

Country Report: Slovenia



2021
update



Acknowledgements & Methodology

This report was written by Miha Nabergoj and Urša Regvar at the PIC (Legal Centre for the Protection of Human Rights and the Environment) and was edited by ECRE. The 2018, 2019, 2020 and 2021 updates were written by Urša Regvar at PIC and were edited by ECRE.

The information in this report draws upon observations from activities carried out by PIC, including legal assistance to asylum seekers, as well as statistics and information shared inter alia by the Migration Directorate, the Government Office for the Support and Integration of Migrants, and civil society organisations.

The information in this report is up to date as of 31 December 2021, unless otherwise stated.

The Asylum Information Database (AIDA)

The Asylum Information Database (AIDA) is coordinated by the European Council on Refugees and Exiles (ECRE). It aims to provide up-to date information on asylum practice in 23 countries. This includes 19 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, SI) and 4 non-EU countries (Serbia, Switzerland, Turkey and the United Kingdom) which is easily accessible to the media, researchers, advocates, legal practitioners and the general public through the dedicated website www.asylumineurope.org. Furthermore, the project seeks to promote the implementation and transposition of EU asylum legislation reflecting the highest possible standards of protection in line with international refugee and human rights law and based on best practice.



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Glossary & List of Abbreviations

Asylum Home (or its branch)	Reception centres in Ljubljana where asylum seekers are first accommodated and lodge their application. Its branches include the accommodation centre for unaccompanied minors in Postojna and the reception and accommodation centre in Logatec.
Centre for Foreigners	Detention facility for aliens in return procedures and asylum applicants
Integration House	An accommodation facility for beneficiaries of international protection, comprising of apartments
Migration Directorate	Authority responsible for conducting asylum procedures
International Protection Procedures Division	As part of the Migration Directorate the Division is responsible for overseeing asylum procedures – including lodging the applications, interviews and decision making.
UOIM	Office for Support and Integration of Migrants Urad vlade za oskrbo in integracijo migrantov. Authority responsible for accommodation, care and integration of asylum applicants and beneficiaries of international protection
AMIF	Asylum, Migration and Integration Fund
CPT	Council of Europe Committee for the Prevention of Torture
COI	Country of Origin Information
EASO	European Asylum Support Office
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EDAL	European Database of Asylum Law
EMN	European Migration Network
IOM	International Organisation for Migration
IPA	International Protection Act Zakon o Mednarodni Zaščiti
Foreigners Act	Foreigners Act Zakon o tujcih
ZZZRO	Temporary Protection of displaced Persons Act Zakon o začasni zaščiti razseljenih oseb
PIC	PIC – Legal centre for the protection of human rights and the environment PIC – Pravni center za varstvo človekovih pravic in okolja

Statistics

Overview of statistical practice

Statistics on asylum procedures are published on the Ministry of the Interior's website,¹ as well as the website of the Government Office for the Support and Integration of Migrants (UOIM).² More comprehensive and detailed statistics are shared by the Ministry with PIC.

Applications and granting of protection status at first instance: 2021

	Applicants in 2021	Pending at end 2021	Refugee status	Subsidiary protection	Rejection*	Refugee rate	Sub. Prot. rate	Rejection rate
Total	5,301	565	17	0	64	20%	0%	80%

Breakdown by countries of origin of the total numbers

Afghanistan	2,614	320	4	0	9	30%	0%	70%
Pakistan	493	29	0	0	12	0%	0%	100%
Iran	331	19	3	0	5	37%	0%	63%
Turkey	279	27	1	0	0	100%	0%	0%
Bangladesh	267	23	0	0	2	0%	0%	100%
Iraq	256	23	1	0	0	100%	0%	0%
Morocco	175	11	0	0	3	0%	0%	100%
Egypt	107	1	0	0	0	0%	0%	0%
Algeria	106	13	0	0	6	0%	0%	100%
Syria	92	4	4	0	0	100%	0%	0%

Source: Migration Directorate.

**"Rejection", and consequently the rejection rate, only cover negative decisions on the merit of the application. It does not include inadmissibility decisions.

¹ Ministry of the Interior, *Statistični podatki o mednarodni zaščiti*, available in Slovenian at: <https://bit.ly/3aGLkyD>.

² UOIM, *Statistika*, available in Slovenian at: <https://bit.ly/38EvJOW>.

Gender/age breakdown of the total number of applicants: 2021

	Number	Percentage
Total number of applicants	5,301	100%
Men, incl. children	4,141	78%
Women, incl. children	1,160	22%
Children	1,881	35%
Unaccompanied children	782	15%

Source: Migration Directorate.

*The gender breakdown (Men/Women) applies to all applicants, not only adults.

Comparison between first instance and appeal decision rates: 2021

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions	168	100%	170	100%
Positive decisions	17	10%	6	3,5%
<ul style="list-style-type: none"> <i>Refugee status</i> 	17	10%	6	3,5%
<ul style="list-style-type: none"> <i>Subsidiary protection</i> 	0	0%	0	0%
Negative decisions	151	90%	72	42%

Source: Administrative Court.

*Note that the table above, differently from the first, provides rejection and recognition rates that include also inadmissibility decisions.

Overview of the legal framework

Main legislative acts on asylum procedures, reception conditions, detention and content of international protection

Title (EN)	Original Title (SI)	Abbreviation	Web Link
International Protection Act Official Gazette of RS, No. 16/17 and subsequent amendments (including the Act Amending the International Protection Act, Official Gazette of RS, no. 54/21)	Zakon o mednarodni zaščiti Uradni list RS, št. 16/17 in nadaljnje spremembe (vključuje Zakon o spremembah in dopolnitvah Zakona o mednarodni zaščiti, Uradni list Rs, št. 54/21)	IPA	http://bit.ly/2g7aCiV (SI)
Foreigners Act Official Gazette of RS, No. 91/21 and subsequent amendments (including the Act Amending the Foreigners Act, Official Gazette of RS, no. 57/21)	Zakon o tujcih Uradni list RS, št. 91/21 in nadaljnje spremembe (vključuje Zakon o spremembah in dopolnitvah Zakona o tucih, Uradni list RS, št. 57/21)	Foreigners Act	http://bit.ly/2ybiEOh (SI)
General Administrative Procedure Act Official Gazette of RS, No. 24/06 and subsequent amendments	Zakon o splošnem upravnem postopku Uradni list RS, št. 24/06 in nadaljnje spremembe		http://bit.ly/2ybHHkn (SI)
Administrative Dispute Act Official Gazette of RS, No.105/06 and subsequent amendments	Zakon o upravnem sporu Uradni list RS, št. 105/06 in nadaljnje spremembe		http://bit.ly/2ybYByU (SI)
Temporary Protection of Displaced Persons Act, Official Gazette of RS, no. 16/17	Zakon o začasni zaščiti razseljenih oseb		https://bit.ly/3ac7w8T (SI)

Main implementing decrees, guidelines and regulations on asylum procedures, reception conditions, detention and content of international protection

Title (EN)	Original Title (SI)	Abbreviation	Web Link
<p>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. 173/21</p>	<p>Pravilnik o postopku s tujcem, ki izrazi namen podati prošnjo za mednarodno zaščito v Republiki Sloveniji, ter postopku sprejema prošnje za mednarodno zaščito Uradni list RS, št. 173/21</p>		<p>https://bit.ly/3yMuSMj (SI)</p>
<p>Decree on the implementation of the statutory representation of unaccompanied minors and the method of ensuring adequate accommodation, care and treatment of unaccompanied minors Official Gazette of RS, No. 163/21</p>	<p>Uredba o načinu izvajanja zakonitega zastopanja mladoletnikov brez spremstva ter načinu zagotavljanja ustrezne nastanitve, oskrbe in obravnave mladoletnikov brez spremstva, Uradni list RS, št. 163/21</p>		<p>https://bit.ly/38EbSVF (SI)</p>
<p>Rules on the access to refugee counsellors, remuneration and reimbursement of the expenses of refugee counsellors, and criteria for calculation the reimbursement of the expenses from the person with sufficient own means Official Gazette of RS, No. 162/21</p>	<p>Pravilnik o načinu dostopa prosilcev za mednarodno zaščito do svetovalcev za begunce, nagrajevanju in povračilu stroškov svetovalcem za begunce ter merilih za izračun povrnitve stroškov od osebe, ki ima zadostna lastna sredstva Uradni list RS, št. 162/21</p>		<p>https://bit.ly/3lsxzel (SI)</p>
<p>Decree on the methods and conditions for ensuring the rights of applicants for international protection Official Gazette of RS, No. 173/21</p>	<p>Uredba o načinih in pogojih za zagotavljanje pravic prosilcem za mednarodno zaščito Uradni list RS, št. 173/21</p>		<p>https://bit.ly/3Pw8ZH1 (SI)</p>
<p>Decree on the methods and conditions for ensuring the rights of persons with international protection Official Gazette of RS, No. 173/21</p>	<p>Uredba o načinih in pogojih za zagotavljanje pravic osebam z mednarodno zaščito Uradni list RS, št. 173/21</p>		<p>https://bit.ly/39AMEYI (SI)</p>
<p>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. 167/21</p>	<p>Uredba o načinu izvedbe preselitve oseb, ki so v Republiko Slovenijo sprejete na podlagi kvote in delitve bremen med državami članicami Evropske unije Uradni list RS, št. 167/21</p>		<p>https://bit.ly/3wsBYEs (SI)</p>

Ordinance determining the list of safe countries of origin Official Gazette of RS, No. 38/19	Odlok o določitvi seznama varnih izvornih držav Uradni list RS, št. 38/19.		https://bit.ly/2TObSqV (SI)
Decree on Asylum Centre House Rules Official Gazette of RS, No. 173/21	Uredba o hišnem redu azilnega doma Uradni list RS, št. 173/21		https://bit.ly/3Lnac0l (SI)
Rules on residing in the Aliens Centre, depositing own financial resources and on the form and content of the card stating permission to remain in the Republic of Slovenia Official Gazette of RS, No. 11/15	Pravilnik o bivanju v Centru za tujce, deponiranju lastnih sredstev ter obliki in vsebini izkaznice o dovolitvi zadrževanja na območju Republike Slovenije Uradni list RS, št. 11/15		http://bit.ly/2zbeMeg (SI)
Rules on the content, format and method of issuing passports to refugees Official Gazette of RS, No. 79/16	Pravilnik o vsebini, obliki in načinu izdaje potnega lista za begunca Uradni list RS, št. 79/16		http://bit.ly/2hZjFCV (SI)
Decree on the House Rules of the Integration House Official Gazette of RS, No. 173/21	Uredba o hišnem redu integracijske hiše Uradni list RS, št. 173/21		https://bit.ly/37Y0y6y (SI)
Decree on ways and scope of providing programs of support for integration of third country nationals Official Gazette of RS, No. 70/12 and subsequent amendments	Uredba o načinih in obsegu zagotavljanja programov pomoči pri vključevanju tujcev, ki niso državljani Evropske unije Uradni list RS, št. 70/12 in nadaljne spremembe.		http://bit.ly/2wlv78k (SI)
Rules on the remuneration and reimbursement of the expenses of statutory representatives of unaccompanied minors Official Gazette of RS, No. 167/21	Pravilnik o nagradi in povračilu stroškov zakonitim zastopnikom mladoletnikov brez spremstva Uradni list RS, št. 167/21		https://bit.ly/3Pzd6Cf (SI)
Rules on knowledge testing of candidates for refugee counsellors and on the training of refugee counsellors at the Judicial Training Centre Official Gazette of RS, No. 73/16	Pravilnik o preverjanju znanj kandidatov za svetovalce za begunce in o usposabljanju svetovalcev za begunce v okviru Centra za izobraževanje v pravosodju Uradni list RS, št. 73/16		http://bit.ly/2CUKpdF (SI)

Decree on the methods for ensuring rights of persons enjoying temporary protection, Official Gazette of RS, No. 42/22.

Uredba o načinu zagotavljanja pravic osebam z začasno zaščito, Uradni list RS, št. 4/22. Uradni list RS, št. 42/22.

<https://bit.ly/3Mt2UcH> (SI)

Overview of the main changes since the previous report update

The previous report update was published in **March 2021**.

At the end of March 2021, important legislative changes were adopted relating to the International Protection Act (IPA) and the Foreigners Act. While some relevant information is provided on the latter at various points, this report will not fully cover these recent amendments. As further described in the report, the amendment of the IPA and the Foreigners Act lower the protection standards of asylum seekers in the asylum procedure and allow for the closure of the border in the case of a “complex crisis” in the field of migration, preventing most individuals from lodging an application for international protection in Slovenia. During the legislative procedure, NGOs opposed the proposed amendments and urged different institutions to submit them to the Constitutional Court for constitutional review after they were adopted.³

Asylum procedure

- ❖ **Access to territory:** Access to the asylum procedure continued to be one of the main problems in 2021. In March 2021, amendments to Article 10a and 10b of the Foreigners Act⁴ were adopted. These articles had previously been annulled by the Constitutional Court⁵ because they violated the prohibition of torture enshrined in Article 18 of the Constitution of the Republic of Slovenia, since they allowed the closure of the border to asylum seekers. Nonetheless, the new amended articles again allow the National Assembly to close the border in case of a ‘complex migration crisis’. If the articles were to be activated, individuals would not be able to apply for asylum in Slovenia, apart from in exceptional cases. The Slovenian Ombudsman informed the European Commission of the adoption of the articles.⁶ However, no answer was given in 2021. In February 2022 members of the opposition parties submitted the provision of the Foreigners Act to the Constitutional Court for constitutional review.⁷
- ❖ **Legislative changes:** On 09 November 2021, the amendments of the International Protection Act (IPA) came to force. Applicants who lodged the application before this date will still have their applications processed under the previous provisions of the IPA, while any applications lodged after this date are processed by the revised IPA. The new amendments include a new regulation regarding refugee counsellors and legal guardians, the definition of the risk of absconding, shorter time lines for lodging a judicial review, and other procedural changes that limit the rights of asylum seekers in the procedure and limit their ability to effectively participate in the procedure. Further, decisions on asylum applications will now also include a decision on return. The right of appeal to the Supreme Court against an Administrative Court decision is also re-established. The amendments of the IPA were heavily criticized by NGOs⁸ as the changes are generally considered to be too restrictive, while some are not in accordance with the CEAS or the Slovenian constitution. Under the new provisions asylum seekers and refugee counsellors, as well as legal guardians of unaccompanied minors are no longer protected by lawyer-client privilege. Refugee counsellors and legal guardians of unaccompanied minors can be dismissed from their positions if they do not disclose the true identity of the applicant, do not submit the applicant’s original documents, do not disclose the applicant’s true age if he/she claims to be an unaccompanied minor, or do not disclose any other information based on which the applicant is not eligible for international protection.⁹ If the applicant does not respond to requests to state all facts and

³ Slovenska filantropija, *Odziv NVO na predloga Zakona o mednarodni zaščiti in Zakona o tujcih*, available at: <https://bit.ly/3NnnHhY>.

⁴ Foreigners Act, Official Gazette of RS No, 9/21 and subsequent changes.

⁵ Constitutional Court decision, U-I-59/17, 18. September 2019, available in Slovene at: <https://bit.ly/3t7INJB>.

⁶ Varuh človekovih pravic, *Varuh Evropsko Komisijo seznanil s svojimi pogledi na novelirano tujsko zakonodajo*, available at: <https://bit.ly/3wEsAwk>.

⁷ N1, *Stranke KUL zahtevajo presojo ustavnosti določb zakona o tujcih*, available at: <https://bit.ly/39ACEP9>.

⁸ Slovenska filantropija, *Odziv NVO na predloga Zakona o mednarodni zaščiti in Zakona o tujcih*, available at: <https://bit.ly/3NnnHhY>.

⁹ Article 9(10) and 18(8) IPA.

circumstances of the case or does not submit all documentation and available evidence, the application can be considered as withdrawn.¹⁰ The new provisions also considerably shorten the time frame for submitting a judicial review to 3 days unless the application was rejected, thus hindering the applicant's right to effective legal remedy and judicial review.¹¹ The provision that allows the UOIM to 'de facto' detain the applicant in one room in the pre-accommodation area for up to 3 days in the case of house rules violations¹² hinders the right to personal freedom and does not uphold the standards relating to the detention of asylum seekers. The provisions on detention do not include alternatives to detention, which remain unavailable to asylum seekers.¹³ In addition, the amended IPA allows for detained asylum seekers to be subjected to the same measures as other detained foreigners in the case of house rule violations. This includes them being subjected to solitary confinement.¹⁴ The newly introduced definition of the risk of absconding includes circumstances unrelated to asylum as an indication of the risk for absconding, for example if the applicant was processed for an offence.¹⁵ While not in direct violation of the CEAS, the provision that the freedom of movement of asylum seekers is limited to the municipality in which they are accommodated is in violation of article 32 of the Slovenian Constitution.¹⁶

NGOs have urged the Slovenian Ombudsman and the Advocate for the Principle of Equality to submit the amendments regarding refugee counsellors, legal guardians and the limitation of freedom of movement to the Constitutional Court for review. The amendments relating to refugee counsellors and legal guardians of unaccompanied minors and the limitation of freedom of movement to the municipality in which the applicant is accommodated were submitted to the Constitutional Court for constitutional review by members of the opposition parties in February 2022.¹⁷

- ❖ **Judicial review:** Several new provisions together with the practice of the Ministry of Interior present obstacles to the applicant's right to an effective legal remedy and the right to judicial review. The amendments of the IPA include unconstitutional provisions that require refugee counsellors and legal guardians to disclose any information they might have that could negatively affect the applicant's case. It demands that the refugee counsellor break lawyer-client privilege, and that legal guardians compromise the trust of unaccompanied children. If the Ministry of Interior finds that counsellors or guardians did not disclose such information, they will be removed from their function. In addition, the amendments have shortened the timeframe for judicial review to 3 days (with the exception of decisions made in the regular procedure where the timeframe remains 15 days). Access to judicial review is harder for asylum seekers who do not have free legal representation and counselling in the first instance procedure. In practice, decisions are often not served to asylum seekers personally but to the staff of the Asylum Home, who then give the decision to the asylum seeker. Decisions are therefore often relayed to asylum seekers by the security personnel. This means that often, asylum seekers are not given the decision on the same day it is delivered. After being served with the decision, asylum seekers must obtain the help of a refugee counsellor themselves or contact the Ministry of Interior to do so on their behalf. Short time frames and logistical and linguistic barriers make it hard for asylum seekers to obtain help from refugee counsellors, and for them to lodge the judicial review within the time frame. Not all asylum seekers have free legal help and representation in the first instance, which means that they only receive information through a short informational video affecting their ability to effectively exercise their rights and obligations. All asylum seekers are given the video to watch before they lodge their 1st application. They do not see it in case of subsequent applications.

¹⁰ Article 50 (2) fifth intendat.

¹¹ Article 70(1) IPA.

¹² Article 82.b(2) IPA.

¹³ Article 84 IPA.

¹⁴ Article 84(12) IPA.

¹⁵ Article 84 IPA, eleventh intended.

¹⁶ Article 78(1) IPA.

¹⁷ 24. ur, *Določbe zakona o tujcih in mednarodni zaščiti v ustavno presojo*, available at: <https://bit.ly/3Pv1Yq7>.

Reception conditions

- ❖ **Reception capacity:** In 2021 the number of asylum seekers increased. Due to the increase in arrivals and the mandatory COVID-19 quarantine period, the accommodation centre in Logatec was reorganized into a pre-reception centre. Asylum seekers had to wait up to 20 days in the pre-reception area of the Asylum Home or Logatec to lodge their applications. During this time, they did not have access to other services or material conditions, since they do not qualify as asylum seekers until they lodge the application. Due to a lack of capacity, some were accommodated in containers during their quarantine period.

Due to the amendments of the IPA, the freedom of movement of all asylum seekers was limited from 09 November 2021. Asylum seekers can move freely inside the municipality where they are accommodated but must ask for permission to leave it. Permission can be granted for the limited reasons set out in the IPA. In addition, asylum seekers can no longer ask for financial assistance to live outside the Asylum Home or its branch, since this possibility was excluded in the new IPA. In 2021, COVID-19 vaccinations were available for all asylum seekers. In addition, free COVID-19 testing was available for all asylum seekers in the Asylum Home.

A systematic solution for the accommodation of unaccompanied children was not established in 2021, which meant that migrant unaccompanied children were still being detained in the Foreigners Centre, while unaccompanied child asylum seekers were accommodated in the Student Dormitory Postojna or in the Asylum Home.

Detention of asylum seekers

- ❖ **IPA amendments:** The amendments of the IPA include the definition of the risk of absconding, which provided the legal ground needed in order for the Migration Directorate to detain asylum seekers. In 2021 the Migration Directorate therefore began to detain asylum seekers in the Foreigners Centre. The majority of asylum seekers were detained in the Foreigners Centre because their application was being processed in the Dublin procedure, or because they had violated public order.¹⁸ Families were also detained in the Asylum Home if their asylum applications were being processed in the Dublin procedure. Although the Migration Directorate considers detention on the premises of the Asylum Home as an alternative to detention, it is not deemed to be such by the Administrative Court.¹⁹ The amendments of the IPA did not introduce any other alternatives to detention. Therefore, alternatives to detention are still not available in Slovenia.

In addition, the new amendments allow the Government Office for the Support and Integration of Migrants (UOIM) to also detain asylum seekers on the ground of violation of public order.²⁰ This is a novelty, as up until this point the Migration Directorate was the only authority with the power to detain asylum seekers.

The IPA also allows the detention of individuals who have expressed the intention to apply for international protection but have not yet lodged an application. This provision was not used in 2021 and individuals were still detained unlawfully for up to 20 days, without any kind of decision or procedural guarantees, before lodging the application.

In addition, the IPA also allows the UOIM to de facto detain asylum seekers in solitary confinement if they carry out a serious violation of the Asylum Home house rules. These provisions are regulated separately from the provisions on detention. Individuals are not entitled to legal representation from refugee counsellors in order to appeal the decision.

The amendments of the IPA provide that asylum seekers detained in the Foreigners Centre may be subjected to the same measures as other migrants for violating the house rules in the

¹⁸ The violation of public order has to pose a real, current and sufficiently serious threat to the fundamental interests of the state.

¹⁹ Administrative court judgements: I U 62/2022, 19. January 2022, I U 59/2022, 19. January 2022 and I U 1887/2021 30. December 2021.

²⁰ The violation of public order has to pose a real, current and sufficiently serious threat to the fundamental interests of the state. In practice the measure is used in case the person is intoxicated, violent towards other applicants in the Asylum home or staff, or in case of destruction of property of the Asylum home.

Foreigners Centre. This means that they can also be subjected to solitary confinement for longer periods of time.

Content of international protection

- ❖ **Refugee status recognition:** In 2021 only 17 persons were granted international protection in Slovenia. This is the lowest number since 2008. The duration of the first instance procedure continues to be one of the biggest shortcomings of the asylum procedure in Slovenia.
- ❖ **Shortened financial assistance:** The amendments of the IPA limited the rights of beneficiaries of international protection while in the integration process. The duration of financial assistance for accommodation was shortened from 18 months to 1 year. Access to all rights, including accommodation is conditioned by signing the integration contract. In addition, beneficiaries who do not pass a Slovenian language exam²¹ at CEFR Level A1 within 1 year of obtaining international protection can be removed from the unemployment register, which is the predisposition for financial assistance. In practice due to the lack of Slovenian language courses and the limited number of exam terms, applicants face difficulties when passing the exam.

Response to the invasion of Ukraine

Individuals fleeing from Ukraine can be processed under the Temporary Protection of Displaced Persons Act²² or the International Protection Act in case they do not meet the conditions for the temporary protection – mainly if they were not in Ukraine on the 24 February 2022.

Upon entering Slovenia, individuals fleeing from Ukraine have to register with the police, where they can also apply for either temporary protection or international protection. If they applied for temporary protection and do not have means of subsistence for private accommodation or guaranteed private accommodation (with friends, family ect.) they are accommodated in centres in Logatec or Debeli Rtič. If they apply for international protection they can also be accommodated in the Asylum Home or its branch. Different NGOs are present in the centres implementing activities for children, free legal help, informational sessions regarding trafficking of persons, sexual and gender-based violence, individual psychological counselling etc.

Under the Temporary Protection of Displaced Persons Act, individuals are entitled to rights under the act upon receiving Temporary Protection status. Before Temporary Protection status is granted, they only have the right to freedom of movement on the territory, urgent medical care, and accommodation in one of the centres. Children have the same rights as Slovenian children meaning that they have the right to full medical care and education before obtaining temporary protection status.

The authority responsible for lodging the application for Temporary Protection status is the police. The police make the application and send it to the responsible administrative unit based on the applicant's place of residence. Administrative units are responsible for making decisions on temporary protection

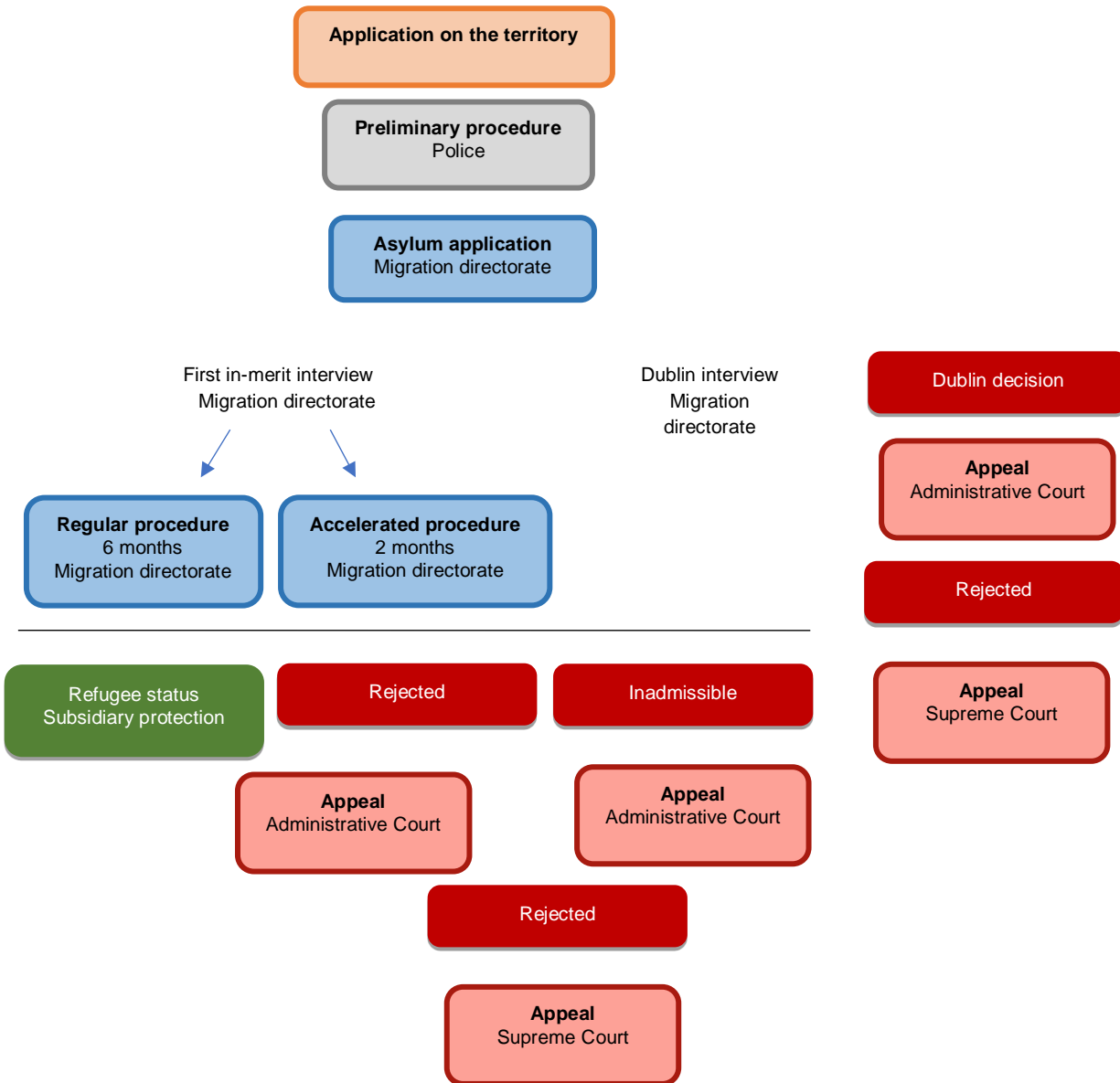
²¹ Level A1.

²² Temporary Protection of Displaced Persons Act, Official Gazette of RS, No. 16/17 available at: <https://bit.ly/3ac7w8T>.

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

Which types of procedures exist in your country?

- | | | |
|--|---|--|
| ❖ Regular procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Prioritised examination: ²³ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Fast-track processing: ²⁴ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Dublin procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Admissibility procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Border procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Accelerated procedure: ²⁵ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Other: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

Are any of the procedures that are foreseen in the law, not being applied in practice? Yes No

Although regulated in Article 43 of the International Protection Act (IPA),²⁶ the procedure at the border, airport or port is not used in practice. People who apply for international protection at the border, airport or port are therefore first processed by the Police in the preliminary procedure and then transferred to the Asylum Home in Ljubljana or its branch in Logatec as part of the ordinary procedure.

3. List of authorities that intervene in each stage of the procedure

Stage of the procedure	Competent authority (EN)	Competent authority (SI)
Intention to apply for asylum	Any state authority or authority of self-governing local community	Katerikoli državni organ ali organ samoupravne lokalne skupnosti
Preliminary procedure	Police	Policija
Application <ul style="list-style-type: none"> ❖ At the border ❖ On the territory 	Migration Directorate	Direktorat za migracije
Dublin	Migration Directorate	Direktorat za migracije
Refugee status determination	Migration Directorate	Direktorat za migracije
Judicial review	Administrative Court And Supreme Court	Upravno sodišče In Vrhovno sodišče
Subsequent application	Migration Directorate	Direktorat za migracije

²³ For applications likely to be well-founded or made by vulnerable applicants.

²⁴ Accelerating the processing of specific caseloads as part of the regular procedure.

²⁵ Labelled as “accelerated procedure” in national law.

²⁶ International Protection Act, Official Gazette of RS, No. 16/17 and subsequent amendments.

4. Determining authority

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the determining authority?
Migration Directorate	60	Ministry of the Interior	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Source: Migration Directorate.

The determining authority is the International Protection Procedures Division, which is part of the Migration Directorate of the Ministry of the Interior. It is a specialised and centralised authority responsible for examining applications for international protection and competent to take decisions at first instance.

Out of 60 employees at the Migration Directorate, 36 employees work in the International Protection Procedures division out of which 12 make decisions on asylum applications. This means that the caseworker conducting the interview is not necessarily responsible for deciding on the asylum application. The separation of tasks between an interviewer and a decision-maker was introduced in June 2016 with the aim of speeding up and improving the efficiency of the asylum procedure. Since then, when an application for international protection is lodged, a “first interview on the merits” is conducted, during which the applicant provides detailed grounds for applying for asylum. The case is then referred to a “decision maker”, who can either issue a decision on the asylum application or decide to conduct a second interview on the merits. There is no official communication between the first interviewer and the decision-maker.

As regards quality assurance, the Migration Directorate has established a mechanism whereby each decision has to be authorised by a responsible official of the International Protection Procedures Division before it is issued. A review is thus conducted on the case files, the documentation, country of origin information (COI) and the decision made in the individual case.

In absence of a specific unit responsible for applications from vulnerable persons, staff of the International Protection Procedures Division of the Migration Directorate receive specific training from the European Asylum Support Office (EASO) on three modules: interviewing vulnerable groups, interviewing children, gender identity and sexual orientation. In addition, EASO training on victims of human trafficking and COI was provided in the first half of 2019.²⁷ In 2020, training on the Dublin Regulation and interviewing vulnerable persons was provided. In 2021, only training on interviewing vulnerable persons was conducted.²⁸

5. Short overview of the asylum procedure

In Slovenia, the procedure for international protection is initiated in two phases. First, the individual expresses the intention to apply for international protection. Third-country nationals can express their intention before any state or local authority, which has the duty to inform the Police. From the moment someone has expressed an intention to apply for international protection, he or she cannot be deported from the country.²⁹ The Police conduct the “preliminary procedure” in which they establish the identity and travel route of the individual and complete the registration form.³⁰ In line with the new amendments of the IPA they also establish ‘other circumstances’ that could affect the asylum procedure. The Police also have

²⁷ ECRE, *Asylum authorities: an overview of internal structures and available resources*, October 2019, available at: <https://bit.ly/31b1Y6S>, 45.

²⁸ Official statistics provided by the Migration Directorate, March 2022.

²⁹ Article 36(1) IPA.

³⁰ Articles 42(1)-(2) IPA.

to inform the individual of the consequences of leaving the pre-reception area before lodging the application.³¹ During the procedure, the police must provide an interpreter, although due to the lack of interpreters this often does not take place. The Police also obtain a short statement as regards to the reasons for applying for international protection. The individual is then transferred to the Asylum Home or its branch Logatec where he or she starts the second phase of the procedure by lodging the application for international protection.

Prior to lodging the application, the personnel at the Asylum Home or its branch Logatec conduct a medical examination and the staff of the Migration Directorate take the person's photograph and fingerprints, which are run through the Eurodac database after the lodging of the asylum application.³² The IPA does not provide free legal representation for applicants in the first instance procedure. This was provided by the PIC – Legal Centre for the Protection of Human Rights and the Environment³³ and financed through the Asylum, Migration and Integration Fund (AMIF) to all asylum seekers until the end of April 2020. Since then, PIC continues to provide free legal help and representation, but on a smaller scale. In 2021 PIC assisted more than 676 asylum seekers. PIC lawyers provide legal information about asylum, represent them during the application and throughout the first instance procedure. A legal guardian is appointed to unaccompanied minors before the procedure begins and represents them in relation to the asylum procedure, reception, health protection, education and protection of property rights and interests from the beginning of the application throughout the entire procedure.³⁴

Before lodging an application, asylum seekers are shown an information video on the asylum procedure in Slovenia. The video contains information on the structure of the procedure, the rights and the obligations of the asylum seekers and the Dublin procedure. However, it does not contain information regarding the grounds on which international protection may be granted. It also does not provide information regarding the NGOs working on the field of asylum.

In the process of lodging the application, the individual is asked to state their personal information and describe the journey from their country of origin to their arrival in Slovenia. They also give a brief statement about their reasons for applying for international protection. The procedure is carried out in the presence of an interpreter who, at the end, orally translates the contents of the minutes for the applicant. If the individual has a legal representative or legal guardian they are also present during the procedure. By signing the minutes, the applicant officially obtains the status of an applicant for international protection in the Republic of Slovenia.

First instance procedure: At first instance level the international protection procedure is carried out by the Ministry of the Interior, specifically the International Protection Procedures Division of the Migration Directorate.

Following the lodging of the application, a **personal interview** is conducted, normally within a time period of one month, during which the applicant is expected to provide detailed grounds for asylum (“first interview on the merits”). Alternatively, if a link with another Member State pursuant to the Dublin Regulation is detected, instead of an interview for examination of any grounds for asylum, the applicant is invited to an interview for determination of the responsible country (“Dublin interview”). If it is determined in the Dublin procedure that Slovenia is responsible, the first interview on the merits is carried out.

Following the first interview on the merits, the case is referred to a “decision-maker”, who organises another interview on the merits if needed, before he or she takes an in-merit asylum decision on the case.

³¹ Article 42(2) IPA.

³² Articles 42(4)-(5) IPA.

³³ The website of PIC can be accessed here: <http://pic.si/>.

³⁴ Articles 16(1) and (3) IPA.

An **accelerated procedure** is also possible pursuant to the IPA.³⁵ There are only a few minor differences compared to the regular procedure, such as the deadline for judicial review. In addition, in the accelerated procedure the application can only be rejected as manifestly unfounded.³⁶

Pursuant to the law, an application can also be dismissed on grounds of the “safe third country” or “European safe third country” concept.³⁷ However currently Slovenia does not implement this mechanism, and no country is designated as a safe third country.

An application lodged by an unaccompanied minor can only be processed in the accelerated procedure if it is rejected as manifestly unfounded on grounds of “safe country of origin” or “if there are good reasons to believe that the applicant poses a threat to public order, public safety or national security of the Republic of Slovenia or has been removed from the country due to good reasons of endangering public order, public safety or national security.”³⁸

According to the law, asylum procedures normally need to be concluded within six months, however this is often not respected, leading to an excessively long duration of procedures - one of the most significant shortcomings of the Slovenian asylum system.

Prioritised examination of claims is possible pursuant to the IPA if the applicant is a vulnerable person with special needs and/or if the applicant is detained in the Asylum Home or the Foreigners Centre. However, in line with the amendments of the IPA, this will only take place if their application is substantiated.³⁹ In practice prioritised examination is not often used and individuals normally have to wait for extended periods of time for a decision.

Appeal: One cannot appeal against the decisions and resolutions passed in the international protection procedure; rather, the applicant can opt for an administrative dispute.⁴⁰ This is a judicial review of an administrative action, which is initiated by filing a lawsuit against the Ministry of the Interior. In the court proceedings that follow, the applicant for international protection acts as the plaintiff and the Ministry of the Interior as the defendant. The Administrative Court of the Republic of Slovenia, with headquarters in Ljubljana, decides on judicial review.

The amendments of the IPA shortened the timeframe in which an individual can apply for judicial review. The applicant still has to apply for judicial review of the decision within 15 days if it was made in the regular procedure. The timeframe for applications processed in the accelerated procedure was shortened from eight calendar days to three calendar days.⁴¹ The time frame for judicial review of all other decisions was also shortened from eight days to three.⁴² Judicial review has suspensive effect in the case of a rejected application, rejected request for extension of subsidiary protection, revocation of international protection status, cessation of the status based on withdrawal, safe third country decision, or dismissed subsequent application, while in all other cases the appeal does not have suspensive effect.⁴³ In these cases, the applicant can prevent enforcement, especially of return or removal from Slovenia, by adding a request to this effect to their application for judicial review.

Due to the amendments of the IPA, decisions of the Administrative Court can be challenged by way of appeal to the Supreme Court.⁴⁴ Therefore, individuals who lodged their application **before** the new amendments came to force⁴⁵ cannot lodge an appeal against a refusal decision, and the decision of the Administrative Court is final. In these cases, a decision of the Administrative Court can only be challenged

³⁵ Article 49 (1) IPA.

³⁶ *Ibid.*

³⁷ Articles 53-60 IPA.

³⁸ IPA 49 (2).

³⁹ Article 48 IPA.

⁴⁰ Article 70(1) IPA.

⁴¹ *Ibid.*

⁴² Article 70(2) IPA.

⁴³ Article 70(3) IPA.

⁴⁴ Article 70(4) IPA.

⁴⁵ The new amendments came to force on 09 November 2021.

with extraordinary legal remedies. Individuals who lodged the application **after** the amendments came to force⁴⁶ can appeal to the Supreme Court against the decision of the Administrative Court.

In both cases appeal to the Constitutional Court is also possible.⁴⁷

B. Access to the procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

1. Are there any reports (NGO reports, media, testimonies, etc.) of people refused entry at the border and returned without examination of their protection needs? Yes No
2. Is there a border monitoring system in place? Yes No
 - ❖ If so, who is responsible for border monitoring? National authorities NGOs Other
 - ❖ If so, how often is border monitoring carried out? Frequently Rarely Never

In early 2017, Slovenia adopted amendments to the Foreigners Act which allow for future restrictions on access to the asylum procedure. Pursuant to the amendments, the National Assembly (Parliament) can vote on suspending the right to asylum in the case that migration poses “a threat to public order and internal safety in the Republic of Slovenia”. If the parliamentary measure is adopted, the Police are instructed by law to reject all statements of intention to apply for international protection as inadmissible as long as the person wishing to apply entered Slovenia from a neighbouring EU Member State in which there are no systemic deficiencies of asylum procedure or reception conditions which could lead to torture, inhuman or degrading treatment. The Police then remove the person back to this neighbouring country. An appeal against the police order does not have a suspensive effect.⁴⁸

The adopted amendments were reviewed by the Constitutional Court at the initiative of the Slovenian Human Rights Ombudsman, prepared with support of civil society organisations.⁴⁹ The Constitutional Court ruled in U-I-59/17 that the amendments were in breach of Article 18 of the Constitution (prohibition of torture).⁵⁰ It noted that any legislative restrictions that limit the type and the number of circumstances which can form the basis of the individual’s claim regarding the existence of serious harm in case of return, and which limit the individual’s ability to access the procedure in which such a claim would be assessed, are in violation of the principle of *non-refoulement* enshrined in Article 18 of the Constitution. The Court also highlighted that the determination of “a threat to public order and internal safety in the Republic of Slovenia” under the Foreigners Act did not imply the existence of a state of emergency pursuant to Article 92 of the Constitution, which could justify the limitation of rights.

Nonetheless, in 2021 the National Assembly accepted the amendments of the Foreigners Act that establishes the concept of a “complex crisis in the field of migration”. In line with the new provisions, the Ministry of Interior regularly monitors the situation in the field of migration in Slovenia. If it detects that the situation regarding migration in Slovenia has changed, creating a “complex crisis”, the Ministry of Interior can propose that the government activates the articles of the Foreigners Act that allow the National Assembly to close the border for 6 months and restrict access to the asylum procedure. The proposal to activate the articles must involve an assessment of the situation and the effects of the “complex crisis” on the security threat level for the protection of fundamental constitutional social values, especially regarding the effective functioning of the legal and welfare state, the protection of public order and peace, the

⁴⁶ *Ibid.*

⁴⁷ Article 72 IPA

⁴⁸ Articles 10, 10a and 10b Aliens Act, Official Gazette of RS, No. 50/11 and subsequent amendments.

⁴⁹ See also Council of Europe Commissioner for Human Rights, ‘Slovenia: Commissioner concerned about adoption of amendments to Aliens Act that violate human rights’, 27 January 2017, available at: <http://bit.ly/2kA52Xw>.

⁵⁰ Constitutional Court, Decision U-I-59/17, 18. September 2019, available at: <https://bit.ly/2TUCkz5>.

efficient functioning of the economy, the protection of health and the life of the population, and the level of security.

Upon activation of the articles the police would have the authority to determine whether a person can apply for international protection after they express the intention to apply. If the police determine that an individual can be returned to another country, they can return the individual regardless of the provisions of the IPA. Exceptions would apply to unaccompanied minors and individuals whose health conditions prevent a return. The assessment of whether someone is an unaccompanied minor would be made by the police based on the person's appearance, behaviour and other circumstances. An appeal against the police order would not have a suspensive effect.⁵¹ In 2021 the amended provisions of the Foreigners Act were not yet activated.

The Slovenian Human Rights Ombudsman notified the European Commission of the newly adopted provisions and his position regarding the provisions. In his statement he noted that as the Government had failed to respect the decision of the Constitutional Court by proceeding with the adoption of the amended provisions, there is the possibility that another procedure before the Constitutional Court would not be effective, as the Government could once again fail to respect the decision.⁵² In February 2022, opposition parliamentarians submitted the provisions to the Constitutional Court for constitutional review.⁵³

Pushbacks, illegal police practices and other incidents at the border

In practice the police do not conduct any identification of persons in need of protection in migration groups entering the Slovenian territory.⁵⁴

In 2021 the police detected 10,067 irregular crossings of the Slovenian border. This is a 31,2% decrease in comparison to the previous year.

The most common countries of origin of people who were apprehended for irregular border crossing were: **Afghanistan** (3301), **Pakistan** (1500), **Bangladesh** (944), **Turkey** (737), **Croatia** (590), **Iran** (499), **Iraq** (288), **Kosovo** (239), **Nepal** (194), **Morocco** (183), followed by other nationalities.⁵⁵ The biggest decrease was the number of Moroccan nationals who irregularly crossed the border. The number dropped from 2,414 in 2020, to 183 in 2021. This can be partly attributed to the practice of mass detention the Ministry of Interior carried out in 2020, in line with which asylum seekers from Algeria, Morocco and Tunisia were automatically detained after irregularly crossing the Slovenian border and lodging an application for international protection.⁵⁶

According to the statistics, 5651 individuals expressed their intention to apply for international protection. This is a 41% increase from the 4007 individuals who applied in 2020.⁵⁷ The discrepancy between the number of irregular crossings and the number of people that actually enter the procedure for international protection, supported by numerous reports on pushbacks,⁵⁸ shows that access to the asylum procedure is still systematically denied to individuals in the police procedure. After the police procedure, individuals are returned based on the readmission agreement to the country from which they entered Slovenia.

⁵¹ The proposed changes of Article 10a and 10b of the Foreigners Act are available at: <https://bit.ly/3eZhMS3>.

⁵² Varuh človekovih pravic, *Varuh Evropsko komisijo seznanil s svojimi pogledi na novelirano tujsko zakonodajo*, 16. 8. 2021, available in Slovene at: <https://bit.ly/3wEsAwk>.

⁵³ N1, *Stranke KUL zahtevajo presojo ustavnosti določb zakona o tujcih*, available at: <https://bit.ly/39ACEP9>.

⁵⁴ This was also noted by the Slovenian Ombudsman in his 2019 NPM report: *Poročilo Varuha človekovih pravic RS o izvajanju nalog državnega preventivnega mehanizma po Opcijskem protokolu h Konvenciji OZN proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju za leto 2019*, available in Slovene at: <https://bit.ly/30Oxg32>.

⁵⁵ Official statistics available at: <https://bit.ly/3lCKzgGshorturl.at/drBGO>. Provided by the police, February 2022.

⁵⁶ For more information see AIDA report Slovenia, 2020 update, available at: <https://bit.ly/3sJxCXb>.

⁵⁷ *Ibid.*

⁵⁸ Border Violence Monitoring Network (BVMN), Individual testimonies and reports available at: <https://bit.ly/3vN2ki0>.

Readmission agreements form a system outside EU law and the CEAS provisions, and do not uphold the standards that these require. The readmission agreements allow the return of migrants in informal procedures in which individuals are not issued with a return decision, do not have the right to appeal and do not have the right to free legal aid or representation.⁵⁹ In practice, no assessment of whether the principle of *non-refoulement* could be violated by a return from Slovenia is conducted.⁶⁰ Therefore, there is no possibility for individuals in the procedure to argue that there has been a violation of the *non-refoulement* principle, or to challenge the decisions of the police. It is also not evident from the police documentation if individuals expressed an intention to apply for international protection, and if so, whether the police informed the individual of the right to asylum and how the person responded. This issue was also highlighted by the Slovenian Ombudsman in its reports.⁶¹

In 2021 the Slovenian police returned 4000 of the 10,067 apprehended migrants to neighbouring countries based on the readmission agreements. This is a 60.1% decrease as compared to the previous year. Out of the 4000 returned migrants, 1064 were from **Pakistan**, 818 from **Afghanistan**, 686 from **Bangladesh**, 314 from **Turkey**, 150 from **Kosovo**, 150 from **Iran**, 132 from **Nepal**, **104** from **Morocco**, 72 from **Iraq**, and 70 from **Syria**.⁶²

The large majority, 3860 persons, were returned to **Croatia**.⁶³ This is a large decrease from the 9949 persons who were returned last year. The decrease is due to the change in the practice of the Croatian police, who began to deny the requests of Slovenian police to accept individuals based on the readmission agreement. Reports show that migrants in the police procedure were not able to effectively access the asylum procedure. According to testimonies given upon their return to **Bosnia**, misinformation was given to migrants by the police during the police procedure, e.g. that there is no asylum in **Slovenia**, that they are not entitled to asylum or that they would be placed in asylum facilities but were in fact returned to **Croatia**.⁶⁴

Based on the readmission agreements, Slovenia also received 248 individuals. The decrease can be largely attributed to the change of practice in Italy, from which readmissions were suspended following an Italian court decision⁶⁵ in January 2021. The court determined that the readmission agreement could not form a legal basis for return as it is not in accordance with Italian and EU law. Nonetheless, PIC observed that returns did take place in 2021 based on readmission agreements from Italy to Slovenia.

In August 2020, individuals started to report collective expulsions from the Austrian border to Slovenia. The number of people returned based on the readmission agreement⁶⁶ between Slovenia and **Austria** increased from 23 people being returned by the end of July to 98 people being returned by the end of August. A total of 176 people were returned from **Austria** to Slovenia in 2020.⁶⁷ In 2021, 70 persons were readmitted from Austria on the basis of the readmission agreement.⁶⁸ Individual testimonies of individuals show that some were returned to Croatia by the Slovenian authorities after being readmitted from **Italy** or **Austria**.⁶⁹

⁵⁹ See for example: Agreement between the Government of RS and the Government of RC on delivery and reception of persons, whose entry or residence is illegal. – International agreements, Official Gazette of RS, no. 8/06., available in English at: <https://bit.ly/3vVpHWT>.

⁶⁰ Ombudsman, *Poročilo Varuha človekovih pravic RS o izvajanju nalog državnega preventivnega mehanizma po Opcijskem protokolu h Konvenciji OZN proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju za leto 2019*.

⁶¹ Ombudsman, *Vmesno (s)poročilo o aktivnostih in ugotovitvah Varuha o očitkih policistom, da zavračajo možnosti podajanja prošenj za mednarodno zaščito*, 22 August 2018, available in Slovenian at: <https://bit.ly/2PkOOS4>; Ombudsman, *Poročilo Varuha človekovih pravic RS o izvajanju nalog državnega preventivnega mehanizma po Opcijskem protokolu h Konvenciji OZN proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju za leto 2019*, available at: <https://bit.ly/31bkOWI>.

⁶² *Ibid.*

⁶³ *Ibid.*

⁶⁴ Border violence monitoring, individual testimonies and reports available at: <https://www.borderviolence.eu/>

⁶⁵ Decision of Ordinary Court of Rome, N.R.G.56420/2020, 18. January 2021.

⁶⁶ Readmission agreement between Slovenia and Austria available at: <https://bit.ly/3f69msn>.

⁶⁷ Official police statistics available at: <https://bit.ly/3vMfX0T>.

⁶⁸ Official police statistics available at: <https://bit.ly/3vMfX0T>.

⁶⁹ BVMN, individual testimonies and reports available at: <https://bit.ly/3vOZf0M> and <https://bit.ly/3lyAD7W>.

Border monitoring

There is no systematic border monitoring in Slovenia. Border monitoring is conducted by UNHCR. In 2021 UNHCR conducted 3 visits to police stations where they checked police records and conducted talks with the police. In order to conduct border monitoring, UNHCR must notify the police station prior to the visit. UNHCR can only check police documentation regarding individuals who applied for international protection.

Border monitoring is also conducted by the Slovenian Ombudsman within the National Preventive Mechanism framework. The Ombudsman can make unannounced visits to police stations and has the authority to check all of the police records regarding migrants in the police procedures. Based on these visits, observations and recommendations are given to the Ministry of the Interior and the police station. In 2021 the Ombudsman visited 21 police stations. During its visits the Ombudsman detected several problems regarding access to the asylum procedure. One of the main problems remains the lack of any screening for persons in need of international protection. The Ombudsman noted that the police do not conduct screening and do not provide information on international protection when individuals express an intention to apply for international protection. Collective procedures in which all individuals are processed at the same time remain a problem in police procedures. The Ombudsman noted that the police should process foreigners individually and that they should record whether the individual was informed about the right to asylum, and whether they want to claim it. Procedures should be conducted in order to establish the individual circumstances of each case. In each procedure the risk of *refoulement* should be assessed, which is not done in practice. ⁷⁰

Throughout 2021, the Border Violence Monitoring Network continued to report cases of individuals who claimed that they did not have access to the asylum procedure in **Slovenia**,⁷¹ while PIC also detected cases of asylum seekers claiming they were unable to apply for asylum after several attempts. Cases of summary returns were also detected by PIC and BVMN from **Italy** to Slovenia, and, from **Austria** to Slovenia.⁷² These reports, along with the police statistics on the number of people returned to Croatia based on the bilateral readmission agreement, indicate that people continue to have limited access to the asylum procedure in Slovenia.

Litigation and case-law on incidents occurring at the border

In 2019, a first judgment was also made by the Administrative Court in a case of a Moroccan citizen who applied for international protection in Slovenia and was rejected. After the asylum procedure was finished, he was returned to **Croatia** based on the bilateral readmission agreement, and subsequently to **Bosnia and Herzegovina**. The applicant started a subsidiary judicial procedure by filing a complaint before the Administrative Court alleging a violation of his human rights. The Administrative Court ruled that in the procedure, the applicant was unable to object to his return based on the prohibition of *non-refoulement*, and did not have an effective legal remedy since he was not issued with a written decision.⁷³ The Ministry of Interior appealed against this decision to the Supreme Court,⁷⁴ which found that the fact that a written decision was not issued to the applicant was not unlawful. The case was referred to the Constitutional Court on the initiative of the Ombudsman. The case was dismissed in December 2021 because the time limit for constitutional review expired.⁷⁵

In 2020, another judgment from the Administrative Court was also made in a case concerning a Cameroonian national in 2020.⁷⁶ The Cameroonian national crossed the Slovenian border in August 2019

⁷⁰ Ombudsman, *Policijske postaje 2021*, available at: <https://bit.ly/3166ZgJ>; <https://bit.ly/3Lo1zSZ>.

⁷¹ Border Violence Monitoring Network, *Reports*, available at: <https://bit.ly/2vM8IS3>.

⁷² BVMN, individual testimonies and reports available at: <https://bit.ly/3vOZf0M> and <https://bit.ly/3lyAD7W>.

⁷³ Administrative Court, Decision I U 1412/2018, 18 December 2019.

⁷⁴ Supreme Court Decision, I Up 21/2020, 8 July 2020.

⁷⁵ Constitutional Court Decision, Up-1114/20, 13. December 2021.

⁷⁶ Administrative Court, Decision, 1490/2019, 22 June 2020.

with the intention of applying for asylum in Slovenia. The applicant claimed that he had expressed the intention of applying for international protection several times while in the police procedure. The police did not register his intention and did not refer him to the preliminary procedure. Instead, he was taken to the Croatian border and returned to Croatia on the basis of the readmission agreement. The Croatian police then returned him to Bosnia and Herzegovina. The Administrative Court found that the police had violated the prohibition of *non-refoulement*, the prohibition of collective expulsion, and the right to access the asylum procedure by returning the applicant to Croatia on the basis of the readmission agreement. It also decided that Slovenia should allow the applicant to enter the territory and apply for international protection, and that the applicant should be paid 5,000 euros in compensation. The decision was annulled by the Supreme Court and returned to the Administrative Court.⁷⁷ In the new procedure, the Administrative Court decided again that the Slovenian authorities had violated the prohibition of *non-refoulement*, the prohibition of collective expulsion and the applicant's right to access the asylum procedure.⁷⁸ The Ministry of the Interior appealed the decision again and in the new procedure the Supreme Court confirmed the decision of the Administrative Court which thus became final.⁷⁹

In July 2021 a case concerning three Moroccan nationals came before the Administrative Court. The applicants crossed the Slovenian border in July 2021, after which they were apprehended by the police for irregular crossing at the border. During the police procedure they repeatedly asked for asylum in Slovenia. The police did not register their intent for international protection and did not refer them to the preliminary procedure. Instead, they were taken to the Croatian border and returned to Croatia on the basis of the readmission agreement. The Croatian police took them to the border with Bosnia and Herzegovina and forced them to cross the border on their own. By the end of 2021, a decision had not yet been made by the Administrative Court.⁸⁰

PIC did not detect any systematic physical or psychological violence conducted by the Slovenian national authorities or acts that amounted to disrespectful or insulting treatment.

2. Registration of the asylum application

Indicators: Registration

1. Are specific time limits laid down in law for making an application? Yes No
 ❖ If so, what is the time limit for lodging an application?
2. Are specific time limits laid down in law for lodging an application? Yes No
 ❖ If so, what is the time limit for lodging an application?
3. Are registration and lodging distinct stages in the law or in practice? Yes No
4. Is the authority with which the application is lodged also the authority responsible for its examination? Yes No
5. Can an application be lodged at embassies, consulates or other external representations? Yes No

Foreigners can express their intention to apply for asylum before any state or local authority, which has the duty to inform the police.⁸¹ From the moment someone has expressed an intention to apply for international protection, he or she cannot be deported from the country in accordance with the IPA.⁸²

According to Article 35 IPA, an individual who has entered Slovenia illegally must express his or her intention to apply for international protection within the shortest time possible. Failure to do so is one of

⁷⁷ Supreme Court Decision, I Up 128/2020, 28 October 2020.

⁷⁸ Administrative Court Decision, I U 1686/2020, 7 December 2020.

⁷⁹ Supreme Court Decision, I U 1686/2020, 9. April 2021.

⁸⁰ Administrative Court, case run under the number I U 1167/2021. A decision was not made at the time of the writing of the report.

⁸¹ Article 42(1) IPA.

⁸² Article 36(1) IPA.

the grounds that can lead to a rejection of the asylum application as manifestly unfounded in the [Accelerated Procedure](#).⁸³ Whether the individual applied in the shortest time possible must be decided based on the individual case. The application cannot be considered as manifestly unfounded solely on this ground.⁸⁴ Individuals who express an intention to apply for international protection in due time are exempt from any penalties regarding illegal entry.⁸⁵

1.1. The “preliminary procedure”

The Police conduct the so-called “preliminary procedure” in which they establish the identity and travel route of the individual and complete the registration form. They also inform the asylum seekers about the consequences of leaving the Asylum Home or its branch before lodging the application.⁸⁶ In line with the amendments of the IPA the police can also establish other circumstances that are relevant for the asylum procedure.⁸⁷ It is not clear what those circumstances are and what is the extent of the police's authority. The police make a report about the procedure and any circumstances identified, before giving it to the Migration Directorate as part of the registration form.⁸⁸ During the procedure they also take a short statement regarding the reasons for applying for international protection. The police documentation is part of the asylum procedure, and statements made during the preliminary procedure are used in practice to identify inconsistencies between the applicant's statements, and form part of the credibility assessment of the applicant. This is problematic, since in practice individuals in the police procedure often do not have a translator, and the procedures are not conducted individually, meaning that individuals do not have the opportunity to make individual statements at this stage.⁸⁹

In accordance with the IPA, each person in the process must be provided with interpretation and translation in a language that the person understands.⁹⁰ This is not necessarily the individual's mother tongue, and it is up to the police to judge whether an individual understands the language. Interpreters for some languages are not available in Slovenia, or may not be available at the given time, or the provided interpretation is of poor quality, which may lead to problems with accessing the asylum procedure. Interpreters are selected based on a public call. During the selection, interpreters are not subject to a test to determine their level of knowledge of the Slovenian language or the language they interpret. The decisive factor in the public call is the price of the interpreter's services. Those with the lowest prices are prioritised on the list of interpreters that the police can use in the procedures. In practice, the police also sign separate contracts with interpreters who do not have any proof of obtaining formal education in their countries of origin.

Proper interpretation is therefore one of the main systemic challenges individuals face in the preliminary procedure. The statements taken in the preliminary procedure are often not in accordance with the statements made by individuals later in the process, while lodging the application. Individuals often claim that the statements in the preliminary procedure were not read to them or were not correctly translated. Inconsistencies between the statements made during the preliminary procedure and those made while lodging the applications also form part of the credibility assessment of the asylum seeker. Since there is no systematic monitoring of the conduct of police during the procedure and the work of interpreters, recording should be introduced in the police procedure to allow for comprehensive supervision. This way, it would be possible to quickly dispel any potential doubts concerning the conduct of the police during the procedure, while making it easier to detect any possible violations of standards.

⁸³ Article 52, seventh indent IPA.

⁸⁴ See for example: Administrative Court Decision, I U 1894/2011, 17 November 2011.

⁸⁵ Article 35 IPA.

⁸⁶ Articles 42(1)-(2) IPA.

⁸⁷ Article 42(2) IPA.

⁸⁸ Article 2(5) and 3(2) of 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.

⁸⁹ Ombudsman, *Poročilo Varuha človekovih pravic RS o izvajanju nalog državnega preventivnega mehanizma po Opcijskem protokolu h Konvenciji OZN proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju za leto 2019*, available at: <https://bit.ly/3c9H26y>, Ombudsman, *Končno poročilo o obravnavi policijskih postopkov s tujci na območju Policijske postaje Ilirska Bistrica 19. 7. 2019*, available in Slovenian language at: <https://bit.ly/3r3nG7j>.

⁹⁰ Articles 4 and 6(1) IPA.

Irregularities in the police procedure were also detected by the Ombudsman during the visits to the police stations carried out in 2021. As in previous years the Ombudsman detected irregularities in procedures with foreigners, including lack of:

- proper documentation of the police procedure;
- translation;
- providing information regarding asylum;
- procedural guarantees for unaccompanied minors;
- individually conducted procedures.⁹¹

During its visits, the Ombudsman detected that the police procedure was often not concluded individually or properly documented (inconsistencies, lack of information, and the use of incorrect forms were the most common irregularities). In addition, the police procedure was often not documented in a manner that could remove all doubt about whether an individual expressed the intention to apply for international protection. The Ombudsman also noted that it was not evident from the documentation whether, and in what form, the police informed migrants about their right to asylum. The Ombudsman also detected procedures for unaccompanied minors in which social services were not notified about the procedure, and in which procedural guarantees for minors were not respected, which prevented minors from accessing the asylum procedure.⁹² Access to the asylum procedure continued to be one of the main issues in 2021 (See: [Access to the territory and push backs](#)).

Once the preliminary procedure is concluded by the police, the individual is transferred to the Asylum Home in **Ljubljana** or its branch **Logatec**. The applicant does not receive a document from the police certifying his or her intention to seek asylum at that stage.

1.2. Lodging of the application

After the preliminary procedure individuals who express their intention to apply for international protection are brought to the **Asylum Home** or its branch facility in **Logatec**.

There is no time limit prescribed for the authorities between the expression of intention to apply for asylum and the lodging of the application. The average time for registration of the application has increased steadily. In 2021, due to the COVID-19 pandemic, asylum seekers were subject to 7 – 10 days quarantine upon their arrival at the Asylum Home or its branch. However, even after the quarantine period was complete, asylum seekers had to wait significant periods of time to lodge their applications, due to the backlog in applications. In practice asylum seekers were waiting up to 20 days to lodge the application (together with the quarantine period). While waiting to lodge the application, asylum seekers are *de facto* detained (see [Detention: General](#)). They are not issued with a detention order in respect of their detention in the **Asylum Home** or its branch. They also do not have the right to free legal advice or representation regarding their detention. Telephones and documents confiscated by the police during the police procedure are normally returned to asylum seekers when they lodge their application, meaning that while they are *de facto* detained, asylum seekers cannot communicate with the outside world in order to obtain legal counsel or in order to notify their family members of their whereabouts. In addition, translators are rarely present in the pre-detention area. As individuals are not considered to be asylum seekers until after they lodge the application, they do not have access to services before they lodge the application and thereby obtain the rights of asylum seekers. They are also not given any document that would allow them to move freely within the territory. They must sign a statement declaring that they agree to be processed as foreigners if they leave the premises of the Asylum Home or its branch before they lodge the application, meaning they can subsequently be detained in the **Foreigners Centre** and processed in the return procedure based on the bilateral readmission agreements or the Foreigners Act.

Prior to lodging the application, the medical staff at the Asylum Home or its branch conduct a medical examination. During the medical examination, an assessment as to the person's vulnerability also has to

⁹¹ Ombudsman, *Policijske postaje 2021*, available at: <https://bit.ly/3Lo1zSZ>; <https://bit.ly/3c78bGW>.

⁹² *Ibid.*

be made.⁹³ Subsequently the staff of the Migration Directorate will photograph and fingerprint applicants older than 15 years, and run these fingerprints through the Eurodac database.⁹⁴ Afterwards, they are shown a video presentation on the asylum procedure in Slovenia. The video contains the procedural steps, the rights and obligations of asylum seekers in the procedure, information about the Dublin procedure, refugee counsellors and judicial review. It does not contain any explanation regarding the reasons for granting asylum. In 2021 the video was adapted for unaccompanied minors – it contains additional information regarding the procedure for unaccompanied minors but not information on reasons for granting asylum. According to the IPA, unaccompanied minors have to be informed about their rights and obligations before they lodge an application, and this must be done in a manner that is adjusted to their age and development.⁹⁵ Excluding the additional information, the video for unaccompanied minors does not differ from the video presentation intended for adult asylum seekers. The video presentation is the same for all unaccompanied minors and is not adjusted for younger unaccompanied minors.

The application is then lodged at the Migration Directorate. However, the officials who conduct the lodging of the application are not the same as those who take the final decision on the application. In the process of lodging the application, the individual is asked to state their personal information and describe the journey from their country of origin to their arrival in Slovenia. They also give a brief statement about their reasons for applying for international protection.

If the applicant has a legal representative or a legal guardian, this person will be present during the procedure together with the translator. The application is lodged after the minutes are read and signed by all who were present at the lodging, confirming their content.

According to the amendments of the IPA, if a person expresses their intention to apply for international protection at the border, at an airport or at a port, the competent authority can only process it in the border procedure if the application is inadmissible, in which case it will be processed in the accelerated procedure, or if the applicant has lodged a request for a subsequent application. During the procedure, the applicant is accommodated at the border, airport or port. The new amendments also prolonged the timeframe in which the Ministry has to make a decision from 14 days to three weeks. If the Migration Directorate does not issue a decision within three weeks, or the applicant's decision is processed in the regular procedure, the applicant is allowed entry into the territory. The fiction of pre-entry is also a novelty.⁹⁶ In practice, due to a lack of infrastructure, this procedure at the border, airport and port is not used. Applicants who submit their application at the border, at an airport or at a port are subject to the regular procedure.

The general rule is that an application is lodged orally. The new amendment introduced a new provision under which the application can also be lodged in writing or electronically. The new provision states that in case where there are exceptional circumstances, the Migration Directorate can notify the asylum seeker to lodge the application in writing or electronically.⁹⁷ The application consists of a special form which is filled in by the applicant, and the assistance of the Migration Directorate officials is available in order to do so.⁹⁸ Since the provision came to force in November 2021, it has not been used in practice, so it is unclear how and when the provision might be carried out and how it would affect the individual's asylum procedure.

⁹³ Article 13(1) IPA.

⁹⁴ Articles 42(4)-(5) IPA.

⁹⁵ Article 16(5) IPA.

⁹⁶ Article 43(1)-(2) IPA.

⁹⁷ Article 45(1) IPA.

⁹⁸ Article 10(4) 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.

C. Procedures

1. Regular procedure

1.1. General (scope, time limits)

Indicators: Regular Procedure: General

1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: 6 months
2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? Yes No
3. Backlog of pending cases at first instance as of 31 December 2021: 584

The determining authority must take a decision in the shortest time possible, and no later than six months from lodging the application. If it cannot make a decision within six months, it needs to inform the applicant in writing about the delay, the reasons for the delay and the time frame in which he or she can expect a decision. If it cannot make a decision in the estimated time frame, it can again inform the applicant in writing about the reason for the delay and set a new time frame in which he or she can expect the decision.⁹⁹ In practice the reasons in writing are only given in very broad terms, e.g. “the authority is working on pending cases that were submitted earlier and on priority cases of vulnerable persons.”

The determining authority can extend the 6-month time limit for no longer than 9 months: (a) if the applicant does not fulfil his or her obligations regarding the asylum procedure; (b) if the authority is faced with complex legal and factual questions; or (c) in case of a large number of applications for international protection.¹⁰⁰ According to the amendments of the IPA, if the Migration Directorate is to extend the time limit for decisions due to a large number of applicants for international protection, it has to notify the European Commission about this decision at least once per year. The Migration Directorate also has to notify the European Commission as soon as the reasons for the extension no longer exist.¹⁰¹ It is evident from the proposal of the amendments¹⁰² that the purpose behind the provision is to implement article 49, paragraph 3 of the Asylum Procedures Directive. The IPA does not contain any objective criteria regarding the number of asylum seekers or other circumstances that would prompt the use of the provision.

The Ministry can further extend the additional 9-month time limit by no more than a further 3 months, under justified circumstances and in order to ensure proper and comprehensive examination of the application.¹⁰³

The determining authority may suspend the procedure if due to an uncertain situation in the country of origin, which is expected to be of temporary nature, it cannot be expected from the determining authority to make a decision in any of the above-mentioned time frames. In this case the determining authority needs to review the situation in the country of origin every 6 months, inform the applicant about the reasons for suspending his application and inform the European Commission about the suspension of all procedures regarding this country of origin. The maximum time period in which the application needs to be examined in this case is 21 months.¹⁰⁴

If the application of the asylum seeker is processed in the Dublin procedure, the time limit for making a decision starts when it is established, in accordance with the Dublin regulation, that Slovenia is responsible for the examination of the application and the applicant is on its territory.¹⁰⁵

⁹⁹ Article 47(1)-(2) IPA.

¹⁰⁰ Article 47(3) IPA.

¹⁰¹ *Ibid.*

¹⁰² Državni zbor: *Besedilo Predloga zakona o spremembah in dopolnitvah Zakona o mednarodni zaščiti*, available in Slovene at: <https://bit.ly/3G3xBD0>.

¹⁰³ Article 47(4) IPA.

¹⁰⁴ Article 47(5)-(6) IPA.

¹⁰⁵ Article 47(8) IPA.

There are no consequences set out in law for not respecting the time limit. In practice the time limits are not respected, and duration of the procedure is one of the biggest shortcomings of the Slovenian asylum system. In 2021, 5,301 applications for international protection were lodged and 584 asylum applications were pending by the end of the year. According to the official statistics, the average duration of the procedure in 2021 was 26 days, however this includes procedures that were stopped due to the high absconding rate of applicants, and Dublin procedures.¹⁰⁶

In 2020, the overall refugee recognition rate dropped from 38% in 2019 to 28.6% in 2020. This decrease is particularly striking for certain nationalities. For Afghan applicants, the recognition rate decreased from 66.67% in 2019 to 40% in 2020.; for Iranian applicants from 72.7% in 2019 to 50% in 2020; and for Iraqi nationals from 83.3% in 2019 to 62.5% in 2020. In 2021 the Migration Directorate granted refugee status to 17 individuals, which is the lowest number since 2008. The recognition rate for Afghan applicants dropped to 30% and for Iranian applicants to 37%. The lack of legal representation and the new way of providing information through a video presentation are likely to be two of the key factors that affected this drop in the recognition rate for refugee status. In 2021, only 17 persons were granted international protection in Slovenia.¹⁰⁷

1.2. Prioritised examination and fast-track processing

According to Article 48 IPA the Migration Directorate must prioritise cases of vulnerable persons with special needs or cases in which the applicant has been detained in the **Asylum Home** or the **Foreigners Centre**. However, in accordance with the amendments of the IPA, this should only be if it is likely that the application is substantiated. These are the only cases that can be prioritised. However, this is often not respected in practice. Official statistics on the number of prioritised applications is not gathered by the Migration Directorate.

According to Article 49/1 of the IPA, in a fast-track procedure, the application can only be rejected as manifestly unfounded. 92 applications were processed in the fast-track procedure in 2021 out of which 12 applications were submitted by unaccompanied minors.¹⁰⁸ All applications processed in the fast-track procedure were rejected as manifestly unfounded.¹⁰⁹

1.3. Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the regular procedure? Yes No
 - ❖ If so, are interpreters available in practice, for interviews? Yes No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? Yes No
3. Are interviews conducted through video conferencing? Frequently Rarely Never
4. Can the asylum seeker request the interviewer and the interpreter to be of a specific gender? Yes No
 - ❖ If so, is this applied in practice, for interviews? Yes No

The law provides that the Migration Directorate has to conduct the personal interview before taking a decision both in the regular and accelerated procedure, in the inadmissibility procedure and in the Dublin procedure.¹¹⁰ The personal interview can be omitted if:¹¹¹

¹⁰⁶ Official statistics provided by the Migration Directorate, March 2022.

¹⁰⁷ *Ibid.*

¹⁰⁸ *Ibid.*

¹⁰⁹ *Ibid.*

¹¹⁰ Article 46(1) IPA.

¹¹¹ Article 38(1) IPA.

- The Migration Directorate can grant the applicant international protection on the basis of evidence at its disposal;
- The applicant cannot participate in the procedure on his or her own due to a temporary or permanent mental disorder or illness or reasons which prevent him or her from understanding the meaning of the procedure.
- if the applicant has otherwise provided relevant information for the process of determining the State responsible for examining the application, provided that the competent authority enables the applicant, before making a decision on his transfer to the responsible State, to send all relevant information needed for the correct decision on the responsible State.

At the lodging of the application the asylum seeker is given the date and time of the personal interview. Under the new provisions of the IPA the personal interview can be conducted immediately after the application is lodged, on the condition that the application is processed in the border procedure, or that enough information is given, while lodging the application, for a reasonable conclusion to be made that the grounds for processing the application as inadmissible or manifestly unfounded are met.¹¹²

The personal interview is carried out by the officials of the Migration Directorate that have previously carried out the application procedure. This normally occurs within one month of the lodging of the application. During this interview (“first in-merit interview”) the officials of the Migration Directorate aim to establish the identity of the applicant and accompanying family members, the reasons for asylum and all other facts and circumstances that are important for the decision.¹¹³ The applicant is expected to provide detailed grounds for asylum. He or she is also expected to provide documents and other evidence during the personal interview.¹¹⁴ Until June 2016, the first in-merit interview regarding grounds for asylum was conducted together with the lodging of the asylum application. Since then, this has been separated into two discrete phases in an attempt to make procedures more efficient, considering that about half of the applicants abscond soon after the lodging of the application and about 20% have their applications dismissed in Dublin procedures, meaning that many lengthy interviews regarding grounds for asylum were conducted in vain. It also enables the Migration Directorate to lodge a higher number of applications on a daily basis. Nonetheless, delays in individuals being able to lodge an application are increasing each year, and this continues to be one of the bigger shortcomings of the asylum system in Slovenia. (See also: [Lodging of the application](#))

Following the first in-merit interview, the case is referred to a “decision-maker”, who decides if another in-merit interview is needed before he or she takes an in-merit asylum decision on the case. In some cases, this interview is omitted when the decision-maker can grant the applicant international protection on the basis of evidence at their disposal or reject the application. Before the final decision is issued, it has to be authorised by a responsible official of the sector for international protection procedures.¹¹⁵

Although there is no official statistics on the number of personal interviews, the Ministry of Interior estimates that approximately 250 personal interviews were conducted in 2021.¹¹⁶ There was no particular change in the way of conducting interviews as a result of COVID-19, i.e. they continued to be carried out in person. Due to the high absconding rate, the Migration Directorate changed the practice in mid-2021 and conducted personal interviews with the remaining asylum seekers within one week of the applicant lodging the application.

¹¹² Article 45(5) IPA.

¹¹³ Article 46(2) IPA.

¹¹⁴ Article 21(2) IPA.

¹¹⁵ Information provided by the Migration Directorate, February 2021.

¹¹⁶ Information provided by the Migration Directorate, March 2022.

1.3.1. Interpretation

The IPA states that the assistance of an interpreter must be provided to a person who does not understand the official language during the lodging of the application and during the personal interview. In other justified cases the assistance of an interpreter can be approved by the competent authority.¹¹⁷

The amendments of the IPA also include the provision under which applicants and refugee counsellors are also entitled to the assistance of an interpreter during the procedure before the Administrative or Supreme Court. They are entitled to 2 hours or four translation pages per case,¹¹⁸ no matter the lengthiness of the procedure. This provision was included in the amendments of the IPA as the result of a Supreme Court decision, stating that applicants are entitled to an interpreter if required for communication with their refugee counsellors in preparation of the legal remedy.¹¹⁹ In 2021 the help of translators was provided to refugee counsellors in four cases, upon the request of the refugee counsellors.¹²⁰

According to the IPA, the interpreter is bound to respect the rules of the Code of Conduct for interpreters and translators in the international protection procedures which is adopted by the Minister of the Interior. The Ministry also needs to inform the interpreters on the rules and specifics of interpreting in the international protection procedures and on their role in such procedures.¹²¹

The quality of interpretation varies considerably and, in some cases, does not meet required standards. Interpreters are selected based on a public call. During the selection, interpreters are not subject to a test to determine their level of knowledge of the Slovenian language or the language they interpret. Although interpreters have to submit proof of language, education and references, the decisive factor in the public call is the price of the interpreter's services. Those with the lowest prices are prioritised on the list of interpreters that the Migration Directorate can use in the procedures. The Migration Directorate does not monitor the quality of the translation. In practice, interpreters are required to operate in languages in which they are not fluent, but which are used in their countries of origin. As they cannot write in these languages, decisions on asylum are often wrongly translated by interpreters. There were also cases where the translation stated that the person does not have the right to appeal the asylum decision. The lack of proper interpretation affects the credibility assessment of asylum seekers. Systematic changes in the selection of interpreters should be made in order to provide asylum seekers with proper interpretation in the asylum procedure and protect their ability to obtain international protection in Slovenia.

The IPA states that upon the request of the asylum seeker, if possible, they can be provided with the interpreter of the same sex.¹²² In practice this is often not respected due to the lack of available female interpreters.

Interpreting can be conducted through video conferencing if secure data transfer is guaranteed.¹²³ In practice this is used only for the interpretation of languages for which an interpreter cannot be provided in Slovenia. Translation through videoconference was used on two occasions for lodging an application, due to the obligatory quarantine of the only translator available for a certain language.¹²⁴ The Ministry of Interior can also ask for help with the interpretation from another Member State, the institution of the European Union or other international organisation.¹²⁵ In practice this provision has not been used.

1.3.2. Recording and report

¹¹⁷ Article 6(1)-(2) IPA.

¹¹⁸ Article 11(1) IPA.

¹¹⁹ Supreme Court, Decision I Up 226/2017.

¹²⁰ Information provided by the Migration Directorate, March 2022.

¹²¹ Article 6(10)-(11) IPA.

¹²² Article 6(6) IPA.

¹²³ Article 6(13) IPA.

¹²⁴ Information provided by the Migration Directorate, March 2022.

¹²⁵ Article 6(12) IPA.

Minutes are taken during the lodging of the application and during personal interviews. According to the law, the interview can also be recorded with audio/video electronic devices. In this case, the competent authority needs to ensure that the recording is attached to the official record which needs to contain a note that the recording has been made.¹²⁶ In practice the audio/video recordings are not used.

The applicant's statements are not written down verbatim; the interpreters often only summarize the applicants' statements and the interviewer rephrases the translated answers so as to include their important elements. At the end of the application or personal interview the interpreter has to orally translate the contents of the report to the applicant, who can then add comments. When the applicant signs the minutes after lodging the application, he or she officially obtains the status of an applicant for international protection in Slovenia. Others who are also present at the lodging (e.g. the official of the Migration directorate, translator, legal guardian, legal representative) also have to sign the minutes. Further changes cannot be made to the official minutes at a later time.

In practice, asylum seekers often complain upon second reading that their statements were wrongly interpreted, and that their statements were not properly read to them by the interpreter, meaning that they were not aware of the content of the minutes made during the interview.

1.4. Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?

❖ If yes, is it	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If yes, is it automatically suspensive	<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative
	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Some grounds <input type="checkbox"/> No

2. Average processing time for the appeal body to make a decision: Not available.

The legal remedy available to asylum applicants is judicial review, which is initiated by filing a lawsuit against the Ministry of the Interior.¹²⁷ In the proceedings that follow, the applicant for international protection acts as the plaintiff and the Ministry as the defendant. The Administrative Court of the Republic of Slovenia, with headquarters in **Ljubljana**, decides on the application for judicial review. The general rules of procedure are set out in the Administrative Dispute Act, while specific provisions particular to judicial review in international protection procedures are included in the IPA.

If the application was rejected in the regular procedure the deadline for lodging the judicial review is 15 days. The Administrative Court needs to decide on it within 30 days,¹²⁸ yet court procedures are usually much longer in practice, sometimes taking up to one year or longer. The length of the procedure mostly depends on the complexity of the case. This practice continued in 2021, although the courts continued their activities throughout the year regardless of the pandemic.¹²⁹

An application for judicial review against the rejection of an application in the regular procedure has automatic suspensive effect.¹³⁰ The review includes an assessment of both facts and points of law.

In practice, most asylum applicants that receive a rejection decision file for judicial review. They are represented by an appointed refugee counsellor. In 2020 the practice of accessing refugee counsellors has changed and asylum seekers faced challenges in obtaining the representation of refugee counsellors (see [Legal assistance on appeal](#)).

¹²⁶ Article 37(7) IPA.

¹²⁷ Article 70(1) IPA.

¹²⁸ Articles 70(1) and 71(1) IPA

¹²⁹ Information provided by the refugee counsellors, March 2022.

¹³⁰ Article 70(3) IPA.

In 2021 the practice of the Administrative Court changed and oral hearings became more frequent due to the decision of the Supreme Court in *X Ips 22/2020*¹³¹ in which the court noted that an oral hearing has to be conducted if the facts of the case are disputed, and that the court has to make a decision regarding the suggested evidence at the oral hearing.¹³² In practice however, the fact that the oral hearing is conducted does not necessarily mean that the applicant will be questioned. Therefore, the oral hearings in some cases last less than 20 minutes. The practice of conducting oral hearings differs between judges based on their interpretation of the Supreme Court's decision. In 2021, the Administrative Court carried out 106 oral hearings. In 64 cases, the Administrative Court made decisions without an oral hearing.¹³³

Oral hearings are public. Decisions of the Administrative Court are published, with information on identity of applicants removed.¹³⁴

In the vast majority of the cases where the Administrative Court finds faults in the first instance decision, it annuls the decision and returns the case to the first instance. When the case is returned to the first instance, the Migration directorate is obliged to issue a new decision within 30 days.¹³⁵ However, this is not respected in practice. Instead, the repeated procedure in front of the Migration directorate again takes an excessively long time, which can bring the duration of the entire asylum procedure, from the time of lodging the application to the final decision, to several years. In addition, the Migration directorate often does not respect the decision or the instructions of the Administrative Court, which can further prolong the procedure. In 2021 the Administrative Court overturned the decision of the Ministry in 6 cases and granted refugee status to the applicant.¹³⁶

The amendments of the IPA again introduced the right of appeal to the Supreme Court against a decision of the Administrative Court.¹³⁷ The Supreme Court has to decide on the appeal within 30 days of receiving the appeal.¹³⁸ The amendment applies only to those asylum seekers who lodged the application after the amendments came to force. (Applicants who lodged an application before 24 April 2016 can also appeal to the Supreme Court against a decision of the Administrative Court, based on the provisions of the IPA that were in force before that date). In 2021, since the provision came to place, appeals to the Supreme Court were made in 5 cases.¹³⁹

Asylum seekers who lodged the application before 09 November 2021 cannot appeal against a decision of the Administrative Court but can only challenge the decision by way of extraordinary legal remedies.

Decisions of the Supreme Court are published, with identifying information of applicants removed.¹⁴⁰

In both cases, applicants can appeal to the Constitutional Court. The appeal needs to be lodged within 15 calendar days of the applicant being served the decision of the Administrative Court or the Supreme Court.¹⁴¹ Decisions of the Constitutional Court are published, with identifying information of applicants removed.¹⁴²

In 2021, 147 appeals were lodged at the Administrative Court regarding asylum. 43 were lodged against negative asylum decisions. In 2021 the Administrative Court made 170 decisions regarding asylum. In 106 cases the Administrative Court conducted a hearing before making the decision.¹⁴³

¹³¹ Supreme Court decision, *X Ips 22/2020*, 26. 8. 2020, available at: <https://bit.ly/3NqdKA8>.

¹³² The decision of the Supreme Court follows the decision of the Constitutional Court *Up 360/16-22*, 18.6.2020 and the decisions of the ECtHR in *Mirovni inštitut v. Slovenia* and *Cimperšek v. Slovenia*.

¹³³ Official statistics provided by the Administrative Court, February 2022.

¹³⁴ Decisions can be found at: <http://www.sodnapraksa.si/>.

¹³⁵ Article 64(4) Administrative Dispute Act.

¹³⁶ In 2019, the Administrative Court granted refugee status in 9 cases.

¹³⁷ Article 70(4) IPA.

¹³⁸ Article 71(4) IPA.

¹³⁹ Official statistics provided by the Migration Directorate, March 2022.

¹⁴⁰ Available in Slovene at: <https://bit.ly/38vowWZ>.

¹⁴¹ Article 72 IPA.

¹⁴² Available in Slovene at: <https://bit.ly/3sxUORc>

¹⁴³ Official statistics provided by the Administrative Court, February 2022.

1.5. Legal assistance

Indicators: Regular Procedure: Legal assistance

1. Do asylum seekers have access to free legal assistance at first instance in practice?
 Yes With difficulty No
❖ Does free legal assistance cover:
 Representation in interview
 Legal advice

2. Do asylum seekers have access to free legal assistance on appeal against a negative decision in practice?
 Yes With difficulty No
❖ Does free legal assistance cover:
 Representation in courts
 Legal advice

1.5.1. Legal assistance at first instance

Although the IPA does not provide free legal representation for applicants in the first instance procedure, this was provided by a non-governmental organisation financed by AMIF, under which most funding was provided by the European Commission and a smaller part by the Republic of Slovenia. At the end of April 2020, the AMIF program concluded. This coincided with the formation of a new government in Slovenia that decided that they will not open a new call for the AMIF project. Since then, legal advice and representation is no longer provided to all asylum seekers in Slovenia.

The NGO providing legal representation during the first instance is PIC – Legal centre for the protection of human rights and the environment. PIC provides legal representation throughout the whole first instance procedure which includes representation during the application and all subsequent personal interviews, legal assistance throughout the asylum procedure, preparation of country of origin information and help with accessing refugee counsellors when judicial review needs to be lodged. In 2020 PIC represented more than 676 individuals in the asylum procedure. PIC remains the only NGO providing legal assistance to asylum applicants.

PIC has an office next to the **Asylum Home** in Ljubljana, the accommodation facility where the majority of applicants reside during the international protection procedure. PIC lawyers are available to asylum applicants by phone and email every working day between 8 am and 3 pm. Additionally, they also organise in person meetings and visit the Asylum Home or its branches and the Foreigners Centre.

In 2021 the Ministry of Interior published a new AMIF call for individuals, particularly refugee counsellors to provide free legal help and representation to asylum seekers during the first instance. Under the program free legal help and representation would not be provided to all asylum seekers. Vulnerable asylum seekers would be provided with free legal help and representation for lodging the application while others could be provided with the services during the personal interview if they asked for representation. Non-governmental organisations were not able to apply to the call. The call was not public but was instead sent to a limited number of refugee counsellors that were selected by the Ministry of Interior. Out of the applications 6 refugee counsellors were selected for the call based on the offered price and their references. The project started in April 2022 however it is not yet clear how it will be implemented in practice.

1.5.2. Legal assistance on appeal

Legal assistance in the appeal procedure is provided to applicants by refugee counsellors.¹⁴⁴ They are graduate lawyers, selected by public tender and appointed to the position by the Ministry of Justice for a term of 5 years. Before starting work, they have to pass an exam and participate at a seminar on law of international protection for a minimum duration of 10 hours.¹⁴⁵ In line with the new amendments of the IPA they also have to pass a security check and obtain permission to access classified information.¹⁴⁶

There is no “merits test” on the basis of which the applicant can be refused legal assistance.

Applicants therefore have access free of charge to refugee counsellors who initiate judicial review on their behalf and represent them in court. In 2018 a new public tender was finalised, and a new list of refugee counsellors was drawn up. The list included 44 refugee counsellors who were appointed for five years.¹⁴⁷ In January 2022 the list included 42 refugee counsellors.¹⁴⁸ A new public call was published in October 2021; however, the procedure of appointing a new refugee counsellor was not finalised by the end of the year.

The amendments of the IPA include several novelties regarding the work of refugee counsellors. According to the new provision refugee counsellors have to pass a security check and obtain permission to access classified information.¹⁴⁹ They are the only legal professionals in Slovenia that have to do so in order to be able to represent their clients. Under the new provisions, they are entitled to the assistance of a translator for the amount of 2 hours or 4 translator pages per case.¹⁵⁰ They are not entitled to reimbursement for extraordinary legal remedies¹⁵¹, however they are entitled to reimbursement for the appeal procedure before the Supreme Court.¹⁵² They are still not entitled to reimbursement for representation before the Constitutional Court, the ECtHR or the CJEU.¹⁵³

One of the most notable and problematic changes is the new ground for dismissal of the refugee counsellor. Under the new provisions the refugee counsellor can be dismissed from their role by the Ministry of Justice if it is established that he or she:

- is aware of the true identity of the asylum seeker;
- has the identity documents of the asylum seeker;
- is aware of the asylum seeker’s actual age, in case the asylum seeker claims he or she is underage; or
- is aware of facts based on which the asylum seeker is not eligible for refugee status or subsidiary protection and does not disclose these facts to the Migration Directorate .¹⁵⁴

According to the Administrative Court’s case law the activities of refugee counsellors, as established by the IPA, are identical to the activities of attorneys.¹⁵⁵ As refugee counsellors carry out the same activities as attorneys they share the same rights and obligations in relation to their clients; mainly this relates to the obligation to respect attorney-client privilege under which the communication between the attorney and client is protected as confidential. Violation of this obligation is considered a severe violation of the attorney’s duties. Regarding the obligation to protect attorney-client privilege, the Constitutional Court¹⁵⁶ notes that the duty to protect attorney-client privilege is not the privilege of the attorney but his/her

¹⁴⁴ Article 9(1) IPA.

¹⁴⁵ Article 12 Rules on knowledge testing of candidates for refugee counsellors and on the training of refugee counsellors at the Judicial Training Centre.

¹⁴⁶ Article 9(4), intendant 7 IPA.

¹⁴⁷ *Ibid.*

¹⁴⁸ Ministry of the Interior, *Imenik svetovalcev za azil / begunce*, available in Slovenian at: <https://bit.ly/3eILHOI>.

¹⁴⁹ Article 9(4), intendant 7 IPA.

¹⁵⁰ Article 11(1) IPA.

¹⁵¹ Article 11(4) IPA.

¹⁵² Article 11(1) IPA.

¹⁵³ *Ibid.*

¹⁵⁴ Article 9(10) intendant 6, IPA.

¹⁵⁵ Administrative Court decision, U 2135/2004, 14. November 2005, available in Slovene at: <https://bit.ly/3yQq8W7>; Administrative Court decision, I U 1858/2015, 16. November 2016, available in Slovene at: <https://bit.ly/39xHcpi>.

¹⁵⁶ Constitutional Court decision, Up-2530/06, 14. April 2010, available in Slovene at: <https://bit.ly/3yKzPFy>; Constitutional Court decision, U I 115/14, 21. January 2016, available in Slovene at: <https://bit.ly/3Mvi7dj>.

obligation, together with the protection of his/her clients' human rights as enshrined in the Slovene Constitution, mainly the protection of privacy and personal rights, protection of secrecy of letters and other media and protection of personal data. This ensures the respect of the right to judicial review and the right to appeal.

The provision that allows the refugee counsellor to be dismissed from the function is therefore in the direct violation of the Slovene Constitution. NGOs urged the Slovene Ombudsman to submit the provisions to the Constitutional Court for review, however this was not done. In addition, refugee counsellors submitted the provisions for review to the Advocate of the Principle of Equality; however, no decision was made by the end of 2021. In February 2022 opposition parliamentarians submitted the provision to the Constitutional Court for constitutional review.¹⁵⁷

In 2020, asylum seekers faced challenges in accessing the refugee counsellors. Until the end of April 2020 all asylum seekers were represented by PIC lawyers that helped asylum seekers in obtaining a refugee counsellor to represent them before the Administrative Court. The AMIF project that enabled PIC to represent asylum seekers was concluded at the end of April 2020. Since then, the Migration Directorate gives asylum seekers the list of refugee counsellors, together with a decision, in their language. In addition, they are also instructed that they must obtain the help of the refugee counsellor themselves or contact the Migration Directorate to provide one for them. Cases of individuals who could not access refugee counsellors before the deadline for the appeal were reported. Detained asylum seekers had problems in accessing the help of refugee counsellors since many had no access to a phone. Lack of translation, wrongly translated decisions and illiteracy also prevented asylum seekers from obtaining the representation of refugee counsellors in 2020. There have been reported cases of more than one refugee counsellor lodging an appeal at the Administrative Court against the decision of an asylum seeker. This problem continued in 2021.

The financial compensation of the refugee counsellors is half the amount of the official attorney's fee.¹⁵⁸ The remuneration and reimbursement of expenses for their work are granted by the Ministry of the Interior.¹⁵⁹ The refugee counsellor is not entitled to financial compensation in the following instances:

- if the applicant has left the premises of the Asylum Home or its branch (and not returned) three days before the appeal was lodged before the Administrative Court;
- the applicant retracts the power of attorney before the legal remedy is lodged;
- the refugee counsellor does not lodge the legal remedy in time; or
- another refugee counsellor has already lodged the legal remedy.¹⁶⁰

In accordance with the new amendments legal remedies before the Administrative and the Supreme Courts will no longer be free for all asylum seekers. The new provisions state that the Ministry of Interior will demand reimbursement of costs, or a proportionate part of the costs, for refugee counsellors from asylum seekers with sufficient means of subsistence.¹⁶¹ In order to be able to do so the Ministry of Interior will demand that the asylum seeker submits documentation regarding their financial situation (e.g. bank statements). The following revenue will count as means of subsistence: revenue from employment contracts; unemployment benefits; revenue from other forms of work contracts; pension; revenue from self-employment; annuity, rent or lease; benefits rewarded by a court decision, with the exception of maintenance.¹⁶² In 2021 the Ministry did not enforce the provision.¹⁶³

¹⁵⁷ 24.ur: *Določbe zakona o tujcih in mednarodni zaščiti v ustavno presojo*, available in Slovene at: <https://bit.ly/3Pv1Yq7>.

¹⁵⁸ Article 5(1) 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.

¹⁵⁹ Article 11(1) IPA.

¹⁶⁰ Article 11(2) IPA.

¹⁶¹ Article 11(5) in relation to Article 11(1) if the IPA.

¹⁶² Article 8(2)-(3) Rules on the access to refugee counsellors, remuneration and reimbursement of the expenses of refugee counsellors, and criteria for calculating the reimbursement of the expenses from the person with sufficient own means.

¹⁶³ Official statistics provided by the Migration Directorate, March 2022.

2. Dublin

2.1. General

Due to the COVID-19 pandemic, Dublin transfers were de facto suspended for several months from April 2020 up until the writing of this report, although no official decision on the suspension was made. In 2021 Dublin procedures were re-established and 7 outgoing transfers and 112 incoming transfers were carried out during the year.

Dublin statistics: 2021

Dublin statistics: 1 January – 31 December of 2021

Outgoing procedure			Incoming procedure		
	Requests	Transfers		Requests	Transfers
Total	1,351	7	Total	2,107	112
Take charge	141	0	Take charge	23	6
Croatia	115	0	Germany	8	0
Italy	8	0	Switzerland	8	0
Cyprus	4	0	Austria	2	0
Germany	3	0	France	2	0
Take back	1,210	7	Take back	2,084	106
Croatia	767	0	France	817	23
Greece	150	0	Germany	529	20
Bulgaria	112	0	Italy	221	1
Romania	76	0	Belgium	190	4
Germany	37	5	Switzerland	155	24

Source: Official statistics provided by the Migration Directorate, March 2022.

Note that “requests” refers to both sent and accepted requests.

“Transfers” refers to the number of transfers actually implemented, not to the number of transfer decisions.

Outgoing Dublin requests by criterion: 2021		
Dublin III Regulation criterion	Requests sent	Requests accepted
“Take charge”: Articles 8-15:	141	122
Article 8 (minors)	2	0
Article 9 (family members granted protection)	0	0
Article 10 (family members pending determination)	0	0
Article 11 (family procedure)	14	10
Article 12 (visas and residence permits)	65	61
Article 13 (entry and/or remain)	60	51
Article 14 (visa free entry)	0	0
“Take charge”: Article 16	0	0
“Take charge” humanitarian clause: Article 17(2)	0	0
“Take back”: Article 18	1,210	847
Article 18 (1) (b)	1,191	839
Article 18 (1) (c)	0	0
Article 18 (1) (d)	19	8
Article 20(5)	0	0

Source: Migration Office, March 2022.

Incoming Dublin requests by criterion: 2021		
Dublin III Regulation criterion	Requests received	Requests accepted
“Take charge”: Articles 8-15	23	17
Article 8 (minors)	2	1
Article 9 (family members granted protection)	3	3
Article 10 (family members pending determination)	1	1
Article 11 (family procedure)	1	1
Article 12 (visas and residence permits)	10	9
Article 13 (entry and/or remain)	5	2
Article 14 (visa free entry)	0	0
“Take charge”: Article 16	0	0
“Take charge” humanitarian clause: Article 17(2)	1	0
“Take back”: Articles 18 and 20(5)	2,084	1,399
Article 18 (1) (b)	2,046	1,372
Article 18 (1) (c)	5	5
Article 18 (1) (d)	33	22
Article 20(5)	0	0

Source: Migration Directorate.

2.1.1. Application of the Dublin criteria

In practice, the most frequently used criteria for outgoing Dublin requests are irregular entry,¹⁶⁴ and first country of application.¹⁶⁵ The most frequently used criterion for incoming requests is the first country of application.¹⁶⁶

In 2021, the most frequently used basis for outgoing requests was Article 18 of the Dublin Regulation, while the majority of incoming requests were based on Article 18(1)(b) of the Regulation. Out of 1,351 outgoing requests made in 2021, 969 were rejected by other Member States. The most common reasons why the requested Member States deemed that they were no longer responsible were: the departure of the individual from the territory of the Member States for at least three months; non-registration of irregular entry in the other Member State; and return or removal of the person to the country of origin or a safe third country.

¹⁶⁴ Article 13(1) Dublin III Regulation.

¹⁶⁵ Article 3(2) Dublin III Regulation.

¹⁶⁶ *Ibid.*

According to available information, the family unity criteria under Articles 8-11 of the Regulation are respected in practice, both in outgoing and incoming procedures. Article 8 of the Dublin Regulation is consistently invoked when a child applies for international protection in Slovenia. However, the long duration of the Dublin procedure usually results in them absconding from the country before the procedure can be completed and transfer to another Member State implemented; In 2021 none of the unaccompanied children were reunited with a relative in another Member State through the Dublin procedure. Outgoing procedures for adults pursuant to Article 9 and 10 of the Regulation are also used in practice; one such case was registered in 2017. In 2018, 2019, 2020 and 2021 no such case was registered.

Originals or at least copies of documents showing family links (birth certificates, family books) are required by authorities, while DNA analysis was used for the first time in 2019 because the applicant could not provide a copy of his documents. DNA analysis has not been used since then as applicants are required to provide copies of documents showing family links. The application of the family provisions is not refused, even if the asylum seeker fails to indicate the existence of family members in another Member State from the outset of the asylum application. The asylum seeker can invoke the application of family unity criteria within the timeframe for sending the Dublin request to another Member State i.e. three months from the asylum application.

2.1.2. The dependent persons and discretionary clauses

The use of the “sovereignty” clause under Article 17(1) of the Dublin Regulation is not done through a formal procedure and no decision is passed on it; applicants are simply not processed in the Dublin procedure and their case is instead referred by the authorities to the regular procedure. The sovereignty clause was first used in 2014 and has so far been employed in three cases (involving nine persons). The grounds that led to it were a person’s health situation and vulnerability. The sovereignty clause was not used in 2018, 2019, 2020 or 2021.

Transfers under the “dependent persons” and “humanitarian” clauses have not been implemented in practice so far.

2.2. Procedure

Indicators: Dublin Procedure

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications?
 Yes No
2. On average, how long does a transfer take after the responsible Member State has accepted responsibility?
Not available

After the applicant lodges the application, the case is first examined for a possible application of the Dublin Regulation. In the event that another EU Member State is determined as responsible in accordance with the Dublin Regulation, the Ministry of Interior issues a Dublin decision, with which the procedure in Slovenia is brought to an end (once the decision becomes final) and the person is transferred to the state responsible. If the transfer is not carried out, the Migration Directorate annuls the Dublin decision and starts processing the application for international protection.¹⁶⁷

The fingerprints of each applicant are obtained before he or she applies for international protection. Once the applicant lodges the application his or her fingerprints are entered into the Eurodac database. If the person refuses to be fingerprinted, the application can be rejected as manifestly unfounded.¹⁶⁸ However, no cases of this happening in practice have been documented.

The information about the Dublin procedure and legal representation during the procedure can also be provided by PIC.

¹⁶⁷ Article 51(2) IPA.

¹⁶⁸ Article 52, eighth indent IPA.

2.2.1. Individualised guarantees

Individual guarantees are sought together with the “take charge” / “take back” request. Based on the recommendations from the Commission and EASO, individualised guarantees are sought only in case of transfers to **Greece**.¹⁶⁹

2.2.2. Transfers

A pending Dublin procedure constitutes the main **Grounds for Detention** in Slovenia. In March 2019 the Supreme Court ruled, in accordance with the CJEU judgment C-538/15, *Al Chodor*, that the provisions of the IPA regarding detention in the Dublin procedure are not in accordance with the Dublin Regulation, since the IPA does not contain the definition of the “risk of absconding” and the objective criteria needed to establish the risk of absconding in an individual case.¹⁷⁰ The Supreme Court, therefore, ruled that detention in the Dublin procedure is not lawful since the IPA does not contain the proper legal ground for detention. Although the provisions of the IPA were not changed the authorities continued to detain asylum seekers in 2020. This being said, asylum seekers were not detained because of a pending Dublin procedure, but on other grounds defined in the IPA. .

The amendments of the IPA that came into force on 09 November 2021 include new provisions on detention, and the definition of the risk of absconding, which was previously absent. (see Grounds for detention). This enabled the Migration Directorate to start detaining asylum seekers in the Dublin procedure again. Since 09 November 2021 the Migration Directorate detained 41 asylum seekers,¹⁷¹ out of which most were detained due to the pending Dublin procedure.

If applicants have their own financial resources, the transfer can be carried out on a voluntary basis. In most cases, however, the transfer is carried out through supervised departure or under escort. Due to the demands of airline companies and the necessity of transferring flights, applicants are escorted by an official of the Migration Directorate, responsible for Dublin procedures, until the handover to the authorities of the responsible Member State. Depending on the requirements of the case, the applicant may also be escorted by other staff – medical staff, in case of medical and other psycho-physical requirements, or the police, if risk of resistance or violent behaviour exists. Past behaviour of the applicants, such as absconding and other obstruction of prior transfer attempts, are taken into account.

Applicants are issued a *laissez-passer* document for travel.

In the majority of cases when Dublin decisions are issued and become final, outgoing transfers are nevertheless not carried out, mostly due to the absconding of the applicants. In 2019, 27 persons were transferred compared to 976 requests.¹⁷² In 2020, out of 1,432 requests made, only 6 persons were transferred.¹⁷³ The low number of transfers in 2020 can be attributed to the travel restrictions put in place due to the COVID-19 pandemic. The suspension of transfers was not officially announced by the authorities. In cases where the transfer was not carried out within 6 months, the Slovenian authorities took on the responsibility of processing the asylum seeker’s application. Before COVID-19, the transfer of asylum seekers who did not abscond was usually carried out successfully. In 2021 the authorities carried out 7 Dublin transfers out of 1351 requests.¹⁷⁴

¹⁶⁹ Information provided by the Migration Directorate, February 2020.

¹⁷⁰ Supreme Court Decision, X Ips 1/2019 from 13 March 2019, available at: <https://bit.ly/39Gd4mV>.

¹⁷¹ Official statistics provided by the Migration Directorate, March 2022.

¹⁷² Official statistics provided by the Migration Directorate, February 2020.

¹⁷³ Official statistics provided by the Migration Directorate, January 2021.

¹⁷⁴ Official statistics provided by the Migration Directorate, March 2022.

2.3. Personal interview

Indicators: Dublin: Personal Interview

Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the Dublin procedure? Yes No
- ❖ If so, are interpreters available in practice, for interviews? Yes No

Are interviews conducted through video conferencing? Frequently Rarely Never

According to Article 46(1) IPA, the Migration Directorate conducts a personal interview before taking a decision in the Dublin procedure. The personal interview can be omitted if the applicant has already submitted the relevant information for determining the responsible country and has been given the opportunity by the authorities to submit all such information.¹⁷⁵ In an Administrative Court judgment from 2019, the Court ruled that the applicant has the right to a hearing even if Slovenia decides to annul the transfer decision to the responsible state and take responsibility for processing the asylum seeker's application.¹⁷⁶

The interview is conducted in the same way as the [Regular Procedure: Personal Interview](#).

2.4. Appeal

Indicators: Dublin: Appeal

Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure?
- | | | |
|----------------------------|--|---|
| | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ If yes, is it | <input checked="" type="checkbox"/> Judicial | <input type="checkbox"/> Administrative |
| ❖ If yes, is it suspensive | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

As in the regular procedure, the legal remedy against a Dublin decision is judicial review before the Administrative Court of the Republic of Slovenia.

In line with the amendments of the IPA, the time limit for judicial review was shortened from 8 calendar days to 3 calendar days.¹⁷⁷ In line with the Constitutional Court's decision,¹⁷⁸ preclusive time limits have to be reasonably long or they can disproportionately limit the right to judicial review, consequently depriving the individual of his or her rights. The time limit imposed by the amendments infringes the right to effective remedy and the right to judicial review. In practice, refugee counsellors have trouble in lodging the judicial review within the time limit, since they have to obtain the power of attorney, the case file and then lodge the judicial review.

The application has no automatic suspensive effect.¹⁷⁹ However, on the applicant's request, the court can postpone the execution of the contested decision until a final decision has been issued, if its execution could cause the applicant to suffer damage which would be difficult to repair.¹⁸⁰ In practice, the determining authority does not enforce the decision before the Administrative Court decides on the request for suspensive effect. As long as such practice remains, the situation is not much different from an automatic suspensive effect being prescribed by law.

¹⁷⁵ Article 38(1) IPA.

¹⁷⁶ Administrative Court Judgment, I U 1174/2019/11, 25. July 2019, available at: <https://bit.ly/2IDAg9i>.

¹⁷⁷ Article 70(2) IPA.

¹⁷⁸ Constitutional Court decision, I U 203/14, 3. December 2015, available in Slovene at: <https://bit.ly/3Pv0UCF>.

¹⁷⁹ Article 70(3) IPA.

¹⁸⁰ Article 32(2) Administrative Dispute Act.

The IPA does not limit the grounds on which an applicant can challenge the Dublin decision and in principle he or she can challenge it on all grounds of incorrect determination of facts and application of law. This was in contention in the case C-490/16 A.S., where the Slovenian Supreme Court made a preliminary reference to the Court of Justice of the European Union (CJEU), asking *inter alia* whether judicial review also extends to the application of the irregular entry criterion under Article 13 of the Dublin Regulation. The CJEU judgment confirmed that it does.¹⁸¹

The applicant can lodge an appeal against a decision of the Administrative Court to the Supreme Court. This new provision came into force on 09 November 2021 with the new amendments of the IPA.¹⁸²

2.5. Legal assistance

Indicators: Dublin: Legal assistance

Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> With difficulty	<input type="checkbox"/> No
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 - ❖ Does free legal assistance cover:

<input type="checkbox"/> Representation in interview	<input type="checkbox"/> Legal advice
--	---------------------------------------

2. Do asylum seekers have access to free legal assistance on appeal against a Dublin decision in practice?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> With difficulty	<input type="checkbox"/> No
------------------------------	---	-----------------------------

 - ❖ Does free legal assistance cover

<input checked="" type="checkbox"/> Representation in courts	<input checked="" type="checkbox"/> Legal advice
--	--

The law does not contain any special provisions regarding legal representation of asylum seekers during the Dublin procedure. Legal assistance in the Dublin procedure is provided in the same way as in the [Regular Procedure: Legal Assistance](#). In the first instance, the legal representation can be provided by the NGO PIC while applicants are appointed a refugee counsellor to represent them in the procedures before the Administrative Court and the Supreme Court.

2.6. Suspension of transfers

Indicators: Dublin: Suspension of transfers

- ❖ Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--
- ❖ If yes, to which country or countries?

Dublin transfers to **Greece** were systematically suspended and have not been implemented since the European Court of Human Rights (ECtHR) judgment in *M.S.S. v. Belgium and Greece*.¹⁸³ However, in 2018, the Dublin Unit started issuing requests to Greece, although no transfers were carried out. In 2021, the Dublin Unit issued 2 “take charge” requests and 150 “take back” requests although no transfers were carried out.¹⁸⁴

The Constitutional Court has clarified that the authorities are obliged to examine all circumstances relevant from the perspective of the principle of *non-refoulement*. Due to the absolute nature of the protection afforded by the principle of *non-refoulement*, the assessment must take into account all the circumstances of the particular case, including the applicant's personal situation in the transferring

¹⁸¹ CJEU, Case C-490/16 A.S. v *Republic of Slovenia*, Judgment of 26 July 2017.

¹⁸² Article 70(4) IPA.

¹⁸³ ECtHR, *M.S.S. v. Belgium and Greece*, Application No 30696/09, Judgment of 21 January 2011.

¹⁸⁴ Official statistics provided by the Migration Directorate, March 2022.

country. In this context, it should also be assessed whether the mere removal of an individual to another country due to their health status is contrary to the principle of *non-refoulement*.¹⁸⁵

In cases where transfers are suspended, Slovenia annuls the Dublin decision and assumes responsibility for the application.

2.7. The situation of Dublin returnees

There are no obstacles for asylum seekers transferred from another Member State with regard to access to the asylum procedure. As confirmed by the Constitutional Court, Dublin returnees are considered asylum applicants from the moment of their return to Slovenia.¹⁸⁶

Applicants who abscond from Slovenia while their asylum procedure is still pending at first instance and are returned through a Dublin transfer are allowed to lodge a new asylum application that is not considered a subsequent application. On the other hand, if an applicant absconds upon receiving a rejection decision, it becomes final after the 15-day deadline for lodging a legal remedy, or 3-day deadline in the case of an accelerated procedure, and if the applicant is returned the only option of accessing asylum procedure is through a subsequent application. The same goes if the rejection decision is issued in the applicant's absence upon absconding.¹⁸⁷ If the applicant absconds after filing for judicial review, the court stops the procedure due to lack of legal interest, the rejection decision becomes final and, if returned, the applicant is again only left with a subsequent application procedure.

Transferred asylum seekers were subjected to a 10 -14-day quarantine upon their arrival after which they lodged the application for international protection. After the quarantine period, they had to wait an additional 6-10 days to lodge the application, due to the backlog of applications. They did not face any additional obstacles in accessing the asylum procedure due to COVID-19.

3. Admissibility procedure

1. General (scope, criteria, time limits)

Under Article 51 IPA, an application can be rejected as inadmissible only if:

1. The applicant was granted international protection in another EU Member State, with the exception of persons accepted in the Republic of Slovenia based on quotas;
2. The applicant comes from a **First Country of Asylum**;
3. The applicant comes from a **Safe Third Country**;
4. Another country is responsible for examining the applicant claim under the Dublin Regulation.

The time limits for making a decision on the admissibility are the same as in the regular procedure.

Besides from Dublin decisions, inadmissibility grounds are rarely applied in practice. In 2021, applications were dismissed in 75 cases on the ground of protection in another Member State, 1 based on the first country of asylum concept and in 969 cases on the ground that another country is responsible for examining the claim under the Dublin Regulation.¹⁸⁸

Decisions are normally issued faster than in-merit decisions. However, unwarranted delays due to no fault of the applicant may also occur in individual cases.

¹⁸⁵ Constitutional Court, Decision Up-613/16, 28 September 2016, available at: <http://bit.ly/2F04oba>.

¹⁸⁶ Constitutional Court, Decision Up-21/11, 10 October 2012, available at: <http://bit.ly/2HisQFR>.

¹⁸⁷ This is possible under Article 49(7) IPA if a personal interview has already been carried out and the asylum authority has sufficient information to issue a decision.

¹⁸⁸ Official statistics provided by the Migration Directorate, March 2022.

2. Personal interview

Indicators: Admissibility Procedure: Personal Interview

Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the admissibility procedure?
 Yes No
 - ❖ If so, are questions limited to nationality, identity, travel route? Yes No
 - ❖ If so, are interpreters available in practice, for interviews? Yes No
2. Are interviews conducted through video conferencing? Frequently Rarely Never

According to the IPA, the Migration Directorate conducts the personal interview before making a decision in the admissibility procedure.¹⁸⁹ The interview is conducted in the same way as described under [Regular Procedure: Personal Interview](#).

3. Appeal

Indicators: Admissibility Procedure: Appeal

Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision?
 Yes No
 - ❖ If yes, is it Judicial Administrative
 - ❖ If yes, is it automatically suspensive Yes Some grounds No

In line with the amendments of the IPA the time limit for judicial review was shortened from 8 days to 3 days.¹⁹⁰ In line with the Constitutional Court's decision,¹⁹¹ preclusive time limits have to be reasonably long or they can disproportionately limit the right to judicial review, consequently depriving the individual of his or her rights. The time limit imposed by the amendments infringes upon the applicant's right to an effective remedy and the right to judicial review. In practice, refugee counsellors have trouble in lodging the judicial review within the time limit, since they have to obtain the power of attorney, obtain the case file and then lodge the judicial review.

The judicial review does not have automatic suspensive effect, except where the application was rejected as inadmissible on "safe third country" grounds.¹⁹² If the application is rejected as inadmissible for other reasons, applicants can suspend enforcement until a final decision has been reached by adding a request to this effect to their application for judicial review.¹⁹³

In practice, the determining authority does not enforce the decision before the Administrative Court decides on the request for suspensive effect. As long as this practice remains, the situation is not much different in practical terms from an automatic suspensive effect being prescribed by law.

The applicant can appeal against the decision of the Administrative Court to the Supreme Court in case the appeal was lodged after the amendments of the IPA came to force.

¹⁸⁹ Article 46(1) IPA.

¹⁹⁰ Article 70(2) IPA.

¹⁹¹ Constitutional Court decision, I U 203/14, 3. December 2015, available in Slovene at: <https://bit.ly/3Pv0UCF>.

¹⁹² Article 70(3) IPA, citing Article 51, third indent IPA.

¹⁹³ Article 32(2) Administrative Dispute Act.

4. Legal assistance

Indicators: Admissibility Procedure: Legal Assistance

Same as regular procedure

1. Do asylum seekers have access to free legal assistance during admissibility procedures in practice? Yes With difficulty No
❖ Does free legal assistance cover: Representation in interview Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against an inadmissibility decision in practice? Yes With difficulty No
❖ Does free legal assistance cover: Representation in courts Legal advice

The law does not contain any special provisions regarding legal representation of asylum seekers during the admissibility procedure. The legal assistance in the admissibility procedure is provided in the same way as in the regular procedure. At first instance, legal representation can be provided by PIC while the applicants are appointed a refugee counsellor to represent them in the procedures before the Administrative Court or the Supreme Court.

4. Border procedure (border and transit zones)

1. General (scope, time limits)

Indicators: Border Procedure: General

1. Do border authorities receive written instructions on the referral of asylum seekers to the competent authorities? Yes No
2. Where is the border procedure mostly carried out? Air border Land border Sea border
3. Can an application made at the border be examined in substance during a border procedure? Yes No
4. Is there a maximum time limit for a first instance decision laid down in the law? Yes No
❖ If yes, what is the maximum time limit? 3 weeks
5. Is the asylum seeker considered to have entered the national territory during the border procedure? Yes No

The possibility of border procedures was added to the existing legal provisions on airport and port procedures in the IPA in 2016.¹⁹⁴

Although regulated in law, the procedure at the border, airport or port is not used in practice. There are two border transit zones in Slovenia, one at the Jože Pučnik Airport in **Ljubljana** and one at Edvard Rusjan Airport in **Maribor**. Persons can be detained in both transit zones for up to 48 hours in accordance with the State Border Control Act. In the case that a person is detained for more than 6 hours, a detention order has to be issued by the police. The person has the right to appeal against the detention order, and the right to free legal representation in order to be able to do so.¹⁹⁵

Whilst detention occurs in the transit zones this is not for the purpose of the border procedure (see [Detention conditions](#)). If a person expresses the intent to apply for international protection, detention is stopped and the person is processed in the preliminary procedure. People who apply for international protection at the border, airport or port are, therefore, first processed by the Police in the preliminary

¹⁹⁴ Article 43 IPA.

¹⁹⁵ Article 32 of the State Border Control Act, Official Gazette of RS, no. 35/10 and subsequent changes.

procedure and then transferred to the Asylum Home in **Ljubljana** or its branch in Logatec as soon as possible as part of the [Regular Procedure](#). In practice individuals arriving at the border, airports and sea ports face issues in accessing the asylum procedure (see [Access to territory and pushbacks and the “preliminary procedure”](#)).

The reason the procedure is not used in practice is mainly practical. The Asylum Home and the Migration Directorate branch offices near the **Asylum Home** serve as a reception centre and host the majority of the asylum procedure. The majority of services intended for the applicants are therefore provided there (e.g. social services, legal representation etc.). Such infrastructure is currently not in place at the border, airport or port. The provision was included in the IPA to enable the procedure on the border, airport or port in case of a large number of applicants, as explained in the preamble to the draft of the IPA.

According to the amendments of the IPA, the Migration Directorate can only process applications at the border, airport port :

- (a) in the admissibility procedure;
- (b) in the accelerated procedure if there are grounds for rejecting the application as manifestly unfounded, or
- (c) if the person lodged the request for a subsequent application and has not submitted any new evidence or listed any new circumstances that significantly increase their chance to be granted international protection.¹⁹⁶

The decision in the border, airport or port procedure has to be taken within three weeks. If the decision is not taken within three weeks or if the application needs to be examined in a regular procedure, the applicant is allowed entry to Slovenia.¹⁹⁷ This is also a novelty introduced by the new amendments of the IPA. It is not clear from the wording of the provisions which authority – the Migration Directorate or the Police - would make the decision regarding entry to the territory. In practice this is made by the Police, since the Police are normally the first to process the individual in the preliminary procedure. The general rule that an individual cannot be deported from the country from the moment he or she has expressed the intention to apply for international protection, still applies in the border procedure.¹⁹⁸

In case of a large number of applicants who express the intention to apply for international protection at the border, airport or port, they can be accommodated near the border under the condition that material reception conditions are guaranteed.¹⁹⁹

Another novel provision introduced by the amendments relates to the treatment of vulnerable persons with special needs. The provision states that if a vulnerable person with special needs lodges an application in the border procedure, the Migration Directorate should give priority to the protection of the person's health, including their mental health, and has to ensure that they are regularly monitored and have adequate assistance, taking into account their special position.²⁰⁰

2. Personal interview

The border procedure is not applied in practice. According to the law, the rules for personal interviews are the same as in the [Regular Procedure: Personal Interview](#) and [Dublin: Personal Interview](#).

3. Appeal

In the border procedure, the same rules for appeals apply as in the relevant procedures conducted on the territory (see [Dublin: Appeal](#), [Admissibility Procedure: Appeal](#) and [Accelerated Procedure: Appeal](#)).

¹⁹⁶ Article 43(1) IPA.

¹⁹⁷ Article 43(1) IPA.

¹⁹⁸ Article 36(1) IPA.

¹⁹⁹ Article 43(2) IPA.

²⁰⁰ Article 43(4) IPA.

4. Legal assistance

The law does not contain any special provisions regarding legal representation of asylum seekers during the border procedure. Free legal representation during the first instance procedure is not guaranteed by the IPA, while support and legal assistance in the appeal procedure is provided to applicants by refugee counsellors.²⁰¹

5. Accelerated procedure

1. General (scope, grounds for accelerated procedures, time limits)

The IPA provides in Article 49(1) that the application for international protection can be rejected as manifestly unfounded in an accelerated procedure if the applicant clearly does not qualify for international protection and the legally defined reasons for such a decision exist.

In line with Article 52 IPA, such reasons exist where:

1. During the procedure the applicant only stated facts that are irrelevant for the examination of the claim;
2. The applicant comes from a **Safe Country of Origin**;
3. The applicant misled the authorities by presenting false information or documents or by withholding important information or documents about his identity or nationality, which could influence the decision;
4. It is likely that the applicant purposely destroyed or disposed of an identity or travel document which could help establish his or her identity or nationality, especially if the circumstances of the particular case indicate that the applicant could obtain identification documents in their country of origin.
5. The applicant's claims are clearly inconsistent, contradictory, false, implausible and contradict the sufficiently verified country of origin information making his or her claim that he or she qualifies for international protection clearly unconvincing;
6. The applicant applied for international protection only in order to delay or prevent the enforcement of a removal decision;
7. The applicant entered the territory of the Republic of Slovenia illegally or unlawfully extended his or her stay and without good reason failed to come forward to the authorities, or did not apply for international protection as soon as possible given the circumstances of their entry;
8. The applicant refuses to comply with the obligation to submit their fingerprints in accordance with the Eurodac Regulation;
9. There are reasonable grounds to suspect that the applicant presents a danger to public order, public or national safety, or if he or she is removed in accordance with national law for valid reasons of public safety or public order.

A provision that stating that it is likely the applicant purposely destroyed or disposed his or her identity documents (especially if the circumstances indicate that he/she could obtain identification documents in the country of origin) was added to the IPA with the amendments. The provision extends beyond the scope of the Asylum Procedures Directive and it is not clear how the assessment of this ground will be conducted in practice.

Pursuant to a recent ruling of the Administrative Court, in order to reject an application as manifestly unfounded, it is not sufficient to establish the applicability of one of these grounds. The authorities must also cumulatively conclude that the applicant clearly does not fulfil the requirements for international protection.²⁰²

²⁰¹ Article 9(1) IPA.

²⁰² Administrative Court, Decision I U 1544/2017, available at: <http://bit.ly/2oU9EY7>.

As in the regular procedure, the competent authority in the accelerated procedure is the Migration Directorate of the Ministry of Interior. Under Article 47(1) IPA the decision in the accelerated procedure has to be taken within two months since the applicant lodged the application. There are no explicit consequences listed in the law if the time limit is not respected in practice.

The accelerated procedure can also be applied at the border, airport or port. In this case the decision has to be taken as soon as possible, but no later than within 3 weeks. If the decision is not taken in this time limit the applicant is allowed entry in Slovenia.²⁰³

In 2021, 92 applications were processed in the accelerated procedure and rejected as manifestly unfounded. The majority of asylum seekers whose applications were rejected as manifestly unfounded in the accelerated procedure were from **Morocco** (23), **Algeria** (16) and **Pakistan** (28).²⁰⁴ 12 applications were lodged by unaccompanied minors.²⁰⁵

2. Personal interview

Indicators: Accelerated Procedure: Personal Interview

Same as regular procedure

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the accelerated procedure?

	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If so, are questions limited to nationality, identity, travel route?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
❖ If so, are interpreters available in practice, for interviews?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

2. Are interviews conducted through video conferencing?

<input type="checkbox"/> Frequently	<input type="checkbox"/> Rarely	<input checked="" type="checkbox"/> Never
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According to the IPA, the Migration Directorate conducts a personal interview before making the decision in the accelerated procedure.²⁰⁶ The law does not stipulate any circumstances in which the personal interview can be omitted. The personal interviews are conducted in the same way as described under [Regular Procedure: Personal Interview](#).

3. Appeal

Indicators: Accelerated Procedure: Appeal

Same as regular procedure

1. Does the law provide for an appeal against the decision in the accelerated procedure?

	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If yes, is it	<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative
❖ If yes, is it suspensive	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Some grounds <input type="checkbox"/> No

The appeal against a decision taken in the accelerated procedure has to be lodged within 3 days of notification.²⁰⁷ The time limit for judicial review was shortened by the amendments of the IPA from 8 days to 3 days. The suspensive effect of the appeal is automatic,²⁰⁸ and the Administrative Court has to take a decision in 7 days,²⁰⁹ although court procedures are usually much longer than that in practice.

²⁰³ Article 43(1) IPA.

²⁰⁴ Official statistics provided by the Migration Directorate, January 2021.

²⁰⁵ Official statistics provided by the Migration Directorate, March 2022.

²⁰⁶ Article 46(1) IPA.

²⁰⁷ Article 70(1) IPA.

²⁰⁸ Article 70(3) IPA.

²⁰⁹ Article 71(1) IPA.

4. Legal assistance

Indicators: Accelerated Procedure: Legal Assistance

Same as regular procedure

1. Do asylum seekers have access to free legal assistance at first instance in practice?
 Yes With difficulty No
❖ Does free legal assistance cover:
 Representation in interview
 Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a decision in practice?
 Yes With difficulty No
❖ Does free legal assistance cover:
 Representation in courts
 Legal advice

The law does not contain any special provisions regarding legal representation of asylum seekers during the accelerated procedure. The same rules and practice as in the [Regular Procedure: Legal Assistance](#) apply.

D. Guarantees for vulnerable groups

1. Identification

Indicators: Special Procedural Guarantees

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers?
 Yes For certain categories No
❖ If for certain categories, specify which:
2. Does the law provide for an identification mechanism for unaccompanied children?
 Yes No

Categories of people considered to be vulnerable are similar to those listed in Article 21 of the recast Reception Conditions Directive, the only difference being that the IPA definition does not explicitly include persons with serious illness, although the definition is open to categories not listed.²¹⁰

1.1. Screening of vulnerability

According to the law, the vulnerability of persons is assessed during the medical examination, which is conducted before the lodging of the asylum application.²¹¹ Their vulnerability can also be identified during the lodging of the application or any time later pending the asylum procedure.²¹²

In practice, physical vulnerability is assessed during the medical examination. In order to ensure the proper support is given to vulnerable asylum seekers, the Migration Directorate and the UOIM have to share information regarding the existence and nature of identified special needs of asylum seekers.²¹³ During the lodging of the application, the Migration Directorate states the detected vulnerability or identified special needs of the applicant on a form that is later sent to UOIM when the applicant is accommodated. The form is then checked by the responsible social worker in order to ensure that the proper support regarding accommodation is provided to the applicant.

²¹⁰ Article 2(22)IPA.

²¹¹ Article 13(1) IPA.

²¹² Article 13(2) IPA.

²¹³ Article 13 (1) 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.

Although the vulnerability of the applicant can also be identified by the Migration Directorate, during the personal interview the above-mentioned form is not filled up.

The identification of vulnerability is therefore largely based on the applicant's statements during the lodging of the application and the personal interview. Since no special procedure for assessing vulnerability is in place, the vulnerability assessment is not as affected by the number of asylum seekers as by other factors like the person's willingness to share sensitive personal information and the capacity of officials to detect special needs. In theory, all caseworkers should be responsible for identifying vulnerable applicants and for examining their asylum claim, but the procedure is not in place and this does not happen in practice.

If it is established that the asylum seeker is not able to participate in the asylum procedure independently the Migration Directorate is obliged to notify the social services.²¹⁴ Based on the recommendation of the Migration Directorate and a medical examination, social services have to immediately appoint a legal guardian to the asylum seeker.²¹⁵ In practice the Migration Directorate will order an expert opinion before making the recommendation to the social services. In 2021, 3 asylum seekers were found to be unable to participate in the procedure independently and were found to be in need of a legal guardian. However, only two were appointed a legal guardian while in one case the social services took the role of the guardian. Due to the position of the Migration Directorate that a legal guardian can be paid only if he or she represents an unaccompanied minor and not if he or she represents an adult that is not able to independently participate in the procedure, legal guardians are not generally willing to represent such adults. In addition, legal guardians are only trained to represent unaccompanied minors, and not adults.

Special information sessions following the asylum application are conducted with unaccompanied children and other potential victims of trafficking. In 2021 the project was implemented both by the NGO Institute for African Studies²¹⁶ and the staff of UOIM. The sessions are aimed at informing potential victims of the dangers of trafficking, and at identifying potential victims. In general the sessions should be conducted with all unaccompanied minors, single women and identified victims of trafficking. In practice, due to the lack of translators and the high absconding rate of asylum seekers, the information sessions are often not carried out in practice. If someone is identified as a victim of trafficking, the SOPS are conducted, during which a plan for further action and support is made and the victim is offered additional support. In 2021 PATS sessions were carried out with only 229 individuals and 7 SOPS were conducted.²¹⁷

1.2. Age assessment of unaccompanied children

If doubts about the age of the unaccompanied minor arise during the examination of the application for international procedure, a medical examination of the applicant can be ordered by the competent authority.²¹⁸ In the course of preparation of the opinion, the medical expert can also consult with experts of other fields.²¹⁹

The medical examination for the purpose of age assessment can only be conducted if both the unaccompanied minor and his or her legal representative give written consent. If they do not consent without stating a valid reason the applicant is considered to be an adult. However, the decision to reject his or her application cannot be based solely on that refusal.²²⁰

If after obtaining the expert opinion, a doubt still exists as to the applicant's age, he or she is considered a minor.²²¹

²¹⁴ Article 13(2) 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.

²¹⁵ Article 19(1)-(2) IPA.

²¹⁶ The Institute for African Studies website can be accessed here: <https://african-studies.org/>.

²¹⁷ Official statistics provided by UOIM, March 2022.

²¹⁸ Article 17(2) IPA.

²¹⁹ Article 17(3) IPA.

²²⁰ Article 17(4), (5) and (7) IPA.

²²¹ Article 17(6) IPA.

In 2018, the Ministry of the Interior concluded negotiations with medical institutions that will perform age assessment examinations. Before the agreement, the age assessment procedure was not used in practice. The lack of age assessment procedures meant that adults claiming to be children were sometimes accommodated together with unaccompanied children. Age assessment included an MRI of the applicant's wrists and collar bones and a dental X-ray. Members of civil society are concerned that conducting such age assessment is unethical and unsafe.

In 2021, age assessment procedures (MRI and dental X-ray) were conducted in four cases. In 3 of these cases the assessment concluded that the individuals were not minors.²²² Due to the large cost of medical examinations and the logistical problems owing to the remote locations where MRI can be conducted, the Migration Directorate only conducts age assessments in exceptional cases.

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people? Yes For certain categories No

The IPA is not very specific about the special procedural guarantees available to vulnerable groups. The law provides that special support is provided in the asylum procedure to persons with vulnerabilities,²²³ and that the interviews have to be conducted accordingly, having regard to the personal and other circumstances of the individual, including his or her vulnerability.²²⁴ If needed the personal interview can be conducted in shorter intervals spread over several days.²²⁵ A child's asylum application can be postponed for up to 48 hours if there are justified reasons to do so.²²⁶

If a person is not able to understand the meaning of the international protection procedure due to a temporary or permanent mental disorder or illness or for other reasons, he or she must be assigned a legal guardian.²²⁷ As mentioned above (see [Screening of vulnerability](#)) legal guardians are reluctant to represent adults who are unable to participate in the procedure independently, due to the position of the Migration Directorate that a legal guardian can be paid only if he or she represents an unaccompanied minor. In addition, legal guardians are only trained to represent unaccompanied minors and not adults.

Apart from these rules, no special measures exist in law for the support of persons with vulnerabilities in terms of their participation in asylum procedures. Moreover, these provisions are rarely used in practice. Whether an individual's vulnerabilities are taken into account during the interview depends on the person conducting the interview. Female asylum seekers often face difficulties when requesting female interpreters during their interviews. Interviews with children are not adjusted to children's needs, and often not conducted in a child-friendly manner. The psychological state of children is not taken into consideration during the interview and during the procedure. .

The Migration Directorate does not have a specific unit dealing with vulnerable groups. According to the Migration Directorate, decision-makers have received EASO training on three modules: interviewing vulnerable groups, interviewing children, gender identity and sexual orientation. In addition, EASO trainings on victims of human trafficking and COI were provided in the first half of 2019. In 2021 the employees of the Migration Directorate received one EASO training session on Interviewing Vulnerable Persons.²²⁸

²²² Official statistics provided by the Migration Directorate, March 2022.

²²³ Article 14(2) IPA.

²²⁴ Article 37(1) IPA.

²²⁵ Article 13(3) IPA 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.

²²⁶ Article 9(2) 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.

²²⁷ Article 19(1) IPA.

²²⁸ Official statistics provided by the Migration Directorate, March 2022.

Due to the lack of stricter protocols, asylum seekers in need of special procedural guarantees may in some cases not be identified early enough or may not receive proper arrangements in the procedure.

The **Accelerated Procedure** and the Border procedure (border and transit zones) may also be used in the case of applicants belonging to vulnerable groups. Unaccompanied children's applications can only be rejected in the accelerated procedure as manifestly unfounded in two cases: on grounds of **Safe Country of Origin**; and where the child presents a threat to national security or public order.²²⁹ In 2021, 12 applications of unaccompanied minors were rejected as manifestly unfounded in an accelerated procedure.²³⁰

3. Use of medical reports

Indicators: Use of Medical Reports

1. Does the law provide for the possibility of a medical report in support of the applicant's statements regarding past persecution or serious harm?
 Yes In some cases No
2. Are medical reports taken into account when assessing the credibility of the applicant's statements?
 Yes No

The law provides that the applicant has to submit all documentation and evidence at his or her disposal which support his or her statements made in the application.²³¹ In practice this can also include medical reports regarding his or her past persecution or serious harm.

The preparation of a medical opinion, or any other type of expert opinion, can also be ordered by the Migration Directorate, in which case the costs are covered by the State.²³² There are no criteria set in the law or administrative practice to indicate when a medical examination for the purpose of drafting a medical report should be carried out. No guidelines are in place to guarantee the use of the methodology laid down in the Istanbul Protocol.

In some past cases, psychiatric and other medical evaluations have been successfully used to influence the decision on applicant's credibility.

In 2021 the medical evaluation was made in 6 cases. In 3 cases it was established that the applicant is not capable to independently participate in the procedure. In 2 of these cases the medical examination was order by the Administrative Court.²³³

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children?
 Yes No

Under Article 16(1) IPA each unaccompanied child is assigned a legal guardian before the procedure for international protection starts. The only exception are children who are married and older than 15 years.²³⁴

The legal guardian must accompany the unaccompanied child from the beginning of the application throughout the entire procedure. He or she is responsible for representing the minor in relation to the

²²⁹ Administrative Court, Decision I U 1544/2017, available at: <http://bit.ly/2oU9EY7>.

²³⁰ Official statistics provided by the Migration Directorate, March 2022.

²³¹ Article 21(2) IPA.

²³² Article 39 IPA.

²³³ Official statistics provided by the Migration Directorate, March 2022.

²³⁴ Article 16(9) IPA.

asylum procedure, health care, education, protection of property rights and rights related to reception.²³⁵ The child can also be assisted by a PIC lawyer, as is the case for any other asylum applicant (see [Regular Procedure: Legal Assistance](#)). In 2021 PIC assisted 148 children in the procedure.

The legal guardian is present during the child's asylum application and all subsequent personal interviews and can ask additional questions beside those asked by the official and legal representative.²³⁶ The legal guardian also has to consent, together with the applicant, to the age assessment procedure.²³⁷

Candidates for legal guardians for unaccompanied children are appointed to the list of legal guardians upon applying to the public tender. One cannot be appointed as a legal guardian if they have been deprived of parental rights, if they do not have capacity to contract, if their interests are in conflict with the interests of the child or if, due to their personal characteristics or relationship with the child or his or her parents, it cannot be expected that they will correctly perform their duties as legal guardians.²³⁸ In practice, the fitness of guardians to perform their duties with a view to a positive involvement in the child's procedure and care has raised questions in some cases. In one case, the social services removed a legal guardian from the list. In 2020 the UOIM sent negative reports about three legal guardians to social services. The social services initiated the procedure of objection to the work of the three guardians based on the report regarding their work made by the UOIM. The procedures were completed in 2021 and no legal guardian was suspended from the list.

Before being appointed as legal guardians, candidates also have to attend a special training organised by the Faculty of Social Work, University of Ljubljana, which includes family law, social work, psychology, protection of children's rights, protection of human rights and asylum law.²³⁹

The absconding rate of unaccompanied children in Slovenia is very high, which seems to be mostly due to children having family in other Member States or, more generally, Slovenia not being their destination country. The absconding of unaccompanied minors continued to be a significant issue in 2021. Out of 782 unaccompanied minors that lodged the application, 756 absconded before the first instance decision. The absconding rate was therefore 97.8% in 2021. Unaccompanied minors represented 15% of asylum seekers in 2021.²⁴⁰

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? Yes No
2. Is a removal order suspended during the examination of a first subsequent application?
 - ❖ At first instance Yes No
 - ❖ At the appeal stage Yes No
3. Is a removal order suspended during the examination of a second, third, subsequent application?
 - ❖ At first instance Yes No
 - ❖ At the appeal stage Yes No

The IPA requires foreigners re-applying for international protection in the Republic of Slovenia to undergo a subsequent application procedure in the cases where:

²³⁵ Article 16(1) and (3) IPA.

²³⁶ Article 14 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.

²³⁷ Article 17(4) IPA.

²³⁸ Article 18(2) IPA and article 181 Marriage and Family Relations Act, Official Gazette of RS, No. 69/04 and subsequent amendments.

²³⁹ Article 18(3) IPA.

²⁴⁰ Official statistics provided by the Migration Directorate, March 2022.

- Their previous asylum application was finally rejected;
- Their previous asylum application was explicitly withdrawn or
- Their previous asylum application was implicitly withdrawn and more than nine months have passed; or;
- Their procedure for extending the subsidiary protection was stopped;
- Their request for extending subsidiary protection status has been finally rejected;
- The beneficiary has not applied for extension of subsidiary protection in time.²⁴¹

A person returned to Slovenia under the Dublin Regulation whose procedure was stopped due to implicit withdrawal of their asylum application, i.e. absconding, has the right to lodge a new asylum application which is not examined as a request for subsequent application.²⁴² However, if the procedure was finally concluded in their absence, they have to undergo the subsequent application procedure (see [Dublin: Situation of Dublin Returnees](#)).

New evidence or facts have to arise either after the issuance of the prior decision or existing at the time of the first procedure but not presented by the applicant for justified reasons in order for the new asylum application to be allowed.²⁴³ The lodging of a new application is also allowed if it is proven that explicit withdrawal of the previous application was made under threat or compulsion.²⁴⁴

An applicant cannot be removed from the country until their request for subsequent application is finally processed.²⁴⁵

The responsible authority in the subsequent application procedure is the Migration Directorate of the Ministry of Interior. If it establishes that the aforementioned conditions are met, it allows the person to lodge a new asylum application. If the conditions are not met, it dismisses the request for the subsequent application as inadmissible.²⁴⁶

The procedure for lodging a subsequent application is not defined in law. However, in practice this is done orally through an interview which is conducted in the same way as in the regular procedure. This includes assistance of legal guardians in case of unaccompanied children and possible representation by PIC.

If a person submits a request for a subsequent application after their previous request for a subsequent application has already been dismissed or a first new application has been rejected, the request for the subsequent application is dismissed.²⁴⁷

The dismissal of a first request for a subsequent application can be challenged by judicial review before the Administrative Court, which is the same legal remedy as in the regular procedure. The time limit for lodging the application for judicial review was shortened from 8 to 3 calendar days. An application for judicial review has suspensive effect.²⁴⁸ The procedure is the same as that described under [Admissibility Procedure: Appeal](#). Free legal assistance by refugee counsellors is guaranteed by law, as in all other cases of judicial review under the IPA. In case judicial review is filed against the decision to dismiss the second or third subsequent application, the application for judicial review does not have automatic suspensive effect.²⁴⁹

²⁴¹ Article 64(1) IPA.

²⁴² Article 65(6) IPA.

²⁴³ Article 64(3) IPA.

²⁴⁴ Article 64(2) IPA.

²⁴⁵ Article 36(1) IPA.

²⁴⁶ Article 65(4) IPA.

²⁴⁷ Article 65(5) IPA.

²⁴⁸ Article 70(2)-(3) IPA.

²⁴⁹ Article 70(3) and 65(5) IPA.

In 2021, 34 individuals lodged the first request for a subsequent application and 9 persons lodged their second or third request for a subsequent application. Only 1 requests for a subsequent application was granted and, therefore, 1 applicant was able to lodge a subsequent application²⁵⁰:

Subsequent applicants: 2021	
Country of origin	Number of applicants
Iraq	1
Total	1

Source: Migration Directorate.

By the end of the year, 3 requests for a subsequent application and the subsequent application remained pending.²⁵¹

F. The safe country concepts

Indicators: Safe Country Concepts

1. Does national legislation allow for the use of “safe country of origin” concept? Yes No
 - ❖ Is there a national list of safe countries of origin? Yes No
 - ❖ Is the safe country of origin concept used in practice? Yes No
2. Does national legislation allow for the use of “safe third country” concept? Yes No
 - ❖ Is the safe third country concept used in practice? Yes No
3. Does national legislation allow for the use of “first country of asylum” concept? Yes No

1. Safe country of origin

The concept of the safe country of origin is defined in Article 61 IPA. A third country is designated as safe in case it can be concluded, based on the legal situation, the application of the law within the democratic system and the general political circumstances, that there is no general and consistent persecution, torture, inhuman or degrading treatment or punishment in the country and no threat of indiscriminate violence in situations of international or internal armed conflict.²⁵²

According to the law, a country is declared a safe country of origin by the Government of the Republic of Slovenia based on a proposal of the Ministry of Interior, which regularly monitors the situation in the country through the information gathered by other EU Member States, EU institutions and other relevant international organisations.²⁵³

If the Ministry finds out that conditions regarding the human rights situation have deteriorated considerably, or if it doubts that the country is still fulfilling the conditions needed to be considered as a safe country of origin, the Ministry of Interior can re-examine whether the country can still be considered safe. If the country can no longer be considered a safe country of origin the Ministry of Interior can make a proposal to remove it from the list of safe countries of origin.²⁵⁴

²⁵⁰ Official statistics provided by the Migration Directorate, March 2022.

²⁵¹ *Ibid.*

²⁵² Article 61(1) IPA.

²⁵³ Article 61(3) IPA.

²⁵⁴ *Ibid.*

The Government notifies the European Commission about the declaration of the country as a safe country of origin and about changes relating to the declaration of the country as a safe country of origin.²⁵⁵

A third country can be considered a safe country of origin in an individual case if the applicant has citizenship or, in case the applicant is a stateless person, he or she had habitual residence in the country and failed to prove that it cannot be considered a safe country of origin due to specific circumstances in his or her case. In this case, the competent authority can reject the applicant's claim for international protection as manifestly unfounded in an [Accelerated Procedure](#).²⁵⁶

The concept is used in practice. However, since there are no considerable differences between a regular and an accelerated procedure and since an applicant that is considered to come from a safe country of origin can still provide evidence that the country in question is not safe for him or her, the safe country of origin principle does not have strong practical implications.

The Government issued its first List of Safe Countries of Origin in February 2016.²⁵⁷ This marked the first time countries were designated as safe countries of origin by Slovenian authorities. In June 2019, the Government amended the Ordinance and removed **Turkey** from the safe country of origin list and added **Georgia, Nepal and Senegal**. Therefore **Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Montenegro, Egypt, Georgia, Kosovo, Morocco, Nepal, Senegal, North Macedonia, Serbia** and **Tunisia** were determined as safe countries of origin by the Government.²⁵⁸ No countries were added to the list, which is not reviewed periodically.

In 2021, a total 854 nationals of countries designated as safe countries of origin applied for asylum in Slovenia:

Asylum seekers from “safe countries of origin”: 2021	
Country of origin	Number of applicants
Morocco	175
Algeria	106
Bangladesh	267
Egypt	107
Tunisia	54
Kosovo	64
Nepal	54
Serbia	5
Bosnia and Herzegovina	0
Albania	10
North Macedonia	1

²⁵⁵ Article 61(4) IPA.

²⁵⁶ Article 62(1)-(2) IPA.

²⁵⁷ Article 1 of the Ordinance determining the list of safe countries of origin, Official Gazette of RS, No. 13/16.

²⁵⁸ Ordinance determining the list of safe countries of origin, Official Gazette of RS, No. 38/19.

Senegal	10
Monte Negro	1
Georgia	0
Total	854

Source: Migration Directorate.

In comparison to 2020, when 1903 applications from applicants from a 'safe country of origin' were lodged, the number of these applications dropped significantly in 2021. This is mostly due to the decrease of applicants from Morocco and Algeria. The number of applicants from Morocco and Algeria dropped last year after the Ministry of Interior started to detain large numbers of applicants from both countries. Upon arriving in Slovenia, individuals were detained in the Foreigners Centre where they continued to be detained as asylum seekers. Their applications were processed in the accelerated procedure in order to enable their return to Croatia under the agreement after the asylum procedure was complete. Due to the large number of arrivals and the COVID-19 pandemic, the conditions in the Foreigners Centre worsened significantly in 2021. The Migration Directorate eventually stopped the practice as most of the detained asylum seekers were released from detention upon submitting an application for judicial review against the detention order.²⁵⁹

In 2021 the concept of a 'safe country of origin' was used. However, official statistics on the number of cases is not available. If the concept is used, the application can only be rejected in the accelerated procedure as manifestly unfounded.²⁶⁰

2. Safe third country

According to Article 53 IPA, a safe third country is a country in which the applicant was present before arriving to the Republic of Slovenia and in which the applicant had a real opportunity to apply for international protection but failed to do so without a justified reason. Based on the safe third country concept, the competent authority can dismiss the application for international protection as inadmissible.²⁶¹

According to the law, a country is declared a safe third country by the government based on a proposal of the Ministry of Interior, which regularly monitors the situation in the country through the information gathered by other EU Member States, EU institutions and other relevant international organisations.²⁶²

In case the Ministry of Interior assesses that the conditions regarding the human rights situation have deteriorated considerably or if it doubts whether the country still fulfils the conditions for being considered as a safe third country, the Ministry of Interior can re-examine the safety of the country. In case the country can no longer be considered a safe third country, the Ministry of Interior can make a proposal to remove it from the list of safe third countries.²⁶³

The Government notifies the European Commission of the declaration of a country as a safe third country and of changes relating thereto.²⁶⁴

²⁵⁹ For more information see the AIDA country update for Slovenia for 2020.

²⁶⁰ Article 63(4) IPA.

²⁶¹ Article 51 IPA.

²⁶² Article 54(2) IPA.

²⁶³ *Ibid.*

²⁶⁴ Article 54(3) IPA.

The government adopted an Ordinance on 15 May 2008 to declare **Croatia** a safe third country.²⁶⁵ This is the only country to have been declared as such by Slovenian authorities and the safe third country principle has not been used since the accession of Croatia to the EU in July 2013.

In 2021, the Migration Directorate did not apply the safe third country concept.

1.1. Safety criteria

In order to be considered a safe third country, a country must meet the following requirements:²⁶⁶

1. Life and freedom in the country are not threatened on account of race, religion, citizenship, membership of a particular social group or political opinion;
2. There is no risk of serious harm;
3. The principle of *non-refoulement* in accordance with the Refugee Convention is observed;
4. The prohibition of removal which would result in the violation of the prohibition of torture and cruel, inhuman and degrading treatment as defined in international law is observed;
5. The applicant has the possibility to apply for refugee status and, if it is established that the person is in fact a refugee, to obtain protection in accordance with the Refugee Convention.

When applying the safe third country concept, asylum applicants can provide facts and evidence showing that the country in question is not a safe third country for them personally and that due to justified reasons they were not able to apply for international protection there.²⁶⁷ In a 2013 case concerning the safe third country provisions in force prior to the adoption of IPA, the Supreme Court had stressed that the burden of proof lies on the applicant to demonstrate that a country does not meet the criteria to be deemed a safe third country.²⁶⁸

1.2. Connection criteria

The law does not specify when a sufficient connection between the applicant and safe third country – “a real opportunity to apply for international protection” exists.

It should be noted that, when reviewing the legal provision in force prior to the adoption of the IPA, the Constitutional Court had found that the ambiguity in respect of the requisite degree of connection between an applicant and a third country did not allow a clear conclusion as to whether mere transit through a country is sufficient or whether the applicant needs to benefit from legal residence there. On that basis, the Constitutional Court had declared that provision unconstitutional.²⁶⁹

In an earlier case, the Supreme Court had found that it is not necessary for direct or indirect contact to have taken place between the applicant and the authorities or institutions within the concerned third country; it is enough if the circumstances of the individual case reveal that the applicant had objective and subjective possibilities to establish contact with the authorities of the safe third country.²⁷⁰

According to the law, applicants whose claims are rejected as inadmissible on the ground of a safe third country concept are to be given a document in the language of the safe third country stating that their claim was not examined on the merits.²⁷¹

If a safe third country refuses the entry of the applicant to its territory, the Migration Directorate revokes the inadmissibility decision and proceeds to the examination of the asylum application.²⁷²

²⁶⁵ Ordinance on the proclamation of the Republic of Croatia as safe third country, Official Gazette of RS, No. 50/2008.

²⁶⁶ Article 54(1) IPA.

²⁶⁷ Article 55(1) IPA.

²⁶⁸ Supreme Court, Decision I Up 39/2013, 14 February 2013, available at: <http://bit.ly/2mXKMwX>.

²⁶⁹ Constitutional Court, Decision U-I-155/11, 18 December 2013, available at: <http://bit.ly/2Dvfl8w>.

²⁷⁰ Supreme Court, Decision I Up 39/2013, 14 February 2013, available at: <http://bit.ly/2mXKMwX>.

²⁷¹ Article 59 IPA.

²⁷² Article 60 IPA.

3. First country of asylum

The concept of the first country of asylum is a ground for inadmissibility of the application for international protection.²⁷³ According to Article 63 IPA, a first country of asylum is either the country in which the applicant was granted refugee status which is still valid, or a country in which the applicant enjoys sufficient protection, including protection from *refoulement*.

When applying the first country for asylum concept, the criteria for its application are not the same as those of the [Safe Third Country](#) concept. Therefore, the criteria listed in Article 38(1) of the recast Asylum Procedures Directive do not explicitly apply.

The concept is used in practice, but so far only in a few cases per year. It was not used in any cases in 2021.²⁷⁴

The applicants can challenge the application of the first country of asylum concept, referring to the specific circumstances of their case.²⁷⁵ If a first country of asylum refuses the entry of the applicant to its territory, the Migration Directorate revokes the inadmissibility decision and proceeds to the examination of the asylum application.²⁷⁶

G. Information for asylum seekers and access to NGOs and UNHCR

1. Provision of information on the procedure

Indicators: Information on the Procedure

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? Yes With difficulty No
- ❖ Is tailored information provided to unaccompanied children? Yes No

The IPA provides that before applying for international protection, the applicant must be provided information (in a language he or she understands) about the procedure, rights and obligations of the applicant, possible consequences of failure to comply with the obligations and failure to cooperate with the competent authorities, the time frames for legal remedies and information about refugee counsellors and NGOs working in the field of international protection.²⁷⁷ At the request of the applicant, all information relating to their individual asylum procedure also needs to be provided free of charge throughout the procedure.²⁷⁸

The law does not specify in what form the information is to be provided. After the applicants have undergone their medical examination and before they lodge their asylum application, information is provided through a video that was made in 2020. The duration of the information video is approximately 7 minutes. The video contains information about the procedure, the rights and obligations of asylum seekers, and the right to appeal. It does not contain information concerning the reasons for asylum, nor on the NGOs working on the field of international protection.

In 2020, there was no available information video tailored to unaccompanied minors. In 2021 the information video was adapted for use by unaccompanied minors. However, the only difference as compared to the information video intended for adults is that it contains additional information on the procedure of unaccompanied minors. Legal guardians of unaccompanied minors are usually present in

²⁷³ Article 51(1) IPA.

²⁷⁴ Official statistics provided by the Migration Directorate, March 2022.

²⁷⁵ Article 63(3) IPA.

²⁷⁶ Article 63(4) IPA.

²⁷⁷ Article 5(1)-(2) IPA.

²⁷⁸ Article 5(3) IPA.

information sessions with unaccompanied children and can participate in providing information; this is usually the first opportunity for them to meet with the child and introduce themselves after being appointed. The information is also not tailored for the specific needs of asylum seekers, such as potential victims of trafficking, or persons in the Dublin procedure.

All asylum applicants are entitled to the information session, regardless of the type of procedure that may ensue. Applicants who lodge a request for a subsequent application are not entitled to the information session, however they often receive it in practice, especially if they have lodged their first request for a subsequent application. As the information is provided through the video, not all of the aspects of the asylum system in Slovenia are addressed and adequately presented. For example, applicants are informed about their rights and obligations during the Dublin procedure – consequences of travelling on to another EU Member State, absconding from a transfer – but it remains difficult to guarantee a full understanding of the functioning of the Dublin system and its consequences for their individual case in practice.

Throughout the asylum procedure, PIC lawyers are available to asylum seekers for any questions regarding procedures and rights and obligations they have. In 2021 PIC lawyers assisted 676 individuals during the asylum procedure and the family reunification procedure.

Information may also be provided by the Migration Directorate officials in individual cases during the official interviews or separately.

In the past, during the asylum application process, people were also given a brochure in their language, prepared by the Migration Directorate, which described the asylum system in Slovenia. The brochure was updated in 2020. However, asylum seekers do not automatically receive it upon lodging the application. In practice, asylum seekers can read the brochure in the lobby while waiting to lodge the application, but they cannot keep it for future reference unless they explicitly express their wish to do so.

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice? Yes With difficulty No²⁷⁹
2. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? Yes With difficulty No
3. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? Yes With difficulty No

Border procedures have so far not been in use in Slovenia. Irregular migrants are only present at the border police stations for a short time before they are either referred to the asylum procedure or returned to the country of arrival. During that time, they very rarely contact NGOs and the UNHCR. Cases when they would not be allowed to do so have been detected.

Asylum applicants who are detained are located in the Foreigner Centre in **Postojna**. Detainees are allowed to use their mobile phones for at least a few hours per day and free internet connection is available to them. They can also use the regular landline phones by the centre staff if they need to make important calls, especially regarding their asylum and detention cases. The detainees are also allowed to meet with visitors during appointed hours in accordance with the daily schedule. As with other asylum applicants,

²⁷⁹ Border procedures are not implemented in practice in Slovenia, however applicants do not have access to NGOs if they are apprehended.

detained asylum applicants can be represented in the first-instance procedure by PIC, whose lawyers are available to them over phone and can visit them in person, if required.

In 2021 UNHCR supported the following organizations:

- PIC in providing information, counselling and representation to asylum seekers;
- Institute EMMA, in providing psycho-social counselling and support to asylum seekers and refugees with vulnerabilities.

H. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? Yes No
❖ If yes, specify which:
2. Are applications from specific nationalities considered manifestly unfounded?²⁸⁰ Yes No
❖ If yes, specify which:

Differential treatment of specific nationalities is not based on official policies or guidelines. Nevertheless, some patterns and trends are observed in practice.

With the exception of the first period of relocation from Italy and Greece in 2015-2017, when some **Iraqi** nationals were issued negative decisions, all relocated applicants, mostly **Syrians** and **Eritreans**, have since been granted international protection. Other Syrian nationals whose asylum applications have been examined in Slovenia have also been granted international protection, as have the few Eritrean citizens who have not arrived through relocation. The practice changed, however, in December 2019 when the first Eritreans were issued with negative decisions. These were the first decisions issued to Eritreans since the end of the relocation scheme, and, as such, were not part of the relocation scheme.

In 2020 the Administrative Court made first decisions on the rejected applications of **Eritrean** applicants. The Administrative Court ruled that these decisions were lawful and that the applicants did not meet the conditions for international protection. In one case, the Court stated that there are systematic deficiencies regarding obligatory army service in Eritrea, since individuals are subjected to unlimited army service and forced labour. However, in the opinion of the Court, this obligatory army service does not amount to persecution, since all Eritreans are subjected to such treatment and therefore the applicant does not meet the definition allowing them to be granted international protection, as they are not a member of a particular social group.²⁸¹ The Administrative Court stated in another case that general inhumane and degrading treatment was applied to all prisoners in **Eritrea**, and therefore the applicant does not meet the definition that would allow them to be granted subsidiary protection, since the discriminatory nature of the treatment of certain groups of prisoners could not be established.²⁸² Only one case concerning an Eritrean applicant is still pending in the Administrative Court at the time of writing.

Until the end of 2017, Slovenian authorities had still not started issuing decisions in the cases of persons fleeing **Turkey** in the wake of the attempted coup d'état of July 2016. Turkey was the fourth main nationality of asylum seekers, representing 102 of the 1,476 applications lodged in 2017. Many Turkish applicants, including families with children, have been waiting for the conclusion of their cases for more than one year, without any substantial explanation for the delay on the part of the authorities. In 2018, during which 70 Turkish nationals applied for asylum, the Migration Directorate issued 12 negative decisions to asylum seekers from Turkey and granted refugee status in 12 cases. In 2019, 28 applicants from Turkey were granted refugee status in Slovenia either by the Administrative Court or by the Migration Directorate. In 2020, 17 applicants were granted refugee status by the Migration Directorate.

²⁸⁰ Whether under the “safe country of origin” concept or otherwise.

²⁸¹ Administrative Court Decision, I U 7/2020, 10. June 2020.

²⁸² Administrative Court Decision, I U 117/2020, 15. May 2020.

Applications from **Syrian** asylum seekers are generally considered to be well-founded, and Syrian applicants are granted international protection (in most cases, refugee status).

Applications from **Palestinian** asylum seekers are also generally considered to be well-founded, and in most cases, they are granted refugee status.

Reception Conditions

Short overview of the reception system

The Government Office for the Support and Integration of Migrants (UOIM) is responsible for the reception and accommodation of asylum seekers in Slovenia. After the preliminary procedure, applicants are brought to the Asylum Home or its branch in Logatec where they must wait to lodge the application for international protection. Before lodging the application, individuals are accommodated in the pre-reception area of the Asylum Home or in the separate building or containers in Logatec. In practice, they are not able to leave the pre-reception area of the Asylum Home or Logatec and are *de facto* detained.

The Asylum Home security personnel allow them to walk in front of the Asylum Home a couple of times per day. Food is brought to them by the social workers. The rooms of the pre-reception area have limited space and do not allow for privacy or for the separate accommodation of vulnerable groups such as unaccompanied minors, single women, families, or victims of torture. The reception capacity of the pre-reception area is approximately 36 persons. However, during a large influx of persons, a higher number of persons is often accommodated.

Due to a high number of applicants in 2021, the centre in Logatec was reorganized during the year. All accommodated asylum seekers were moved to the Asylum Home in Ljubljana and Logatec was only used as a reception centre for newly arrived individuals. Individuals in quarantine can be accommodated in the containers. After the quarantine period is over, they are moved to one of the buildings where they wait until they lodge the application. They are can leave the building a few times per day when the asylum home personnel allow them a walk. They are free to move inside the building as the rooms are not locked.

After the individuals lodge the application, they are accommodated in the Asylum Home or its branch. The decision is made by social workers of the Asylum Home based on the individual circumstances (e.g. family, unaccompanied minor, single woman, other detected vulnerabilities etc.) of the applicants, as well as availability. In practice, single men are accommodated in the Asylum Home or its branch in **Kotnikova**. Women and families are also accommodated in the Asylum Home. Unaccompanied minors can be accommodated in the Asylum Home or the Student Dormitory in **Postojna**.

Large-scale centres are used for the accommodation of asylum seekers in Slovenia. The Student Dormitory **Postojna**, where unaccompanied minors can be accommodated, is an institutional care arrangement where a special part of the student dormitory is used for unaccompanied minors.

After the individual is granted international protection, he or she needs to leave the accommodation centre within 15 days of receiving the decision. If they are able to obtain private accommodation within this timeframe, they can move outside the reception centre. If they are not able to secure private housing, they are accommodated in the integration house in **Maribor** or **Ljubljana**. If the applicant receives a negative decision, they can continue to reside in the Asylum Home or its branch until the decision of the court becomes final.

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law make material reception conditions to asylum seekers in the following stages of the asylum procedure?
- | | | | |
|---------------------------|---|--|-----------------------------|
| ❖ Regular procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Dublin procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Admissibility procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Border procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Accelerated procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ First appeal | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Onward appeal | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Subsequent application | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions? Yes No

The authority responsible for accommodation and reception of asylum applicants is the Government Office for Support and Integration of Migrants (*Urad vlade za oskrbo in integracijo migrantov*, UOIM). The office is an independent authority operating directly under the Slovenian Government and is also responsible for assistance to and integration of beneficiaries of international protection. Prior to its establishment in 2017, the above listed duties were the responsibility of the Migration Directorate under the Ministry of the Interior, also (and still) responsible for asylum procedures.

The IPA grants the right to material reception conditions which includes accommodation provided in the **Asylum Home** or its branch facilities during the whole procedure to all asylum seekers regardless of the procedure they are in,²⁸³ until a final decision on their application becomes enforceable.²⁸⁴ Applicants who lodge their first request for subsequent application also have the right to material reception conditions until a final decision in the procedure becomes enforceable.²⁸⁵ Applicants who lodge a second request for a subsequent application do not have the right to material conditions.

In relation to asylum seekers subject to Dublin procedures, the Supreme Court clarified in 2018 that asylum seekers retain the right to reception conditions until the moment of their actual transfer to another Member State, despite the wording of Article 78(2) IPA. The Court stated that, to ensure an interpretation compatible with the recast Reception Conditions Directive and Article 1 of the EU Charter, Article 78(2) should not apply in Dublin cases.²⁸⁶ A provision was included in the IPA with the amendments, providing that applicants in the Dublin procedure have the same rights as asylum seekers until their transfer.²⁸⁷

Applicants are entitled to material reception conditions by lodging their asylum application; the law makes no distinction between “making” and “lodging” an application in this regard.²⁸⁸ In practice, from the moment they express the intention to apply and until they have formally lodged their application, asylum seekers are held in the Asylum Home or its branch Logatec (see [Detention of Asylum Seekers](#)).

Applicants also receive an identification card which certifies their status as applicants for international protection in the Republic of Slovenia.²⁸⁹ Since the amendments of the IPA came to force on 09 November 2021, applicants are no longer allowed to move freely on the territory. Their freedom of movement is

²⁸³ Article 78(1) IPA.

²⁸⁴ Article 78(2) IPA.

²⁸⁵ Article 78(3) IPA.

²⁸⁶ Supreme Court, Decision Up 10/2018, 12 June 2018.

²⁸⁷ Article 78(2) IPA.

²⁸⁸ Article 78(2) IPA.

²⁸⁹ Article 107 IPA.

limited to the municipality in which they are accommodated.²⁹⁰ They are informed about this limitation of movement by the Migration Directorate upon lodging the application. (see: [Freedom of movement](#))

The law provides that applicants who have their own means of subsistence (amounting to the basic minimum monthly income of 421,89€ per person) have to bear all, or the proportional share, of the cost for their material care,²⁹¹ which includes reception or accommodation. They are also not entitled to food, clothes, shoes²⁹² or a monthly allowance²⁹³. Asylum seekers must declare their financial resources before they are accommodated in the Asylum Home or its branch. The form regarding their financial resources is part of their accommodation documentation and is filled by the officials of the Migration Directorate with the help of an interpreter. The content and the purpose of the form are explained to the asylum seeker and both the official of the Migration Directorate and the interpreter have to sign the form together with the asylum seeker.

In practice, there are no particular problems reported regarding the access to reception conditions and individuals do not have to bear all, or the proportional share of the costs.

Accommodated persons are obliged to move out of the reception center when the decision on their application becomes enforceable.²⁹⁴ In the case of granted international protection, this is 15 days from the receipt of the decision (see [Content of International Protection: Housing](#)). In case of a negative decision, applicants retain all of their reception rights, including the right to live in the reception facility during the appeal (judicial review) procedure. If the negative decision is confirmed by the court, the rejected applicant must move out of the facility and the return procedure is started if he or she does not have the right to stay in Slovenia.

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

- | | |
|---|-----|
| 1. Amount of the monthly financial allowance/vouchers granted to asylum seekers as of 31 December 2021 (in original currency and in €): | 18€ |
|---|-----|

Asylum Seekers have the right to the following material reception conditions: accommodation in the **Asylum Home** or its branch facilities; food; clothing, footwear and hygiene supplies; emergency medical care (and full medical care in case of children); access to education; access to the labour market; humanitarian aid and an allowance of 18€ per month.²⁹⁵ Applicants who lodged a request for a subsequent application do not have the right to a monthly allowance.²⁹⁶

If the applicant's identity is not disputed and he or she has already undergone a personal interview, he or she may request to reside in private accommodation instead of the Asylum Home or one of the branch facilities, in which case he or she is not entitled to material reception conditions. The living conditions in private accommodation have to be suitable.²⁹⁷ Therefore, before granting the request to reside in private accommodation, the UOIM will conduct an inspection of the living conditions. In case of exceptional personal circumstances, the UOIM can accommodate the applicant in another suitable institution even if identity is not confirmed and a personal interview has not yet been conducted, if they cannot provide a suitable accommodation in the Asylum Home or its branch.²⁹⁸ The question of whether there are exceptional circumstances is considered by a special committee.²⁹⁹ If the applicant does not have his or

²⁹⁰ Article 78(1), first indent IPA.

²⁹¹ Article 82(3) IPA.

²⁹² *Ibid.*

²⁹³ Article 85(1) IPA.

²⁹⁴ Article 78(2) IPA.

²⁹⁵ Article 78(1) and 79 IPA.

²⁹⁶ Article 85(1) IPA.

²⁹⁷ Article 83(1) and (3) IPA.

²⁹⁸ Article 83(2) IPA.

²⁹⁹ Article 83(3) IPA.

her own means of subsistence, or is unable to cover all or a proportional share of the accommodation cost of another suitable institution, the accommodation costs are covered by the UOIM.³⁰⁰

In line with the amendments of the IPA, asylum seekers can no longer apply for financial assistance for the purpose of residing at a private address. Applicants whose requests were granted before the amendments came to force continue to receive financial assistance.

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

1. Does the law provide for the possibility to reduce material reception conditions?
 Yes No
2. Does the law provide for the possibility to withdraw material reception conditions?
 Yes No

The only form of reception conditions that can be withdrawn is the monthly allowance of 18€. This can occur if the applicant:

- leaves the municipality in which he/she is accommodated without informing the authorities;
- fails to fulfil the obligation to provide information to the authorities;
- does not attend their personal interview; or
- commits a serious violation of the house rules.³⁰¹

In 2019 the withdrawal or reduction of the monthly allowance to asylum seekers became a regular practice and UOIM issued 115 decisions to withdraw the monthly allowance (principally on account of persons staying the night outside of the Asylum Home without prior permission).³⁰² In 2020, UOIM issued 181 decisions to withdraw this monthly allowance for disciplinary purposes. 179 of these decisions were issued because the person did not return to the premises of the Asylum Home in time, and 2 were issued because the person deliberately caused damage to Asylum Home property.³⁰³ In 2021 UOIM issued 53 decisions to withdraw the monthly allowance. They were all issued because the person did not return to the premises of the Asylum Home in time.³⁰⁴

The decision to reduce or withdraw the monthly allowance is made by the authorized person of UOIM. When making the decision they must take into account the special individual circumstances of the asylum seeker and the principle of proportionality.³⁰⁵ The IPA does not regulate the assessment of the asylum seekers' risk of destitution or ability to provide for their own basic needs, nor does it define "destitution" or "basic needs". Similarly, and in practice, the decision to reduce or withdraw the monthly allowance does not contain the assessment of the asylum seekers' risk of destitution or ability to provide for their basic needs but only the legal grounds and the reason for the decision.

The applicant can submit an appeal against the decision on withdrawal of monthly allowance within three days to the head of UOIM; in such case free legal assistance by PIC is available to asylum applicants in practice, though not guaranteed by law.

The Supreme Administrative Court also announced decisions in two cases regarding individuals with restricted movement within detention centres. The court confirmed that that the requirements for imposing such a measure had not been met, and dismissed the Ministry of the Interior's appeal for an extraordinary remedy.³⁰⁶

Another case concerned an applicant who left the reception centre for more than 3 days (this being the period within which the reception place is still kept) without explanation. The court concluded that the

³⁰⁰ Article 83(4) IPA.

³⁰¹ Article 85(2) IPA.

³⁰² Official statistics provided by UOIM, January 2020.

³⁰³ Official statistics provided by UOIM, January 2021.

³⁰⁴ Official statistics provided by UOIM, March 2022.

³⁰⁵ Article 85(3) IPA.

³⁰⁶ *Ministry of the Interior v Applicant (no. 2)*, available at <https://bit.ly/3yD94mA>.

applicant's behaviour suggested that he had no interest in waiting for a court decision and the administrative court acted in a legal manner by rejecting the case, even though the law does not foresee this specific circumstance for rejection. The Supreme Administrative Court also underlined that applicants have obligations, such as being available to the national authorities.³⁰⁷

In addition, the new amendments of the IPA allow the UOIM to resettle the asylum seeker to another accommodation centre, if the asylum seeker commits certain serious violations of the house rules.³⁰⁸ This measure was not used in 2021.

The new amendments also introduced a severe *de facto* reduction of reception conditions in case the applicant commits the following severe violations of the house rules:

- brings or consumes alcohol or other intoxicants;
- enables the accommodation of another person in the room;
- violates the public order and peace.

The amendments allow the UOIM to 'accommodate' the asylum seeker in another, special, separate room in the pre-reception area of the Asylum Home for up to 3 days or less, if the measure has reached its purpose.³⁰⁹ It should be noted that the measure itself amounts to solitary confinement and *de facto* detention, although it is not defined as such in the IPA, and the procedural provisions for detention do not apply. Applicants who are 'accommodated' in the separate room are notified about the detention orally and given a written decision in 24 hours. The applicant can lodge an objection to the UOIM against the decision within 3 days of receiving the written decision.³¹⁰ As the measure imposed is no longer in place, by the time the applicant is in a position to lodge the objection, the legal remedy is not effective. Applicants also do not have free legal help or representation provided by law in the first instance or before the court. This measure was not used in 2021.³¹¹

4. Freedom of movement

Indicators: Freedom of Movement

1. Is there a mechanism for the dispersal of applicants across the territory of the country?
 Yes No
2. Does the law provide for restrictions on freedom of movement? Yes No

In line with the amendments of the IPA that came to force in November 2021, asylum seekers can no longer move freely within the territory of Slovenia. Their freedom of movement is limited to the municipality in which they are accommodated.³¹² They are informed about the limitation of movement by the Migration Directorate upon lodging the application. Applicants can only leave the municipality if it is necessary for them to exercise their rights relating to health, work and education, if they have to participate in a procedural act, or for other substantiated reasons. In order to be able to live in the municipality, they have to lodge a request to the UOIM. They can lodge an objection against the decision to the head of the UOIM within 3 days from receiving it.³¹³

In 2021, 8 individuals submitted the request to leave the municipality.³¹⁴

³⁰⁷ ECLI:SI:VSRS:2020:I.UP.129.2020, 30 September 2020, available at: <https://bit.ly/3yD6Pj0>. See EASO Asylum Report 2021 at <https://bit.ly/3L653cM>, p.148.

³⁰⁸ Article 82.b IPA.

³⁰⁹ Article 82.b(2) IPA.

³¹⁰ Article 82.b (4) IPA.

³¹¹ Official statistics provided by UOIM, March 2022.

³¹² Article 78(1) IPA.

³¹³ Article 78(5)-(6) IPA.

³¹⁴ Official statistics provided by the UOIM, March 2022.

All persons wishing to apply for asylum are first accommodated in the closed reception area of the **Asylum Home** in Ljubljana or its branch in **Logatec**, where they wait for their medical examination as well as Eurodac fingerprinting and photographing, followed by the information session and the lodging of the asylum application (see [Detention of Asylum Seekers](#)).

After the lodging of the asylum application they are accommodated in the Asylum Home or one of its branch facilities, depending on their personal circumstances. Single men are normally accommodated in the **Asylum Home** or its branch facility **Kotnikova** in Ljubljana, families in the **Asylum Home**, and unaccompanied children in the student dormitory in **Postojna** or the **Asylum Home**. The Asylum Home is also divided into separate units for single men, families and children.

During the day, applicants can leave their place of accommodation as they wish. However, at night they have to respect the Asylum Home house rules, which state that absence from the facility is allowed during the following hours:³¹⁵

- For adults: Monday- Thursday: 06:00 – 23:00, Friday- Sunday/holidays: 6.00 – 1.00
- For unaccompanied children: Weekdays 06:00 – 21:00; Weekends / holidays: 06:00 – 22:00..

If they wish to leave the accommodation facility outside the prescribed hours, applicants have to obtain permission in advance. Permission cannot be issued for more than 7 days and the total amount of permissions issued cannot exceed 60 days in one year.³¹⁶

Arbitrary departure from the appointed premises of accommodation can also have consequences on the asylum procedure itself. If the applicant leaves the premises of the Asylum Home or its branch facility and does not return after 3 days, his or her application is considered to be implicitly withdrawn. The asylum application can also be considered to be implicitly withdrawn if the applicant sleeps outside the accommodation centre without permission and does not provide substantiated reasons for doing so.³¹⁷ If more than nine months have passed since this implicit withdrawal, the applicant can only reapply for asylum if he or she meets the admissibility conditions for a [Subsequent Application](#).³¹⁸

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

- | | |
|--|-----|
| 1. Number of reception centres: | 4 |
| 2. Total number of places in the reception system: | 401 |
| 3. Total persons living in private accommodation: | 26 |
| 4. Type of accommodation most frequently used in a regular procedure: | |
| <input checked="" type="checkbox"/> Reception centre <input type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input type="checkbox"/> Private housing <input type="checkbox"/> Other | |
| 5. Type of accommodation most frequently used in an urgent procedure: | |
| <input checked="" type="checkbox"/> Reception centre <input type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input type="checkbox"/> Private housing <input type="checkbox"/> Other | |

Asylum seekers are accommodated in the Asylum Home in Ljubljana and its three branch facilities. All reception facilities are managed by UOIM.

³¹⁵ Article 6(1) Decree on Asylum Centre House Rules.

³¹⁶ Article 82(6) IPA.

³¹⁷ Article 50(2) IPA.

³¹⁸ Article 50(3) IPA.

Capacity and occupancy of the Asylum Home and branch facilities		
Centre	Capacity	Occupancy at 31 December 2021
Asylum Home	203	78
Branch Facility Kotnikova	90	59
Branch Facility Logatec	108	107
Student Dormitory Postojna	22	14
Total	401	258

Official statistics provided by UOIM.

The main reception facility is the Asylum Home in **Ljubljana**, which accommodates up to 203 persons. Until 2015 this was the only reception centre in Slovenia and was divided into sections for single men, families and children. Around the beginning of 2016, with the anticipated increase in the number of asylum seekers, the government opened additional “branch facilities” of the Asylum Home. Currently, **the Asylum Home** accommodates mostly single men, women, unaccompanied minors and families, the **Branch Facility Kotnikova** in Ljubljana exclusively single men, the **Branch Facility Logatec** serves as a pre-reception centre, and the **Student Dormitory Postojna** unaccompanied children.

Applicants can also request to reside in private accommodation (see [Forms and Levels of Material Reception Conditions](#)). 24 asylum seekers were living in private accommodation at the end of 2021.³¹⁹

In the case of the [Border Procedure](#), yet to be applied, persons expressing the intention to seek asylum can also be accommodated “close to the border”, if the requisite material reception conditions are guaranteed.³²⁰ Other types of accommodation are not used in practice.

1. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

- Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? Yes No
- What is the average length of stay of asylum seekers in the reception centres? 11 days
- Are unaccompanied children ever accommodated with adults in practice? Yes No

1.1. Overall living conditions

The **Asylum Home** is located approximately 20 minutes by bus from the **Ljubljana** city centre in a rather isolated area, while the Branch Facility **Kotnikova** is in the city centre. The towns of **Logatec** and **Postojna**, where the other two branch facilities are established, are located 30 km and 50 km from Ljubljana respectively.

The **Asylum Home** was renovated in 2017. The average room surface in the Asylum Home is around 3.75 – 7.50 m² per applicant, the same as before renovation,³²¹ and of similar size to the rooms in the branch facilities. Applicants are normally accommodated in rooms for two to four persons. Bathrooms in

³¹⁹ Official statistics provided by UOIM, March 2022.

³²⁰ Article 43(2) IPA.

³²¹ European Migration Network (EMN), *Focused Study: The Organisation of Reception Facilities for Asylum Seekers in different Member states, Slovene national contribution*, 2013.

all facilities are shared. Hygiene and other conditions in the Asylum Home and its branch facilities are generally considered to be satisfactory.

Applicants are provided three meals per day. Children up to the age of 15 are entitled to two additional intermediate meals.³²² The menu is adapted to special medical or other needs on the basis of a doctor's certificate or other proof. Religious and other dietary customs are taken into consideration, whenever possible.³²³ Asylum seekers in the **Asylum Home** as well as all branch facilities also have common kitchens at their disposal in which they can cook for themselves.

The Asylum Home employs social workers, a doctor and a nurse, who are present in the facility on a daily basis. A psychiatrist visits the Asylum Home on a weekly schedule and is also available to applicants from branch facilities upon appointment. Social workers are available in the branch facilities as well. Medical assistance is mostly organised through appointments at regular clinics and hospitals. Security is provided by personnel of a security company. Legal counselling is provided by PIC and various other assistance and activities by other NGOs. Due to the COVID-19 pandemic some activities were limited in 2021.

The facilities could benefit from more regular employment of cultural mediators and interpreters to help with reception issues and activities, so far only available inconsistently through projects. Kindergarten-type care of children was not provided in 2021 due to the COVID—19 pandemic. The number of staff in the facilities is otherwise generally considered sufficient, although it may be lacking during certain periods of time (e.g. due to gaps in implementation of projects).

In 2021, overcrowding due to the large number of new arrivals continued. Due to the lack of capacity in the pre-reception area of the Asylum Home, the accommodation centre in Logatec was reorganized in a reception centre. All of the families, single women and unaccompanied children were moved to the Asylum Home in Ljubljana or the Student dormitory in Postojna. In Logatec, people were generally first accommodated in containers for the quarantine period, after which they were moved to one of the rooms in the separate buildings. While the rooms are not locked, the buildings are, and individuals cannot move freely on the property. In 2021, individuals waited up to 20 days to lodge their applications, due to obligatory quarantine and the backlog of applications.

The medical examination is normally performed before the interview but on account of the delay in lodging, people were also obliged to wait for the medical examination. Before the medical examination was performed, they were in contact with other asylum seekers and employees of the **Asylum Home**. After they lodged their applications, they were accommodated in the Asylum Home or one of its branches.

Due to the large number of asylum seekers accommodated in the Asylum Home and its branches, the risk of infection with COVID-19 was high. Preventive measures were taken in all centres. Masks were obligatory and hand sanitizers were installed in all centres. Each person with COVID-19 symptoms was tested including his or her roommates and isolated. Free COVID-19 testing was available to asylum seekers in the Asylum Home and they had to be tested for COVID-19 before they lodged the application or appeared for any other procedural act.

1.2. Activities in the centres

Many NGOs and humanitarian organisations provide support in the **Asylum Home** on a regular basis. PIC lawyers are available to asylum seekers for legal aid and assistance in the Asylum Home through the telephone and upon previous appointment. The [Institute for African Studies](#) provides special information sessions following the asylum application with unaccompanied children and other potential victims of trafficking. [Javni zavod Cene Štupar](#) carries out a daily programme involving Slovenian language and literacy classes and learning assistance. [Slovene Philanthropy](#) provides information on the rights and

³²² Article 14 Decree on the methods and conditions for ensuring the rights of applicants for international protection.

³²³ *Ibid.*

obligations of asylum seekers in Slovenia. [Zavod Emma](#)³²⁴ provided psycho-social counselling as well as workshops on sexual and gender-based violence. Asylum seekers also have a room in the Asylum Home dedicated for prayer and practicing their religion.

The Branch Facility **Kotnikova** is visited by PIC lawyers providing legal counselling upon previous appointment. Slovenian language and literacy classes are also carried out on a daily basis by [Javni zavod Cene Štupar](#), which is the same as in the Asylum Home. [Slovene Philanthropy](#) provided English classes twice or three times per week and [Zavod Emma](#) provided counselling to victims of SGBV twice per month. The Branch Facility **Logatec**, was reorganized as a pre-reception centre, and therefore activities were not carried out in the centre.

One shortcoming observed in the Slovenian system is that pre-school children do not have access to regular kindergartens and families can, in this regard, only rely on NGO activities, which may not always be available or sufficient. In 2021 the child day care activities were suspended due to the COVID-19 pandemic.

Apart from the above, activities are also carried out in the **Asylum Home** and branch facilities by the social workers of the UOIM.

In the Student Dormitory **Postojna**, activities are mostly carried out by the staff of the facility; various educational, cultural and sports activities are organised by them in the dormitory and outside. Children also attend Slovenian and literacy classes organised by [Ljudska univerza Postojna](#). Various other smaller activities and assistance are implemented by other organisations. PIC lawyers visit the facility to provide legal counselling upon prior appointment.

Most activities were suspended or reorganized in 2021 due to the COVID-19 pandemic. Workshops, language classes and other activities that are carried out in groups had to be suspended while other individual activities such as individual counselling continued in accordance with the obligatory preventive measures (masks, distance, sanitizing etc.)

1.3. Average duration of stay

Considering that more than half of persons applying for asylum in Slovenia abscond – 5,125 individuals absconded in 2021 out of the total of 5,3012 applicants (i.e. approximately 97%) – usually within a short time after the application, the turnover of people in the reception facilities is quite high. Applicants in the regular procedure often wait for the decision for over six months, possibly over one year or longer. The duration of Dublin procedures varies considerably and may be quick or take several months or longer. The average duration of accommodation in 2021 per person was 11 days. The average duration of stay in the Asylum Home was 4 days, in **Kotnikova** 17 days, in Logatec 7 days, and 7 days in the Student Dormitory **Postojna**.³²⁵

³²⁴ The project was concluded in December 2019.
³²⁵ Information provided by UOIM, March 2022.

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

1. Does the law allow for access to the labour market for asylum seekers? Yes No
❖ If yes, when do asylum seekers have access the labour market? 9 months
2. Does the law allow access to employment only following a labour market test? Yes No
3. Does the law only allow asylum seekers to work in specific sectors? Yes No
❖ If yes, specify which sectors:
4. Does the law limit asylum seekers' employment to a maximum working time? Yes No
❖ If yes, specify the number of days per year
5. Are there restrictions to accessing employment in practice? Yes No

Asylum seekers acquire the right to free access to the labour market nine months after they have lodged their application if the decision in their procedure has not yet been taken by the Migration Directorate and the delay cannot be attributed to the asylum seeker.³²⁶

Once asylum seekers have the right to free access to the labour market, they can access self-employment, employment and work without meeting other requirements such as consent to the single residence permit and work permit or EU Blue Card or seasonal work permit. The Ministry of Interior only issues them a notice stating that they meet the above-mentioned conditions.³²⁷

In practice, asylum seekers face systematic and practical obstacles when searching for work and employment such as the language barrier, cultural differences, lack of certificates bringing evidence of education, lack of work experience, medical problems, discrimination, structural imbalances in the labour market and lack of employers' trust.³²⁸ In addition, asylum seekers are often unable to open the bank accounts that will be necessary if they obtain employment, as Slovenian banks are reluctant to accept asylum seekers as their clients. The statistics on the number of employed asylum seekers are not available.

In 2017, the UOIM was established and one of the responsibilities of the newly established authority is also integration of asylum seekers into the labour market. In practice, NGOs also help asylum seekers find employment. The employment offices in Ljubljana and Maribor also employ special staff who are responsible for asylum seekers and other migrants.

After nine months, applicants are also allowed access to vocational training.³²⁹ In practice asylum seekers prefer to find employment and enter vocational training after obtaining international protection.

³²⁶ Article 87(1) IPA.

³²⁷ Article 6 Employment, Self-Employment and Work of Foreigners Act, Official Gazette of RS, No. 47/15 and 10/17.

³²⁸ EMN, *Focused Study: Integration of beneficiaries of international/humanitarian protection into the labour market*, 2015.

³²⁹ Article 87(2) IPA.

1. Access to education

Indicators: Access to Education

1. Does the law provide for access to education for asylum-seeking children? Yes No
2. Are children able to access education in practice? Yes No

The law provides that the right to elementary education has to be ensured to asylum seekers no longer than three months since they lodged their application.³³⁰ There is no age limit attached to this provision.

Child asylum seekers are ensured access to education in vocational and secondary schools under the same conditions as Slovenian citizens; adult asylum seekers are also allowed such access. Furthermore, asylum seekers are allowed access to post-secondary and higher education programmes and to programmes designed for education of adults. The law expressly sets out that, if necessary, preparatory educational assistance has to be provided to children in order to facilitate their access to the education system.³³¹

In practice, all asylum-seeking children accommodated in the **Asylum Home** enrol into elementary school within around one week's time from arrival. Most of them attend the elementary school Livada, where three hours of Slovene and literacy classes are held every day, followed by regular classes. When children return from school, they can attend the language and literacy classes in the Asylum Home under the programme carried out by [Javni zavod Cene Štupar](#).

Elementary school children that are accommodated together with their families at private apartments outside of the Asylum Home go to various other elementary schools, where special educational assistance is also carried out, albeit mostly to a lesser extent than at the elementary school Livada.

Elementary school for adults is organised by [Javni zavod Cene Štupar](#), where students are placed in a suitable class, based on initial testing of their knowledge level. They can then complete two regular school years per year.

Children do not face any considerable obstacles in their accessing of the education system. The same is true for adults accessing elementary school for adults. On the other hand, adults wishing to enrol into high school have to pay a tuition fee, same as Slovenian citizens. Nevertheless, cases of asylum applicants accessing high school are rare, since asylum procedures are usually concluded by the time when their level of Slovenian language would be insufficient. Universities are mostly free (same as for Slovenian citizens), but programmes carried out in English are rare. Also, one obstacle for accessing high schools and universities is that, unlike beneficiaries of international protection, asylum applicants have to pay themselves the costs of proving their previously attained education.³³²

Special needs of asylum-seeking children are taken into consideration in the same way as for Slovenian students.

Due to COVID-19, schools carried out classes online or in person depending on the measures imposed by the government. This was a significant challenge, since most asylum seekers do not own or have access to a computer. Children also had problem with understanding classes and needed additional help in order to understand subjects. This help was provided by the social workers in the centres.

³³⁰ Article 88(1) IPA.

³³¹ Article 88(1)-(2) and (4) IPA.

³³² Article 88(6) IPA.

D. Health care

Indicators: Health Care

1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?
 Yes No
2. Do asylum seekers have adequate access to health care in practice?
 Yes Limited No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?
 Yes Limited No

Asylum seekers have the right to urgent medical care which includes emergency medical assistance and emergency rescue services based on the decision of the doctor, the right to emergency dental assistance, emergency treatment based on the decision of the treating physician and health care for women.³³³ Asylum-seeking children and students up to the age of 26 are entitled to health care to the same extent as other children in Slovenia who are insured as family members,³³⁴ which means they enjoy full medical coverage.

Vulnerable persons with special needs are also entitled to additional health services, including psychotherapeutic assistance, following approval from a special committee comprising of a representative of the UOIM, a nurse or medical technician employed in the Asylum Home, a representative of NGOs working in the field of asylum and a representative of the Ministry of Health (see [Special Reception Needs](#)).³³⁵ Other asylum seekers can also be granted such additional health services by the committee in exceptional cases.³³⁶

The **Asylum Home** employs a doctor and a nurse, who are present in the facility on a daily basis. A psychiatrist visits the Asylum Home on a weekly basis. Asylum seekers accommodated in branch facilities can also make an appointment and visit the psychiatrist in the Asylum Home.

Applicants access health care through the regular Slovenian health care system (clinics, hospitals) under the conditions described above. Applicants who need assistance with accessing health care can receive help by the social workers. Unaccompanied children are escorted to the doctor by their legal guardians. UOIM provides interpretation in regard to access to health care both in reception centres and in other medical facilities.

Asylum seekers obtain mandatory health insurance after they have been granted international protection (see [Content of Protection: Health Care](#)).³³⁷

In 2021 the Asylum Home provided free COVID-19 testing to all asylum seekers. Before lodging the application or appearing in another procedural act, asylum seekers had to be tested and show a negative result when coming to the Migration Directorate. Individuals were also tested at police stations when they were apprehended for irregular border crossings, and upon arrival in the Asylum Home or its branch. Despite being tested, new arrivals were subjected to a mandatory quarantine period before lodging the application.

³³³ Article 86(1) IPA.

³³⁴ Article 86(3) IPA.

³³⁵ This is the same body which decides on requests to reside outside the Asylum Home, extended by an additional member – representative of the Ministry of Health (see [Forms and Levels of Material Reception Conditions](#)).

³³⁶ Article 86(2) IPA.

³³⁷ Article 98(2) IPA.

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?
 Yes No

Categories of people considered to be vulnerable are similar to those listed in Article 21 of the recast Reception Conditions Directive, the only difference being that the definition in Article 2 (22) IPA does not explicitly include persons with serious illness, although the definition is not exhaustive.

According to Article 14(1) IPA material reception conditions, health services, psychological counselling and overall treatment needs to be adapted for applicants with special needs regarding their reception.

There is no special mechanism laid down in the law or in practice to identify vulnerable persons for the purpose of addressing their specific reception needs. Their vulnerability can be partially examined during the medical examination – visible physical characteristics due to which the individual is considered to be vulnerable – during which the vulnerability assessment is performed according to Article 13(1) IPA. The individual's vulnerability can also be assessed during the lodging of the application. The Migration Directorate fills out a form for every asylum seeker upon lodging the application, and lists the identified vulnerabilities of the asylum seeker. The form is then given to the UOIM when the applicant is accommodated. The vulnerability of an applicant can also be assessed during the personal interview.

Special information sessions following the asylum application are conducted with unaccompanied children and other potential victims of trafficking. The project was implemented by the Institute for African Studies and the staff of UOIM. However in 2021 only 292 sessions were conducted although 782 unaccompanied minors lodged the application for international protection.³³⁸

When victims or potential victims of sexual or gender-based violence are identified, they are processed in the system of Standard Operating Procedures. The system is based on the protocol that establishes a mechanism for prevention, and action in cases where asylum seekers or beneficiaries of international protection are identified as victims or potential victims of sexual or gender-based violence.

The mechanism complements the existing national mechanism, and it aims to establish a fast and coordinated approach for offering support to victims. When a potential victim is identified, the authority or the NGO that identified a potential victim is obliged to report it and call for an immediate activation of the Standard Operating Procedures. A meeting of relevant actors is conducted and a plan of support is drafted based on the individual needs of the victim. Additional support can be offered to the victim regarding reception, health care, mental health care, international protection procedure or any other identified needs.³³⁹

In 2020, the expert group convened 15 times in order to discuss individual cases and make an additional assistance plan.³⁴⁰ This is related to the protocol on sexual and gender-based violence signed by Slovenia in 2020.³⁴¹

Special needs regarding reception conditions can also be identified at a later stage according to Article 13(2) IPA. Unfortunately, there is no monitoring mechanism in place regarding the measures for addressing the special needs in reception.

³³⁸ Official statistics provided by UOIM, March 2022.

³³⁹ UOIM: *Deležniki podpisali nov protokol o preprečevanju in ukrepanju v primerih spolnega nasilja ter nasilja na podlagi spola*, 22. 9. 2020, available in slovene at: <https://bit.ly/39AXpdb>.

³⁴⁰ Official statistics provided by the UOIM, March 2022.

³⁴¹ EASO Asylum Report 2021, available at: <https://bit.ly/3L653cM>, 263.

As mentioned in [Health Care](#), individuals who are identified as vulnerable by a special multidisciplinary committee can receive additional health services.³⁴² They can also be accommodated in special facilities such as medical facilities or nursing homes if appropriate accommodation for them cannot be provided in the Asylum Home.³⁴³ In practice, this is arranged on a case by case basis and depends on the availability of such facilities.

Vulnerable groups are accommodated according to the category of vulnerability they belong to. In 2021, 2688 asylum seekers were recognised as vulnerable, out of which 1906 were minors and 782 were unaccompanied minors.³⁴⁴

1. Reception of families

Families are accommodated in the family section of the **Asylum Home** in Ljubljana. Nuclear families are accommodated together during the asylum procedure while extended family members, mainly single men, can be accommodated in a separate unit of the Asylum Home or in a different accommodation centre.

2. Reception of unaccompanied children

Before 2016, unaccompanied children were accommodated in a special section of the Asylum Home in Ljubljana. However, due to shortcomings in protection and care that could be provided under that arrangement, the government instituted a pilot project which took place between August 2016 and August 2017, in the framework of which unaccompanied children were accommodated in Student Dormitories **Postojna** and **Nova Gorica**. This solution provided better results, including in terms of separation from adult asylum applicants, more available assistance by specialised staff and better integration in the local environment.

After the conclusion of the pilot project, accommodation in Nova Gorica was terminated and unaccompanied children were moved to Student Dormitory **Postojna**. By the end of 2018, the UOIM decided to extend the pilot project in the Student Dormitory Postojna for one more year.

Unaccompanied children can be accommodated in a special section of the Asylum Home in Ljubljana or in the Student Dormitory in Postojna. Based on the agreement with the Student Dormitory Postojna, up to 19 unaccompanied children can be accommodated in the dormitory.

Since the number of unaccompanied children is higher than the reception capacity of the Student Dormitory, in practice only unaccompanied children under 16 are accommodated in Postojna while the rest are accommodated in the **Asylum Home**. Due to the shortcomings in protection and care, the Asylum Home is not a suitable accommodation for unaccompanied children (see [Conditions in Reception Facilities](#)). Due to a large number of unaccompanied minors that lodged the application in 2021, older unaccompanied minors were accommodated in the Asylum Home during the year. At the end of the year 3 unaccompanied minors were accommodated in the Asylum Home and 14 were in Student Dormitory Postojna.³⁴⁵

Various stakeholders agree that Slovenia should strengthen the individual approach towards accommodation and care for unaccompanied children and establish support measures for transition to adulthood. A systemic solution for accommodation and care of unaccompanied children was still not established in 2021.

³⁴² Article 86(2) IPA.

³⁴³ Article 83(2) IPA.

³⁴⁴ Official statistics provided by UOIM, March 2022.

³⁴⁵ Official statistics provided by UOIM, March 2022.

One identified problem is that while an age assessment procedure is set out in law (see [Identification](#)), it is not carried out in practice, thereby raising the risk of adults falsely claiming to be children being accommodated together with actual children. (see [Age assessment of unaccompanied children](#)).³⁴⁶

As described in [Legal Representation of Unaccompanied Children](#), appointed legal guardians assist unaccompanied children with access to health care, education and reception, among other tasks.

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

According to Article 5 IPA, asylum seekers need to be informed about their rights and obligations in the procedure in the language they understand. This includes information about the material reception conditions, rights and obligations in reception accommodation, legal status and access to the labour market. This information is provided to them by Slovenska filantropija if they are accommodated in the Asylum Home. It can also be provided by PIC legal representatives or by the social workers and other officials. Written information on reception conditions is currently outdated and not available in all required languages.

In 2021, information meetings were held with all accommodated asylum seekers during which they were provided with information regarding COVID-19, the importance of preventive measures and proper hygiene, and the procedure in case of symptoms. Interpreters were present during these meetings. All national instructions and decrees were regularly interpreted in different languages and posted over all reception centres. Picture posters were also made. During their accommodation, individuals were also informed orally of the preventive measures. Asylum seekers were provided with masks and available hand sanitizers. As part of the preventive measures, food distribution was reorganized as well as group activities. In addition, free COVID-19 testing was conducted for asylum seekers in the Asylum Home.³⁴⁷

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

1. Do family members, legal advisers, UNHCR and/or NGOs have access to reception centres?
 Yes With limitations No

According to Article 4 IPA all applicants have to be granted access to UNHCR and organisations providing legal counselling.

Visits to reception centres are possible during official hours with a visitor's permit issued by the social worker only.³⁴⁸ Visitors have to submit their identification document at the reception.³⁴⁹ NGOs and their staff working in the Asylum Home and the branch facilities have to be approved by the Ministry of Interior. Asylum seekers have access to NGOs working in the reception centres according to their schedule. Visits were not possible in 2021 due to COVID-19. NGOs and their staff were able to visit the asylum centres only if they were approved by the Ministry of Interior.

G. Differential treatment of specific nationalities in reception

There are no indications of differential treatment of specific nationalities in the area of reception.

³⁴⁶ Official statistics provided by UOIM, January 2020.

³⁴⁷ Information provided by UOIM, March 2022.

³⁴⁸ Article 10 Decree on Asylum Centre House Rules.

³⁴⁹ Article 11 Decree on Asylum Centre House Rules.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2021:	69
2. Number of asylum seekers in detention at the end of 2020:	10
3. Number of detention centres:	1
4. Total capacity of detention centres:	180

The decision on detention of asylum applicants is taken by the Migration Directorate. Asylum seekers can be detained in the **Foreigners Centre** or in the **Asylum Home**.

Most asylum seekers are generally not formally detained.

Detention of asylum seekers in 2017-2020				
	2017	2018	2019	2020
Aliens Centre	47	123	22	217
Asylum Home	1	0	1	0

In March 2019, the Supreme Court ruled, in accordance with the CJEU judgment C-538/15, *Al Chodor*, that the provisions of the IPA regarding the detention are not in accordance with the Dublin Regulation, since the IPA does not contain the definition of the “risk of absconding” and the objective criteria needed to establish the risk of absconding in an individual case.³⁵⁰ The Supreme Court therefore ruled that detention in the Dublin procedure is not lawful since the IPA does not contain the proper legal ground for detention. Since the provisions of the IPA regarding detention have not been amended, asylum seekers in Slovenia could not be detained in the Dublin procedure or on any other ground that requires the risk of absconding to be established. Following the judgment of the Supreme Court, asylum seekers in the Dublin procedure were, therefore, not detained in Slovenia pending their Dublin procedure. The only possible ground for detention in Slovenia until the amendments to the IPA were made was in order to prevent security threats to the country or to the constitutional order of the Republic of Slovenia or if it is necessary to protect personal safety, property and other grounds related to public safety.

In 2021, the IPA was amended and the definition of the risk of absconding was added. This enabled the authorities to detain asylum seekers again in 2021. In addition, the IPA now allows the UOIM to detain asylum seekers in order to prevent security threats to the country or to the constitutional order of the Republic of Slovenia or if it is necessary to protect personal safety, property and other grounds related to public safety. The UOIM did not have this authority based on the previous provisions of the IPA.

The changes include a provision that allows the Migration Directorate to detain asylum seekers and individuals who have expressed the intention to apply for international protection but have not yet lodged the application. According to the new amendments, asylum seekers detained in the Foreigners Centre can be subject to the same measures as foreigners if they violate the rules of the Foreigners Centre.³⁵¹ This means that they can be subject to solitary confinement³⁵², prohibited to attend the activities in the centre, or have their rights limited.³⁵³

³⁵⁰ Supreme Court Decision, X Ips 1/2019 from 13 March 2019, available at: <https://bit.ly/2TSXCnr>.

³⁵¹ Article 84(10)-(12) IPA.

³⁵² Article 77 Foreigners Act.

³⁵³ Article 76.c(2) Foreigners Act.

Detained asylum seekers also had trouble in obtaining legal help and representation from refugee counsellors. Although 69 individuals were detained, only 53 judicial reviews against the detention orders were made.³⁵⁴

Apart from asylum applicants, the Foreigners Centre also detains aliens in return procedures, which is the main purpose of the institution. In 2021, 2367 aliens were detained throughout the year. The highest number of detainees were nationals of **Pakistan, Afghanistan, Bangladesh and Turkey**. At the end of the year, 25 individuals were detained in the Foreigners Centre out of which 10 were asylum seekers.³⁵⁵

A regime of *de facto* detention is applied to all newly arrived asylum seekers. Upon arrival in the Asylum Home or its branch Logatec, applicants are held in the reception area of the building without free access to its other parts. The UOIM began a practice of locking up the area where they are accommodated due to a high number of people absconding from the procedure prior to lodging applications and giving fingerprints for Eurodac. Until 2017, people were detained for short periods, rarely exceeding one day. However, due to organisational difficulties such as the unavailability of interpreters and doctors, there have been cases of persons, including families and unaccompanied children, held in the reception area for five-six days on average. The trend continued throughout 2018 and 2019 due to a large number of arrivals. In 2020 and 2021, individuals waited up to 20 days to lodge the application partly due to the obligatory quarantine. People were *de facto* detained for up to 20 days when they were waiting to lodge their application. The rooms in the pre-reception areas of the Asylum Home were often overcrowded and did not guarantee any privacy to the individuals. In Logatec individuals were first accommodated in the containers and moved to the separate buildings only after the quarantine period was over.

Detention itself does not have an impact on the overall quality of the asylum procedure. According to Article 48 IPA, applications of the detained asylum seekers should be prioritised, yet it is not clear to what degree this provision is respected in practice as statistics on the prioritised procedures are not collected by the Migration Directorate.

In 2021, 1323 individuals expressed their intention to apply for asylum in the Foreigners Centre.³⁵⁶

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

- | | | | |
|--|-------------------------------------|------------|---|
| 1. In practice, are most asylum seekers detained | | | |
| ❖ on the territory: | <input checked="" type="checkbox"/> | Yes | <input type="checkbox"/> No |
| ❖ at the border: | <input type="checkbox"/> | Yes | <input checked="" type="checkbox"/> No |
| 2. Are asylum seekers detained during a regular procedure in practice? | <input type="checkbox"/> | Frequently | <input checked="" type="checkbox"/> Rarely <input type="checkbox"/> Never |
| 3. Are asylum seekers detained during a Dublin procedure in practice? | <input checked="" type="checkbox"/> | Frequently | <input type="checkbox"/> Rarely <input type="checkbox"/> Never |

According to the law, asylum seekers can be detained:³⁵⁷

1. In order to verify and establish their identity or nationality in case of a clear doubt, especially if the circumstances of the case suggest that the applicant could have obtained identification documents in the country of origin, but left the country of origin without a document; or provided false information, forged documents or withheld important information or documents about his or

³⁵⁴ Official statistics provided by the Police, March 2022.

³⁵⁵ Official statistics provided by the Police, March 2022.

³⁵⁶ Official statistics provided by the Police, March 2022.

³⁵⁷ Article 84(1) IPA.

her identity or nationality; or if he or she is likely to have maliciously destroyed or disposed of an identity document or a travel document or other document which could be used to establish his or her identity or nationality.

2. To establish certain facts on which the application for international protection is based that cannot be obtained without the measure, and there is reasonable possibility that the applicant will abscond;
3. Where they are detained in order to facilitate return or removal and it can be reasonably assumed that they applied for international protection in order to postpone or obstruct the procedure wherein they had the opportunity to apply for international protection;
4. In order to prevent security threats to the country or to the constitutional order of the Republic of Slovenia or if it is necessary to protect personal safety, property and other grounds related to public safety;
5. In accordance with Article 28 of the Dublin Regulation.

The amendments of the IPA that came to force in November 2021 also include several provisions relating to the detention of Asylum seekers in Slovenia. Regarding the grounds for detention, provisions were added for the Migration Directorate to determine whether an applicant could obtain identification documents in the country of origin. In addition, the definition of the risk of absconding was included in the IPA, meaning that the Migration Directorate no longer uses the definition from the Foreigners Act.

Asylum seekers can be detained in the regular, accelerated or Dublin procedure. They can only be detained in the Foreigners Centre or the Asylum Home. In practice, most asylum seekers are detained in the Foreigners Centre.

The grounds for detention are normally listed in the detention decision. However, they are often not sufficiently justified, which is one of the main reasons why they are often successfully challenged before the court.

Due to the judgment of the Supreme Court,³⁵⁸ detention of asylum seekers during the Dublin procedure or on any other ground that required the risk of absconding to be established was unlawful, since the IPA did not contain any definition of the risk of absconding. Therefore, since 2019 detention was only possible in order to prevent security threats to the country or to the constitutional order of the Republic of Slovenia, or if it was necessary to protect personal safety, property and other grounds related to public safety. In order to enable the detention of asylum seekers in Slovenia, the amendments of the IPA include a new definition of the risk of absconding. Since the provisions came to force in November 2021 the Migration Directorate has begun to detain asylum seekers again.

As defined by the amended provisions of the IPA, the risk of absconding is established if the applicant:

- lodged the application or the subsequent application while in the extradition procedure or the return procedure;
- previously tried to leave the Republic of Slovenia or has left it;
- previously lodged the application in Slovenia or any other EU Member State and subsequently left the country;
- despite the previously issued decision that the application is inadmissible or the previously issued Dublin decision the applicant did not wait for the execution of the decision;
- provided false information in the procedure or did not participate in the procedure and refused to give the biometric data;
- used false or forged identity documents;
- entered the Republic of Slovenia during the entry ban;
- was sanctioned for the offence of illegal residence in the past 3 years;
- did not comply with the return decision issued by another Member State;
- was, in the past 2 years, convicted in the Republic of Slovenia for a criminal offence for which the perpetrator is being prosecuted *ex officio*;

³⁵⁸ Supreme Court Decision, X Ips 1/2019 from 13 March 2019, available at: <https://bit.ly/3vVlfWH>.

- was sanctioned at least three times for public order offences or offences relating to border crossings, weapons or drugs in the past 2 years.³⁵⁹

The definition of the risk of absconding in the IPA is broader than the definition enshrined in the Foreigners Act.

Individuals in return procedures are also detained in the Foreigners Centre, primarily designed for that purpose. If they express the intention to apply for asylum they can be transferred to the Asylum Home or continue to be detained in the Foreigners Centre on the grounds of a new detention decision, if it is determined that they have expressed an intention to seek asylum only in order to frustrate the procedure of return.³⁶⁰ 1,323 asylum seekers expressed their intention to apply for international protection in the Foreigners Centre.³⁶¹

2. Alternatives to detention

Indicators: Alternatives to Detention

1. Which alternatives to detention have been laid down in the law?
 - Reporting duties
 - Surrendering documents
 - Financial guarantee
 - Residence restrictions
 - Other
2. Are alternatives to detention used in practice?
 - Yes No

The law does not regulate alternatives to detention. Asylum seekers can either be detained in the Foreigners Centre in the vast majority of cases, or rarely in the Asylum Home. The IPA provides that asylum seekers can be detained in the Foreigners Centre only if the measure cannot be effectively applied in the Asylum Home or if the applicant has left the premises of the Asylum Home, despite the measure being applied.³⁶² While the Foreigners Centre is a closed facility under the jurisdiction of the Police, the Asylum Home is an open centre guarded by security staff of a private company. Thus, applicants cannot be physically prevented from leaving the Asylum Home even if detention is imposed on them.

The competent authorities usually consider the detention in the Asylum Home as an alternative to detention. However, according to the case law of Administrative Court,³⁶³ the measure amounts to a deprivation of liberty and not limitation on freedom of movement and therefore represents detention and not an alternative.³⁶⁴

The law also does not contain provisions that require proof that the alternatives cannot be effectively applied nor provisions that detention can be applied only as a measure of last resort.

In practice, individual circumstances are often not properly justified in the detention decision and the necessity and proportionality test is not implemented sufficiently.

In 2021, Migration Directorate issued 20 decisions for detention on the premises of the Asylum Home.³⁶⁵

³⁵⁹ Article 84.a IPA.

³⁶⁰ Article 84(1) IPA.

³⁶¹ Official statistics provided by the Police, February 2022.

³⁶² Article 84(2) IPA.

³⁶³ Administrative court judgements: I U 62/2022, 19. January 2022, I U 59/2022, 19. January 2022 and I U 1887/2021 30. December 2021.

³⁶⁴ Constitutional Court, Decision Up-1116/09, 3 March 2011, available at: <http://bit.ly/2DA8oSH>.

³⁶⁵ Official statistics provided by the Migration Directorate, March 2022.

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?
 Frequently Rarely Never
- ❖ If frequently or rarely, are they only detained in border/transit zones? Yes No
2. Are asylum seeking children in families detained in practice?
 Frequently Rarely Never

Children and unaccompanied children asylum seekers cannot be detained in the Foreigners Centre according to Article 84(2) IPA. However, they can be detained in the Asylum Home. In practice, unaccompanied children have also been *de facto* detained in the reception area of the Asylum Home or its branch Logatec for periods reaching up to 20 days until the lodging of their asylum application.

Victims of torture and other vulnerable people can be detained in the Foreigners Centre, but according to the law special attention has to be paid to their health, including their mental health, and regular monitoring and appropriate assistance guaranteed taking into account their specific circumstances.³⁶⁶

Unaccompanied minors cannot be detained in the Foreigners Centre if they lodged the application for international protection. Other minors and unaccompanied children who are detained in the Foreigners Centre are considered as potential victims of trafficking. In 2021, 149 children and 241 unaccompanied children were detained in the Foreigners Centre. A woman with mental health problems was also detained. She was provided with psycho-social support, health checks and examinations. A transgender man was also detained with his friend. They were provided with what was described by the police as “non-discriminatory accommodation”, but it is unclear what this consisted of.³⁶⁷

4. Duration of detention

Indicators: Duration of Detention

1. What is the maximum detention period set in the law (incl. extensions): 4 months
2. In practice, how long in average are asylum seekers detained? 34 days

Asylum seekers may be detained for a maximum of three months, with the possibility of extension for an additional month.³⁶⁸

According to the law, asylum seekers are to be released when the reasons for their detention cease to exist, after the maximum period for detention has been reached or after the detention decision has been annulled in judicial review. The law also states that the president of the Administrative Court can decree a special supervision of the implementation of detention, which can result in termination of detention.³⁶⁹

PIC has not detected cases where the maximum detention duration for asylum seekers – four months – would be exceeded.

In 2021, the average duration of detention of asylum seekers in the Foreigners Centre was 34 days. The average duration of detention of other migrants was three days. The average duration of detention for minors was 1,4 days and the average duration of detention of unaccompanied minors was 3.4 days.³⁷⁰

³⁶⁶ Article 84(9) IPA.

³⁶⁷ Information provided by the Police, February 2022.

³⁶⁸ Article 84(6) IPA.

³⁶⁹ *Ibid.*

³⁷⁰ As explained above, unaccompanied minors who lodged the application for international protection cannot be detained in the Aliens Centre. Official statistics provided by the Police, February 2022..

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? Yes No
2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? Yes No

Asylum seekers are mostly detained in the **Foreigners Centre**, located in Postojna, and more rarely in the **Asylum Home**, located in Ljubljana.

The Foreigners Centre is a specialised facility under the jurisdiction of the Police. It is a closed centre in which detention of third-country nationals for the purpose of return procedures is carried out. When the asylum seekers are detained in the Foreigners Centre, they are not separated from other third country nationals.

Currently the Foreigners Centre has a maximum capacity of 180 places. By the end of 2021 only 15 foreigners were detained in the Foreigners Centre in the return procedure. In 2021, 2,367 individuals were detained in the Foreigners Centre.³⁷¹

In practice, asylum seekers are not detained in police stations, except for a short time during the initial police procedure which rarely exceeds 12 hours. Asylum applicants are not detained in prisons or in other regular facilities for detention. Asylum seekers are also not detained in border or airport transit zones.

In Slovenia there was only one border transit zone used in 2021. The **Jože Pučnik Airport** in Ljubljana has the capacity to hold 18 people while in the transit zone. In 2021, 88 foreigners were detained in the transit zone in Ljubljana.³⁷² Only foreigners can be detained in the transit zone, although not on the basis of the IPA. Once an individual expresses their intent for international protection they are no longer detained in the transit zone, but brought to the Asylum home or its branch. Asylum seekers are not detained in the transit zone but if they do apply for asylum from a transit zone, their application is not processed there (see [Access to the territory and push backs](#)).

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

1. Do detainees have access to health care in practice? Yes No
❖ If yes, is it limited to emergency health care? Yes No

The **Foreigners Centre** is under the authority of the Police while the **Asylum Home** is under the authority of UOIM. Asylum seekers who are detained in the Asylum Home can move freely on the premises of the Asylum Home and have the same rights as other asylum seekers, except for leaving the premises.

1.1. Overall conditions

Both facilities are subject to unannounced visits by the National Preventive Mechanism instituted under the Optional Protocol to the United Nations Convention against Torture and implemented by the Office of the Ombudsman in cooperation with representatives of the civil society.³⁷³

³⁷¹ Official statistics provided by the Police, February 2022.

³⁷² Official statistics provided by the Police, February 2022.

³⁷³ For reports of monitoring visits, see Ombudsman, *Varuh kot Državni preventivni mehanizem*, available in Slovenian at: <http://bit.ly/2G2n8Z8>.

The **Foreigners Centre** is visited by the Ombudsman around once per year. The centre is also occasionally visited by international monitoring bodies, including the Council of Europe Committee for the Prevention of Torture (CPT) which last visited between 28 March and 4 April 2017.³⁷⁴

In 2020, detention conditions deteriorated due to the large number of detained persons. Due to the lack of reception capacity, individuals were also accommodated outside the Foreigners Centre in containers. The deteriorating conditions encouraged the Slovenian Ombudsman to visit the Foreigners Centre twice in 2020. Based on the visit the Ombudsman concluded that the individuals were not able to leave the area where the containers were located and did not have the possibility to enjoy outdoor activities. The Ombudsman also advised that service dogs should not be used in the presence of migrants. The Ombudsman also remarked that the time limit regarding the lodging the application should be respected. In practice, those who expressed their intention to lodge their application were able to lodge the application a few weeks later. The Ombudsman concluded that the reception conditions outside the Foreigners Centre where asylum seekers were detained in containers were not in accordance with the Reception Directive.³⁷⁵ In 2021 the Ombudsman finished the investigation into the claims of police violence of two foreigners made in 2020. Regarding solitary confinement, the Ombudsman found that severe procedural violations were made. The Ombudsman also concluded that documentation regarding the use of coercive means was not sufficient in order for a comprehensive assessment to be made as to whether the use was proportionate.³⁷⁶

The Ombudsman did not conduct a visit in 2021.

Many smaller issues detected through monitoring activities have been remedied and improved over the years. In 2021, allegations of mistreatment and other inappropriate conduct of the Police and staff were made by asylum seekers and foreigners. Detainees reported that they were beaten and abused by the staff, and that they were put in solitary confinement for longer periods of time. Cases of self-harm, suicide attempts and hunger strikes were reported.³⁷⁷

1.2. Activities

Asylum seekers detained in the **Asylum Home** have the same rights as other accommodated asylum seekers and can therefore take part in all activities organised in the Asylum Home. In practice, they can also attend activities outside the Asylum Home provided that an official escorts them.

In the **Foreigners Centre**, detainees can access the recreational facilities for 2 hours a day. The recreational facilities are considered inadequate and one of the main shortcomings in terms of conditions in the centre is that outdoor exercise is only available in a small closed-off courtyard of the centre. The centre also holds a bigger and better-equipped playground with a view over the surrounding nature, yet detainees are usually not allowed access as constant supervision would be required to prevent escapes. Apart from table tennis in the main accommodation area, other options for indoor exercise are not provided.

The centre has a small library, several television sets and an internet room which is available in accordance with a weekly schedule.

The Foreigners Centre employs social workers who are available to detainees every day from morning to evening and also organise various activities such as language courses, trainings on hygiene and disease prevention and sport activities.

³⁷⁴ Council of Europe, 'Council of Europe anti-torture Committee visits Slovenia', 6 April 2017, available at: <http://bit.ly/2DniGSM>.

³⁷⁵ Ombudsman, *Poročilo Varuha o nameščanju pridržanih oseb v Centru za tujce v Postojni*, available in Slovene at: <https://bit.ly/3tniqgc>.

³⁷⁶ Ombudsman: *Končno poročilo o obravnavi odreditve bivanja pod strožjim policijskim nadzorom v posebj varovani sobi in uporaba prisilnih sredstev v Centru za tujce v Postojni*, no. 8.6-1/2021-21-KO, from 28.6.2021.

³⁷⁷ N1, "Center za zastraševanje in psihični zlom", 11. 12. 2021, available in Slovene at: <https://bit.ly/38wyAiM>.

In 2020 the Foreigners Centre employed two additional social workers. Social workers focus on providing psycho-social support and information regarding the rules of living in the Foreigners Centre and other relevant information from the Foreigners Act. Due to COVID-19, fewer activities were organized in the centre and the social workers instead focused on individual work. Nonetheless sport activities, basic training and creative workshops were organized and conducted by the social workers. Activities such as English language courses, computer courses, Slovenian language courses, workshops and religious activities were conducted in accordance with the preventive measures. The Jesuit Refugee Service Slovenia was able to carry out their visits if the government measures for preventing the spread of the pandemic allowed it.³⁷⁸

1.3. Health care and special needs in detention

The health care of the detainees is the same as for other asylum seekers. They have access to health care services provided in the Asylum Home or the Foreigners Centre and are entitled to urgent medical services. Psychological counselling is also provided to them under the same conditions as other asylum seekers. A psychiatrist, the same person working in the Asylum Home, visits the Foreigners Centre when required.

Vulnerable persons can be detained both in the Foreigners Centre and in the Asylum Home. Asylum seekers are detained in separate units of the Foreigners Centre according to their personal circumstances i.e. families, unaccompanied children and other vulnerable persons. Vulnerability is identified by the centre staff upon arrival.

In 2021, social workers focused on individual counselling and providing information on COVID-19. Social workers provided information on preventive measures as part of the accommodation process. Information on preventive measures was also translated into eight languages (i.e. Farsi, English, Albanian, Arabic, Bengali, Pashtu, Urdu and Turkish). Social workers informed individuals about all COVID-19 related measures.

3. Access to detention facilities

Indicators: Access to Detention Facilities

- | | | | |
|--|---|----------------------------------|-----------------------------|
| 1. Is access to detention centres allowed to | | | |
| ❖ Lawyers: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ NGOs: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ UNHCR: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ Family members: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |

Article 4 IPA expressly provides that each asylum seeker needs to be allowed access to UNHCR and organisations providing legal counselling.

NGOs working in the **Asylum Home** are present on a daily basis and available to the detained asylum seekers since they have the same rights as other accommodated individuals. They provide many services including legal assistance and representation, daily activities, Slovenian language lessons, leisure activities and activities for children.

In the **Foreigners Centre**, NGOs are not present on a daily basis. JRS visited if the government measures for preventing the pandemic allowed it in order to carry out recreational and psycho-social activities, while PIC visited the centre a few times a month to provide legal assistance.

Visits in the Foreigners Centre are allowed in accordance with the daily visitation schedule. There are no restrictions on who can visit a detainee. The same rules as apply to other visitors also apply to the media

³⁷⁸ Official statistics provided by the Police, February 2022.

and politicians. Visits take place in a room for visitations, which is monitored by a surveillance camera. Legal representatives are allowed to meet with their detained clients regardless of the official visitation hours.

Detainees are allowed to keep mobile phones and free internet is provided to them. (see [Access to NGOs and UNHCR](#)).

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention

1. Is there an automatic review of the lawfulness of detention? Yes No

❖ If yes, at what interval is the detention order reviewed?

Asylum seekers are informed orally about the reasons for their detention in a language they understand by the officials of the Migration Directorate and by their legal representatives if they are represented.

Applicants have the right to challenge the detention order before the court. They can file the judicial review before the Administrative Court within three days of notification of the decision. The Administrative Court has to conduct an oral hearing and take a decision in three days.³⁷⁹ In 2021, out of 69 issued detention orders, 53 were challenged before the court.³⁸⁰ However, some individuals were not able to access refugee counsellors to obtain representation and thus to challenge detention orders. In 27 cases, the appeal was granted and the detention order was lifted.³⁸¹

There is no automatic review of the lawfulness of detention. However, the President of the Administrative Court can decide that a supervision of the application of the measure in practice needs to be performed and appoints one or more judges together with instructions on the timeframes, places or specific asylum seekers that have to be included in such supervision. If it is concluded that the reasons for detention of a certain asylum seeker no longer exist, the President of the Administrative Court can order the termination of the measure.³⁸² Informally collected data shows that such review was used once in 2018 at the initiative of the refugee counsellor of the applicant. Based on the new evidence presented to the Administrative Court the President of the Administrative Court issued a release order for the detained applicant.³⁸³ Since the ruling of the Supreme Court in March 2019 affected the grounds that can be used for detention of asylum seekers, automatic review of the lawfulness of detention of asylum seekers based on the IPA was not used in 2019.³⁸⁴ Base on the informally collected data supervision of the application of detention by the Administrative Court was not conducted in 2021 which can be largely attributed to the fact that detention of asylum seekers was not carried out until November 2021, when the new provisions of the IPA came to force. In the beginning of 2022 the Administrative Court carried out the supervision for asylum seekers in at least 3 cases.

While the duration of court procedures is a problem in other types of procedures such as judicial review of rejection and Dublin decisions, the time limits set in law are generally respected in detention cases. Judicial review is effective in the sense that many detention orders are annulled by the court. However, the outcome of cases has been very unpredictable, often depending on the individual judge deciding on the case.

³⁷⁹ Article 84(7) IPA.

³⁸⁰ Official statistics provided by the Migration Directorate, March 2022.

³⁸¹ Ibid.

³⁸² Article 84(6) IPA.

³⁸³ Administrative Court, Decision I U 1010/2018-7, 7 May 2018.

³⁸⁴ Supreme Court Decision, X Ips 1/2019, 13 March 2019, available in Slovenian at: <https://bit.ly/2Q5VHnF>.

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

1. Does the law provide for access to free legal assistance for the review of detention?
 Yes No
2. Do asylum seekers have effective access to free legal assistance in practice?
 Yes No

Free legal assistance and representation is provided by refugee counsellors under the same conditions as in other cases of judicial review (see [Regular Procedure: Legal Assistance](#)). No additional condition to access free legal assistance is imposed in detention cases.

In practice, assistance in accessing refugee counsellors used to be provided by PIC lawyers who represented the applicants in first instance procedures. In April 2020, the AMIF project through which PIC lawyers provided legal help and representation was terminated. PIC continued with the activities with limited capacity. Asylum seekers without legal representation in the first instance had problems with accessing the assistance of refugee legal counsellors in practice. Together with the detention order asylum seekers were given a list of refugee legal counsellors, and instructed that they must obtain the help of refugee counsellors by themselves. If they did not obtain a refugee counsellor themselves, they could call the Migration Directorate and the official would provide one for them.

Due to language barriers, illiteracy, lack of access to a telephone and a short deadline for the appeal, some asylum seekers could not appeal their detention order. In some cases, asylum seekers obtained more than one refugee counsellor and more than one appeal was lodged at the Administrative Court. The Migration Directorate did not obtain information on whether an individual has managed to ensure the representation of a refugee legal counsellor, and therefore often did not provide individuals with one in practice.

In accordance with established practice, lawyers can meet with their clients in detention even outside of the daily visitation hours. PIC lawyers are available to detained applicants by telephone and usually meet with them in person a few times per month.

E. Differential treatment of specific nationalities in detention

The breakdown of detained asylum seekers by nationality in 2021 is as follows: **Afghanistan** (27), **Algeria** (12), **Morocco** (8), **Kosovo** (5), **Pakistan** (5), **Iraq** (4), **Iran** (2), **Bosnia and Herzegovina** (1), **Brazil** (1), **Cuba** (1), **Ghana** (1), **India** (1), **Tunisia**(1).³⁸⁵

The average duration of detention of asylum seekers was 34 days.³⁸⁶ No differential treatment is observed in this respect between nationalities.

³⁸⁵ Official statistics provided by the Migration Directorate, March 2022.

³⁸⁶ Official statistics provided by the Police, February 2022.

Content of International Protection

A. Status and residence

1. Residence permit

Indicators: Residence Permit

1. What is the duration of residence permits granted to beneficiaries of protection?
 - ❖ Refugee status 10 years
 - ❖ Subsidiary protection 1-5 years

Refugee status is recognised with no time limitation on the status, therefore the positive decision granting the refugee status to the individual serves as a permanent residence permit. **Subsidiary protection** status is recognised for a limited period of time with the possibility of extension. Usually the period ranges from one to five years. Beneficiaries with subsidiary protection are therefore issued a temporary residence permit with the duration of the status.³⁸⁷ In 2021, 17 individuals were granted refugee status out of which 2 were women. Subsidiary protection was not granted in 2021.³⁸⁸

Beneficiaries of international protection are given a residence permit with the decision granting them international protection; this is expressly stated in the operative part of the decision. With the help of integration staff of the UOIM, they are then issued with an identity card, usually within five days at the latest. The card certifies their residence permit and is required for accessing most rights. The procedure is free of charge for beneficiaries.

Refugees are issued a card with a validity of 10 years. This can be renewed without any difficulty before expiry. Normally, however, this will not be necessary since most refugees obtain either citizenship or another type of residence within 10 years.

The card for persons with subsidiary protection status can also be renewed in case of extension of subsidiary protection. Pending the extension procedure, a card with a duration of one year is issued to them.

2. Civil registration

The birth of a child is registered automatically and free of charge for a beneficiary of international protection, the same as for all children born in Slovenia. A state registrar visits the hospital and carries out the procedure. The parents are given a copy of the birth certificate.

One identified problem in relation to marriage registration is that partners cannot be registered as married in official records if they do not present the requisite documentary evidence.

Access to social welfare and integration rights for beneficiaries of international protection, as well as their reunited family members, do not depend on civil registration.

3. Long-term residence

Indicators: Long-Term Residence

1. Number of long-term residence permits issued to beneficiaries in 2021: 2

Persons granted international protection in Slovenia can obtain long-term resident status in accordance with the Long-Term Residents Directive subject to the following conditions:

³⁸⁷ Article 92(1)-(2) IPA.

³⁸⁸ Official statistics provided by the Migration Directorate, March 2022.

- a. Five years of uninterrupted legal stay in Slovenia.³⁸⁹ The law provides that half of the time spent in asylum procedure can be counted towards the required five-year period; if the asylum procedure was longer than 18 months, the entire period is counted towards it.³⁹⁰ The law does not discriminate between refugee and subsidiary protection status;
- b. General criteria for obtaining a residence permit: valid passport, health insurance and sufficient financial means,³⁹¹ and
- c. Circumstances free of general reasons preventing the issuance of a residence permit, i.e. security concerns or fraud.³⁹²

Beneficiaries of international protection must lodge the request for a long-term resident status at the Administrative Unit, i.e. the general government office for administrative procedures, of their place of residence.

4. Naturalisation

Indicators: Naturalisation

1. What is the minimum residence period for obtaining citizenship?	
❖ Refugee status	5 years
❖ Subsidiary protection	5 years
2. Number of citizenship grants to beneficiaries in 2021:	5

In order for beneficiaries of international protection to obtain citizenship by naturalisation they need to meet the following criteria:

- they are 18 years old;
- they have the means of subsistence that guarantees them (and those who they are obliged to provide for) material and social security;
- they have passed the Slovenian language test;
- they have not been sentenced to a prison sentence longer than three months or probation longer than one year;
- their residence in the Republic of Slovenia has not been annulled;
- they do not pose a threat to public order, safety or security of the state;
- they have settled all of their tax obligations; and
- they have pledged to respect the free democratic constitutional order founded by the Constitution of the Republic of Slovenia.³⁹³

Beneficiaries of international protection can apply for citizenship by naturalisation after five years of continued residence in the Republic of Slovenia, which is shorter than the general period of 10 years, and they do not have to meet the additional criterion of obtaining renunciation of their previous citizenship.³⁹⁴ The request for naturalisation must be lodged with the Administrative Unit of the place of residence.

Between 1995 – when the first international protection statuses were granted – and 31 December 2021, a total of 142 beneficiaries of international protection have obtained Slovenian citizenship. In 2021, 4 persons with refugee status and 1 person with subsidiary protection was granted citizenship.³⁹⁵

³⁸⁹ Article 53.a(1) Foreigners Act.

³⁹⁰ *Ibid.*

³⁹¹ As listed in Article 33 Foreigners Act.

³⁹² As listed in Article 55(1) Foreigners Act.

³⁹³ Article 10(1) Citizenship of the Republic of Slovenia Act, Official Gazette of RS, 1/1991 and subsequent amendments.

³⁹⁴ Article 12(7) Citizenship of the Republic of Slovenia Act.

³⁹⁵ Official statistics provided by the Migration Directorate, March 2022.

5. Cessation and review of protection status

Indicators: Cessation

1. Is a personal interview of the beneficiary in most cases conducted in practice in the cessation procedure? Yes No
2. Does the law provide for an appeal against the first instance decision in the cessation procedure? Yes No
3. Do beneficiaries have access to free legal assistance at first instance in practice? Yes With difficulty No

The grounds for cessation of refugee status and subsidiary protection status are those listed in Articles 11 and 16 of the recast Qualification Directive.³⁹⁶

The Migration Directorate can start the cessation procedure if it becomes aware that grounds for cessation exist. The Migration Directorate notifies the beneficiary of international protection in writing about the start of the procedure and grounds for it.³⁹⁷

Before making the decision, the Migration Directorate needs to enable the beneficiary to present reasons against the cessation of the international protection in a personal interview.³⁹⁸ The beneficiary can file an application for judicial review against the decision before the Administrative Court in 15 days. The application has suspensive effect.³⁹⁹

There is no systematic review of protection status in Slovenia. Apart from cessation due to acquisition of Slovenian citizenship, cessation is rarely applied in practice. In 2019, only one person's application to renew subsidiary protection was rejected. In 2021, 1 application to renew subsidiary protection was rejected.⁴⁰⁰

In 2021, cessation decisions were issued in 5 cases due to the acquisition of Slovenian citizenship.⁴⁰¹

6. Withdrawal of protection status

Indicators: Withdrawal

1. Is a personal interview of the beneficiary in most cases conducted in practice in the withdrawal procedure? Yes No
2. Does the law provide for an appeal against the withdrawal decision? Yes No
3. Do beneficiaries have access to free legal assistance at first instance in practice? Yes With difficulty No

The grounds for withdrawal of refugee status and subsidiary protection status are similar to those listed in Articles 14 and 19 of the recast Qualification Directive.⁴⁰²

The withdrawal procedure is the same as the [Cessation](#) procedure. The Migration Directorate notifies the beneficiary of international protection in writing about the start of the procedure and grounds for it and the beneficiary can present their reasons against withdrawal at a personal interview.⁴⁰³ The beneficiary can

³⁹⁶ Article 67 IPA.

³⁹⁷ Articles 69(1)-(2) IPA.

³⁹⁸ Article 69(3) IPA.

³⁹⁹ Article 70(1) and (3) IPA.

⁴⁰⁰ Official statistic provided by the Migration Directorate, March 2022.

⁴⁰¹ Official statistics provided by the Migration Directorate, March 2022.

⁴⁰² Article 68 IPA.

⁴⁰³ Article 69(2)-(3) IPA.

file an application for judicial review against the decision before the Administrative Court in 15 days. The application has suspensive effect.⁴⁰⁴

Two withdrawn decisions were issued in 2021 – out of which one person gave up their status.⁴⁰⁵

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

1. Is there a waiting period before a beneficiary can apply for family reunification?
Subsidiary protection status granted for 1 year Yes No
❖ If yes, what is the waiting period? 1 year
2. Does the law set a maximum time limit for submitting a family reunification application?
To be exempt from material conditions Yes No
❖ If yes, what is the time limit? 3 months
3. Does the law set a minimum income requirement? Yes No

1.1. Eligible family members

Family members with whom the beneficiary of refugee status or subsidiary protection status can be reunited are:⁴⁰⁶

- The spouse, registered partner or partner with whom the applicant for family reunification has been living in a long-term relationship;
- Minor unmarried children of the beneficiary;
- minor unmarried children of the spouse, registered partner or partner with whom the applicant has been living in a long-term relationship;
- Adult children and parents of the applicant or the spouse, registered partner or partner with whom the applicant has been living in a long-term relationship, if the applicant or the spouse, registered partner or partner with whom the applicant has been living in a long-term relationship is obliged to support them under the law of his or her country; and
- Parents of an unaccompanied child.⁴⁰⁷

In exceptional cases, the determining authority can also consider other relatives if special circumstances speak in favour of family reunification in the Republic of Slovenia. Special circumstances exist when there is a family community established between other relatives, which is essentially similar to and has the same function as a primary family, especially in terms of genuine family ties, physical care, security, protection, emotional support and financial dependence.⁴⁰⁸ This provision was included in the law on the basis of a Constitutional Court decision from January 2015.⁴⁰⁹

1.2. Conditions and procedure

Generally, there is no waiting period for a beneficiary of international protection to apply for family reunification after being granted international protection status. The only exception is made in the law for beneficiaries who have been granted **subsidiary protection for one year** – they obtain the right to family

⁴⁰⁴ Article 70(1) and (3) IPA.

⁴⁰⁵ Official statistics provided by the Migration Directorate, March 2022.

⁴⁰⁶ Articles 47.a(2) and 47.b(2) Foreigners Act.

⁴⁰⁷ There has not been any change in practice witnessed since the CJEU ruling in Case C-550/16 A.S., Judgment of 12 April 2018, EDAL, available at: <https://bit.ly/2ARhyI0>.

⁴⁰⁸ Articles 47.a(4) and 47.b(4) Foreigners Act.

⁴⁰⁹ Constitutional Court, Decision U-I-309/13, 14 January 2015, available at: <http://bit.ly/1VwZJ4G>.

reunification after their status is extended. The new amendments of the Foreigners Act state that beneficiaries of international protection can start the family reunification process after the decision on their status becomes final.⁴¹⁰ In practice, this means that if persons with subsidiary protection decide to appeal against a decision, they cannot start the family reunification procedure until the procedure is finished and the decision on status becomes final.

Persons with **refugee status** and **subsidiary protection longer than one year** can apply for family reunification immediately after the decision granting them status becomes final.

There are no other differences regarding the criteria and conditions for family reunification between persons with refugee status and subsidiary protection status.

Both persons enjoying refugee status and subsidiary protection have to apply for family reunification within 90 days since the decision on their status becomes final (or extension of subsidiary protection status if it was granted for one year) in order to enjoy the more favourable conditions available to beneficiaries of international protection. In case the beneficiary does not apply in 90 days, the family member must meet the general conditions for family reunification: possession of a valid passport, health insurance and sufficient financial means.⁴¹¹

In 2021, 72 applications for family reunification were submitted. 70 were submitted by persons with refugee status and 2 were submitted by a person with subsidiary protection. 2 applicants were nationals of **Eritrea**, 9 of **Palestine**, 2 of **Turkey**, 14 of **Syria**, 44 of **Afghanistan** and 1 of **Morocco**. The 2 applicants with subsidiary protection that applied for family reunification were from **Eritrea**. The Ministry of Interior issued 64 decisions on family reunification. 45 applications were granted - all of persons with refugee status, 2 applications were rejected and 17 procedures were stopped because the applicants did not submit the necessary documents or proof.⁴¹²

Family reunification procedures were not suspended during the pandemic. Strict rules for entry into Slovenia were in place, meaning that an individual had to submit a negative COVID-19 test at the border. In practice, travel restrictions in countries of origin or countries of transit prolonged the duration of the family reunification process, as individuals were unable to leave the country they were in.

The authorities impose strict criteria regarding required documents for establishing identity of and links with family members, which can be problematic for citizens of countries where the acquisition of the official documents is difficult or impossible.

Applicants for family reunification had difficulties obtaining original or notarised documents of family member in order to prove family ties. They also had problems obtaining identification documents of family members, especially in cases when the family members were residing outside their country of origin. Family members had difficulties in obtaining exit visas. Sending Slovenian documents to countries without IOM, UNHCR and Slovenian embassies also presented difficulties in the cases of **Syrian, Afghan** and **Palestinian** nationals.

2. Status and rights of family members

Before 2014, family members of the sponsor were granted the same status (refugee or subsidiary protection) as the sponsor. However, with legislative changes adopted that year, family members are now granted resident status under the Foreigners Act. Family members of persons with **refugee status** are granted a permanent residence permit, while family members of a persons with **subsidiary protection** are granted a temporary residence permit with the same duration as that of subsidiary protection, which

⁴¹⁰ Article 47a(3) and 47b(3) Foreigners Act.

⁴¹¹ Articles 47.a(7) and 47.b(6) Foreigners Act.

⁴¹² Official statistics provided by the Migration Directorate, March 2022.

can be extended under the same conditions as it is granted and for the same time as the extension of the subsidiary protection status of the sponsor.⁴¹³

Family members are entitled to accommodation in an Integration House or financial assistance with accommodation at a private address together with the sponsor, except for family members of a person with subsidiary protection, who are not entitled to financial assistance (see [Housing](#)).⁴¹⁴

Family members are entitled to the same rights regarding health care, social security, education and employment as citizens of the Republic of Slovenia.⁴¹⁵

In case the family member granted family reunification with a beneficiary of international protection does not possess a valid passport, the Ministry of the Interior issues them a passport without fingerprints and signature, with a validity of 90 days, for the purpose of entry into the Republic of Slovenia.⁴¹⁶ Financial assistance for arrival in Slovenia is not provided.

C. Movement and mobility

1. Freedom of movement

Beneficiaries of international protection enjoy freedom of movement within the territory of the Republic of Slovenia. Freedom of movement is set out in Article 32 of the Constitution of the Republic of Slovenia, which provides that everyone can move freely and choose their place of residence. There is no dispersal scheme for beneficiaries of international protection in place.

Social assistance is also not subject to actual residence in a specific place.

2. Travel documents

Refugees are issued a passport for refugees, which is a Convention travel document.⁴¹⁷ Beneficiaries of **subsidiary protection** can use their national passport; in case they do not have one the competent authority issues them a passport for foreigners.⁴¹⁸

Refugees are normally issued a passport with a validity period of 10 years. Passports for foreigners issued to beneficiaries for subsidiary protection are issued for the same time period as the subsidiary protection.⁴¹⁹

A person holding a refugee status applies for the refugee passport with the Ministry of the Interior,⁴²⁰ which must issue the document in 15 days.⁴²¹ A person holding subsidiary protection applies for their passport for foreigners with the Administrative Unit of their place of residence.⁴²²

In 2021, the authorities issued 77 passports to persons with international protection.⁴²³

⁴¹³ Articles 47.a(3) and 47.b(3) and (7) Foreigners Act.

⁴¹⁴ Articles 93(2) and 97(5) IPA.

⁴¹⁵ Family members of persons with subsidiary protection pursuant to an explicit provision in Article 47.b(12) Foreigners Act and family members of persons with refugee status as holders of a permanent residence permit.

⁴¹⁶ Article 98(5) Foreigners Act.

⁴¹⁷ Article 111 IPA. More detailed provisions are set out in Rules on the content, format and method of issuing passports to refugees.

⁴¹⁸ Article 113 IPA and 98 Foreigners Act.

⁴¹⁹ Articles 111(3) and 113(2) IPA.

⁴²⁰ Article 6 Rules on the content, format and method of issuing passports to refugees.

⁴²¹ Article 111(1) IPA and Article 25(1) Passports of the Citizens of the Republic of Slovenia Act, Official Gazette of RS, No. 65/2000 and subsequent amendments.

⁴²² Article 98(3) Foreigners Act.

⁴²³ Official statistics provided by the Migration Directorate, March 2022.

D. Housing

Indicators: Housing

1. For how long are beneficiaries entitled to stay in reception centres?	15 days
2. Number of beneficiaries staying in reception centres as of 31 December 2021	19

Beneficiaries of international protection have to move out of reception (except Student Dormitory **Postojna**) as soon as the positive decision on their asylum applications becomes enforceable, i.e. within 15 days of being granted status.⁴²⁴ At the end of 2021, 19 persons holding international protection status were living in the reception centre.⁴²⁵

In line with the amendments of the IPA, beneficiaries need to sign an integration contract with the UOIM if they want to access integration services, including housing.⁴²⁶

Beneficiaries without financial means and for whom accommodation is not provided in another way must sign the integration contract in order to receive financial assistance for accommodation.⁴²⁷ The time period for which they are entitled to assistance has been shortened by the amendments of the IPA from 18 months to 1 year after being granted status.⁴²⁸ If they attend at least 80% of free training in Slovenian language and culture, and visit their case worker at least once a month, the assistance can be prolonged for an additional 1 year.⁴²⁹ (see [Access to Education](#)).⁴³⁰ (This time period was also shortened by the amendments - previously this was 18 months).

Students, including students enrolled in adult education, who have financial means and are in the Republic of Slovenia without parents or other persons legally required to provide for them, are entitled to the assistance until they finish schooling, but not after they reach the age of 26, the condition being that they obtained their student status within one year of signing the integration contract⁴³¹

This financial assistance covers the rent for accommodation and related utility costs. The maximum monthly amount for single claimants is linked to the monthly amount of financial social assistance, currently €402.18. In the case of families, the maximum amount per person is less, calculated in accordance with a Decree.⁴³²

Beneficiaries receive assistance with finding apartments in the real estate market and assistance in other aspects of integration by the UOIM and by NGOs, mainly [Društvo Odnos](#) and [Slovene Philanthropy](#). High prices and distrust of migrants by potential landlords often pose an obstacle to finding suitable apartments. One identified systemic shortcoming in relation to housing for beneficiaries is the restriction of access to non-profit rental apartments,⁴³³ since this right is by law only available to Slovenian citizens. As of 31 December, 2021, 573 beneficiaries of international protection lived in private apartments.⁴³⁴

⁴²⁴ Article 70 (1) IPA.

⁴²⁵ Official statistics provided by UOIM, January 2021.

⁴²⁶ Article 90(3) IPA.

⁴²⁷ *Ibid.*

⁴²⁸ Article 97(1) IPA.

⁴²⁹ Article 97(1) IPA.

⁴³⁰ Article 97(2) IPA.

⁴³¹ Article 97(3) IPA.

⁴³² Article 20 Decree on the methods and conditions for ensuring the rights of persons with international protection.

⁴³³ Apartments owned by the municipality, the state, the public housing fund or a non-profit housing organization, leased out under a reduced rent, pursuant to the Housing Act, Official Gazette of RS, No. 69/2003 and subsequent amendments.

⁴³⁴ Official statistics provided by UOIM, January 2021.

In the first year after receiving status, monetary assistance can be substituted with free accommodation in “Integration Houses” of the UOIM, which are facilities comprising of apartments for beneficiaries.⁴³⁵

If they attend at least 80% of free training in Slovenian language and culture, and visit their case worker at least once a month, the assistance can be prolonged for an additional 1 year.⁴³⁶

Based on justified medical or other reasons, accommodation in the Integration House can be extended for a further six months, on the condition that the person signs the integration contract and meets at least one of the above-mentioned conditions.⁴³⁷ If the beneficiaries have their own means of subsistence (of an amount equivalent to the minimal income), or if this is provided to them in another way, they have to cover their proportionate share of accommodation costs in the Integration House or another accommodation capacity.⁴³⁸

The UOIM currently administers three Integration Houses, one in **Ljubljana**, intended for families and single women, and one in **Maribor**, intended for single men:

Capacity and occupancy of Integration Houses		
Integration House	Capacity	Occupancy at 31 December 2021
Ljubljana	15	5
Maribor	45	6
Total	60	11

Source: UOIM

Unaccompanied children that obtain international protection can currently keep their accommodation in the Student Dormitory **Postojna**, where they have also been accommodated as asylum applicants. The solution mentioned in **Special Reception Needs** will also include unaccompanied children with international protection status. At the end of the year, 3 beneficiaries of international protection were living in the Student Dormitory **Postojna**.⁴³⁹

Reunited family members of a beneficiary of international protection (both refugee and subsidiary protection status) are entitled to accommodation in an Integration House, together with the sponsor.⁴⁴⁰ Reunited family members of a person with refugee status are also entitled to financial assistance with accommodation at a private address,⁴⁴¹ however this right is no longer available to family members of persons with subsidiary protection.

E. Employment and education

1. Access to the labour market

Beneficiaries of international protection and their reunited family members have free access to the labour market and can be employed, self-employed, or work without having to obtain a special working permit or

⁴³⁵ Article 93(1) IPA.

⁴³⁶ Article 93(3) IPA.

⁴³⁷ Article 93(3) IPA.

⁴³⁸ Article 93(6) IPA.

⁴³⁹ Official statistics provided by UOIM, March 2022.

⁴⁴⁰ Article 93(2) IPA.

⁴⁴¹ Article 97(5) IPA.

to meet other requirements.⁴⁴² Their access to the labour market is also not conditioned by a market labour test. There is no difference between refugees and beneficiaries of subsidiary protection.

The identification documents issued to beneficiaries of international protection contain a notification on the right to work, same as IDs for other aliens with this right, which helps prevent misunderstandings in practice.

Beneficiaries also enjoy equal treatment to nationals with regard to the “active employment policy” programmes and other rights as unemployed persons.

Beneficiaries can verify and prove their educational qualifications free of charge (see [Access to Education](#)).

The Employment Service of Slovenia set up two positions for employment counsellors working exclusively with beneficiaries of international protection – one in **Ljubljana** and one in **Maribor**. Their programme for on-the-job training has also been adjusted to beneficiaries, with longer duration and an appointed mentor. A dictionary of basic Slovenian required for work has also been prepared.

In practice, beneficiaries of international protection face discrimination and reluctance from employers on the labour market. Individuals who cannot obtain proof of education from countries of origin in practice cannot gain certificates of higher education. In practice, beneficiaries of international protection are often employed in positions that require hard physical work (e.g. warehouses, factories, construction etc.)

2. Access to education

Beneficiaries of international protection are entitled to the same rights regarding pre-school, primary, secondary, higher and adult education as nationals.⁴⁴³ They are also entitled to state scholarships and accommodation in student dormitories under the same conditions as nationals.⁴⁴⁴ Asylum-seeking children enjoy unimpeded access to the education system (see [Reception Conditions: Access to Education](#)) and are, therefore, normally already enrolled in the education system before they are granted international protection status.

Elementary and high schools are free for beneficiaries of international protection that are children (same as for nationals). Elementary school for adults is also free of charge. On the other hand, high school for adults requires tuition. Universities are mostly free in Slovenia.

Costs related to recognition and assessment of education attained abroad is covered by the UOIM.⁴⁴⁵ In case the attained education cannot be proven with documentation, a system for official testing is set up in a Decree.⁴⁴⁶

Furthermore, beneficiaries of international protection are entitled to a free Slovenian language course of 300 hours, which can be extended for further 100 hours, subject to approval of the UOIM.⁴⁴⁷

Special needs of asylum-seeking children are taken into consideration in the same way as for Slovenian students.

⁴⁴² Article 102 IPA and Article 6(2) Self-Employment and Work of Aliens Act, Official Gazette of RS, No. 47/2015 and subsequent amendments.

⁴⁴³ Article 101(1) IPA.

⁴⁴⁴ Article 101(2) IPA.

⁴⁴⁵ Article 101(3)-(4) IPA.

⁴⁴⁶ Articles 23-42 and 34 Decree on the methods and conditions for ensuring the rights of persons with international protection.

⁴⁴⁷ Article 103 IPA and Article 49 Decree on the methods and conditions for ensuring the rights of persons with international protection.

During the pandemic, education was mostly conducted remotely, which represented an additional burden to beneficiaries of international protection and their family members. Computers and internet were necessary in order to attend classes. This represented a logistical and financial burden for beneficiaries, especially for families with children. The situation was especially difficult for children in elementary schools since a large portion of school work demanded the help and cooperation of parents. In practice, parents had trouble in providing necessary help to children due to language and educational barriers.

F. Social welfare

Beneficiaries of international protection are entitled to social benefits under the national social security system.⁴⁴⁸ Their rights in this respect are equal to Slovenian citizens and do not differ between persons with refugee and subsidiary protection status. The main authority for granting social assistance is the territorially competent Centre for Social Work.

First, beneficiaries are entitled to financial social assistance, provided to all persons without other means. The current amount for single claimants is €402.18 per month. If the individual also receives financial assistance for accommodation they receive 15% less of financial social assistance per month. In the case of families, the amount per person is less than €402.18 calculated in accordance with the Social Assistance Benefits Act.⁴⁴⁹ This is complemented by other benefits under the national social security system, granted to individuals who meet the specific criteria, including child benefits, large family allowance, emergency assistance and kindergarten subsidies.

The rights to social assistance described above are the same regardless of the region of residence. However, apart from the national social security system, additional assistance is sometimes provided by municipalities and may also require beneficiaries to reside within their territory.

One considerable problem faced by beneficiaries of international protection is the lack of social security during the initial period after being granted status. The precondition for applying for social welfare is registered address of residence, which means beneficiaries must first rent an apartment or be accommodated in an integration house (see [Housing](#)). This, together with the time it takes to process their social welfare claim, can in practice take up to two months, during which time beneficiaries often have to rely on humanitarian support of welfare **organisations**. The IPA used to include a special “one-off financial assistance” provision received upon being granted status, which prevented such situations from occurring. Unfortunately, however, this provision was erased with the reform of April 2016.

G. Health care

Beneficiaries of international protection are entitled to health care under the same conditions as nationals.

The Slovenian national system of health insurance, set out in the Health Care and Health Insurance Act,⁴⁵⁰ comprises of compulsory health insurance and complementary health insurance. Compulsory health insurance covers only a part of the medical costs. In order to enjoy full benefits of the health insurance system, one has to apply for the complementary health insurance.

Beneficiaries of international protection are covered by compulsory health insurance on the basis of their international protection status.⁴⁵¹ They are encouraged by the integration officers to also apply for complementary health insurance, as without it the costs for medication and medical treatment can become very high. Persons who receive financial social assistance – which is most beneficiaries upon being granted status – do not require complementary health insurance and enjoy full rights without it.⁴⁵²

⁴⁴⁸ Article 95 IPA.

⁴⁴⁹ Official Gazette of RS, No. 61/2010 and subsequent amendments.

⁴⁵⁰ Official Gazette of RS, No. 9/1992 and subsequent amendments.

⁴⁵¹ Article 94(1) IPA.

⁴⁵² Article 24 Health Care and Health Insurance Act.

The provisions for children beneficiaries of international protection are more favourable: they are entitled to health care services under the same conditions as Slovenian children,⁴⁵³ which means they do not require complementary health insurance until they reach the age of 18 (or until 26, as long as they are enrolled into school as regular students) and enjoy full rights without it.⁴⁵⁴

Beneficiaries suffering from mental health problems, including torture survivors and other traumatised persons are entitled to the same medical services as nationals. Specialised treatment for them is only organised through occasional programmes by NGOs and other actors.

In order to help bridge the language barrier, a manual - the "[Multilingual Aid for Better Communication in Healthcare](#)", has been issued by the Ministry of the Interior in cooperation with other stakeholders in 2017. In the initial phase after being granted status, beneficiaries also enjoy assistance from the UOIM staff and NGOs. Nevertheless, due to language and cultural difficulties, practical access to healthcare remains challenging in practice.

In practice, beneficiaries of international protection and employed asylum seekers have troubles obtaining a personal doctor due to a lack of personal doctors in Slovenia. However, this is not connected to their status, and Slovenian citizens face the same difficulties.

Beneficiaries of international protection can access COVID-19 vaccinations under the same conditions as Slovenian citizens.

⁴⁵³ Article 94(2) IPA.

⁴⁵⁴ Article 22 Health Care and Health Insurance Act.

ANNEX I – Transposition of the CEAS in national legislation

Directives and other CEAS measures transposed into national legislation

Directive / Regulation	Deadline for transposition	Date of transposition	Official title of corresponding act	Web Link
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	27 December 2013	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in 54/21.	http://bit.ly/2g7aCiV (SI)
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015 Article 31(3)-(5) to be transposed by 20 July 2018	25 March 2016	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in 54/21.	http://bit.ly/2g7aCiV (SI)
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	25 March 2016	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in 54/21.	http://bit.ly/2g7aCiV (SI)
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013	25 March 2016	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in 54/21.	http://bit.ly/2g7aCiV (SI)

The following section contains an overview of incompatibilities in transposition of the CEAS in national legislation:

Directive	Provision	Domestic law provision	Non-transposition or incorrect transposition
Directive 2011/95/EU Recast Qualification Directive	Article 12 Article 14 (14b)	Article 31 IPA	The grounds for exclusion include substantiated reason that the person is a threat to the security and territorial integrity and a final conviction for a serious crime due to which the person represents a threat to the Republic of Slovenia. These are not exclusion grounds under the Qualification Directive. In addition, standard of proof required is reasonable grounds for suspicion the person committed a crime against peace (..), a serious crime etc.
Directive 2011/95/EU Recast Qualification Directive	Article 14 (14b)	Article 68(1) IPA	While the Qualification Directive allows the revocation of refugee status in case the individual is convicted by a final judgement of “a particularly serious crime” the IPA does not contain the definition of a particularly serious crime. Therefore, the refugee status can be revoked in case the person is convicted with a final judgement of a serious crime in Slovenia.
Directive 2013/33/EU Recast Reception Conditions Directive	Article 8(4)	Article 84 IPA	The IPA does not contain a provision on alternatives to detention. “Limitation of freedom of movement” on the premises of the Asylum Home amounts to <i>de facto</i> detention.