Pakistan, and Afghanistan.

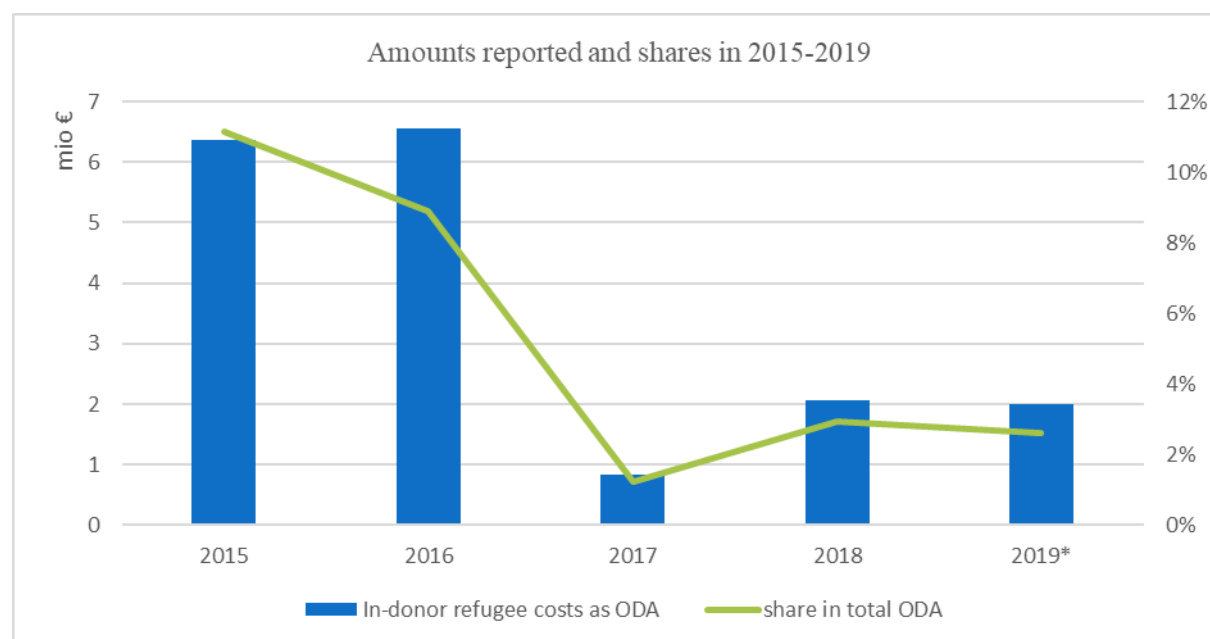
Recent trends: The number of applications continues to grow. In 2019, 3,821 applications for international protection were lodged, which is a 30% increase from 2018 (2,875 applications) and a 160% increase from 2017 (1,476 applications).

The number of cases resolved in 2019 (3,838) also increased in comparison with the previous year. More applications were resolved than lodged in 2019. Most cases (85%) concluded with the discontinuing of the procedure, international protection was granted to 85 persons of whom 81 were granted refugee status and four subsidiary protection status. A total of 352 applications were rejected following the Dublin procedure and a negative decision was taken in 128 cases.

In most cases, the discontinuing of the procedure resulted from asylum seekers' own decision to leave the territory of the Republic of Slovenia.



Similar to other European donor countries, the amount of in-donor refugee costs reported as ODA grew considerably in 2015 and 2016 as a consequence of the migration wave, flowing largely through the Western Balkan route. Costs were mainly related to ensuring temporary shelters, satisfying basic needs and medical treatment to migrants on a *prima facie* basis (treated as refugees in the OECD DAC directives). In 2017, the Slovenian government established an Office for the Support and Integration of Migrants, which consolidated the majority of services and costs related to the applicants for international protection, leaving only very specific tasks and services to other responsible authorities, such as the Ministry of the Interior, the Ministry of Health and the Ministry of Labour, Family, Social Affairs and Equal Opportunities.



Clarification 2. Meaning of the term “refugees”

Q2/ Indicate the categories of refugees for which costs are included in your ODA reporting: asylum seekers, recognised refugees, persons granted temporary or subsidiary protection.

Numbers and shares of different categories of applicants and average time until decision in 2019 are summarised in the table as follows:

| | No. | Share | No. | Share | Average time (days) until (first instance) / final decision | |
|--|--------------|-------------|-----|-------|---|------------|
| Refugee status granted | 81 | 2% | 85 | 2% | (389) | (44) 63 |
| Subsidiary protection status granted | 4 | 0% | | | 593 | |
| Negative decision taken | 128 | 3% | 128 | 3% | (excluding discontinued and rejected applications) | |
| Applications rejected | 352 | 9% | | | | |
| Discontinuing of the procedure | 3,273 | 85% | | | | |
| Total of cases resolved in 2019 | 3,838 | 100% | | | | |

Only about 2% of the applicants are either granted refugee status or subsidiary protection status. The applicants are entitled to the rights (as described above) from the lodging of a complete application until the enforceability of the decision of the responsible authority. This may follow a decision of the first instance or a decision by the court, when an applicant decides to appeal against the decision of the first instance. We include all eligible costs connected to applicants for international protection that were incurred in the first 12 months to ODA, until the final decision, regardless whether the decision is ultimately positive or negative.

Once the decision is taken, a person is either:

- no longer under Slovenian sustenance (discontinuance of procedures, applications rejected or negative decisions taken, which means that the person leaves the Asylum Centre and costs cease to arise);
- proclaimed a refugee, which means he/she is included in integration measures, which are not ODA-eligible by default,
- under a subsidiary protection. As there are very few cases (4 in 2019) and in principle (taking into account the average time for an enforceable decision) their status is determined later than 12 months after the lodging of their applications, these cases have been justifiably neglected in our ODA reporting as they presumably fall outside the scope of 12-months rule.

Unaccompanied minors live in the Asylum Centre or in one of the student dormitories, and the costs of their living, food, sustenance and literacy courses have been covered by the Office for the Support and Integration of Migrants. Schooling costs are covered for unaccompanied minors with international protection, but these are considered integration and are excluded from reporting by default.

Persons granted international protection who came to Slovenia based on the so-called quota system (the so-called **quota refugees**) benefit from integration projects, the same as other persons with the granted international protection status, and have not been reported to ODA, as costs for persons included in integration measure have been excluded by default.

Costs associated with the **leading of the process** and making a decision on the application have not been included in the in-donor refugee costs under ODA.

Costs for discontinued cases are included in ODA: for the days that the asylum seekers spend in the Asylum Centre (Slovenia cannot know in advance, who will leave the Centre and deduct the costs that arose after their departure, as costs are not monitored on an individual basis). Until they leave, they are considered asylum seekers and entitled to sustenance accordingly.

Clarification 3. Twelve-month rule

Q3/ When does the twelve-month rule start (date of application, date of entry into the country, date of start of support)?

An applicant becomes entitled to the rights **under the International Protection Act** with the lodging of a complete application. This is the start of the twelve-month rule.

For determining the costs that were incurred in the first 12 months, the following information has been taken into account:

- the average time for a final decision is 63 days;



- the average time for a final decision, excluding discontinued and rejected applications, is 593 days;
- the number of individual categories, namely 3,625 applications (3273 + 352) that were discontinued or rejected and 213 applications (81+4+128) that were under the substantive decision-making process.

Taking into account the proportion of costs of all categories of applicants in the first year (discontinued and rejected cases only the first month) and of the applicants, excluding discontinued and rejected cases, in the second year until day 593, the coefficient of 80% was established and is to be applied to the costs reported by individual agencies. The coefficient will first be applied for 2019 data.

Calculation methodology:

| | | No. of applicants | No. of days | person/days | Share | ODA-eligible share |
|--------------------------------|---|-------------------|-------------|-------------|-------|--------------------|
| ODA-eligible (up to 12 months) | all applicants first 32 days | 3.838 | 32 | 122.816 | 0,51 | 80% |
| ODA-eligible (up to 12 months) | without discontinued and rejected cases, from 33. day to 365. day | 213 | 333 | 70.929 | 0,29 | |
| in-eligible (after 12 months) | without discontinued and rejected from the first day of the 2nd year till 593rd day | 213 | 228 | 48.564 | 0,20 | 20% |

Clarification 4. Eligibility of specific cost items

Q4/ Provide the list of cost items included in ODA for each category of refugee and a justification for their inclusion.

Under the **code 93011 - food and shelter** - we report food, clothing, footwear, personal hygiene necessities and accommodation costs (water, refuse, electricity, cleaning and heating are taken into account, but only for the accommodation part of the Asylum Centre). A total of 43 applicants for international protection lived at private addresses at the end of 2019. Accommodation costs have been covered by the Office for the Support and Integration of Migrants and they are entitled to a monthly allowance, which is paid to individual applicants and reported under code 93014.

Under the **code 93012 - training** - we report literacy and learning assistance for applicants, literacy assistance to unaccompanied minors, assistance to the applicants in their accommodation, social activities - discussions, workshops, and overhead costs connected to these services (rental of training premises, consumables...).

Under the **code 93013 - health** - we report care for people with special needs, psychiatric support, medical examinations, and medications, provided by the Asylum Centre. We also report emergency medical care, emergency ambulances and emergency dental care here. Prescription medicine for the treatment of emergencies and urgent conditions are also provided. Women are provided with contraceptives, abortions, and medical care during pregnancy and childbirth. A vulnerable person with special needs is entitled to an additional range of health services, including psychotherapeutic assistance. Juvenile applicants and applicants who are unaccompanied minors are entitled to

health care to the same extent as Slovenian children who benefit from a compulsory insurance as family members. Likewise, school children over the age of 18 are also entitled to health care until the end of schooling, but no later than the age of 26.

An Interministerial Expert Commission may approve additional medical services (medicines, rehabilitation, etc.) to the applicant, in addition to emergency treatment.

There is a doctor's office in the Asylum Centre, which performs initial medical examinations and other emergency services. Otherwise, treatment is carried out by medical institutions that are in the immediate vicinity of the accommodated persons, either health centres or hospitals.¹

Under the **code 93014 - other temporary sustenance** - we report costs for interpretation (at doctor's or psychiatrist's appointments, and in relation to the accommodation), monthly allowance (EUR 385.05 per person/month until 31 July 2019 and EUR 402.18 per person/month from 1 August 2019), pocket money and cash payments for maintenance work. Here we also report costs related to information services, provision of free legal aid before the courts, and translation and interpretation in international protection proceedings covered by the Ministry of the Interior. Costs of information services and free legal aid before courts, as well as translation and interpretation in proceedings, have been reported separately under the Ministry of Interior (H02) and were reported in the sum of 90.697 EUR for 2018 and 90.098 EUR for 2019 (coef. of 80% was applied for 2019).

Under the **code 93015 - voluntary repatriation** - we report costs related to voluntary returns to the country of origin, although those costs rarely arise. There was only one case of voluntary return in 2018, requested by an applicant for international protection before the decision in the procedure was taken and the flight costs were covered and reported. In 2019, too, there was one case of such a request, but the expenses were covered from external resources and will not be reported.

Under the **code 93016 - transport** - we report a share of the transportation costs related to operation of the fleet of cars, assessed to be related to the needs of applicants (63% of the whole cost).

Under the **code 93017 - rescue at sea** - we do not report anything, as rescue at sea takes place within the regular missions of the Slovenian army in the Mediterranean and the rescue of refugees is not the primary intention of this activity.

Under the **code 93018 - administrative costs** - we report the salaries of personnel working directly with the applicants and who are assigned to provide the eligible services to them. We also include the salary of two officials additionally employed at the Centres for Social Work for assignments, directly affecting unaccompanied minors, applicants for international protection. They take care of securing the interests of unaccompanied minors – they monitor the procedures for determining status (refugees or applicants for international protection or foreigners) and for the recognition of international protection as well as the work of legal representatives of unaccompanied minors selected from the list, managed by the Ministry of Labour, Family, Social Affairs and Equal Opportunities. Slovenia does not include costs for processing asylum applications.

Costs categories indirectly connected to the provision of services to applicants for international protection (e.g. IT equipment or costs of staff, not directly involved in the provision of services to the applicants) are excluded from ODA reporting. For example, we do not calculate the imputed schooling costs. We also exclude the costs of security in the Asylum Centre, as these are not specifically mentioned in the directives and clarifications, and it is intended for the security of the applicants themselves as well as the personnel and the wider residential area.

All reported costs are net, meaning that all expenses that have been covered from the external resources are not included in the reporting (i.e. The Asylum, Migration and Integration Fund - AMIF).

Clarification 5. Methodology for assessing costs

Q5/ Describe the methodology used for assessing ODA-eligible costs and provide the actual data points and detailed calculations used to reach the figures reported as ODA.

The Slovenian reporting system does not allow for tracking time-bound expenditures at the level of an individual applicant for international protection. The system allows for tracking of costs by individual services/benefits provided (cost lines) by certain budget items in a specific financial year. All reimbursed costs from external resources are excluded from ODA reporting. Costs for applicants and persons granted international protection are shown separately, while only the former have been reported as ODA. Based on the data on average time for a final decision and number of applications decided under different procedures, an ODA-eligible coefficient has been established that will be periodically updated (e.g. every 3–5 years, depending on the extent of changes in trends). The same methodology is used for all categories of refugees as defined by the DAC reporting directives.

Costs are counted for the first 12 months, until the final decision.

The average time to get a decision on status is 44 days at first instance and 63 days for a final decision. Excluding discontinued and rejected applications; the average time to get a decision on the status at first instance is 389 days and 593 days for a final decision.

The average time of support to applicants for international protection is approx. 10 days longer than the average time to get a final decision on status, as the applicants are expected to leave the Asylum Centre in a maximum of 15 days after the final decision on their status and regardless of the decision taken (be it international protection granted or rejected). In principle, related post-rejected costs are excluded, but minimal costs arise in a couple of days before they actually leave the Centre and this fact has been neglected in the calculation as it is considered to be marginal.

For administrative reasons, the cost per day of sustenance is calculated as stipulated by the law. This is done once a year, normally in the first quarter, when the final budget accounts are consolidated. These include a somewhat narrower list of services than ODA-eligible cost categories. For 2019, the cost per person per day was calculated at EUR 19.37.

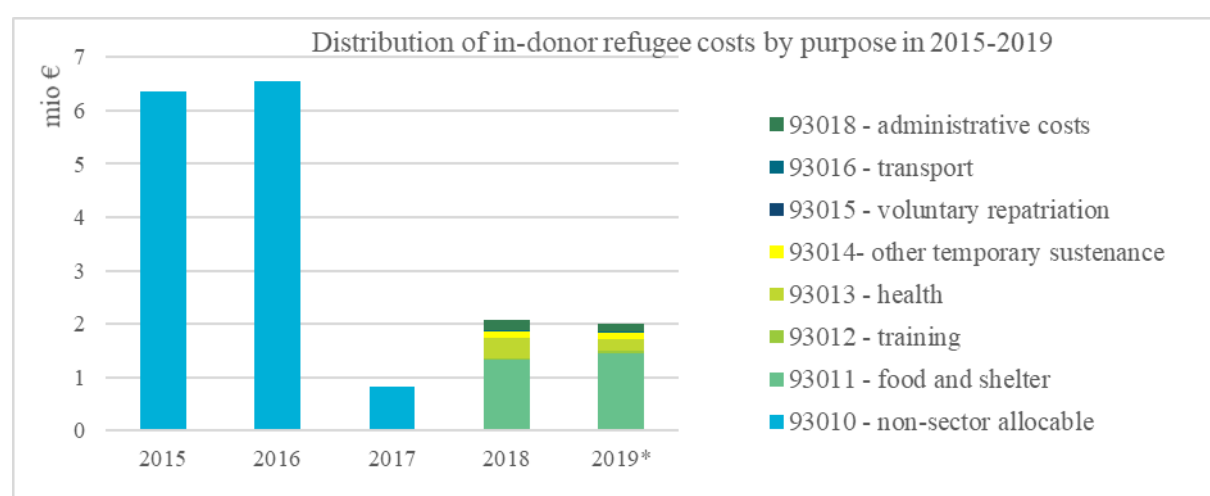
As costs for persons granted international protection have not been taken into account in ODA calculation, there is no risk of double accounting of costs for the same person under two different statuses. Due to strict internal and external controls, there is no risk of double payments for the same services rendered.

We do not use the imputations (e.g. in education or health). Imputed schooling costs have not been included in ODA reporting, while medical services have been clearly linked to the group of beneficiaries and reported to responsible

institutions at the level of total accrued costs for the actual services and supplies rendered to eligible categories under the International Protection Act.

The shares of applicants for international protection that have been granted or denied refugee status or subsidiary protection, or their applications have been rejected or discontinued, are calculated based on the actual cases resolved, taking into account the first instance decisions. For relevant shares, please see the answer to Q2.

The distribution of costs between types of aid H03 (asylum seekers ultimately accepted) and H04 (asylum seekers ultimately rejected) is calculated by using the number of applicants, excluding discontinued and rejected applications. For 2019, the ratio is 40:60 and this ratio will be used for another 3–5 years. The split between these two types of aid is only made where appropriate (somewhat evenly distributed, larger costs). For example, the costs of the provision of free legal aid before the courts, and translation and interpretation in international protection proceedings, which are covered by the Ministry of the Interior, are not disaggregated and are reported as the H02 type of aid.



ODA costs in 2018

i) Temporary sustenance

| | |
|---|-----------|
| Shelter, food and utilities | 1 559 304 |
| Health | 35 886 |
| Emergency health services provision | 399 778 |
| Training | 47 863 |
| Custodian services for unaccompanied minors | 56 260 |
| Other temporary sustenance | 138 041 |

| | |
|------------------------|----------------------|
| Total amount I: | 2 237 132 USD |
|------------------------|----------------------|

| | |
|----------------------------|---------|
| ii) Transport | 52 640 |
| iii) Administrative costs | 157 076 |
| iv) Voluntary repatriation | 450 |

| | |
|-------------------------|--------------------|
| Total amount II: | 210 166 USD |
|-------------------------|--------------------|

| | |
|--------------------------------|----------------------|
| Total ODA amount (I+II) | 2 447 298 USD |
|--------------------------------|----------------------|

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IN-DONOR REFUGEE COSTS IN ODA