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Slovenian Aliens Act amendments threaten to close off the borders to refugees

On 5 January 2017 the Slovenian government approved legislative amendments to the Slovenian Aliens Act, according to which the Parliament would be entrusted with the power to effectively “close the borders” if this was deemed necessary due to a serious threat to public order and security caused by migrations. The bill still needs to be confirmed by the Parliament, which is expected to vote on it later this month.

According to the proposed provisions, in case the threshold of a serious threat to public order was reached, all persons arriving irregularly and expressing an attempt for asylum in Slovenia would be forcefully returned without their asylum claims being heard. The only exceptions are predicted for persons in immediate danger of loss of life, persons who would be in danger of inhuman and degrading treatment in the country of return, persons whose return would not be possible due to medical reasons and persons assessed to be unaccompanied minors. The assessment of all of the above circumstances would be conducted by the Police in the field.

The amendments contain no criteria for what constitutes a serious threat to public order and security and would apparently leave this decision to the Parliament. Furthermore, the amendments represent a circumvention of the provisions of the Slovenian Constitution on “state of emergency”, which needs to be declared in order to impose limitation on constitutional rights.

In view of national and international experts on asylum and migration the proposed amendments constitute a breach of the 1951 Refugee Convention, the European Convention on Human Rights and the EU asylum acquis. On 11 January 2017, the Secretary General of the Council of Europe expressed his concern with the amendments in a public letter sent to the Slovenian Prime Minister Miro Cerar.¹

Slovenian NGOs are also concerned about the untransparent manner of adoption of the bill, which had not been disclosed to the public prior to its adoption.

¹ The letter is available at the address:
https://files.dnevnik.si/2017//O%202017-18%20SG%20Letter%20to%20CERAR%20PM%20Slovenia_11.01.2017.pdf

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The proposed amendments follow a prior attempt by the Slovenian government at adopting provisions effectively closing the border, which took place in the course of adoption of the new International Protection Act in early 2016. Fortunately, those provisions were eventually scrapped, following opposition and advocacy from the civil society.