

Temporary Protection Slovenia

This annex on temporary protection complements and should be read together with the [AIDA Country Report on Slovenia](#).

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Temporary Protection Procedure

A. General

Following the Council of the EU adopting the Council Implementing Decision (EU) 2022/382¹ (hereinafter: Council Decision) on 4 March 2022 to activate the Council Directive 2001/55/EC (hereinafter: Temporary Protection Directive or TPD),² providing immediate and temporary protection to persons displaced from Ukraine on or after 24 February 2022 due to the military invasion of the Russian armed forces, the Government of the Republic of Slovenia adopted the Decision establishing temporary protection for persons displaced from Ukraine (hereinafter: Government Decision)³ on 9 March 2022, which entered into force on 10 March 2022. With this, the Temporary Protection of Displaced Persons Act,⁴ adopted in 2005 in the Republic of Slovenia, which transposes the TPD, was activated. The Act regulates the introduction, duration and termination of the temporary protection of displaced persons (hereinafter: temporary protection), the conditions and procedures for obtaining temporary protection and the termination thereof, and the rights and obligations of persons enjoying temporary protection. In accordance with the Government Decision, temporary protection was introduced from the date of entry into force of the decision, lasting for one year,⁵ with the possibility of extension a maximum of two times for the period of six months each.⁶

After termination of temporary protection, the provisions of the Foreigners Act⁷ apply to persons who were enjoying temporary protection as to their leaving the Republic of Slovenia.

Main legislative acts on temporary protection

Title (EN)	Original Title (HU)	Abbreviation	Web Link
Temporary Protection of Displaced Persons Act, Official Gazette of RS, no. 16/17	Zakon o začasni zaščiti razseljenih oseb, Uradni list RS, št. 16/17		https://bit.ly/3ac7w8T (SI)

¹ Council Implementing Decision (EU) 2022/382 of 4 March 2022 establishing the existence of a mass influx of displaced persons from Ukraine within the meaning of Article 5 of Directive 2001/55/EC, and having the effect of introducing temporary protection, OJ L 71/1, available at: <http://bit.ly/3EHe8lw>.

² Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof [2001] OJ L 212/12, available at: <http://bit.ly/409uJhu>.

³ Decision establishing temporary protection for persons displaced from Ukraine, Official Gazette of RS, No. 32/22.

⁴ Temporary Protection of Displaced Persons Act, Official Gazette of RS, No. 16/17.

⁵ Article 11 of the Temporary Protection of Displaced Persons Act vaguely stipulates that the duration of temporary protection shall be one year and may be extended no more than twice, each time for a period of six months. Further, duration of temporary protection was determined in the Government Decision, which states it is introduced for one year from the date of entry into force of the decision, which could be misunderstood as lasting until 10 March 2023, considering the date when the Decision was entered into force. It is expected that greater clarity in this regard will be ensured de lege ferenda (as already included in some proposed amendments to the Act) with a reference to the enforcement of the Council Decision and by clarifying that the duration of temporary protection is tied to the enforcement of the Council Decision and not to the enforcement of the Government Decision from Article 10 of the Temporary Protection of Displaced Persons Act in line with the Commission Communication on operational guidelines for the implementation of Council Implementing Decision (EU) 2022/382 of 4 March 2022 (Official Journal of the EU, No. C 126 I/01). In any case, individual decisions on granting temporary protection, issued by administrative units since 10 March 2022, have been granting temporary protection until 4 March 2023 (initially; before the temporary protection was extended) in accordance with the duration of TP in line with Council Decision.

⁶ Article 2 Government Decision.

⁷ Foreigners Act, Official Gazette of RS, No. 91/21 and subsequent amendments.

Main implementing decrees, guidelines and regulations on temporary protection

Title (EN)	Original Title (HU)	Abbreviation	Web Link
Decision establishing temporary protection for persons displaced from Ukraine, Official Gazette of RS, No. 32/22	Sklep o uvedbi začasne zaščite za razseljene osebe iz Ukrajine, Uradni list RS, št. 32/22	Government Decision	http://bit.ly/3jDcuQQ (SI)
Decree on the methods for ensuring rights of persons enjoying temporary protection, Official Gazette of RS, No. 42/22 and 151/22	Uredba o načinu zagotavljanja pravic osebam z začasno zaščito, Uradni list RS, št. 42/22 in 151/22		https://bit.ly/3Mt2UcH (SI)
Rules on the application for granting temporary protection and on the identity card of persons enjoying temporary protection, Official Gazette of RS, No. 43/22	Pravilnik o vlogi za začasno zaščito in izkaznici osebe z začasno zaščito, Uradni list RS, št. 43/22		http://bit.ly/3jxNMRR (SI)
Decision determining the allowance for private accommodation, Official Gazette of RS, No. 41/14	Sklep o določitvi denarnega nadomestila za zasebno nastanitev, Uradni list RS, št. 41/14		http://bit.ly/3GpCDeU (SI)
Rules on the procedure concerning transferal of persons enjoying temporary protection, Official Gazette of RS, No. 110/05	Pravilnik o postopku premestitve oseb z začasno zaščito, Uradni list RS, št. 110/05		http://bit.ly/3WPiOCO (SI)
Instructions on the procedure and method of dealing with persons illegally entering the Republic of Slovenia during the period when covered by temporary protection, Official Gazette of RS, No 34/06 and 58/22.	Navodilo o postopku in načinu ravnanja z osebami, ki v času trajanja začasne zaščite nezakonito vstopijo v Republiko Slovenijo, Uradni list RS, št. 34/06 in 58/22.		http://bit.ly/3vmlLOy (SI)

Article 10 of the Temporary Protection of Displaced Persons Act, which regulates the introduction of temporary protection in Slovenia, stipulates that when the Council of the EU determines that a situation threatening people, such as war, has arisen in a third country or region, the Government shall adopt a resolution introducing temporary protection specifying in particular the number of persons to be given temporary protection by the Republic of Slovenia, the conditions in which this quota of persons may be exceeded, particularly when it comes to exercising the right to family reunification or when vulnerable groups of people are involved, the date of the introduction and duration of temporary protection and the time limit by which persons enjoying temporary protection shall be required to leave the Republic of Slovenia after temporary protection has come to an end. The Government shall also inform the Council of the EU of the accommodation capacities of the Republic of Slovenia available for the reception of displaced persons.

With the Government Decision introducing temporary protection in the Republic of Slovenia for persons displaced from Ukraine on or after 24 February 2022 as a result of the military invasion by the Russian Armed Forces that began on that date, the categories of persons to whom the Republic of Slovenia temporarily allows temporary protection, the duration of temporary protection and the rules applicable to the persons concerned after termination of temporary protection were specified. However, the Decision lacks an essential provision in accordance with the aforementioned Article 10 of the Temporary Protection of Displaced Persons Act: the number of people to whom Slovenia will offer temporary protection. The

government's explanation from 10 March 2022⁸ as to why the number was not included was that it was impossible to estimate the number of persons to whom the Republic of Slovenia will provide temporary protection and to assess the reception facilities at the time of adopting the Decision and that the vast majority of displaced persons from Ukraine was at that time housed at private addresses, which was expected to change in the following days, causing reception capacities to be increased accordingly. Further explanation was that the exact number of persons is also not specified in the implementing decision of the Council of the EU, even though the directive requires, under the third paragraph of Article 5, that the decision also include, inter alia, data received from the Member States on their reception capacities. According to the Minister of the Interior at the time, Slovenia could provide a temporary home for approximately 180,000 to 200,000 refugees from Ukraine altogether at the time of the said statement.⁹ So far, no further information on the estimated number of persons to whom the Republic of Slovenia will provide temporary protection was made known.

Further, on 24 March 2022 the recent Decree on the methods for ensuring the rights of persons enjoying temporary protection¹⁰ was adopted and entered into force on 25 March 2022. It specifies how to ensure the rights of persons with temporary protection and applicants for temporary protection in more detail.

The Temporary Protection of Displaced Persons Act, which is currently still in force, has proven to be deficient and outdated in practice. The Act was adopted in 2005 and amended in 2017, however only from the point of view of the separation of powers between the Government Office for the Support and Integration of Migrants (hereinafter: Government Office) and the Ministry of the Interior (hereinafter: Ministry), not taking into consideration all the changes in the development of international protection, which is essentially comparable to the institution of temporary protection. The Act also imperfectly transposed the Temporary Protection Directive. For this reason, there were several attempts to amend the Act with the following proposed legislation:

- ❖ the Act on Intervention Measures for Comprehensive Regulation of the Situation of Displaced Persons from Ukraine and for Assistance to the Economy of the Republic of Slovenia Due to the Consequences of the Ukrainian Crisis,¹¹ proposed by the Government in May 2022, which was not adopted,
- ❖ the Act on Intervention Measures for Comprehensive Regulation of the Situation of Displaced Persons from Ukraine and for Assistance to the Economy of the Republic of Slovenia Due to the Consequences of the Ukrainian Crisis,¹² proposed by a group of members of the National Assembly (Parliament) in September 2022, which was not adopted,
- ❖ a new Temporary Protection of Displaced Persons Act (ZZZRO-1);¹³ the last available information at the time of writing this report is from 27 October 2022, stating that the text of the proposed act has been submitted for inter-ministerial coordination and to the Government Office for Legislation.

In order to address individual deficiencies comprehensively, thoroughly, and sustainably, it would be necessary to address systemic deficiencies in the areas to which they relate. Therefore, it would be most appropriate to regulate and adjust the identified deficiencies through legislative changes in the sectoral laws and not through an intervention law.

Statistics

According to the official statistics, provided by the General Police Directorate, in 2022 a total of 7,556 applications for temporary protection were submitted to the Police. Of these, 7,480 were Ukrainian citizens, 34 were Russian citizens, and the rest were of other nationalities (citizens of Belarus, etc). There

⁸ 24ur.com, *Število oseb, ki jim bo Slovenija nudila začasno zaščito, trenutno ni omejeno*, 10 March 2022, available in Slovenian at: <https://bit.ly/3juGgYg>.

⁹ MMC RTV Slovenija, *Hojs: Slovenija je pripravljena sprejeti do 200.000 beguncev iz Ukrajine*, 27 February 2022, available in Slovenian at: <https://bit.ly/3Y10t23>.

¹⁰ Decree on the methods for ensuring rights of persons enjoying temporary protection, Official Gazette of RS, No. 42/22 and 151/22.

¹¹ The proposed act is available in Slovenian at: <https://bit.ly/3HrtMIU>.

¹² The proposed act is available in Slovenian at: <https://bit.ly/3wRJfNg>.

¹³ The proposed act is available in Slovenian at: <http://bit.ly/3jwlkie>.

was also a large number of people who were displaced – directly or indirectly – by the conflict present in the country but beyond the scope of TPD. According to the findings of the General Police Directorate of the Republic of Slovenia, for example, Russian citizens who avoided the declaration of partial mobilization, which Russian president Putin declared on 21 September 2022, also sought protection in the Republic of Slovenia. In 2022, 1,886 Russian citizens expressed intentions to apply for international protection at the Police. In the entire year 2022, Russian citizens also expressed 73 renewed intentions to apply for international protection (i.e. subsequent applications).¹⁴

However, not all applicants apply for temporary protection at the Police, as they may also apply directly at the territorially competent administrative units, which are the authority deciding on granting temporary protection. In accordance with the statistics of the Ministry of Interior, between 24 February 2022 and 31 December 2022, 8,445 persons applied for temporary protection in the Republic of Slovenia. Of these 8,340 were Ukrainian citizens. In the same period citizens of Ukraine submitted 194 applications for international protection. In 2022, temporary protection was granted altogether to 7,666 persons, out of which 7,588 were citizens of Ukraine, while international protection was granted to 158 citizens of Ukraine. In the same period 85 applications for temporary protection were rejected.¹⁵

B. Qualification for temporary protection

The general definition of the specific groups of displaced persons to whom temporary protection applies in the national context is as follows. The displaced persons to whom temporary protection applies are defined in the Temporary Protection of Displaced Persons Act, Article 3, as third-country nationals or stateless persons who have had to leave their country or region of origin or have been evacuated, in particular in response to an appeal by international organisations, and are unable to undertake a safe and durable return due to the situation prevailing in that country or region, who may fall within the scope of the Convention Relating to the Status of Refugees or other regulations giving international protection, in particular:

- ❖ persons who have fled areas of armed conflict or endemic violence;
- ❖ persons at serious risk of, or who have been the victims of, systematic or generalised violations of their human rights.

As per the Government Decision introducing temporary protection in the Republic of Slovenia for persons displaced from Ukraine on or after 24 February 2022 due to the military invasion by the Russian Armed Forces,¹⁶ the following categories of persons residing in Ukraine before 24 February 2022 are eligible for temporary protection¹⁷:

- ❖ citizens of Ukraine,
- ❖ stateless persons and third-country nationals who are not citizens of Ukraine and who were granted international protection or other equivalent national protection in Ukraine,
- ❖ family members of the persons referred to in the first and second indents of this paragraph, as defined in Article 36 of the Temporary Protection of Displaced Persons Act, i.e.:
 - a spouse or a person who had lived with the person who was granted temporary protection before their arrival in the Republic of Slovenia, for at least one year, in a domestic community that is equal in legal consequences to a marriage pursuant to the Family Code;¹⁸
 - the children of the person granted temporary protection, as long as the person is obliged to support them;¹⁹

¹⁴ Official statistics provided by the General Police Directorate, February 2023.

¹⁵ Official statistics provided by the Ministry of the Interior, May 2023.

¹⁶ Article 1(1) Government Decision.

¹⁷ Article 1(2) Government Decision.

¹⁸ Family Code, Official Gazette of the Republic of Slovenia, no. 15/17 and subsequent amendments.

¹⁹ The notion of 'obligation to support' in family relations is regulated in the Family Code, which stipulates that parents are obliged to support their minor children, i.e. until they reach the age of 18, or until the age of 26, as long as they are enrolled into school as regular students.

- stepchildren if they support their stepfather or stepmother, and a stepmother or stepfather if they support their stepchildren;²⁰
 - grandchildren and nephews of the person granted temporary protection, in so far as that person is supporting the grandchildren or nephews who are without parents;
 - other close relatives of the person granted temporary protection, if they had lived together as a family before their arrival in the Republic of Slovenia and were supported by the person who has obtained temporary protection,
- ❖ stateless persons and third-country nationals who are not citizens of Ukraine and who resided in Ukraine on the basis of a valid permanent residence permit and who are unable to return to their country or region of origin in a safe and sustainable or lasting manner.

Despite the Council Decision allowing for Member States to extend temporary protection to additional categories of displaced persons beyond those to whom the Decision applies,²¹ which may also include extending temporary protection to those persons who fled Ukraine not long before 24 February 2022 as tensions increased or who found themselves in the territory of the EU just before that date and who, as a result of the armed conflict, cannot return to Ukraine, in the Republic of Slovenia in general only persons fulfilling the condition of leaving Ukraine on or after 24 February 2022 are considered eligible for temporary protection. Persons that are not eligible for temporary protection can however apply for international protection.

The definition of persons to whom temporary protection applies in accordance with the Government Decision has been interpreted very narrowly by the competent authorities in Slovenia in a sense that individuals who otherwise fall into one of the listed categories, however were not physically located on the territory of Ukraine at the time of the outbreak of war on 24 February 2022, despite residing in Ukraine before the date, are not entitled to temporary protection. Strictly basing eligibility for temporary protection on the date when persons left Ukraine has shown to be problematic (considering some specific circumstances), despite such persons being able to apply for international protection as an alternative.²²

Third country nationals and stateless persons

As stipulated in the Government Decision, besides citizens of Ukraine, stateless persons and third-country nationals who were granted international protection or other equivalent national protection in Ukraine, and stateless persons and third-country nationals who resided in Ukraine on the basis of a valid permanent residence permit and who are unable to return to their country or region of origin in a safe and sustainable or lasting manner, are entitled to temporary protection. Another category of third country nationals and stateless persons that are eligible for temporary protection are family members as defined in the Government Decision with reference to Article 36 of the Temporary Protection of Displaced Persons Act, where the families were already residing in Ukraine before 24 February 2022 and provided they have themselves been displaced on or after 24 February 2022. When presenting themselves to the competent authorities in the Republic of Slovenia, family members of an Ukrainian national or of a stateless person or third-country national who was granted international protection or other equivalent national protection in Ukraine, need to prove that they were displaced on or after 24 February 2022 and provide documentary

²⁰ Ibid.

²¹ Where those persons are displaced for the same reasons and from the same country or region of origin as referred to in the Decision.

²² See for example: N1info, *Ukrajinski kolesarji v Kočevju: raje turistični vizum kot pridobivanje azila*, 2 April 2022, available in Slovenian at: <http://bit.ly/31FUcHg>, regarding Ukrainian cyclists, members of the youth Ukrainian mountain biking team, who wanted to apply for temporary protection in Slovenia, however they were considered ineligible as they left Ukraine in January, i.e. before the start of the war, to compete abroad. They estimated that obtaining international protection would have some disadvantages for them, especially as applicants for international protection are not allowed to leave the municipality in which they have an address of temporary residence while waiting for their application to be approved (except in certain cases decided by an authorised official). Applicants for temporary protection, on the other hand, can move freely around Slovenia and it is also, in principle, not prohibited by law for them to leave the country. As reported, this would have been a problem for the members of the Ukrainian national mountain biking team, as they had competitions abroad, therefore they decided to stay in Slovenia based on the allowed short-term stay (visa-free regime; for up to 90 days within any 180 days).

evidence attesting family relationship or family unity and that the family was present and residing in Ukraine before 24 February 2022.

In accordance with the TPD, Member States may also extend temporary protection to all other stateless persons or nationals of third countries other than Ukraine residing legally in Ukraine who are unable to return in safe and durable conditions to their country or region of origin, which could include third-country nationals who were studying or working in Ukraine on a short-term basis at the time of the events leading to the mass influx of displaced persons. However, in Slovenia this option has so far not been exercised and is not reflected in the Government Decision. Third country nationals and stateless persons who are eligible as per the Government Decision need to be able to prove that they fulfil the eligibility criteria by presenting the relevant documents to the competent authorities (i.e., either to the Police, who then submit the application for temporary protection and supporting documents to the competent administrative unit, or to the latter authority directly). Other groups, such as for example students that were staying in Ukraine only on a short-term basis and do not have permanent residence permit, are therefore not included under this scope.

In accordance with the Temporary Protection of Displaced Persons Act, temporary protection is also granted to a new-born whose parent or parents enjoy temporary protection.²³

People fleeing Ukraine, who do not fall under the scope of the temporary protection regime, including family members that are not eligible for temporary protection considering the criteria of having been displaced on or after 24 February 2022 and providing documentary evidence of family relationship, can apply for international protection in line with the International Protection Act (IPA).²⁴ In practice this has caused issues to nationals of Ukraine and their family members who are not included under the scope of persons eligible for temporary protection, as they have to apply in separate procedures for different types of protection, i.e. temporary and international protection, in order to be able to legally stay in Slovenia, which also entails certain differences in their rights and being subject to restrictions or not (e.g. applicants for international protection are in general not allowed to leave the municipality in which they have an address of temporary residence while waiting for their application to be approved).

Extension of TPD

In accordance with the Government Decision, the duration of temporary protection was determined to be for one year from the date of entry into force, that is until 4 March 2023, reflecting the Council Implementing Decision (EU) 2022/382, with the possibility of being extended for a maximum of two times for periods of six months each.

On 4 March 2023, temporary protection for displaced persons from Ukraine in Slovenia, activated in March 2022 for an initial period of one year, was automatically extended until 4 March 2024 in accordance with the decision of the European Commission.

In the case of persons who have already been granted temporary protection, the administrative units will ex officio issue a new identity card of a person with temporary protection valid until 4 March 2024, which will replace the current identity card valid until 4 March 2023. In all procedures on granting temporary protection in which a decision has not yet been made, in the event of a positive decision, the administrative units will issue a temporary protection identity card valid until 4 March 2024.

²³ Article 19(4) Temporary Protection of Displaced Persons Act.

²⁴ International Protection Act, Official Gazette of RS, No. 16/17 and subsequent amendments.

C. Access to temporary protection and registration

1. Admission to territory

No reports by NGOs, media or testimonies collected by PIC or any other organisation on people fleeing Ukraine that would be refused entry at the border were made public.

It was also reported to PIC by the General Police Directorate in February 2023 that no displaced persons from Ukraine were refused entry at the border in 2022, as they were granted access to temporary protection.

Further, there have been no officially reported cases or any evidence of issues for people who returned to Ukraine and sought to re-enter Slovenia. However, there have been some mentions made to PIC lawyers, when providing informing and counselling on temporary protection in various municipalities and reception/accommodation centres in Slovenia, of people who had issues at the Hungarian and other borders, even though they had been granted and still enjoyed active temporary protection in Slovenia.

For citizens of Ukraine, entry into Slovenia is lawful on several bases. Firstly, if they enter with a valid biometric passport at designated border crossing points, they do not require a visa to enter Slovenia and are legally able to stay in the country for up to 90 days within a 180-day period. After the expiration of the allowed short-term residence their stay in the country is illegal unless they obtain another basis for residence in Slovenia.

Some flexibility on entry conditions was established on humanitarian grounds according to the information from the Government of the Republic of Slovenia,²⁵ explaining that that if residents of Ukraine enter the Republic of Slovenia without proper documents, for example only with internal documents (Ukrainian passports) that are not biometric and without a visa, given the war situation on Ukrainian territory, the Police take into account the individual circumstances and in general issue only warnings and do not fine the person. In usual circumstances, such actions are considered an offense under the Foreigners Act. However, such persons then do have to promptly obtain a legal basis for residence in Slovenia.

People fleeing from Ukraine can also apply for temporary or international protection in Slovenia after their other legal basis for residence in Slovenia (e.g., short-term visa-free stay) expires or immediately when crossing the border. A person who expresses their intention to seek temporary or international protection in the Republic of Slovenia should be treated as an applicant by the law (International Protection Act and Temporary Protection of Displaced Persons Act) and shall therefore be permitted to enter the country.

In accordance with Article 7 of the Temporary Protection of Displaced Persons Act, a displaced person as referred to in the Act who, during the period of temporary protection and until the quota determined by the Government has been filled, makes an illegal entry into the Republic of Slovenia may seek temporary protection from the competent authority as long as they do so within three days of entering the Republic of Slovenia. A displaced person who enters the Republic of Slovenia outside a border crossing point and who seeks temporary protection from the competent authority within the mentioned time limit in accordance with the Article 7 shall not be deemed to have committed a minor offence pursuant to the Act governing state border control.

Moreover, with regard to the waiving of customs duties and measures to facilitate the entry of pet animals travelling with their owners from Ukraine, one of the proposed measures in the Providing operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders, published by the Slovenian Administration for Food Safety, Veterinary Sector and Plant Protection (AFSVSP)²⁶ on 28 February 2022 was that due to the emergency situation in Ukraine, the entry of pet

²⁵ The official Government website: Republic of Slovenia, *Support for Ukrainian Nationals in Slovenia*, available at: <https://bit.ly/3HvxxNh>.

²⁶ Republic of Slovenia, *Derogation for non-commercial movements of pets due to the exceptional situation in Ukraine*, available at: <https://bit.ly/3l7SJI6>.

animals was provisionally authorised on the basis of a completed application and under the conditions set out in the application to ensure that the entry of these animals into the EU does not pose a risk of rabies introduction/transmission. A contact point has been established at the headquarters of AFSVSPP to accept applications. However, as of 1 March 2023, the AFSVSPP no longer allows the entry of pet animals from Ukraine under the simplified procedure, based on Article 32 of Regulation (EU) 576/2013 on the non-commercial movement of pet animals, meaning dogs, cats and ferrets in the context of a non-commercial movement from Ukraine to Slovenia must comply with the conditions set in the Regulation.²⁷

2. Freedom of movement

Persons entitled to temporary protection who do not hold a biometric travel document do not experience any particular issues when moving within the territory of Slovenia or while attempting to continue their journey towards other European countries. However, persons not entitled to temporary protection will be restricted in their movements if they apply for international protection (see [General Report – Freedom of movement](#)), which may also impact persons entitled to temporary protection of the same family unit.

Entry into the national territory and moving within the country was also facilitated for persons fleeing from Ukraine. Moreover, vehicles with a maximum permissible weight of up to 3.5 tonnes (most passenger cars and light combination vehicles) with Ukrainian number plates are, until further notice, exempt from tolls on toll roads (purchasing the e-vignette), but only for the purpose of entering or crossing the Republic of Slovenia in transit. If the drivers of these vehicles stay in the Republic of Slovenia and use toll roads during their stay in the country, they must obtain an appropriate e-vignette for their vehicles.

3. Registration under temporary protection

In Slovenia registration occurs when the application is submitted to the competent authority.

As stipulated in Article 16 of the Temporary Protection of Displaced Persons Act,²⁸ upon entry into the Republic of Slovenia, an applicant shall complete an application for temporary protection with the authority responsible for border crossing control, which is the Police, and shall present all the evidence at their disposal which is relevant for the decision on granting temporary protection. The Police shall then immediately submit the application and supporting documents to the competent authority for processing and deciding on granting temporary protection, which is the administrative unit in the territory where the applicant is staying.

Displaced persons making an illegal entry into the Republic of Slovenia and those already present in the Republic of Slovenia shall, without delay and within three days at the latest, complete an application for temporary protection and submit it to the local police office located in the area where the person in question is staying or to the administrative unit in the area where the person is staying together with all documents held by them that are relevant to deciding on the granting of temporary protection.²⁹ If in these two cases the application is submitted to the police, the police shall forward it without delay to the administrative unit where an applicant for temporary protection is staying.

Administrative units then process and decide on whether an applicant fulfils the conditions to be granted temporary protection determined by this Act in a summary fact-finding procedure. In case of a positive decision a person receives an identity card, which also serves as a permit for temporary residence in the Republic of Slovenia.³⁰ In case of a decision dismissing or withdrawing temporary protection or rejection order rejecting the application, the persons receive a written decision which indicates the time limit by which the person must have left the country. A person failing to leave the Republic of Slovenia by the determined time limit is subject to the provisions on the removal of foreigners of the Foreigners Act.³¹

²⁷ Republic of Slovenia, *Termination of simplified procedure for non-commercial movements of pets due to the exceptional situation in Ukraine*, available at: <https://bit.ly/3FKrMv9>.

²⁸ Article 16(3)-(4) Temporary Protection of Displaced Persons Act.

²⁹ Article 16(5) Temporary Protection of Displaced Persons Act.

³⁰ Article 19(1)-(3) Temporary Protection of Displaced Persons Act.

³¹ Article 19(5) Temporary Protection of Displaced Persons Act.

With the proposed legislative changes in 2022, which were not yet adopted at the time of writing the report, the procedure of applying for temporary protection would be simplified by referring only to the administrative units as the responsible authority to accept an application for temporary protection and no longer also the Police. There may be an issue with such provision in practice, as in most cases the first authority that persons entering Slovenia come in contact with is the Police, and from this point of view it is easiest and most reasonable to file an application for temporary protection, together with any supporting documents, with the Police, which the Police then forward to the competent administrative unit. It is also important to point out that persons who are just entering the Republic of Slovenia are not familiar with our state bodies and their powers (they are unfamiliar with, for example, the concept of administrative units), they face a lack of information, as seen in practice, and as a result, the implementation of such a provision in practice may lead to certain uncertainties and ambiguities.

Time limit for application

As aforementioned, in accordance with the Article 16 of Temporary Protection of Displaced Persons Act, applicants making an illegal entry into the Republic of Slovenia and applicants already present in the Republic of Slovenia shall, without delay and within three days at the latest, complete an application for temporary protection. The law on temporary protection does not however stipulate any consequence for exceeding the determined time limit and no consequences have been detected by PIC in practice so far.

A time limit that also needs to be considered is that of the allowed short-term stay (visa-free regime) for citizens of Ukraine for up to 90 days within the 180-day period, as after the expiration of the allowed short-term residence they need to obtain another legal basis for residence in Slovenia in order to be able to lawfully stay in the country.

Evidence

When applying for temporary protection, the applicants are required to provide evidence in order to prove they fall under the scope of temporary protection, however, the law regulating temporary protection does not further define the said evidence. In general, the relevant documentation is considered to include documentary evidence that can help in establishing identity, residence of the person and moment when the person left Ukraine as a determining factor for being eligible for temporary protection and documentation attesting family relationship or family unity and dependency with close relatives.

The authority that receives the application and supporting documents issues a written acknowledgement of receipt of application to the applicant.

Issues in registration for TPD

As the mobile blue dot from PIC, consisting of lawyers and a translator, was informed of by some applicants and beneficiaries of temporary protection while providing information and counselling to people fleeing Ukraine in various municipalities and reception/accommodation centres, some were waiting for the decision on granting temporary protection to be issued by the administrative units well over the determined time limit for issuing and serving a decision. Administrative units, as the competent authority, decide on granting of temporary protection in a summary fact-finding procedure³² and must therefore issue and serve the decision as soon as possible or at the latest within one month from the day of receiving a complete application for initiating an administrative procedure in accordance with the Article 222, paragraph 1, of the General Administrative Procedure Act.³³ The reasons for the delays may in some cases be incomplete applications, however the backlogs can mostly be attributed to administrative units being overloaded with applications that they were not able to process in time as they were not fully prepared from an organisational standpoint, especially in the first few months of activating temporary protection in Slovenia, as observed by PIC. Administrative units are also unequal both in terms of size and workload, which affected as to how long the applicants were waiting to be granted temporary

³² Article 19(2) Temporary Protection of Displaced Persons Act.

³³ General Administrative Procedure Act Official Gazette of RS, No. 24/06 and subsequent amendments .

protection, in view of which administrative unit was processing their applications, and consequently to be able to enjoy the rights that are granted under temporary protection such as the right to work, financial assistance etc. If the administrative unit fails to issue a decision and serve it to the applicant in due time, they have the right of appeal as if their claim has been refused in accordance with the General Administrative Procedure Act.³⁴

In 2022, the average number of days from the receipt of an application to the issuance of a decision was 21.7 days, varying from administrative unit to administrative unit, with the longest average being 45.5 days in administrative unit Ptuj, and the shortest being 7 days in Jesenice.³⁵

Another issue was that until June 2022 written administrative decisions were issued instead of identity cards. The procedure has been simplified and faster since the start of issuing identity cards. Some beneficiaries of temporary protection have also mentioned having issues at the borders when traveling to Ukraine and then back to Slovenia, for example at the Hungarian border, as the authorities responsible for border crossing control supposedly did not recognise the document, i.e., the written administrative decision, as it was not in the form of an identity card, despite the decision granting the person the status of temporary protection in Slovenia and all the related rights and obligations.

An appeal may be filed against a decision on granting temporary protection issued by the competent authority, i.e. administrative unit, within 15 days of the date of service. An appeal stays the execution of the decision and is decided on by the Ministry.³⁶

4. Legal assistance

In accordance with Article 37 of the Temporary Protection of Displaced Persons Act, persons enjoying temporary protection enjoy the right to free legal aid in accordance with the act governing free legal aid.

However, this right is granted only to persons that have already been granted temporary protection. For the applicants there is no free legal aid (neither for first nor second instance procedures, for example when appealing a decision on granting temporary protection) that would be funded through the state budget. PIC provides legal assistance to applicants as well as to persons granted temporary protection, which includes familiarising applicants for temporary protection with their rights and obligations in Slovenia, representing applicants at application submissions, providing relevant information and offering legal advice, all within the project funded by United Nations High Commissioner for Refugees (UNHCR)-Counselling and representing asylum applicants in Slovenia. Legal assistance by PIC is provided through regular visits to reception/accommodation centres, organised with a permission from the Government Office, according to a set schedule (for example every two weeks in **Logatec**, once a month in **Debeli Rtič** etc., with the frequency adjusted considering the need and the approximate number of inquiries). PIC lawyers, together with a translator, also visit municipalities to provide legal counselling for applicants for temporary protection and beneficiaries of temporary protection. For the first several months such meetings also included providing information for representatives of various institutions as stakeholders, dealing with displaced persons from Ukraine in different areas, together with a representative from the Government Office. PIC lawyers are also available by phone and e-mail every working day during working hours and individual (in person in PIC's office and online) legal counselling can be arranged as needed (applications are collected online via a form).

The Faculty of Law of the University of Ljubljana has also been offering free legal assistance to Ukrainian citizens who apply for protection in Slovenia. Legal information is provided within the Legal Clinic for Refugees and Foreigners, in which participate students of the Faculty of Law, sometimes consulting with other individuals and institutions involved in providing assistance to refugees. Consulting is mainly provided via e-mail.³⁷

³⁴ Article 222(4) General Administrative Procedure Act.

³⁵ Official statistics provided by the Ministry of the Interior, March 2023.

³⁶ Article 20(1)-(2) Temporary Protection of Displaced Persons Act.

³⁷ University of Ljubljana, *Brezplačni pravni nasveti in pomoč ukrajinskim državljanom*, available at: <https://bit.ly/3Um6ydg>.

As for persons enjoying temporary protection, free legal aid is available in accordance with the Legal Aid Act.³⁸ It can be granted for legal advice, legal representation and other legal services specified by law, for all forms of legal protection before all courts of general jurisdiction and specialised courts in the Republic of Slovenia, before the Constitutional Court of the Republic of Slovenia and before all authorities, institutions or persons in the Republic of Slovenia, which are responsible for the out-of-court settlement of disputes and as an exemption from paying the costs of court proceedings. Free legal aid is also granted for proceedings before international courts or arbitrations, if the right to free legal aid is not regulated by the rules of the international court or arbitration, or if the individual is not entitled to it according to the rules on free legal aid.

A person is entitled to free legal aid if, given their material situation and the material situation of their family, they would not be able to afford the costs of court proceedings or the costs of providing legal aid without jeopardising their social situation and the social situation of their family.³⁹

One of the issues for persons entitled to temporary protection in accessing (free) legal assistance is the lack of information as to how to access free legal aid (i.e. through filling out the form at the competent court). For PIC's legal assistance, one practical obstacle has been arranging the informing/legal counselling in various municipalities for everybody in need, as some municipalities were more prepared to assist in arranging such meetings and sending information to all potential interested parties that are staying in the municipality than others, especially as many applicants and beneficiaries of temporary protection have settled in private accommodations since entering Slovenia and it has been more challenging to access them with invitations to the said meetings. However, a number of persons staying in each municipality has been provided. Legal informing and counselling for persons in reception/accommodation centres and other state facilities has not been an issue, as all the needed information was provided by the Government Office and the frequent, regular visits are arranged in cooperation with the said accommodations.

5. Information provision and access to NGOs

The Temporary Protection of Displaced Persons Act stipulates in Article 15, dealing with procedural rights, that an applicant for temporary protection shall be provided all information concerning the procedure for the granting of temporary protection in a language that they understand and shall have the right to follow the procedure and participate therein in a language that they understand. An applicant may, at any time, contact non-governmental, international and other organisations for assisting refugees. By law the Government Office shall provide applicants the mentioned information through information booklets and by establishing an information service.⁴⁰

The right to be informed is regulated in Article 38 of the Temporary Protection of Displaced Persons Act, stipulating that persons enjoying temporary protection must be informed of the rights and obligations arising from this Act in a language they understand. The Government Office shall provide them the necessary information, in particular regarding accommodation, claiming financial assistance, health care, education and employment, in a language they understand. Moreover the Decree on the methods for ensuring the rights of persons enjoying temporary protection stipulates in Article 2, paragraph 3, that the Government Office shall provide information to applicants for temporary protection by issuing informative brochures in electronic and printed form and by organising an information service and in Article 24 that Government Office shall organise the briefing of persons with temporary protection on their rights and duties, as determined by law, in electronic and printed form or in another appropriate way.

In practice, this has been realised by the Government Office setting up a government call centre, through which information is provided about the assistance that Slovenia provides to displaced persons from Ukraine, about entry and residence in Slovenia, about the procedure for recognising temporary protection

³⁸ Legal Aid Act, Official Gazette of RS, No. 96/04 and subsequent amendments.

³⁹ Article 13(1) Legal Aid Act.

⁴⁰ Article 15(1)-(3) Temporary Protection of Displaced Persons Act.

and information on how individuals or organisations can provide financial or material assistance, in a language they can understand. The call centre works every day of the week from 8 a.m. to 4 p.m. The Government Office has also established a special email address for any inquiries. Current information and contact numbers are also published on the official website in Slovenian and Ukrainian language.⁴¹ As pointed out to PIC by users of the website, some had issues with finding the needed information, especially the forms that need to be filled out for example for applying for financial support. On the Government Office's website is also available a brochure in Ukrainian language, containing information on temporary protection, however, the applicants did not receive physical information booklets/brochures upon completing the application (at the Police or administrative units), as per the latest information available in 2022. Consequently, some have reported to PIC lawyers that they were not sufficiently informed especially on the difference between different forms of protection, i.e. temporary and international protection (which led some to regret submitting applications for international protection or to submit applications for both forms of protection at the same time at the Police). The main issue with this was also that, as some reported to PIC, the Police already indicated to persons entering Slovenia to which form of protection they are supposedly entitled and directed them to applying for that form of protection without providing full information. It is within the rights of a person announcing they are in need of protection to decide which procedure to start in this regard and for the competent authority to then decide on the eligibility of the person on the basis of the provided relevant documentation.

Persons that are accommodated in reception/accommodation centres can also turn to social workers for help with basic information regarding their rights and for some practical questions (e.g. how to obtain a tax number).

A significant part of providing important information was taken upon by several non-governmental organisations, such as PIC, that organised and utilised PIC mobile unit/blue dot that has been, beside visiting reception/accommodation centres, also travelling to various cities in Slovenia and meeting with persons fleeing Ukraine in different locations (in principle, in cooperation with representatives of municipalities that offered their premises for such meetings) to provide key information related to the temporary protection in Slovenia. Such meetings have mostly consisted of a lengthy presentation, prepared by the PIC lawyers and carried out in Ukrainian language, followed by the lawyer(s) answering any related (legal) questions. Information on the dates of informing by PIC is regularly published also on the Government Office's website. Moreover, PIC has also prepared and handed out information booklets (in reception/accommodation centres and other state facilities and on other occasions, namely on the mentioned organised informing events) with all the vital information regarding rights and obligations under temporary protection and explanations with respect to some of the most frequent questions. Presentation by the mobile blue dot was also updated to include the more current inquiries regarding further integration into Slovenian society, such as more detailed information on the Slovenian healthcare system, working in Slovenia (different types of contracts under which a person can work, workers' rights in Slovenian labour law etc.), on legal bases for residing in Slovenia after temporary protection ceases (for example regarding obtaining a single residence and work permit and family reunification), acquisition of citizenship and return to the country of origin. In 2022, 1,118 displaced persons from Ukraine were assisted by the PIC mobile blue dot. Other non-governmental organisations have also been providing information in several fields, among them for example the [Slovene Philanthropy](#), which has been offering key information and certain legal help, mainly related to the stay in the Republic of Slovenia, informing about other types of help available in Slovenia etc.⁴² Information provided by the Slovene Philanthropy has also been available in the form of informative videos with Ukrainian subtitles to help persons with temporary protection familiarize themselves with their rights and obligations, as also explained on the Government Office's website. The assistance by the Slovene Philanthropy in this regard was carried out under a project financed by the Fund for Bilateral Relations, lasting until 31 December 2022, which included providing information on the rights and duties of persons with temporary protection and a 12-hour orientation program, which took place online and in person.⁴³ Other NGOs, supported by UNHCR, also carried out several programmes in 2022, namely [Slovenian Red Cross](#) that provided useful information to assist people fleeing Ukraine

⁴¹ The official Government website: Republic of Slovenia, *Support for Ukrainian Nationals in Slovenia*, available at: <https://bit.ly/3HvxxNh>.

⁴² Slovene Philanthropy, *REFUGEES FROM UKRAINE*, available at: <https://bit.ly/3Y7hkox>.

⁴³ Government Office, *Osnovna podpora pri integraciji za razseljene osebe iz Ukrajine z začasno zaščito v Sloveniji*, available at: <https://bit.ly/3jEXn9J>.

(on their website and in person when visiting reception/accommodation centres and by organising workshops) and assistance by offering interpretation of the Ukrainian language in order to facilitate access to services for people fleeing Ukraine, as well as providing humanitarian aid,⁴⁴ [Institute EMMA](#), providing psycho-social counselling and support, focusing on victims of gender-based violence and [Society Ključ – Centre for Fight against Trafficking in Human Beings](#). Society Ključ implemented a project (“Pogum”) in 2022,⁴⁵ the activities of which were aimed at alleviating the hardships of applicants and persons with international protection, implemented in Ljubljana, Logatec, Debeli Rtič, Postojna and Kranj, however among 101 people that were involved in the activities, displaced persons from Ukraine (it was also possible for TP beneficiaries to attend and not just persons with international protection) were only involved in the activities in Ljubljana, in the premises of the Slovenian Philanthropy (about 10 people) within the framework of funding from the Ministry of Labour, Family, Social Affairs and Equal Opportunities and later PIC. Then, with UNHCR funds, Society Ključ also provided informing to newly arrived persons from Ukraine about human trafficking in certain accommodation capacities.

Risks of exploitation and human trafficking

On the Government website⁴⁶ a special emphasis is placed on persons fleeing the war in Ukraine being at risk of becoming victims of trafficking or other forms of exploitation, explaining that many people are offering Ukrainian nationals help, including offering private accommodation, work and transportation to other regions or other countries and that certain offers and apparent willingness to help may in fact be traps in which persons can fall victims to traffickers. It is also emphasized that women and children are a particularly vulnerable group in terms of human trafficking and anybody who would detect any suspicious circumstances or believe they could be a victim of trafficking, is encouraged to call the police, or get in touch with anti-trafficking non-governmental or humanitarian organisations at the listed contact telephone numbers or e-mail addresses ([Caritas Slovenia](#), [Society Ključ – Centre for Fight against Trafficking in Human Beings](#), [Slovene Philanthropy](#), which also provide some information regarding posing risks for displaced persons from Ukraine). Some NGOs also participate in the inter-departmental working group for the fight against human trafficking, which brings together ministries and government departments as well as non-governmental organisations.

It was specifically pointed out on the Government website that in the accommodation facilities in **Logatec** and **Debeli Rtič**, cases were detected where individuals were looking for or attempting to establish contacts with women refugees from Ukraine, also offering marriage arrangements and accommodation in private apartments in exchange for providing sexual services and performing various household chores. A suspicious ad for a job in the fashion industry was also detected.⁴⁷ The National Working Group on Combating Trafficking in Human Beings therefore warns about the risks posed by the crisis in Ukraine in relation to human trafficking.⁴⁸

Information provision at the border

The authority responsible for border crossing control, i.e. the Police, orally provide information on the procedure for temporary protection (basic information on the process and the rights and obligations of applicants and beneficiaries) and the person can complete an application for temporary protection and submit the relevant documents at the Police upon entry into the Republic of Slovenia. In practice, PIC has noticed that many applicants were lacking basic information regarding the continuation of the temporary

⁴⁴ Slovenian Red Cross, *Pomoč Ukrajini in informacije za begunce ter njihove svojce*, available at: <https://bit.ly/3FU0YZu>.

⁴⁵ Society Ključ, *Pogum*, available at: <https://bit.ly/3GRDAfC>.

⁴⁶ Government of the Republic of Slovenia, *Combating trafficking in human beings*, available at: <https://bit.ly/3x1tzHC>.

⁴⁷ See for example the articles explaining several examples of potential abuses people fleeing Ukraine are exposed to: N1, “*Na mejo po novo ženo*”: vojna odpira prostor za izkoriščanje ljudi v stiski, 15 March 2022, available in Slovenian at: <https://bit.ly/3XjHAe5> and N1, *Zloraba begunk? Oglas v Logatcu v ruščini ponuja manekensko delo*, 12 April 2022, available in Slovenian at: <https://bit.ly/3RJuaar>.

⁴⁸ Government of the Republic of Slovenia, *Combating trafficking in human beings*, available at: <https://bit.ly/3x1tzHC>.

protection procedure (e.g., deadline for issuing a decision) and relating to the rights of applicants and temporary protection beneficiaries, when they first came in contact with PIC.

D. Guarantees for vulnerable groups

Categories of people considered to be vulnerable are defined in the Temporary Protection of Displaced Persons Act as persons with special needs, in particular unaccompanied minors, persons with disabilities, elderly persons, pregnant women, unaccompanied women, single parents with minor children, victims of sexual abuse and victims of torture or organised violence.⁴⁹

As explained by the General Police Directorate,⁵⁰ determining potential vulnerability is said to be an essential part of migrant care and registration processes. The Police determine it individually and record it as well. Depending on the type of vulnerability, they provide assistance and care to migrants. The mark that it is a vulnerable person and that such a person needs to be treated with special care is entered into the database and is removed only when (if) the vulnerability is eliminated. No statistical data for beneficiaries of temporary protection was collected by the General Police Directorate and provided to PIC in this regard. However, as stated by the Ministry, vulnerability assessment is in fact not carried out as part of the application process for temporary protection, as the competent authority for identifying vulnerabilities in the context of ensuring the rights and adequate care of applicants for temporary protection is the Government Office.⁵¹

Further, as described by the Government Office,⁵² help and support in case of vulnerability is available to all applicants (regardless of whether they are applying for temporary or international protection). Throughout the entire process, it is possible to evaluate or detect/recognise potential vulnerability. The first option is a medical examination at the reception centre; another possibility is when they apply for a temporary protection or international protection, and they have a conversation/interview with an official during the process of obtaining the protection. In addition, it is possible for people to confide in social workers who are available 14 hours a day in the accommodation centres and branches. Psychosocial support (psychologist and psychotherapist) is available for vulnerable people, a psychiatrist also comes to the Asylum Home once a week. In 2022, a total number of 4,165 persons were identified as vulnerable, however this number comprises the number of all migrants, without further defining the number of international and temporary protection beneficiaries.

It is especially worth mentioning that the vast majority of people fleeing Ukraine and applying for temporary protection in Slovenia have been women with children,⁵³ who are very vulnerable to potential abuses, therefore, effective informing, systematic assessment and an accessible and effective system of assistance that would prevent them from becoming victims of various forms of abuse is necessary.

In practice, there has been a difference between persons accommodated in accommodation centres and those in private accommodations, as those in accommodation centres can turn to social workers, available in the centres, in case of need, who then communicate this further to the competent authorities or organisations.

When working with applicants and beneficiaries of temporary protection, PIC has paid special attention to persons with indicators of a vulnerable person, keeping statistics on such persons through regular weekly UNHCR reports and providing them with the necessary information and help to get in touch with the Police and the NGOs, dealing with specific groups of vulnerable persons.

⁴⁹ Article 3 Temporary Protection of Displaced Persons Act.

⁵⁰ Official statistics provided by the General Police Directorate, February 2023.

⁵¹ Official statistics provided by the Ministry of the Interior, March 2023.

⁵² Official statistics provided by the Government Office, February 2023.

⁵³ As per the official statistics provided by the Ministry of the Interior, March 2023, in the period from 24 February 2022 until 31 December 2022, a total of 8,445 persons applied for temporary protection in the Republic of Slovenia, of which 5,615 were women.

Unaccompanied minors

The procedure for treating unaccompanied minors, as one of the categories of vulnerable persons, is regulated in Temporary Protection of Displaced Persons Act, Article 22, that stipulates that an unaccompanied minor shall be appointed a legal statutory representative prior to the initiation of a procedure for obtaining temporary protection. In a procedure involving an unaccompanied minor, the competent authority shall take into consideration the minor's opinion, in accordance with their age and degree of maturity. Applications for temporary protection lodged by unaccompanied minors shall be examined as a matter of priority.

Further, Article 41 specifies that a minor person shall be appointed a guardian in accordance with the regulations governing guardianship by a Social Work Centre. During the period of temporary protection, unaccompanied minors shall normally be placed:

- ❖ with adult relatives;
- ❖ with a foster family;
- ❖ in accommodation centres or other lodging facilities suitable for minors;
- ❖ with a person who looked after the child upon arrival in the Republic of Slovenia.

The Social Work Centre with territorial jurisdiction shall be the centre located in the area where the unaccompanied minor is accommodated. When accommodating an unaccompanied minor, the competent Social Work Centre shall take into consideration the minor's opinion, in accordance with their age and degree of maturity.⁵⁴

Other than the described procedure no special measures have been implemented in 2022, adapted specifically to the needs of non-accompanied minors who are entitled to temporary protection.

Persons suffering from mental health problems

In 2022 no specific programme was introduced to address the needs of beneficiaries suffering from mental health problems, including torture survivors and other traumatised persons. Specialised treatment for them is only organised through certain programmes by NGOs and other actors.

Some psychosocial support has been available in accommodation centres based on the recognised need of accommodated persons by the social workers.

⁵⁴ Article 41(3) Temporary Protection of Displaced Persons Act.

Content of Temporary Protection

A. Status and residence

1. Residence permit

Indicators: Residence permit

- | | |
|--|---|
| 1. What is the duration of residence permits granted to beneficiaries of temporary protection? | Same as duration of the temporary protection, i.e. initially one year and then as extended. |
| 2. How many residence permits were issued to beneficiaries from the activation of the Temporary Protection Directive until 31 December 2022? | 7,666 |

A person enjoying temporary protection is issued an identity card by the competent administrative unit that also serves as a permit for temporary residence in the Republic of Slovenia, valid for the period of temporary protection.⁵⁵ The decision/identity card must be issued within one month at the latest from the day of receiving a complete application for initiating the procedure in accordance with the Article 222, paragraph 1, of the General Administrative Procedure Act.

The duration of temporary residence permits is the same as that of temporary protection, i.e. initially one year and then as extended. The permit is automatically prolonged, and beneficiaries are issued new identity cards by the administrative units *ex officio*.

Regarding difficulties see [Registration under temporary protection](#).

The residence permit granted to temporary protection beneficiaries is a *temporary* residence permit. In general, in accordance with the Foreigners Act, after five years of uninterrupted legal stay in Slovenia on the basis of a temporary residence permit, foreigners may obtain a permanent residence permit. However, the law stipulates that the period of residence of a foreigner in the Republic of Slovenia as a person with temporary protection cannot be counted towards the required five-year period for issuing a permanent residence permit, which is important for the persons that would decide to stay in Slovenia on a different basis (such as, e.g., single residence permit and work permit) after temporary protection ceases and would plan on eventually obtaining permanent residence permit.⁵⁶

A person who wishes to renounce temporary protection due to returning to Ukraine (or going to another country) must unequivocally notify (in any way, including by e-mail) the competent administrative unit that granted temporary protection to the person. If a person has already been issued a card of a person with temporary protection, they must return it to the administrative unit that issued it. The administrative unit issues a decision on termination of temporary protection, which also specifies the deadline by which the person must leave the country. As explained by the Ministry of the Interior, people who wish to apply for temporary protection in Slovenia while having received temporary protection in another country, first need to renounce the temporary protection in the other country and provide proof of the renouncement when applying for temporary protection in Slovenia, as at the moment of writing the report, there is still no valid legal basis in respect of personal data protection for data exchange, which is why the Republic of Slovenia does not participate in the EU platform for registration to be able to check such information.

A person that has renounced temporary protection in Slovenia is not prevented from applying for temporary protection again in the future.

2. Access to asylum

Persons enjoying temporary protection may seek asylum during the period of temporary protection or after the termination thereof. The examination of an asylum application not processed before the end of

⁵⁵ Article 42(2) Temporary Protection of Displaced Persons Act.

⁵⁶ Article 52(1) Foreigners Act.

the period of temporary protection, after the protection ends. Until a final decision on the asylum application is reached, such persons shall be subject to the regulations governing asylum.⁵⁷ Temporary protection beneficiaries applying for international protection still enjoy the rights under temporary protection until a positive decision on international protection has been issued.

B. Family reunification

In accordance with the Temporary Protection of Displaced Persons Act, Article 36, which deals with the right to family reunification, the right to temporary protection under this Act shall also be enjoyed by members of the immediate family of a person granted temporary protection. The following are deemed as immediate family members pursuant to this Act:

- ❖ a spouse or a person who had lived with the person who was granted temporary protection before their arrival in the Republic of Slovenia, for at least one year, in a domestic community that is equal in legal consequences to a marriage pursuant to the Family Code;⁵⁸
- ❖ the children of the person granted temporary protection, as long as the person is obliged to support them;⁵⁹
- ❖ stepchildren if they support their stepfather or stepmother, and a stepmother or stepfather if they support their stepchildren;⁶⁰
- ❖ grandchildren and nephews of the person granted temporary protection, in so far as that person is supporting the grandchildren or nephews who are without parents;
- ❖ other close relatives of the person granted temporary protection, if they had lived together as a family before their arrival in the Republic of Slovenia and were supported by the person who has obtained temporary protection.

Further, the Decree on the methods for ensuring the rights of persons enjoying temporary protection stipulates in Article 23 that to exercise the right to family reunification, the provisions of the Rules on the procedure concerning the transfer of persons enjoying temporary protection⁶¹ shall be applied *mutatis mutandis*.

In accordance with the Rules, family reunification is thus applied through the system of relocation, which begins on the basis of a case-by-case agreement between Slovenia and another EUMS. In the process of transfer from another Member State to Slovenia, the Ministry, based on data provided by the competent authority of the other Member State, determines whether a person enjoying temporary protection in another Member State has any of the reasons for ineligibility to temporary protection in accordance with Article 5 of the Temporary Protection of Displaced Persons Act (i.e. there are reasonable grounds for suspecting that the person has committed a criminal offence against humanity and international law as determined by the Criminal Code; has committed a serious non-political criminal offence elsewhere than in the Republic of Slovenia before they were admitted to the country as an applicant for temporary protection; has committed a criminal offence contrary to the purposes and principles of the United Nations and other binding international treaties implementing these purposes and principles; poses a threat to the constitutional order of the Republic of Slovenia or has been convicted by final decision of a criminal offence in the Republic of Slovenia and imposed an unsuspended sentence of imprisonment longer than one year and whose conviction has not been expunged), and thus cannot obtain temporary protection in Slovenia.⁶²

⁵⁷ Article 8(1)-(2) Temporary Protection of Displaced Persons Act.

⁵⁸ Family Code, Official Gazette of the Republic of Slovenia, no. 15/17 and subsequent amendments.

⁵⁹ The notion of 'obligation to support' in family relations is regulated in the Family Code, which stipulates that parents are obliged to support their minor children, i.e. until they reach the age of 18, or until the age of 26, as long as they are enrolled into school as regular students.

⁶⁰ Ibid.

⁶¹ Rules on the procedure concerning transfer of persons enjoying temporary protection, Official Gazette of RS, No. 110/05.

⁶² Articles 2(1) and 7(1) Rules on the procedure concerning transfer of persons enjoying temporary protection.

However, as the general system of relocation has not been put in place thus far, in practice this right cannot be realised yet. Temporary protection beneficiaries cannot benefit from the rules on family reunification applicable to beneficiaries of international protection (see [General Report – Family Reunification](#)).

C. Movement and mobility

The only restriction of movement of applicants for temporary protection is where an applicant's identity is not known or if there is doubt as to their identity. In such case the applicant may be required to stay, for a limited period of time, within an accommodation centre. Such restriction of movement shall be decided on by the Ministry by a procedural decision. The restriction may last for as long as the reasons exist, but for no longer than one month. If the reasons for the restriction persist thereafter, the restriction may be extended by another month. An appeal may be filed against a procedural decision restricting an applicant's movement before the Administrative Court of the Republic of Slovenia within three days of its service; the court shall decide on the case within three days of a preliminary oral hearing.⁶³

Other than the mentioned restriction, beneficiaries of temporary protection have freedom of movement within the State and are not subjected to territorial restrictions.

Beneficiaries of temporary protection also have the freedom of movement towards other EUMS once they are registered.

The main issue experienced by beneficiaries of temporary protection who wished to temporarily return to Ukraine, as mentioned to PIC lawyers, was that some reportedly faced issues (mostly) at the Hungarian boarder when trying to return to Slovenia, however other than that in Slovenia no restrictions have been implemented and persons can re-enter the country when returning from Ukraine. The only practical issue can be that the decision on temporary protection needs to be served to the applicant directly once issued and there is a time limit of 15 days from the date of service for lodging/filing an appeal against the decision. Persons may also be asked to supplement the application and if they do not send the supplement in time, the decision is made on the basis of the evidence received.

D. Housing

Indicators: Housing

1. For how long are temporary protection beneficiaries entitled to stay in reception centres?	Unlimited
2. Number of beneficiaries staying in State provided accommodation as of 12/2022	545
3. Number of beneficiaries staying in private accommodation as of 12/2022	Not available

In accordance with the Temporary Protection of Displaced Persons Act, the Government Office for the Support and Integration of Migrants is responsible for ensuring that persons with temporary protection are properly accommodated. The Government Office is obliged to organise the transfer of applicants to the nearest reception centre, where identification, collection of information relevant to the granting of temporary protection and a medical examination take place. Applicants may be placed in accommodation centres pending the final decision on their application. The centres are established by the Government and managed by the Government Office.⁶⁴ Further, the Decree on the methods for ensuring the rights of persons enjoying temporary protection stipulates in Article 2 that until the final decision on an application for temporary protection is made, the applicant for temporary protection may stay in accommodation

⁶³ Article 21 Temporary Protection of Displaced Persons Act.

⁶⁴ Article 17(1)-(3) Temporary Protection of Displaced Persons Act.

centres where they are provided with adequate food. The Government Office organises transport of the applicant for temporary protection to the nearest reception centre, but if they have their own transport or are provided with transport in another way, the applicant for temporary protection can take themselves to the nearest reception centre.

In line with the Decree, vulnerable groups of persons as referred to in the act governing temporary protection are accommodated in accommodation centres separately from other persons with temporary protection, whereby their special needs are taken into account based on an individual assessment.⁶⁵

In practice, the reception of applicants for temporary protection is carried out in the **Asylum Home Branch Facility Logatec**, which serves as an accommodation centre for applicants for temporary protection and beneficiaries of temporary protection with accommodation capacity for 350 persons,⁶⁶ and from there they are accommodated (usually only after receiving temporary protection) in the available capacities of other accommodation centres. Once an accommodation facility is fully occupied, the next available one is used. In the accommodation centre in **Logatec** some are placed in buildings and some in containers due to lack of capacity, to be placed in available accommodation facilities as soon as possible. Individuals can freely move on the premises of the centre and are allowed to leave the premises after informing the social workers. Where they are accommodated in **Logatec** (in buildings or in containers) and where and when they are moved next is decided by the social workers based on the individual circumstances (e.g. family, unaccompanied minor, single woman, other detected vulnerabilities etc.) of the applicants, as well as availability. Special attention was afforded to individuals assessed as vulnerable, for example women with children were put in separate rooms from men and the containers hosted mostly accommodated single men. However, as PIC pointed out in a complaint to the Human Rights Ombudsman of the Republic of Slovenia lodged in the name of a beneficiary of temporary protection, accommodated in the container with several other men, the containers are not an appropriate and humane long-term solution, especially considering the living conditions in different weather conditions (heat, cold) and lack of privacy.

Applicants and beneficiaries of temporary protection are also housed in the accommodation centres in **Debeli Rtič** and in **Postojna**.⁶⁷ Once these facilities were fully occupied, the Government Office has also began accommodating persons into student dormitories (e.g. in **Kranj, Nova Gorica, Radenci**) and other suitable state-owned and other facilities (such as apartments of the Ministry of Defence, apartments of the Public Housing Fund, Integration Houses etc.). In the future, the Government Office is also planning to use the facilities in **Jelšane, Gornja Radgona** and **Velenje**. Currently, the accommodation capacities in **Velenje** are intended only for people who are travelling to other countries and just need a short-term accommodation in Slovenia.⁶⁸ Orphans, aged one to seven years, that were relocated from the Luhansk orphanage in Ukraine were placed in the village of Slavina near Postojna in a house that is owned by the municipality of Postojna.

One of the accommodations provided by the Government office in 2022 were also accommodation capacities obtained on the basis of a public call (Bohinjska Bistrica and Novo Mesto) that fulfilled certain requirements (such as at least 20 beds, the possibility of washing clothes and bedding, specifying all costs in the application) determined for the potential providers.⁶⁹

With regard to housing, applicants for temporary protection and temporary protection holders are entitled to accommodation and meals in accommodation centres and (after being granted TP) an allowance or financial assistance for private accommodation (if they do not reside in accommodation centres), that are granted only to those beneficiaries that are not receiving any income or cash benefits and who are unable to rely on a person who is obligated to and capable of supporting them in accordance with the regulations

⁶⁵ Article 4 Decree on the methods for ensuring rights of persons enjoying temporary protection.

⁶⁶ Official statistics provided by the Government Office, February 2023.

⁶⁷ Republic of Slovenia, *Z nastanitvenim centrom v Postojni pridobili 120 novih namestitev*, available at: <https://bit.ly/3lnSwdL>.

⁶⁸ Republic of Slovenia, *Support for Ukrainian Nationals in Slovenia*, available at: <https://bit.ly/3HvxxNh>.

⁶⁹ MMC RTV Slovenija, *Objavljen poziv za nastanitvene objekte za begunce iz Ukrajine*, 6 March 2022, available in Slovenian at: <https://bit.ly/3L3UQ3T>.

of the Republic of Slovenia.⁷⁰ The Government Office awards monthly allowance in the amount of 30 percent of the basic minimum monthly income,⁷¹ which in 2022 amounted to EUR 126.57 per month, to persons with temporary protection based on a signed statement that they are without their own means of subsistence.⁷²

So far, applicants and TP holders have been able to stay in accommodation centres free of charge, regardless of whether they have their own means of subsistence or another source of livelihood and any income only affects their right to receive the allowance or financial assistance and financial assistance for private accommodation (when living in private accommodation).

No provision on temporary protection specifically mentions material support in accommodation centres (such as clothing, footwear and hygiene supplies), however PIC has observed that material support has been available to applicants for temporary protection and to TP holders, considering their needs, despite receiving an allowance that should supposedly cover such costs.

There is also no specific provision on how long beneficiaries of temporary protection are entitled to stay in reception centres. In general, they stay in the reception/accommodation centre in **Logatec** for a shorter period and are then moved to other accommodation centres and state facilities if they do not decide to reside in a private accommodation.

In 2022 (as of 31 December 2022) altogether in all the mentioned forms of accommodation provided for temporary protection beneficiaries the capacity (in some of them together for asylum applicants, international protection holders and TP beneficiaries) was 929 persons, with 545 TP beneficiaries effectively residing in these places at the end of the year. More specifically, just in reception/accommodation centres, the number of places and persons at the end of 2022 was as follows: Asylum Home Branch Facility Logatec (used as reception and accommodation centre for TP applicants and holders) with capacity for 350 persons, accommodating 80 TP beneficiaries; Accommodation centre Debeli Rtič with capacity for 90 persons, accommodating 92 TP beneficiaries; and Accommodation centre Postojna with capacity for 120 persons, accommodating 103 TP beneficiaries.⁷³

Applicants for temporary protection and temporary protection holders can also reside in private accommodation (without requesting authorisation to do so to the competent authority as is needed with applicants for international protection), which they can find by themselves or with help from some non-governmental and humanitarian organisations (Slovene Philanthropy, Red Cross/Caritas and some others), as well as with assistance of some local communities. Since the beginning of the war, applications from private individuals as well as companies offering accommodation to persons fleeing the war in Ukraine have also been collected at the Government Office, that then matches them with applicants for temporary protection and temporary protection holders looking for private accommodation, considering any specific needs. The issue with this was, however, that the conditions in the offered private accommodations had not been personally checked by the Government Office and the only safeguard has been largely based solely on the assessment of the employees at the Office as to whether the offered accommodations were inappropriate or could possibly pose even a risk (in communication through the telephone or via an e-mail), having in mind vulnerability of the refugees. Another issue with private accommodation that has eventually become apparent is also that initially there was a lot of interest to help accommodate Ukrainian refugees, which gradually subsided and it has become quite challenging for them to be able to find an appropriate private accommodation, especially long-term (for a year or more). In cases of free of charge hosting by private individuals, no financial compensation or financial support for private households housing persons fleeing Ukraine has been introduced by the State. Financial aid is only provided to TP beneficiaries. This caused some dissatisfaction among the providers mostly in the first months after the introduction of temporary protection in Slovenia, as reported to PIC. However, financial assistance for private accommodation, which is granted for paying rent and/or utility costs (when

⁷⁰ Article 23 and Article 35(1) Temporary Protection of Displaced Persons Act.

⁷¹ Article 35(2) Temporary Protection of Displaced Persons Act.

⁷² Article 22(1) Decree on the methods for ensuring rights of persons enjoying temporary protection.

⁷³ Official statistics provided by the Government Office, February 2023.

there is a signed rental agreement or agreement on the use of the real estate property) can also be submitted directly to the account of the landlord with a written consent by both, the landlord and the TP beneficiary as a tenant. In this respect some issues with landlords were also reported to PIC regarding temporary protection beneficiaries not being able to immediately pay the rent, as they were waiting for the financial assistance for private accommodation that is provided by the Government Office (sometimes past the time limit for issuing a decision on granting financial aid due to limited capacities for processing a big number of applications). Many temporary protection beneficiaries have also found accommodation with their friends or relatives. Slovenia did not collect statistics on the use of accommodation in private households in 2022.

PIC did not so far detect any issues with temporary protection beneficiaries being able to access reception conditions provided by the State. However, in general, the main challenges in relation to housing and accommodation were uncertainty in case of private hosting (free of charge) as they were mostly provided for a short period of time and the persons having to move to a reception/accommodation centre when the accommodation became unavailable, as well as shortage of affordable private accommodations and their temporary nature, meeting the specific needs of vulnerable groups and the risk of exploitation in private accommodation.

The Slovenian Ombudsman visited Logatec in 2022 due to reports of overcrowding and bad conditions. During the visit asylum seekers, TP holders and people waiting to lodge the application were accommodated in Logatec, in rooms and containers. Regarding the rooms the Ombudsman noted that they are in line with the accommodation standards set in EASO/EUAA guidelines. People had a lot of outdoor activities; the rooms could be locked and the whole centre was properly cleaned. However based on the visit the Ombudsman concluded that accommodation conditions in Logatec does not reach the minimal standards set out by the EASO/EUAA guidelines when overcrowded. In the report the Ombudsman noted that the situation is especially concerning regarding the right to personal dignity, the right to privacy and the right to personal security. In the opinion of the Ombudsman the conditions to a certain extent contributed to the high absconding rate. Therefore, the conditions also violated the right to asylum enshrined in Article 18 of the Charter. The Ombudsman concluded that the conditions were the consequence of lack of capacity. He recommended that additional capacity be guaranteed together with additional staff. The Ombudsman also recommended that the containers should not be used.⁷⁴

E. Employment and education

1. Access to the labour market

Persons enjoying temporary protection enjoy the right to work to the same degree as refugees, in accordance with the regulations governing the employment and work of foreigners (see [General Report – Access to the labour market](#)). Persons enjoying temporary protection may participate in training programmes or enter into a traineeship in accordance with regulations. Costs incurred as a result of exercising these rights are borne by the employer. Persons enjoying temporary protection may exercise the said rights only during the period of temporary protection.⁷⁵

Displaced persons from Ukraine who have been granted temporary protection have free access to the labour market, which means that they are employed in Slovenia under the same conditions as Slovenian nationals and their employers are not required to obtain work permits in order to be able to employ them. When entering the labour market, Ukrainian nationals and other TP beneficiaries are entitled to the same range of statutory employment rights and obligations as other active job seekers and employees. It is important to point out that due to their lacking language skills and lack of familiarity with the system itself and their rights under the labour law and other relevant legislation, foreigners are a particularly vulnerable group in and around the labour market. The Employment Service of the Republic of Slovenia provides foreigners with tailored career counselling and programmes to speed up their labour market integration. TP beneficiaries are encouraged to register with the Employment Service, as each unemployed person

⁷⁴ Ombudsman, *Poročilo z obiska nastanitvenega centra v Logatcu*, 7.0-4/2022-4-NAB (9. 11. 2022).

⁷⁵ Article 28(1)-(4) Temporary Protection of Displaced Persons Act.

is assigned a career counsellor with whom they draw up an employment plan and plan how to take further steps to speed up their labour market integration. The Employment Service also provides assistance to the unemployed by enrolling them in active employment policy programmes which may help them acquire the necessary knowledge, skills and competences to improve their employment opportunities. Foreigners who do not speak Slovenian language and have no experience with the Slovenian labour market are provided with special tailor-made programmes organised by the Employment Service. In addition to Slovene language courses, these programmes also include on-the-job trainings for beneficiaries of international and temporary protection and foreigners, as well as workshops on "Labour market integration" and "Supporting vulnerable groups in the labour market". Another benefit of registering at the Employment Service is that the Employment Service is responsible for monitoring and verifying employers whose job vacancies have been publicly advertised.⁷⁶

Any person with TP can also at any point turn to PIC with questions regarding their employment rights and obligations and for PIC lawyers to inspect employment contracts etc.

In 2022, 101 persons with temporary protection status were employed.⁷⁷

2. Access to education

In accordance with the Temporary Protection of Displaced Persons Act,⁷⁸ persons under the age of 18 enjoying temporary protection are entitled to enjoy the same rights under the same terms as citizens of the Republic of Slovenia as regards:

- ❖ admission to and completion of primary education and
- ❖ admission to and completion of short-term and secondary vocational and secondary technical and general education for the acquisition of state-approved education in public and private schools financed through public sources if, upon enrolment, they are below the age of 18 and meet the admissions requirements.

The costs of education for TP beneficiaries under the age of 18 are to be covered by the ministry responsible for education, to the same degree and under the same terms as applicable to citizens of the Republic of Slovenia,⁷⁹ which means that their education is free of charge.

Persons enjoying temporary protection who are older than 18 years of age may participate in education as described for persons under the age of 18 under the same conditions that apply to participants in adult education (meaning with tuition fee); they may also take part in higher vocational and higher or university-level education in accordance with the regulations governing these education programmes.⁸⁰

The inclusion of persons enjoying temporary protection in education is arranged by the Government Office in cooperation with the Ministry of Education.⁸¹

Kindergartens are open to children from the age of 11 months until they start primary school,⁸² however, before enrolling their child into kindergarten, parents must provide a certificate issued by a paediatrician stating that the child has been vaccinated (against measles, mumps and rubella), otherwise the inclusion is refused.⁸³ This may represent issues to some, who did not bring the necessary documentation with them when fleeing Ukraine to be able to prove whether the child has had all the necessary vaccinations.

⁷⁶ Republic of Slovenia, *Employment of Ukrainian nationals living in Slovenia*, available at: <https://bit.ly/3Yz1dAa>.

⁷⁷ Official statistics provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, May 2023.

⁷⁸ Article 29(1) Temporary Protection of Displaced Persons Act.

⁷⁹ Article 29(3) Temporary Protection of Displaced Persons Act.

⁸⁰ Article 29(2) Temporary Protection of Displaced Persons Act.

⁸¹ Article 29(5) Temporary Protection of Displaced Persons Act.

⁸² Article 20(2) Kindergartens Act, Official Gazette of RS, No. 100/05 and subsequent amendments.

⁸³ Article 51.a Communicable Diseases Act, Official Gazette of RS, No. 33/06 and subsequent amendments.

In Slovenia, in accordance with the Basic School Act, primary education lasts nine years and is compulsory. A pupil fulfils the primary school obligation after nine years of education.⁸⁴ So far it has been considered the children with temporary protection are fulfilling their obligation to attend elementary education, that is as aforementioned compulsory in Slovenia, even when they are still attending Ukrainian school online. There has so far been no obligation for those attending online Ukrainian school to also attend Slovenian school.

In accordance with the regulations on the basic education programme, children are usually enrolled in the school located in the school district where they reside. The first of primary school are dedicated to getting to know the school environment and learning Slovene; and a pupil with temporary protection can also take part in the extended curriculum and in the extra-curricular activities provided by the school. Moreover, pupils with temporary protection are entitled to have extra Slovene language lessons. As the language barrier is one of the main issues, in the first year of their schooling, the emphasis is placed on language empowerment and a condensed approach to beginner Slovene language lessons. Pupils should also be offered various forms of support (supplementary teaching, individual and group assistance, adaptations to teaching methods and approaches) and are entitled to have the option of adjusting their assessment during the school year.⁸⁵

In order to enrol in elementary school and upper secondary schools (general education, vocational education, and technical education), candidates must meet the entry requirements, while the programme and the enrolment process are the same as the enrolment of candidates who have previously studied abroad, i.e. through a process of recognising foreign education with a view to continue their studies. Applicants must submit appropriate documentation of their studies abroad. Completion of primary school is the basic entry requirement for enrolment in the initial year of secondary school, while admission to higher secondary-school year(s) is decided by the selected secondary school after reviewing the candidate's previous certificates and comparing the subject curricula of both countries.⁸⁶ The selected school decides regarding the enrolment of a person with temporary protection who is unable to prove their previous education by submitting appropriate documents or certificates, following the guidelines of the National Education Institute Slovenia, which set out the elements of the initial interview that is to be carried out at the school as well as possible ways of assessing prior knowledge. Due to the enrolment of persons with temporary protection who apply for programmes with enrolment restrictions, additional places may be provided.⁸⁷

If the child beneficiary has special needs, these are addressed and appropriate arrangements are available as for the nationals.

In comparison with beneficiaries of international protection for which it is stipulated in the International Protection Act that they are entitled to state scholarships,⁸⁸ in the act regulating temporary protection no provision determines entitlement to state scholarships for persons with temporary protection, therefore the Scholarship Act⁸⁹ alone applies in this regard. This act, that defines several forms of scholarships that are awarded in the Republic of Slovenia besides state scholarships, stipulates in Article 12 that (in principle) scholarship is awarded to citizens of the Republic of Slovenia, to third-country nationals who have acquired long-term resident status or to those with another relevant status as stipulated in this article. As not being entitled to state scholarships represents an issue to many TP beneficiaries, there was also a public call in 2022 by the School Student Organisation of Slovenia and Slovenian Student Union for the Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia to hold an extraordinary tender for pupils and students from Ukraine, the costs of which would be covered by the competent ministry,⁹⁰ however, no action has been made in this direction so far.

⁸⁴ Article 3 Basic School Act, Official Gazette of RS, No. 23/05.

⁸⁵ Republic of Slovenia, *Providing education to Ukrainian children living in Slovenia*, available at: <https://bit.ly/3Xi1rup>.

⁸⁶ Republic of Slovenia, *Providing education to Ukrainian children living in Slovenia*, available at: <https://bit.ly/3Xi1rup>.

⁸⁷ Article 17(1)-(2) and (4) Decree on the methods for ensuring rights of persons enjoying temporary protection.

⁸⁸ Article 101(2) International Protection Act.

⁸⁹ Scholarship Act, Official Gazette of RS, No. 56/13 and subsequent amendments.

⁹⁰ Študentska organizacija Slovenije, *Javni poziv k zagotovitvi sredstev in izvedbi izrednega razpisa za štipendije dijakom in študentom, prizadetih zaradi ukrajinske krize*, available at: <https://bit.ly/3L8BDOY>.

It has been however, in practice, made possible for TP beneficiaries to be accommodated in student dormitories under the same conditions as nationals, even though this right is not regulated in the Temporary Protection of Displaced Persons Act. To cover the cost, they can also apply for financial assistance for private accommodation.

In 2022, altogether 244 children were enrolled in kindergartens, 907 in elementary schools, 8 in elementary schools with a specially adapted programme, 2 in institutions for education of children and youth with special needs and 200 in upper secondary schools.⁹¹

The main obstacles detected by PIC with regard to access to education for temporary protection beneficiaries have been the language barrier, the difference in education system in comparison to Ukraine and lack of free spaces during the year for the TP beneficiaries to be included as soon as possible.

F. Social welfare

The law provides for access to social welfare for temporary protection beneficiaries in various forms, i.e. financial assistance and financial assistance for private accommodation (for persons who stay in places other than accommodation centres and who do not receive any income or cash benefits and who are unable to rely on a person who is obligated to and capable of supporting them in accordance with the regulations of the Republic of Slovenia), which in 2022 was financed by the Government Office for the Support and Integration of Migrants, and some other forms of social assistance, subsidies and reduced payments that they can claim at their local Social Work Centre such as first social aid, personal social aid, child benefit, kindergarten subsidy (kindergarten is free of charge for TP beneficiaries who are receiving the allowance or financial assistance, while employed persons can apply for the kindergarten subsidy), parental allowance, childbirth grant, allowance for a large family, partial payment for lost income.

Applications for financial assistance and financial assistance for private accommodation have to be sent by post or submitted in person during office hours at the Government Office, using the prescribed form. The amount of financial assistance and financial assistance for private accommodation depends on the number of family members and their incomes and is measured as a percentage of the basic amount of the minimum income, as determined by the regulations governing social assistance. In 2022 financial assistance was EUR 421.89 for the first adult person or claimant (this is the 100% benchmark), 70% for every additional adult person in the family; 30% for every child under the age of 18; 100% for an unaccompanied minor; for minors staying in the Republic of Slovenia with only one parent the financial assistance is increased by 30% of the basic amount of the minimum income.⁹²

As for the financial assistance for private accommodation the amount in 2022 was EUR 421.89 for 1 person (100%), for 2 people 130%, 3 people 160% etc. If a lower amount of rent and utilities altogether is specified in the rental agreement, the contractual amount is considered instead of the stated amounts. The decision to grant financial assistance for private accommodation was first issued for a period of three months which was extended to 6 months after the Decree on the methods for ensuring rights of persons enjoying temporary protection was amended (amendments in force since 3 December 2022) and financial assistance is also issued for 6 months. If beneficiaries want to continue to receive funds, they must submit a new request before the expiry of the valid decision.

There are some differences in social welfare that is provided to temporary protection beneficiaries in comparison to nationals mainly in terms of the competent authority for granting social assistance, while the conditions are the same as for nationals, since entitlement to different forms of social welfare (including for financial assistance and financial assistance for private accommodation that is granted by the Government Office) is determined in line with regulations governing social assistance. With the most recent legislative proposal, authority to grant financial assistance would be transferred from the Government Office to the Centres for Social Work, which is the main authority for granting social

⁹¹ Official statistics provided by the Ministry of Education, February 2023.

⁹² Article 32 Temporary Protection of Displaced Persons Act.

assistance under the national social security system. There are also some differences in the percentages for financial assistance that TP beneficiaries are entitled to in comparison with financial social assistance (social assistance benefit) for the nationals, as for a person enjoying temporary protection the amount of financial assistance is determined in amounts as stated above, while financial social assistance for the nationals is determined in relation to the basic amount of the minimum income as follows: 100% for the first adult person or claimant; 57% for every additional adult person in the family; 59% for every child under the age of 18; 18% increase for each child in a single-parent family.⁹³

Other forms of social assistance, subsidies and reduced payments are claimed at the local Social Work Centre, the same as for Slovenian citizens.

Temporary protection beneficiaries are given a *temporary* residence permit. The type of residence (temporary or permanent) is important in obtaining rights to social security; for example, dependence allowance, allowance for foreign care and help, home care assistant, funeral payment and death grant etc. are connected to permanent residence. Moreover, in case when a person does not meet the conditions to be included in compulsory (health, pension and disability) insurance, i.e. when they are unemployed and are therefore not registered in compulsory social security by an employer, they can only be included in insurance voluntarily (paying contributions themselves) in accordance with the Health Care and Health Insurance Act⁹⁴ and Pension and Disability Insurance Act⁹⁵ under the condition that they have a permanent residence in Slovenia.⁹⁶

The provision of social welfare is not specifically tied to a requirement to reside in a specific place or region.

As explained by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the right to family benefits and allowances is based on permanent or temporary residence in the Republic of Slovenia and actual residence in the Republic of Slovenia, therefore the statuses of beneficiaries (legal basis for their residence) are not monitored in the Social Work Centres' records. Recipients of child benefits are monitored according to citizenship. Based on the number of citizens of Ukraine who have temporary or permanent residence, and a change after May 2022 (implementation of Parental Protection and Family Benefits Act for persons with temporary protection), conclusions can be drawn about the number of persons with temporary protection, who are recipients of child benefits. For recipients of parental allowance, childbirth grant, allowance for a large family, childcare allowance, the record does not include citizenship. Between January and April 2022, there were an average of 255 children with Ukrainian citizenship entitled to child benefits, in April 2022 the number increased by 40% to 357, in December 2022, however, was a total increase of 650% compared to the baseline value at the beginning of the year, as there were 1,659 recipients of child benefits with Ukrainian citizenship.⁹⁷

The main obstacles that TP beneficiaries face in accessing social assistance in practice is mainly the language barrier and, especially in the first few months of activating temporary protection, long waiting periods until the decision on granting certain forms of social welfare was issued and the payment was executed, as the Government Office and the local Social Work Centres were overloaded with requests, while there was an apparent lack of staff.

⁹³ Article 26 Social Assistance Payments Act, Official Gazette of RS, No. 61/10 and subsequent amendments.

⁹⁴ Health Care and Health Insurance Act, Official Gazette of RS, No. 72/06 and subsequent amendments.

⁹⁵ Pension and Disability Insurance Act, Official Gazette of RS, No. 48/22.

⁹⁶ European Commission, *Employment, Social Affairs & Inclusion: Slovenia - Habitual residence*, available at: <https://bit.ly/3LX2eNP>.

⁹⁷ Official statistics provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, February 2023.

G. Health care

The Temporary Protection of Displaced Persons Act stipulates that persons enjoying temporary protection have the right to:

- ❖ emergency medical care and emergency transport and the right to emergency dental care;
- ❖ emergency treatment upon a decision of the attending physician,
- ❖ specialist and clinical health care emergencies;
- ❖ health care for women encompassing contraception; abortion and health care during pregnancy and while giving birth;
- ❖ compulsory medical examinations before inclusion in education and during the period of education while attending primary or secondary school, to the same degree as citizens of the Republic of Slovenia.⁹⁸

In addition to the above, a medical committee appointed by the Head of the Government Office for the Support and Integration of Migrants may, in justified cases, approve a larger scope of health services based on an application from the TP beneficiary,⁹⁹ along with any supporting documents required. In 2022, 33 requests for a larger scope of health services were considered, 26 requests were approved for and 1 request was rejected.¹⁰⁰

Healthcare costs are covered by the Government Office for the Support and Integration of Migrants.

If the persons are employed in the Republic of Slovenia, they have all the rights arising from compulsory and (if paid) complementary health insurance (the same as Slovenian nationals). This includes the right to have a personal doctor and dentist, which TP beneficiaries without compulsory health insurance do not have.

Minors from Ukraine enjoy the same (full) medical care as children that are Slovenian citizens as approved by the Health Commission for children, as provided for in the Decree on the methods for ensuring rights of persons enjoying temporary protection.¹⁰¹

In practice, the main problems that beneficiaries faced with regard to effective access to health care have been language barrier, the lack of information within providers of medical care regarding the scope of health care for TP beneficiaries, especially children as they have the same full medical care as Slovenian citizens, lacking medical documentation from Ukraine or having to provide an official translation of the documentation, which creates costs and takes time. A significant issue has also been the number of available medical staff as there is in general a major shortage of health workers and there is consequently a long waiting period for any health care that is not considered emergency medical care. TP beneficiaries also cannot have a personal doctor, unless they are employed and are in this case covered under the compulsory health insurance (in which they can also include their family members), as the condition for an unemployed person to be able to pay for the compulsory health insurance is having permanent residence in Slovenia.

⁹⁸ Article 27(1) Temporary Protection of Displaced Persons Act.

⁹⁹ Article 27(2) Temporary Protection of Displaced Persons Act.

¹⁰⁰ Official statistics provided by the Government Office, February 2023.

¹⁰¹ Article 13(5) Decree on the methods for ensuring rights of persons enjoying temporary protection.