

Country Report: Slovenia



Acknowledgements & Methodology

This report was written by Urša Regvar and Lana Krznarič from PIC (Legal Centre for the Protection of Human Rights and the Environment) and was edited by ECRE. The initial report was written by Miha Nabergoj. The 2018 to 2021 updates were written by Urša Regvar at PIC and edited by ECRE.

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

The information in this report is up to date as of 31 December 2022, unless otherwise stated.

The Asylum Information Database (AIDA)

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



This report is part of the Asylum Information Database (AIDA) funded by the European Programme for Integration and Migration (EPIM), a collaborative initiative of the Network of European Foundations, and the European Union's Asylum, Migration and Integration Fund (AMIF). The contents of the report are the sole responsibility of PIC and ECRE and can in no way be taken to reflect the views of the European Commission.



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Glossary & List of Abbreviations

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

Statistics

Overview of statistical practice

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

Applications and granting of protection status at first instance: 2022

	Applicants in 2022	Pending at end of 2022	Refugee status	Subsidiary protection	Rejection	Refugee rate	Sub. Prot. rate	Hum. Prot. rate	Rejection rate
Total	6,787	493	39	164	141	11%	47.7%	0%	41%

Breakdown by countries of origin of the total numbers

Afghanistan	1,279	20	6	1	2	66.7%	11%	0%	22%
India	851	47	0	0	0	0%	0%	0%	0%
Bangladesh	825	6	0	0	0	0%	0%	0%	0%
Cuba	603	43	0	0	2	0%	0%	0%	100%
Pakistan	556	14	0	0	22	0%	0%	0%	100%
Morocco	380	74	0	0	33	0%	0%	0%	100%
Burundi	230	106	0	0	0	0%	0%	0%	0%
Türkiye	200	8	0	0	0	0%	0%	0%	0%
Ukraine	195	16	0	158	0	0%	100%	0%	0%
Iraq	178	5	0	0	0	0%	0%	0%	0%

Source: Ministry of Interior, March 2023.

* Statistics on decisions should cover the decisions taken throughout the year, regardless of whether they concern applications lodged that year or in previous years.

* "Rejection" should only cover negative decisions on the merit of the application. It should *not* cover inadmissibility decisions.

* "Applicants in year" refers to the total number of applicants, and not only to first-time applicants.

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

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

Gender/age breakdown of the total number of applicants: 2022

	Number	Percentage
Total number of applicants	6,787	100%
Men	5,610	83%
Women	1,177	17%
Children	1,068	16%
Unaccompanied children	253	4%

Source: Official statistics provided by the Migration directorate, March 2023.

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

Comparison between first instance and appeal decision rates: 2022

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions	344	100%	98	100%
Positive decisions (appeal granted, case returned to the Ministry for a new decision)	203	59%	72	70%
Refugee status	39	11%	5	5%
Subsidiary protection	164	48%	0	0%
Negative decisions	141 (in merits)	41%	26 (all rejections)	25%

Source: Official statistics provided by the Migration directorate, March 2023.

Overview of the legal framework

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

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

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

Title (EN)	Original Title (SI)	Abbreviation	Web Link
<p>Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection Official Gazette of RS, No. 173/21 and 131/22</p>	<p>Pravilnik o postopku s tujcem, ki izrazi namen podati prošnjo za mednarodno zaščito v Republiki Sloveniji, ter postopku sprejema prošnje za mednarodno zaščito Uradni list RS, št. 173/21 in 131/22</p>		<p>https://bit.ly/3yMuSMj (SI)</p>
<p>Decree on the implementation of the statutory representation of unaccompanied minors and the method of ensuring adequate accommodation, care and treatment of unaccompanied minors Official Gazette of RS, No. 163/21</p>	<p>Uredba o načinu izvajanja zakonitega zastopanja mladoletnikov brez spremstva ter načinu zagotavljanja ustrezne nastanitve, oskrbe in obravnave mladoletnikov brez spremstva, Uradni list RS, št. 163/21</p>		<p>https://bit.ly/38EbSVF (SI)</p>
<p>Rules on the access to refugee counsellors, remuneration and reimbursement of the expenses of refugee counsellors, and criteria for calculation the reimbursement of the expenses from the person with sufficient own means Official Gazette of RS, No. 162/21</p>	<p>Pravilnik o načinu dostopa prosilcev za mednarodno zaščito do svetovalcev za begunce, nagrajevanju in povračilu stroškov svetovalcem za begunce ter merilih za izračun povrnitve stroškov od osebe, ki ima zadostna lastna sredstva Uradni list RS, št. 162/21</p>		<p>https://bit.ly/3lsxzel (SI)</p>
<p>Decree on the methods and conditions for ensuring the rights of applicants for international protection Official Gazette of RS, No. 173/21</p>	<p>Uredba o načinih in pogojih za zagotavljanje pravic prosilcem za mednarodno zaščito Uradni list RS, št. 173/21</p>		<p>https://bit.ly/3Pw8ZH1 (SI)</p>
<p>Decree on the methods and conditions for ensuring the rights of persons with international protection Official Gazette of RS, No. 173/21</p>	<p>Uredba o načinih in pogojih za zagotavljanje pravic osebam z mednarodno zaščito Uradni list RS, št. 173/21</p>		<p>https://bit.ly/39AMEYI (SI)</p>
<p>Decree on the relocation of persons admitted to the Republic of Slovenia on the basis of a quota and burden sharing among Member States of the European Union Official Gazette of RS, No. 24/17 and 167/21</p>	<p>Uredba o načinu izvedbe preselitve oseb, ki so v Republiko Slovenijo sprejete na podlagi kvote in delitve bremen med državami članicami Evropske unije Uradni list RS, št. 24/17 in 167/21</p>		<p>https://bit.ly/3wsBYEs (SI)</p>

Ordinance determining the list of safe countries of origin Official Gazette of RS, No. 47/22	Odlok o določitvi seznama varnih izvornih držav Uradni list RS, št. 47/22.		https://bit.ly/3G2jyK (SI)
Decree on Asylum Centre House Rules Official Gazette of RS, No. 173/21	Uredba o hišnem redu azilnega doma Uradni list RS, št. 173/21		https://bit.ly/3Lnac0l (SI)
Rules on residing in the Aliens Centre, depositing own financial resources and on the form and content of the card stating permission to remain in the Republic of Slovenia Official Gazette of RS, No. 11/15	Pravilnik o bivanju v Centru za tujce, deponiranju lastnih sredstev ter obliki in vsebini izkaznice o dovolitvi zadrževanja na območju Republike Slovenije Uradni list RS, št. 11/15		http://bit.ly/2zbeMeg (SI)
Rules on the content, format and method of issuing passports to refugees Official Gazette of RS, No. 79/16	Pravilnik o vsebini, obliki in načinu izdaje potnega lista za begunca Uradni list RS, št. 79/16		http://bit.ly/2hZjFCV (SI)
Decree on the House Rules of the Integration House Official Gazette of RS, No. 173/21	Uredba o hišnem redu integracijske hiše Uradni list RS, št. 173/21		https://bit.ly/37Y0y6y (SI)
Decree on ways and scope of providing programs of support for integration of third country nationals Official Gazette of RS, No. 70/12 and subsequent amendments	Uredba o načinih in obsegu zagotavljanja programov pomoči pri vključevanju tujcev, ki niso državljani Evropske unije Uradni list RS, št. 70/12 in nadaljne spremembe.		http://bit.ly/2wlv78k (SI)
Rules on the remuneration and reimbursement of the expenses of statutory representatives of unaccompanied minors Official Gazette of RS, No. 167/21	Pravilnik o nagradi in povračilu stroškov zakonitim zastopnikom mladoletnikov brez spremstva Uradni list RS, št. 167/21		https://bit.ly/3Pzd6Cf (SI)
Rules on knowledge testing of candidates for refugee counsellors and on the training of refugee counsellors at the Judicial Training Centre Official Gazette of RS, No. 73/16	Pravilnik o preverjanju znanj kandidatov za svetovalce za begunce in o usposabljanju svetovalcev za begunce v okviru Centra za izobraževanje v pravosodju Uradni list RS, št. 73/16		http://bit.ly/2CUKpdF (SI)

Overview of the main changes since the previous report update

The previous report update was published in **May 2022**.

International protection

- ❖ **Key asylum statistics:** In 2022, the police recorded 32,024 irregular entries. 31,447 persons expressed their intention to lodge the application for international protection. However, only 6,787 applications for international protection were lodged. 203 applicants were granted international protection, including 39 refugee status and 164 applicants granted subsidiary protection. Out of 164 applications granted subsidiary protection, 158 were Ukrainian. With 141 rejections, this makes for a 59% protection rate at first instance. In addition, 4 persons were granted protection by the Administrative court and granted 72 appeals sent back to the first instance authority for a new decision, out of 98 decisions on appeal.

Asylum procedure

- ❖ **Access to the procedure:** Access to the asylum procedure improved in 2022 because the Croatian authorities refused to accept people onto their territory based on the readmission agreement. Therefore, the percentage of people who were readmitted to Croatia without applying for international protection in Slovenia dropped significantly. Although no longer locked in the facilities asylum seekers continued to be *de facto* detained before lodging the application throughout the year. In case they left the facilities, they could be detained after lodging the application.
- ❖ **Constitutional review of law denying access to the asylum procedure:** The provisions of the Foreigners act that allow the authorities to deny asylum seekers to lodge the application in case of a complex migration crisis were submitted to review before the Constitutional Court, however no decision was made by the end of the year.
- ❖ **Length of procedure:** The lengthiness of the procedure continued to be one of the biggest shortcomings of the asylum procedure. Ukrainian asylum seekers were prioritized and were granted subsidiary protection in a few months however, the procedure prolonged for other groups of asylum seekers.
- ❖ **Legal assistance at first instance:** Asylum seekers do not receive information on grounds for asylum before lodging the application. During the year the Migration directorate provided legal counselling to vulnerable asylum seekers that was carried out by selected refugee counsellors. However, since the vulnerability assessment is not done only a small amount of people received the help through the programme. In addition, free legal counselling and representation during the first instance procedure was also provided by NGO PIC, however not to all asylum seekers. The Advocate for the Principle of Equality reviewed the provisions of the IPA under which the principle of confidentiality does not apply to refugee counsellors or legal guardians of asylum seekers. In the decision the Advocate noted that the provisions are discriminatory and issued a recommendation that the provisions should be changed. No legislative changes were made by the end of the year.
- ❖ **Legal assistance at second instance:** Access to free legal help and representation before the Administrative Court continued to be a challenge for most asylum seekers. Due to difficulties in accessing the refugee counsellors (unclear information provided by the Migration directorate, language barriers etc.) and short time limits for the judicial review some asylum seekers were unable exercise their right to legal remedies. Regarding the 3-day time limit for judicial review the Administrative Court posed a preliminary question to the CJEU.³ The court procedures were also prolonged at the second instance due to the backlog of cases. In practice, asylum seekers can wait

³ Administrative Court, 31 January 2023, No I U 47/2023, available in Slovene at: <https://bit.ly/3Ms2UMF>.

for more than 2 years to get a decision from the Administrative Court if their application was rejected in a regular procedure. In case of appeal to the Supreme Court the court procedure can last for several years depending on the case.

Reception conditions

- ❖ **Reception capacity:** Lack of sufficient accommodation capacity continued to be a shortcoming in 2022. The facilities were often overcrowded due to the large number of arrivals. Upon the arrival of persons fleeing Ukraine the accommodation centre in Logatec was changed into an accommodation centre for TP applicants and holders.
- ❖ **Reception conditions:** The Slovenian Ombudsman visited the Asylum Home and its branch Logatec in 2022 due to reports of overcrowding and bad conditions. Based on the visit the Ombudsman concluded that accommodation conditions in both centres do not reach the minimal standards set out by the EASO/EUAA guidelines. 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.⁴
- ❖ **Accommodation of unaccompanied minors:** A systematic solution for accommodation of unaccompanied minors was not found in 2022. This meant that unaccompanied minors continued to be accommodated in the same facilities as other asylum seekers during the year. They were not properly separated from adult asylum seekers in Logatec or Asylum Home Vič. The pilot project with the Student Dormitory Postojna was prolonged however it can only host up to 22 unaccompanied minors at the time.
- ❖ **Financial assistance:** Since the legislative changes in 2021 asylum seekers cannot receive financial support for moving into a private address.

Detention of asylum seekers

- ❖ **Detention:** Both the Migration directorate and the UOIM detained asylum seekers during the year. Detained asylum seekers organised a hunger strike in the detention centre in Postojna.
- ❖ **Legal assistance:** Detained asylum seekers faced difficulties in accessing the help of refugee counsellors in order to lodge the judicial review before the Administrative Court.
- ❖ **Alternatives to detention:** Alternatives to detention are still not available in Slovenia.

Content of international protection

- ❖ **Family reunification:** Ukrainians are granted subsidiary protection with the validity of one year meaning that they will be able to start the family reunification process after it will be prolonged.
- ❖ **Integration contract:** While all beneficiaries of international protection are entitled to basic rights (health care, access to labour market, education...) they have to sign an integration contract if they want to access the full scope of the rights (accommodation in the integration house, social support for accommodation ...). In practice, the majority of beneficiaries sign the integration contract.
- ❖ **Housing:** Due to a small number of beneficiaries of international protection in Slovenia beneficiaries do not report about systematic issues that would prevent them access to their rights. However, beneficiaries often face difficulties when finding accommodation.

⁴ Ombudsman, *Končno poročilo z obiska Azilnega doma v Ljubljani*, 7.0-2/2022-8-NAB (21. 9.2022).

Temporary protection

The information given hereafter constitute a short summary of the 2022 Report on Temporary Protection, for further information, see [Annex on Temporary Protection](#).

- ❖ **Key temporary protection statistics:** According to 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 those 8,340 were Ukrainian citizens. In the same time 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 time period 85 applications for temporary protection were rejected.

Temporary protection procedure

- ❖ **Procedure:** Upon entry into the Republic of Slovenia, an applicant completes an application for temporary protection with the Police and presents all the evidence at their disposal which is relevant for the decision on granting temporary protection. The Police then submits 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 need to without delay and within three days at the latest, complete an application for temporary protection and submit it to the local police office or the administrative unit in the area where the person is staying. If in these two cases the application is submitted to the Police, the Police then 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.
- ❖ **Backlog:** In the first few months of activating temporary protection there were some backlogs before the administrative units, the reasons for which may have been incomplete applications in some cases, however they can mostly be attributed to administrative units being overloaded with applications that they were not able to process in time. 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 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.

Content of temporary protection

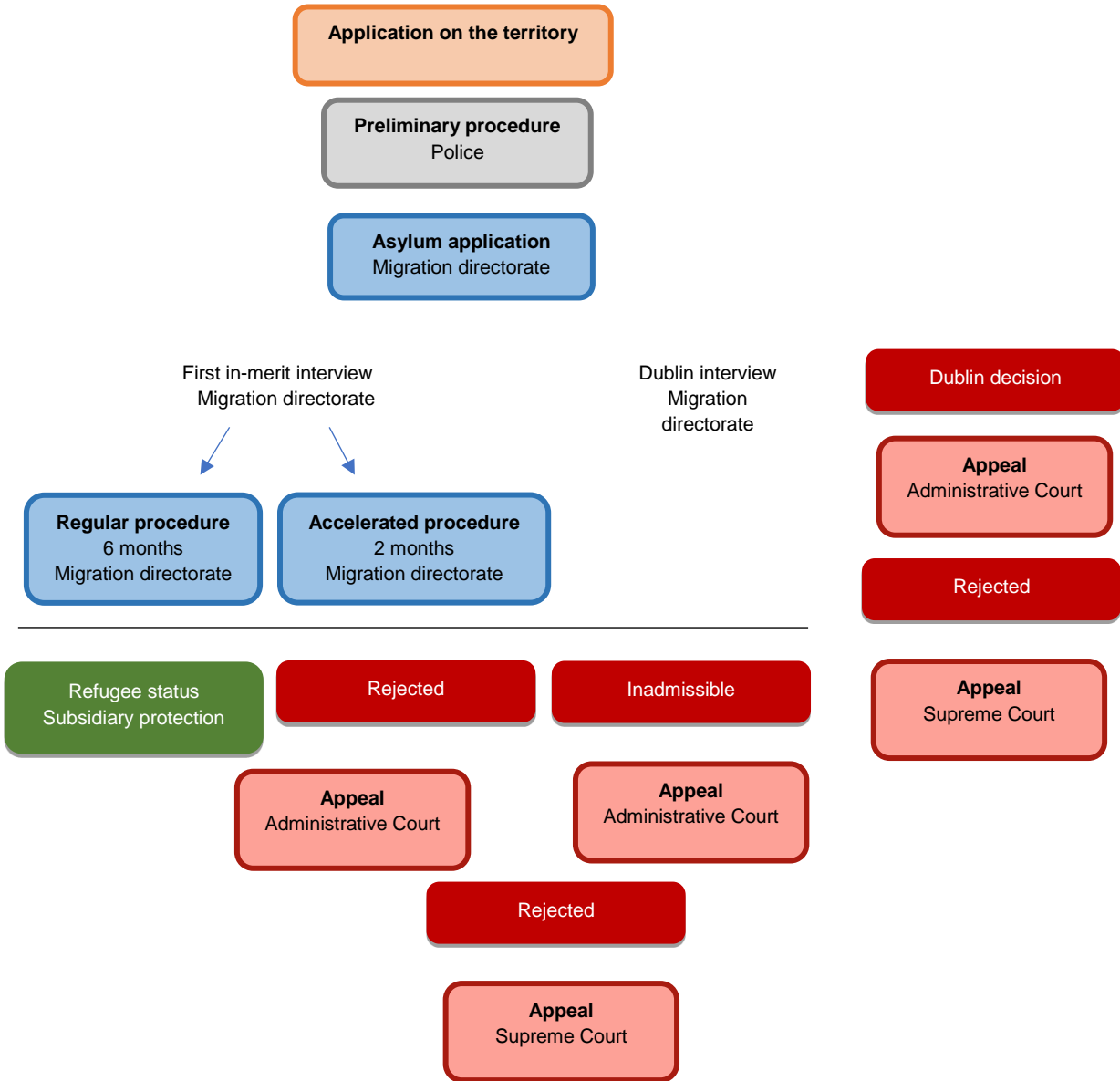
- ❖ **Rights enjoyed:** In case of a positive decision a person receives an identity card, which also serves as a permit for temporary residence in the Republic of Slovenia. By law, persons enjoying temporary protection have the right to: temporary residence in the Republic of Slovenia; accommodation and meals in accommodation centres or financial assistance for private accommodation; health care; work; education; financial assistance; an allowance; family reunification; free legal aid; to be informed of their rights and obligations and to receive support in exercising their legal rights.
- ❖ **Main issues:** In 2022 the biggest issue faced by the persons fleeing Ukraine that applied for temporary protection was the lack of information in relation to the temporary protection procedure and being exposed to risks of exploitation and human trafficking. Other detected issues were in relation to access to health care as persons enjoying temporary protection only have the right to emergency medical care unless they are employed in which case they are included in compulsory health insurance, and in relation to housing and accommodation due to uncertainty in case of private hosting (free of charge) as this was mostly provided for a short period of time and persons had to move to a reception/accommodation centre when the accommodation became unavailable, as well as due to

shortage of affordable private accommodations and their temporary nature, meeting the specific needs of vulnerable groups and the risk of exploitation in private accommodation.

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

Which types of procedures exist in your country?

❖ Regular procedure:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
▪ Prioritised examination: ⁵	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
▪ Fast-track processing: ⁶	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ Dublin procedure:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ Admissibility procedure:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ Border procedure:	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ Accelerated procedure: ⁷	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ Other:	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No

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

Although regulated in Article 43 of the International Protection Act (IPA),⁸ the procedure at the border, airport or port is not used in practice. People who apply for international protection at the border, airport or port are therefore first processed by the Police in the preliminary procedure and then transferred to the Asylum Home in **Ljubljana** or its branch in Logatec as part of the ordinary procedure.

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

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

⁵ For applications likely to be well-founded or made by vulnerable applicants.

⁶ Accelerating the processing of specific caseloads as part of the regular procedure.

⁷ Labelled as “accelerated procedure” in national law.

⁸ International Protection Act, Official Gazette of RS, No. 16/17 and subsequent amendments.

4. Determining authority

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the determining authority?
Migration directorate	62	Ministry of the Interior	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Source: Ministry of Interior, March 2023.

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

Out of 62 employees at the Migration directorate, 34 employees work in the International Protection Procedures division out of which 12 make decisions on asylum applications. This means that the caseworker conducting the interview is not necessarily responsible for deciding on the asylum application. The separation of tasks between an interviewer and a decision-maker was introduced in June 2016 with the aim of speeding up and improving the efficiency of the asylum procedure. The lodging of the application is short and requires that the applicant states their reasons for asylum in few sentences. After an application for international protection is lodged, a “first interview on the merits” is conducted, during which the applicant provides detailed grounds for applying for asylum. The case is then referred to a “decision maker”, who can either issue a decision on the asylum application or decide to conduct a second interview on the merits. There is no official communication between the first interviewer and the decision-maker.

Regarding quality assurance, the Migration directorate has established a mechanism whereby each decision has to be authorised by a responsible official of the International Protection Procedures Division before it is issued. A review is thus conducted on the case files, the documentation, country of origin information (COI) and the decision made in the individual case. The authorised official can approve the decision, change it or give additional instructions regarding the procedure.⁹

In the absence of a specific unit responsible for applications from vulnerable persons, staff of the International Protection Procedures division of the Migration directorate receive specific training from the European Asylum Support Office (EASO) on three modules: interviewing vulnerable groups, interviewing children, gender identity and sexual orientation. In addition, EASO training on victims of human trafficking and COI was provided in the first half of 2019.¹⁰ In 2020, training on the Dublin Regulation and interviewing vulnerable persons was provided. In 2021, only training on interviewing vulnerable persons was conducted.¹¹ In 2022 four officials became national trainers on the following modules: Inclusion, Asylum Interview Method, Trafficking in Human Beings and Resettlement. One official was trained on temporary protection and one official was trained on Communication with displaced children, Communication with persons who have experienced traumatic events and Introduction to vulnerability. All trainings were provided by the EUAA.¹²

⁹ Official statistics provided by the Migration directorate, March 2023. .

¹⁰ ECRE, *Asylum authorities: an overview of internal structures and available resources*, October 2019, available at: <https://bit.ly/31b1Y6S>, 45.

¹¹ Official statistics provided by the Migration directorate, March 2022.

¹² Official statistics provided by the Migration directorate, March 2023.

5. Short overview of the asylum procedure

In Slovenia, the procedure for international protection is initiated in two phases. First, the individual expresses the intention to apply for international protection. Third-country nationals can express their intention before any state or local authority, which has the duty to inform the Police. From the moment someone has expressed an intention to apply for international protection, they cannot be deported from the country.¹³ The Police conduct the “preliminary procedure” in which they establish the identity and travel route of the individual and complete the registration form.¹⁴ In line with the new amendments of the IPA they also establish ‘other circumstances’ that could affect the asylum procedure. The Police also have to inform the individual of the consequences of leaving the pre-reception area before lodging the application.¹⁵ In practice they give them a pamphlet with the information in their language. During the procedure, the police must provide an interpreter, although due to the lack of interpreters this often does not take place. The Police also obtain a short statement as regards to the reasons for applying for international protection. The individual is then transferred to the Asylum Home or its branch Logatec where they start the second phase of the procedure by lodging the application for international protection.

Prior to lodging the application, the personnel at the Asylum Home or its branch Logatec conduct a medical examination and the staff of the Migration directorate take the person’s photograph and fingerprints, which are run through the Eurodac database after the lodging of the asylum application.¹⁶ The IPA does not provide free legal representation for applicants in the first instance procedure. This was provided by the PIC – Legal Centre for the Protection of Human Rights and the Environment¹⁷ and financed through the Asylum, Migration and Integration Fund (AMIF) to all asylum seekers until the end of April 2020. The AMIF project enabled PIC lawyers to represent all asylum seekers during the asylum procedure. Since then, PIC continues to provide free legal help and representation, but on a smaller scale. In 2022 PIC assisted more than 810 asylum seekers. PIC lawyers provide legal information about asylum, represent the asylum seekers during the application and throughout the first instance procedure. A legal guardian is appointed to unaccompanied minors before the procedure begins and represents them in relation to the asylum procedure, reception, health protection, education and protection of property rights and interests from the beginning of the application throughout the entire procedure.¹⁸

Before lodging an application, asylum seekers are shown an information video on the asylum procedure in Slovenia. The video contains information on the structure of the procedure, the rights and the obligations of the asylum seekers, the Dublin procedure, the right to appeal and refugee counsellors. However, it does not contain information regarding the grounds on which international protection may be granted. It also does not provide information regarding the NGOs working in the field of asylum although this is required by the IPA.¹⁹ The version of the informational video for unaccompanied minors also contains information on legal guardians. The informational video is not adapted for unaccompanied minors as it is the same in all other aspects as the version intended for adults.

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

¹³ Article 36(1) IPA.

¹⁴ Articles 42(1)-(2) IPA.

¹⁵ Article 42(2) IPA.

¹⁶ Articles 42(4)-(5) IPA.

¹⁷ The website of PIC can be accessed here: <http://pic.si/>.

¹⁸ Articles 16(1) and (3) IPA.

¹⁹ Article 5(1) IPA.

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

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

Following the first interview on the merits, the case is referred to a “decision-maker”, who organises another interview on the merits if needed, before they take an in-merit asylum decision on the case. In case the applicant lodged the application after September 2021 when the amendments of the IPA came to force the negative decision also contains a return decision. Applicants are given 10 days for voluntary return by law²⁰ counting from the moment the decision becomes enforceable²¹ and a one-year entry ban²² that comes to force only if the person does not leave Slovenia in the time frame for voluntary return.²³ The decision also contains the information that in case the person will not leave Slovenia voluntarily they will be removed from the territory.

An **accelerated procedure** is also possible pursuant to the IPA.²⁴ There are only a few minor differences compared to the regular procedure, such as the deadline for judicial review. In addition, in the accelerated procedure the application can only be rejected as manifestly unfounded.²⁵ The first instance decision in the accelerated procedure should be issued within two months of the lodging of the application²⁶ however this is often not respected in practice.

Pursuant to the law, an application can also be dismissed on grounds of the “safe third country” or “European safe third country” concept.²⁷ However currently Slovenia does not implement this mechanism, and no country is designated as a safe third country.

An application lodged by an unaccompanied minor can only be processed in the accelerated procedure if it is rejected as manifestly unfounded on grounds of “safe country of origin” or “if there are good reasons to believe that the applicant poses a threat to public order, public safety or national security of the Republic of Slovenia or has been removed from the country due to good reasons of endangering public order, public safety or national security.”²⁸

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

Prioritised examination of claims is possible pursuant to the IPA if the applicant is a vulnerable person with special needs and/or if the applicant is detained in the Asylum Home or the Foreigners Centre. However, in line with the amendments of the IPA, this will only take place if their application is substantiated.²⁹ In practice prioritised examination is not often used and individuals normally have to wait for extended periods of time for a decision.

²⁰ Article 49(10) IPA.

²¹ Article 49(11) IPA

²² Article 49(13) IPA.

²³ Article 67(2) Foreigners Act.

²⁴ Article 49(1) IPA.

²⁵ *Ibid.*

²⁶ Article 47(1) IPA.

²⁷ Articles 53-60 IPA.

²⁸ IPA 49(2).

²⁹ Article 48 IPA.

Appeal: One cannot appeal against the decisions and resolutions passed in the international protection procedure; rather, the applicant can opt for an administrative dispute.³⁰ This is a judicial review of an administrative action, which is initiated by filing a lawsuit against the Ministry of Interior. In the court proceedings that follow, the applicant for international protection acts as the plaintiff and the Ministry of Interior as the defendant. The Administrative Court of the Republic of Slovenia, with headquarters in Ljubljana, decides on judicial review.

The amendments of the IPA shortened the timeframe in which an individual can apply for judicial review. The applicant still has 15 days to apply for judicial review of the decision if it was made in the regular procedure. However, the timeframe for applications processed in the accelerated procedure was shortened from eight calendar days to three calendar days.³¹ The timeframe for judicial review of all other decisions was also shortened from eight days to three.³² Judicial review has suspensive effect in the case of a rejected application, rejected request for extension of subsidiary protection, revocation of international protection status, cessation of the status based on withdrawal, safe third country decision, or dismissed subsequent application, while in all other cases the appeal does not have suspensive effect.³³ In these cases, the applicant can prevent enforcement, especially of return or removal from Slovenia, by adding a request to this effect to their application for judicial review.

Due to the amendments of the IPA, decisions of the Administrative Court can be challenged by way of appeal to the Supreme Court.³⁴ Individuals who lodged their application **before** the new amendments came to force³⁵ cannot lodge an appeal against a refusal decision, and the decision of the Administrative Court is final. In these cases, a decision of the Administrative Court can only be challenged with extraordinary legal remedies. Individuals who lodged the application **after** the amendments came to force³⁶ can appeal to the Supreme Court against the decision of the Administrative Court.

In both cases appeal to the Constitutional Court is also possible.³⁷

B. Access to the procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

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

In early 2017, Slovenia adopted amendments to the Foreigners Act which allow for future restrictions on access to the asylum procedure. Pursuant to the amendments, the National Assembly (Parliament) could vote on suspending the right to asylum and the Police would be able to reject all intentions to apply for international protection as inadmissible and remove the persons to the country from which they entered Slovenia.³⁸ The adopted amendments were reviewed by the Constitutional Court at the initiative of the

³⁰ Article 70(1) IPA.

³¹ *Ibid.*

³² Article 70(2) IPA.

³³ Article 70(3) IPA.

³⁴ Article 70(4) IPA.

³⁵ The new amendments came to force on 09 November 2021.

³⁶ *Ibid.*

³⁷ Article 72 IPA.

³⁸ For more on the amendments see AIDA, *Country Report Slovenia – 2021 Update*, May 2022, available at: <https://bit.ly/3kCs3cg>.

Slovenian Human Rights Ombudsman, prepared with support of civil society organisations.³⁹ The Constitutional Court ruled in U-I-59/17⁴⁰ that the amendments were in breach of Article 18 of the Constitution (prohibition of torture).⁴¹

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

Upon activation of the articles the police would have the authority to determine whether a person can apply for international protection after they express the intention to apply. If the police determine that an individual can be returned to another country, they can return the individual regardless of the provisions of the IPA. Exceptions would apply to unaccompanied minors and individuals whose health conditions prevent a return. The assessment of whether someone is an unaccompanied minor would be made by the police based on the person’s appearance, behaviour and other circumstances. An appeal against the police order would not have a suspensive effect.⁴² In 2022 the amended provisions of the Foreigners Act were not yet activated.

The Slovenian Human Rights Ombudsman notified the European Commission of the newly adopted provisions and his position regarding the provisions. In his statement he noted that as the Government had failed to respect the decision of the Constitutional Court by proceeding with the adoption of the amended provisions, there is the possibility that another procedure before the Constitutional Court would not be effective, as the Government could once again fail to respect the decision.⁴³ DG HOME told the Ombudsman that they are conducting a careful preliminary analysis of the situation as it raises complex questions regarding border control, police powers, asylum and return in case of a potential migration crisis. DG HOME also noted that they will ask national authorities for further explanation and if needed propose the initiation of a procedure to establish human rights violations.⁴⁴ In February 2022, opposition parliamentarians submitted the provisions to the Constitutional Court for constitutional review.⁴⁵ The decision on constitutional review was not taken in 2022.

In the first half of 2022 the new government was formed. The new Minister of Interior announced in June 2022 that Slovenia will remove the border fence between Slovenia and Croatia.⁴⁶ The works began in July 2022, however only 4,142 metres of the fence were removed by the middle of September.⁴⁷ The new Minister also planned a new migration and asylum strategy that included legislative and policy changes. The Ministry constituted working bodies for preparation of the legislative changes, new integration policies

³⁹ See also Council of Europe Commissioner for Human Rights, ‘Slovenia: Commissioner concerned about adoption of amendments to Aliens Act that violate human rights’, 27 January 2017, available at: <http://bit.ly/2kA52Xw>.

⁴⁰ Constitutional Court, Decision U-I-59/17, 18. September 2019, available at: <https://bit.ly/2TUCkz5>.

⁴¹ For more on the Constitutional Court decision see AIDA, Country Report Slovenia – 2021 Update, May 2022, available at: <https://bit.ly/3kCs3cg>.

⁴² The proposed changes of Article 10a and 10b of the Foreigners Act are available at: <https://bit.ly/3eZhMS3>.

⁴³ Varuh človekovih pravic, ‘Varuh Evropsko komisijo seznanil s svojimi pogledi na novelirano tujsko zakonodajo’, 16 August 2021, available in Slovene at: <https://bit.ly/3wEsAwk>.

⁴⁴ Official information provided by the Ombudsman office, March 2023.

⁴⁵ N1, ‘Stranke KUL zahtevajo presojo ustavnosti določb zakona o tujcih’, available in Slovene at: <https://bit.ly/39ACEP9>.

⁴⁶ Infomigrants, ‘Slovenia to dismantle border fence with Croatia’, available at: <http://bit.ly/3l34nal>.

⁴⁷ Ptujinfo, ‘Vse manj žične ograje na meji s Hrvaško, skupaj odstranili okoli štiri kilometre žice’, 18 September 2022, available in Slovene at: <http://bit.ly/3y2Bm8q>.

and new migration and asylum strategy. In December 2022 the Minister of Interior resigned and a new one was not appointed by the end of the year.⁴⁸

Pushbacks, illegal police practices and other incidents at the border

In practice the police do not conduct any identification of persons in need of protection in migration groups entering the Slovenian territory.⁴⁹

In 2022 the police detected 32,024 irregular crossings of the Slovenian border. This is a 214% increase in comparison to the previous year.

The most common countries of origin of people who were apprehended for irregular border crossing were: **Afghanistan** (6,010), **Burundi** (5,142), **India** (3,868), **Pakistan** (2,361), **Bangladesh** (2,110), **Russia** (1,816), **Iraq** (1,545), **Cuba** (1,474), **Turkey** (1,294), **Iran** (940) followed by other nationalities.⁵⁰ In practice Ukrainians are allowed entry and are not processed for irregular border crossing even if they do not fulfil the entry requirements eg. a valid passport which is evident from the statistics.

According to the statistics, 31,447 individuals expressed their intention to apply for international protection. This is a 456.6% increase from the 4,995 individuals who applied in 2021.⁵¹ In previous years there was a huge discrepancy between the number of irregular crossings and the number of expressed intentions to apply for international protection due to systematic denial of access to the asylum procedure by the police and subsequent readmission of people to the neighbouring countries from which they entered, mainly Croatia.⁵² In February 2022 the practice changed and the number of individuals readmitted dropped in comparison with the previous year. Although individuals continued to be readmitted on a monthly basis the number of readmissions continued to drop in comparison with 2021. In 2022 2,361 individuals were readmitted which is a 41% decrease in comparison to 2021. In 2021, 39% of individuals who irregularly crossed the border were readmitted to a neighbouring country while in 2022, 7.4% of individuals who irregularly entered were readmitted.⁵³ This decrease can be mainly attributed to the change of practice of the Croatian authorities who in the beginning of 2022 started to refuse to accept readmitted people back to Croatia.

Out of 2,361 readmitted individuals 406 were from Afghanistan, 311 were from Bangladesh, 277 were from Türkiye, 272 were from Pakistan, 201 were from India, 200 were from Nepal, 153 were from Iraq, 11 were from Kosovo and 88 were from Iran. Out of 2,361, 2,169 individuals were readmitted to Croatia.⁵⁴

Readmission agreements form a system outside EU law and the CEAS provisions, and do not uphold the standards that these require. The readmission agreements allow the return of migrants in informal procedures in which individuals are not issued with a return decision, do not have the right to appeal and do not have the right to free legal aid or representation.⁵⁵ In practice, no assessment of whether the

⁴⁸ MMC, 'Odstopna izjava Tatjane Bobnar v DZ-ju, ministrstvo bo začasno prevzela Sanja Ajanović Hovnik', 12 December 2022, available in Slovene at: <http://bit.ly/3VugQXt>.

⁴⁹ This was also noted by the Slovenian Ombudsman in his 2019 NPM report: *Poročilo Varuha človekovih pravic RS o izvajanju nalog državnega preventivnega mehanizma po Opcijskem protokolu h Konvenciji OZN proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju za leto 2019*, no longer available online as of January 2023.

⁵⁰ Official police statistics available at: <http://bit.ly/3WvTZfq>.

⁵¹ *Ibid.*

⁵² For more on pushbacks see AIDA, *Country Report Slovenia – 2021 Update*, May 2022, available at: <https://bit.ly/3kCs3cg>.

⁵³ Official statistics available at: <http://bit.ly/3WvTZfq>.

⁵⁴ Official statistics available at: <http://bit.ly/3WvTZfq>.

⁵⁵ See for example: Agreement between the Government of RS and the Government of RC on delivery and reception of persons, whose entry or residence is illegal. – International agreements, Official Gazette of RS, no. 8/06., available in English at: <https://bit.ly/3vVpHWT>.

principle of *non-refoulement* could be violated by a return from Slovenia is conducted.⁵⁶ Therefore, there is no possibility for individuals in the procedure to argue that there has been a violation of the *non-refoulement* principle, or to challenge the decisions of the police. It is also not evident from the police documentation if individuals expressed an intention to apply for international protection, and if so, whether the police informed the individual of the right to asylum and how the person responded.

Based on the readmission agreements, Slovenia also received 427 individuals in 2022. This is an increase in comparison to 2021 when 217 persons were received. The number in 2022 increased because more people were readmitted to Slovenia through the airport. Out of 282 individuals readmitted through the airport, 113 were from Afghanistan, 30 from Algeria, 16 from Iran, 15 from Morocco and 15 from Turkey.⁵⁷

Following an Italian court decision⁵⁸ in January 2021 mass readmissions from Italy mostly stopped in 2021. The court determined that the 1996 readmission agreement could not form a legal basis for return as it is not in accordance with Italian and EU law. Nonetheless, PIC observed that returns did take place in 2022 based on readmission agreements from Italy to Slovenia. In 2022, 65 people were readmitted from Italy.⁵⁹ At the end of the year the Italian authorities started to strongly urge Slovenia to resume the use of readmission agreements between the countries.⁶⁰

In August 2020, individuals started to report collective expulsions from the Austrian border to Slovenia. The number of people returned based on the readmission agreement⁶¹ between Slovenia and **Austria** increased from 23 people being returned by the end of July to 98 people being returned by the end of August. A total of 176 people were returned from Austria to Slovenia in 2020.⁶² In 2021, 70 persons were readmitted from Austria on the basis of the readmission agreement.⁶³ Individuals' testimonies show that some were returned to Croatia by the Slovenian authorities after being readmitted from **Italy** or **Austria**.⁶⁴ In 2022, 58 individuals were readmitted from Austria to Slovenia.⁶⁵

At the beginning of 2022 PIC and other organisations in Slovenia regularly detected pushbacks at the Slovenian border.⁶⁶ While lodging the application asylum seekers stated that they have reached and tried to ask for asylum in Slovenia several times before being able to lodge the application for international protection. In February the practice changed as the Croatian police refused to accept people based on the readmission agreements. Since then, reports on pushback and the use of readmission agreements have dropped significantly.

During the year 2022 the Slovenian Ombudsman received 15 complaints regarding asylum, temporary protection and the principle of *non-refoulement*. The Ombudsman finished two investigations in 2022. The first was the case of a young Turkish girl who drowned while crossing the border between Croatia and Slovenia with her family in December 2021.⁶⁷ The Slovenian Ombudsman conducted an overview of the police procedure and found that the police had violated the prohibition of collective expulsion, the principle of *non-refoulement* and the right to asylum when processing the family. The Ombudsman found that the police did not get any kind of official statements from the family members. They did not conduct an assessment of individual circumstances regarding the return, did not issue a return decision, did not inform the family on the procedure or their right to legal help, did not provide translation during the procedure

⁵⁶ Ombudsman, *Poročilo Varuha človekovih pravic RS o izvajanju nalog državnega preventivnega mehanizma po Opcijskem protokolu h Konvenciji OZN proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju za leto 2019*.

⁵⁷ Official statistics provided by the Police, February 2023.

⁵⁸ Decision of Ordinary Court of Rome, N.R.G.56420/2020, 18. January 2021.

⁵⁹ Official police statistics available at: <http://bit.ly/3WvTZfq>.

⁶⁰ Nuova Europa, *Migrants: Prisco, in force readmissions with Slovenia*, 6 December 2022, available at: <https://bit.ly/41zZA6C>.

⁶¹ Readmission agreement between Slovenia and Austria available at: <https://bit.ly/3f69msn>.

⁶² Official police statistics available at: <https://bit.ly/3vMfX0T>.

⁶³ Official police statistics available at: <https://bit.ly/3vMfX0T>.

⁶⁴ BVMN, individual testimonies and reports available at: <https://bit.ly/3vOZf0M> and <https://bit.ly/3lyAD7W>.

⁶⁵ Official police statistics available at: <http://bit.ly/3WvTZfq>.

⁶⁶ Border Violence Monitoring Network, *Testimonies*, available at: <https://bit.ly/3KGLMk0>.

⁶⁷ Info Migrants, *10-year-old girl dies at Slovenia-Croatia Border*, available at: <https://bit.ly/3mIVk60>.

and did not give the family the chance to express their intention to apply for asylum. The Ombudsman found that immediately after the family members were medically examined by the river they were readmitted to Croatia. Regarding the principle of *non-refoulement* the Ombudsman noted that the police did not conduct an individual assessment and that due to the well-known reports on police violence in Croatia the police should have concluded that the return of the remaining family members to Croatia would violate their fundamental human rights.⁶⁸

The second was the case of an Afghan national who was pushed back twice in 2021. The Ombudsman found that the police did not carry out the assessment of *non-refoulement* and did not give the individual the possibility to present individual circumstances against the return. The Ombudsman also noted that because the individual had expressed the intention to apply for international protection the return was not lawful. The Ombudsman concluded that the police had violated the prohibition of collective expulsions, the principle of *non-refoulement*, the right to legal remedy and the right to asylum in the procedure.⁶⁹

Border monitoring

There is no systematic border monitoring in Slovenia. Border monitoring is conducted by UNHCR. In 2022 UNHCR conducted 11 visits to police stations and 1 visit to the airport where they checked police records and conducted talks with the police. In order to conduct border monitoring, UNHCR must notify the police station prior to the visit. UNHCR can only check police documentation regarding individuals who applied for international protection.

Border monitoring is also conducted by the Slovenian Ombudsman within the National Preventive Mechanism framework. The Ombudsman can make unannounced visits to police stations and has the authority to check all of the police records regarding migrants in the police procedures. Based on these visits, observations and recommendations are given to the Ministry of Interior and the police station. In 2022 the Ombudsman visited 18 police stations. During one of the visits the Ombudsman noted that procedures with foreigners were not conducted individually. In addition, only two foreigners in the group had the chance to give a statement during the procedure. The Ombudsman reiterated that the right to be heard is one of the basic procedural rights that allows a foreigner to defend their rights and legal interests. If the foreigner does not have the chance to give a statement during the procedure and if their statements are not recorded it is not possible to subsequently check how the police procedure was conducted.⁷⁰

Litigation and case-law on incidents occurring at the border

In 2019, a first judgment was also made by the Administrative Court in a case of a Moroccan citizen who applied for international protection in Slovenia and was rejected. After the asylum procedure was finished, he was returned to **Croatia** based on the bilateral readmission agreement, and subsequently to **Bosnia and Herzegovina**. The applicant started a subsidiary judicial procedure by filing a complaint before the Administrative Court alleging a violation of his human rights. The Administrative Court ruled that in the procedure, the applicant was unable to object to his return based on the prohibition of *non-refoulement*, and did not have an effective legal remedy since he was not issued with a written decision.⁷¹ The Ministry of Interior appealed against this decision to the Supreme Court,⁷² which found that the fact that a written decision was not issued to the applicant was not unlawful. The case was referred to the Constitutional Court on the initiative of the Ombudsman. The case was dismissed in December 2021 because the time limit for constitutional review had expired.⁷³

In 2020, another judgment from the Administrative Court was also made in a case concerning a Cameroonian national.⁷⁴ The Cameroonian national crossed the Slovenian border in August 2019 with

⁶⁸ The report of the Slovenian Ombudsman, 7.3-17/2021.

⁶⁹ The report of the Slovenian Ombudsman, 7.3-6/2021.

⁷⁰ National Preventive Mechanism, *Priporočila iz obiskov (preglednice)*, available at: <https://bit.ly/3Lo1zSZ>.

⁷¹ Administrative Court, Decision I U 1412/2018, 18 December 2019.

⁷² Supreme Court Decision, I Up 21/2020, 8 July 2020.

⁷³ Constitutional Court Decision, Up-1114/20, 13. December 2021.

⁷⁴ Administrative Court, Decision, 1490/2019, 22 June 2020.

the intention of applying for asylum in Slovenia. The applicant claimed that he had expressed the intention of applying for international protection several times while in the police procedure. The police did not register his intention and did not refer him to the preliminary procedure. Instead, he was taken to the Croatian border and returned to Croatia on the basis of the readmission agreement. The Croatian police then returned him to Bosnia and Herzegovina. The Administrative Court found that the police had violated the prohibition of *non-refoulement*, the prohibition of collective expulsion, and the right to access the asylum procedure by returning the applicant to Croatia on the basis of the readmission agreement. It also decided that Slovenia should allow the applicant to enter the territory and apply for international protection, and that the applicant should be paid 5,000 euros in compensation. The decision was annulled by the Supreme Court and returned to the Administrative Court.⁷⁵ In the new procedure, the Administrative Court decided again that the Slovenian authorities had violated the prohibition of *non-refoulement*, the prohibition of collective expulsion and the applicant's right to access the asylum procedure.⁷⁶ The Ministry of Interior appealed the decision again and in the new procedure the Supreme Court confirmed the decision of the Administrative Court which thus became final.⁷⁷

In July 2021, a case concerning three Moroccan nationals came before the Administrative Court. The applicants had crossed the Slovenian border in July 2021, after which they were apprehended by the police for irregular crossing at the border. During the police procedure they repeatedly asked for asylum in Slovenia. The police did not register their intent for international protection and did not refer them to the preliminary procedure. Instead, they were taken to the Croatian border and returned to Croatia on the basis of the readmission agreement. The Croatian police took them to the border with Bosnia and Herzegovina and forced them to cross the border on their own. By the end of 2022, a decision had not yet been made by the Administrative Court.⁷⁸

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

Legal access to the territory

The Slovenian legislation does not contain any legal pathways such as humanitarian visas. In addition, relocation and resettlement programs are not in place and were not carried out throughout 2022.

⁷⁵ Supreme Court Decision, I Up 128/2020, 28 October 2020.

⁷⁶ Administrative Court Decision, I U 1686/2020, 7 December 2020.

⁷⁷ Supreme Court Decision, I U 1686/2020, 9. April 2021.

⁷⁸ Administrative Court, case run under the number I U 1167/2021. A decision was not made at the time of the writing of the report.

2. Registration of the asylum application

Indicators: Registration

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

Foreigners can express their intention to apply for asylum before any state or local authority, which has the duty to inform the police.⁷⁹ From the moment someone has expressed an intention to apply for international protection, they cannot be deported from the country in accordance with the IPA.⁸⁰

According to Article 35 IPA, an individual who has entered Slovenia illegally must express their intention to apply for international protection within the shortest time possible. Failure to do so is one of the grounds that can lead to a rejection of the asylum application as manifestly unfounded in the [Accelerated Procedure](#).⁸¹ Whether the individual applied in the shortest time possible must be decided based on the individual case. The application cannot be considered as manifestly unfounded solely on this ground.⁸² Individuals who express an intention to apply for international protection in due time are exempt from any penalties regarding illegal entry.⁸³

2.1. The “preliminary procedure”

The Police conduct the so-called “preliminary procedure” in which they establish the identity and travel route of the individual and complete the registration form. In line with the IPA the police also have to inform the asylum seekers about the consequences of leaving the Asylum Home or its branch before lodging the application in a language they understand.⁸⁴ The registration form includes a paragraph that the applicant was notified that in case they leave the premises of the Asylum home they will be processed under the Foreigners act and that the applicant, by signing the form, confirm they have received this information. However, in practice applicants are usually not aware of this provision as the registration form is not read to them by the translator or the translator is not present during the procedure, the paragraph is in English and not in their language and they do not get a copy of the registration form. In addition, the paragraph does not contain the explanation of the actual consequences of leaving the premises of the Asylum Home. Asylum seekers therefore do not understand what it means to be processed under the Foreigners act. The provision is extremely problematic since it means that asylum seekers are *de facto* detained until they lodge the application for international protection. If they leave the premises of the Asylum home before lodging the application they can be detained after lodging the application due to the risk of absconding.

In line with the amendments of the IPA the police can also establish other circumstances that are relevant for the asylum procedure.⁸⁵ It is not clear what those circumstances are and what is the extent of the police's authority. The police make a report about the procedure and any circumstances identified, before

⁷⁹ Article 42(1) IPA.

⁸⁰ Article 36(1) IPA.

⁸¹ Article 52, seventh indent IPA.

⁸² See for example: Administrative Court Decision, I U 1894/2011, 17 November 2011.

⁸³ Article 35 IPA.

⁸⁴ Articles 42(1)-(2) IPA.

⁸⁵ Article 42(2) IPA.

giving it to the Migration directorate as part of the registration form.⁸⁶ During the procedure they also take a short statement regarding the reasons for applying for international protection. The police documentation is part of the asylum procedure, and statements made during the preliminary procedure are used in practice to identify inconsistencies between the applicant's statements, and form part of the credibility assessment of the applicant. This is problematic, since in practice individuals in the police procedure often do not have a translator, and the procedures are not conducted individually, meaning that individuals do not have the opportunity to make individual statements at this stage.⁸⁷

In accordance with the IPA, each person in the process must be provided with interpretation and translation in a language that the person understands.⁸⁸ This is not necessarily the individual's mother tongue, and it is up to the police to judge whether an individual understands the language. Interpreters for some languages are not available in Slovenia, or may not be available at the given time, or the provided interpretation is of poor quality, which may lead to problems with accessing the asylum procedure. Interpreters are selected based on a public call. During the selection, interpreters are not subject to a test to determine their level of knowledge of the Slovenian language or the language they interpret. The decisive factor in the public call is the price of the interpreter's services. Those with the lowest prices are prioritised on the list of interpreters that the police can use in the procedures. In practice, the police also sign separate contracts with interpreters who do not have any proof of obtaining formal education in their countries of origin.

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

Irregularities in the police procedure were also detected by the Ombudsman during the visits to the police stations carried out in 2022. As in previous years the Ombudsman detected that the procedures with foreigners were not conducted individually therefore violating their right to be heard.⁸⁹

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

2.2. Lodging of the application

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

There is no time limit prescribed for the authorities between the expression of intention to apply for asylum and the lodging of the application. The average time for registration of the application has increased steadily. In 2022 asylum seekers due to a large number of arrivals continued to wait for up to 20 days to

⁸⁶ Article 2(5) and 3(2) of Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection.

⁸⁷ Ombudsman, *Poročilo Varuha človekovih pravic RS o izvajanju nalog državnega preventivnega mehanizma po Opcijskem protokolu h Konvenciji OZN proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju za leto 2019*, available at: <https://bit.ly/3c9H26y>, Ombudsman, *Končno poročilo o obravnavi policijskih postopkov s tujci na območju Policijske postaje Ilirska Bistrica 19. 7. 2019*, available in Slovene language at: <https://bit.ly/3r3nG7j>.

⁸⁸ Articles 4 and 6(1) IPA.

⁸⁹ National Preventive Mechanism, *Priporočila iz obiskov (preglednice)*, available at: <https://bit.ly/3Lo1zSZ>.

lodge the application. The waiting period changed during the year depending on the number of new arrivals, however in general people had to wait 3 – 20 days to lodge the application.

While waiting to lodge the application, asylum seekers are *de facto* detained (see [Detention: General](#)). They are not issued with a detention order with respect to their detention in the **Asylum Home** or its branch. They also do not have the right to free legal advice or representation regarding their detention. Telephones and documents confiscated by the police during the police procedure are normally returned to asylum seekers when they lodge their application, meaning that while they are *de facto* detained, asylum seekers cannot communicate with the outside world in order to obtain legal counsel or in order to notify their family members of their whereabouts. In addition, translators are rarely present in the pre-detention area. As individuals are not considered to be asylum seekers until after they lodge the application, they do not have access to services before they lodge the application and thereby obtain the rights of asylum seekers. They are also not given any document that would allow them to move freely within the territory. They must sign a statement declaring that they agree to be processed as foreigners if they leave the premises of the Asylum Home or its branch before they lodge the application, meaning they can subsequently be detained in the **Foreigners Centre** and processed in the return procedure based on the bilateral readmission agreements or the Foreigners Act.

Prior to lodging the application, the medical staff at the Asylum Home or its branch conduct a medical examination. During the medical examination, an assessment as to the person's vulnerability also has to be made.⁹⁰ Subsequently the staff of the Migration directorate will photograph and fingerprint applicants older than 15 years and run these fingerprints through the Eurodac database.⁹¹ Afterwards, they are shown a video presentation on the asylum procedure in Slovenia. The video contains the procedural steps, the rights and obligations of asylum seekers in the procedure, information about the Dublin procedure, refugee counsellors and judicial review. Although the IPA requires that individuals are also informed about NGOs working on the field of asylum and migration⁹² the video does not include such information and it is not provided to individuals by the Ministry in any other manner. The video also does not contain any explanation regarding the reasons for granting asylum. In 2021 the video was adapted for unaccompanied minors – it contains additional information regarding the procedure for unaccompanied minors but not information on reasons for granting asylum or NGOs working on the field of asylum and migration. According to the IPA, unaccompanied minors have to be informed about their rights and obligations before they lodge an application, and this must be done in a manner that is adjusted to their age and development.⁹³ Excluding the additional information, the video for unaccompanied minors does not differ from the video presentation intended for adult asylum seekers. The video presentation is the same for all unaccompanied minors and is not adjusted for younger unaccompanied minors. Unaccompanied minors are shown the video in the presence of the interpreter and their legal guardian.

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

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

According to the amendments of the IPA, if a person expresses their intention to apply for international protection at the border, at an airport or at a port, the competent authority can only process it in the border procedure if the application is inadmissible, in which case it will be processed in the accelerated procedure, or if the applicant has lodged a request for a subsequent application. During the procedure,

⁹⁰ Article 13(1) IPA.

⁹¹ Articles 42(4)-(5) IPA.

⁹² Article 5(1) IPA.

⁹³ Article 16(5) IPA.

the applicant is accommodated at the border, airport or port. The new amendments also prolonged the timeframe in which the Ministry has to make a decision from 14 days to three weeks. If the Migration directorate does not issue a decision within three weeks, or the applicant's decision is processed in the regular procedure, the applicant is allowed entry into the territory. The fiction of pre-entry is also a novelty.⁹⁴ In practice, due to a lack of infrastructure, this procedure at the border, airport and port is not used. Applicants who submit their application in such places are subject to the regular procedure.

The general rule is that an application is lodged orally. The new amendment introduced a new provision under which where there are exceptional circumstances, the Migration directorate can notify the asylum seeker to lodge the application in writing or electronically.⁹⁵ There is no system in place under which the applicant could lodge the application electronically. The oral application consists of a special form which is filled in by the applicant, with the assistance of the Migration directorate officials that should be available in order for the applicant to do so.⁹⁶ In practice written applications are lodged at the Migration directorate in group settings – foreigners speaking the same language are put in one room where they receive the video information session after which they fill out the application forms. The groups are normally comprised of 5 – 20 foreigners filling out the form simultaneously. Foreigners are given a form in their language. The forms are then filled out by the asylum seekers in the presence of a translator who helps them fill out the form. In practice, officials of the Migration directorate are rarely present while foreigners fill out their applications. After they fill out the form the translator translates the form and fills out another form in Slovenian language. The translator then gives both forms, the one filled out by the applicant and the translated one to the official of the Migration directorate.

The practice does not allow persons any privacy during the lodging of the application. In addition, since officials of the Migration directorate are rarely present while applicants fill out the form the interpreters are *de facto* leading the procedure, answering the questions and helping foreigners although they are not qualified and do not have the official authorisation for such conduct. The applicants are not able to list all of the reasons for asking for asylum on the forms, the main reason for this being literacy and lack of proper information and guidance. Nonetheless, their statements made in the written application are used in the credibility assessment. In 2022, 840 applications were lodged in writing and none was lodged electronically.⁹⁷

C. Procedures

1. Regular procedure

1.1 General (scope, time limits)

Indicators: Regular Procedure: General

- | | |
|--|---|
| 1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: | 6 months |
| 2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Backlog of pending cases at first instance as of 31 December 2022: | 501 |
| 4. Average length of the first instance procedure in 2022: | 40 days |

The determining authority must take a decision in the shortest time possible, and no later than six months from lodging the application. If it cannot issue a decision within six months, it needs to inform the applicant

⁹⁴ Article 43(1)-(2) IPA.

⁹⁵ Article 45(1) IPA.

⁹⁶ Article 10(4) Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection.

⁹⁷ Official statistics provided by the Migration directorate, March 2023.

in writing about the delay, the reasons for the delay and the time frame in which they can expect a decision. If it cannot make a decision in the estimated time frame, it can again inform the applicant in writing about the reason for the delay and set a new time frame in which they can expect the decision.⁹⁸ In practice the reasons in writing are only given in very broad terms, e.g. “the authority is working on pending cases that were submitted earlier and on priority cases of vulnerable persons.”

The determining authority can extend the 6-month time limit for no longer than 9 months: (a) if the applicant does not fulfil their obligations regarding the asylum procedure; (b) if the authority is faced with complex legal and factual questions; or (c) in case of a large number of applications for international protection.⁹⁹ According to the amendments of the IPA, if the Migration directorate is to extend the time limit for decisions due to a large number of applicants for international protection, it has to notify the European Commission about this decision at least once per year. The Migration directorate also has to notify the European Commission as soon as the reasons for the extension no longer exist.¹⁰⁰ It is evident from the proposal of the amendments¹⁰¹ that the purpose behind the provision is to implement article 49, paragraph 3 of the Asylum Procedures Directive. The IPA does not contain any objective criteria regarding the number of asylum seekers or other circumstances that would prompt the use of the provision.

The Ministry can further extend the additional 9-month time limit by no more than a further 3 months, under justified circumstances and in order to ensure proper and comprehensive examination of the application.¹⁰²

The determining authority may suspend the procedure if due to an uncertain situation in the country of origin, which is expected to be of temporary nature, it cannot be expected from the determining authority to decide in any of the above-mentioned time frames. In this case the determining authority needs to review the situation in the country of origin every 6 months, inform the applicant about the reasons for suspending his application and inform the European Commission about the suspension of all procedures regarding this country of origin. The maximum time period in which the application needs to be examined in this case is 21 months.¹⁰³

If the application of the asylum seeker is processed in the Dublin procedure, the time limit for making a decision starts when it is established, in accordance with the Dublin regulation, that Slovenia is responsible for the examination of the application and the applicant is on its territory.¹⁰⁴

There are no consequences set out in law for not respecting the time limit. In practice the time limits are not respected, and duration of the procedure is one of the biggest shortcomings of the Slovenian asylum system. In 2022, 6,787 applications for international protection were lodged and 501 asylum applications were pending by the end of the year. According to the official statistics, the average duration of the procedure in 2022 was 40 days, however this includes procedures that were stopped due to the high absconding rate of applicants, and Dublin procedures.¹⁰⁵ Out of 198 positive decisions issued by the Migration directorate, 167 were issued in less than 6 months. Out of 198 positive decision 158 were issued to Ukrainian citizens whose claims were prioritised. Other asylum seekers had to wait longer for first instance decisions as 20 positive decisions were issued 6 -12 months after the lodging the application and 11 were issued one year after the lodging the application.¹⁰⁶

In 2020, the overall refugee recognition rate dropped from 38% in 2019 to 28.6% in 2020. In 2021 the Migration directorate granted refugee status to 17 individuals, the lowest number since 2008. The lack of legal representation and the new way of providing information through a video presentation are likely to

⁹⁸ Article 47(1)-(2) IPA.

⁹⁹ Article 47(3) IPA.

¹⁰⁰ *Ibid.*

¹⁰¹ Državni zbor: *Besedilo Predloga zakona o spremembah in dopolnitvah Zakona o mednarodni zaščiti*, available in Slovene at: <https://bit.ly/3G3xBD0>.

¹⁰² Article 47(4) IPA.

¹⁰³ Article 47(5)-(6) IPA.

¹⁰⁴ Article 47(8) IPA.

¹⁰⁵ Official statistics provided by the Migration directorate, March 2022.

¹⁰⁶ Official statistics provided by the Migration directorate, March 2023.

be two of the key factors that affected this drop in the recognition rate for refugee status.¹⁰⁷ In 2022, the refugee recognition rate dropped even lower to 11% as only 39 persons were granted refugee status. The percentage of people obtaining subsidiary protection increased to 47.7% as 164 persons were granted subsidiary protection. Out of 164 persons, 158 were from Ukraine.¹⁰⁸

1.2 Prioritised examination and fast-track processing

According to Article 48 IPA the Migration directorate must prioritise cases of vulnerable persons with special needs or cases in which the applicant has been detained in the **Asylum Home** or the **Foreigners Centre**. However, in accordance with the amendments of the IPA, this should only be if it is likely that the application is substantiated. These are the only cases that can be prioritised. However, this is often not respected in practice. Official statistics on the number of prioritised applications are not gathered by the Migration directorate. In practice Ukrainian applications for asylum were prioritised during 2022 as the majority of applicants were granted subsidiary protection in under 6 months.

According to Article 49/1 of the IPA, in a fast-track procedure, the application can only be rejected as manifestly unfounded. 108 applications were processed in the fast-track procedure in 2022.¹⁰⁹ All applications processed in the fast-track procedure were rejected as manifestly unfounded. In 2022 applications of unaccompanied minors were not processed in a fast-track procedure and were not rejected as manifestly unfounded.¹¹⁰

1.3 Personal interview

Indicators: Regular Procedure: Personal Interview

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

The law provides that the Migration directorate has to conduct the personal interview before taking a decision both in the regular and accelerated procedure, in the inadmissibility procedure and in the Dublin procedure.¹¹¹ The personal interview can be omitted if:¹¹²

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

¹⁰⁷ *Ibid.*

¹⁰⁸ Official statistics provided by the Migration directorate, March 2023.

¹⁰⁹ *Ibid.*

¹¹⁰ *Ibid.*

¹¹¹ Article 46(1) IPA.

¹¹² Article 38(1) IPA.

At the lodging of the application the asylum seeker is given the date and time of the personal interview. In practice the personal interview is normally conducted within a month after the lodging of the application. Translation is provided by the Migration directorate. In case of a minor who is 15 years old or older and in case of an unaccompanied minor the legal guardian is present during the personal interview.¹¹³ The personal interview with a minor under 15 years old can only be conducted in exceptional cases. This is normally done in cases of unaccompanied minors in order to obtain the information needed for status determination.

If the applicant has legal representation, the lawyer is also present. With the applicants' consent the official of the Migration directorate can also allow the presence of a UNHCR representative, another official or employee of the MOI, a researcher, a student or another public official if their presence is important for scientific work or their institution.¹¹⁴ Since the amendment of the IPA that came in to force in September 2021 applicants can no longer be accompanied by a person of their own choosing for emotional support during the interview.

The personal interview is carried out by the officials of the Migration directorate that have previously carried out the application procedure. During this interview ("first in-merit interview") the officials of the Migration directorate aim to establish the identity of the applicant and accompanying family members, the reasons for asylum and all other facts and circumstances that are important for the decision.¹¹⁵ The applicant is expected to provide detailed grounds for asylum. They are also expected to provide documents and other evidence during the personal interview.¹¹⁶ Until June 2016, the first in-merit interview regarding grounds for asylum was conducted together with the lodging of the asylum application. Since then, this has been separated into two discrete phases in an attempt to make procedures more efficient, considering that about half of the applicants abscond soon after the lodging of the application and about 20% have their applications dismissed in Dublin procedures, meaning that many lengthy interviews regarding grounds for asylum were conducted in vain. It also enables the Migration directorate to lodge a higher number of applications on a daily basis. Nonetheless, delays in individuals being able to lodge an application are increasing each year, and this continues to be one of the bigger shortcomings of the asylum system in Slovenia. (See also: [Lodging of the application](#))

Under the new provisions of the IPA the personal interview can be conducted immediately after the application is lodged, on the condition that the application is processed in the border procedure, or that enough information is given, while lodging the application, for a reasonable conclusion to be made that the grounds for processing the application as inadmissible or manifestly unfounded are met.¹¹⁷ Notwithstanding the provisions of the IPA the Ministry conducted personal interviews with Ukrainian asylum seekers immediately after they lodged the application for international protection. Their applications were not processed as inadmissible or manifestly unfounded as they were granted subsidiary protection.

The personal interview is finished after the minutes are read to the asylum seeker and signed by everyone present during the interview. The personal interview can also be recorded using electronic audio or video recording devices. In this case the Migration directorate has to ensure that the recording is attached to the minutes that have noted that the interview was recorded.¹¹⁸ In this case the asylum seeker does not have to confirm the content of the minutes.¹¹⁹ Electronic audio and video recording of personal interviews is not used in practice. The IPA also allows in exceptional circumstances for the personal interview to be conducted through the modern electronic media under the condition that secure data transmission is ensured.¹²⁰ The provision is also not used in practice.

¹¹³ Article 37(2) IPA.

¹¹⁴ Article 37(4) IPA.

¹¹⁵ Article 46(2) IPA.

¹¹⁶ Article 21(2) IPA.

¹¹⁷ Article 45(5) IPA.

¹¹⁸ Article 37(7) IPA.

¹¹⁹ Article 37(9) IPA.

¹²⁰ Article 37(8) IPA.

In line with the IPA the official of the Migration directorate has to conduct the personal interview in a way that enables the applicant to fully present the reasons for asylum and their personal circumstances while taking into account the personal circumstances of the applicant including their cultural background, gender, sexual orientation, identity and vulnerability.¹²¹ The applicant can request that the interview is conducted by an official of the same gender¹²² and that translation is provided by a person of the same gender.¹²³ The manner in which the personal interview is conducted depends on the official that conducts it. Due to the lack of female translators, translation by a person of the same gender is not often provided to female asylum seekers. In general, the Migration directorate arranges the caseload in a way that female officials conduct personal interviews with female asylum seekers.

Following the first in-merit interview, the case is referred to a “decision-maker”, who decides if another in-merit interview is needed before they take an in-merit asylum decision on the case. In some cases, this interview is omitted when the decision-maker can grant the applicant international protection on the basis of evidence at their disposal or reject the application. Before the final decision is issued, it has to be authorised by a responsible official of the sector for international protection procedures.¹²⁴

Official statistics on the number of personal interviews is not gathered by the authorities.¹²⁵

1.3.1. Interpretation

The IPA states that the assistance of an interpreter must be provided to a person who does not understand the official language during the lodging of the application and during the personal interview. In other justified cases the assistance of an interpreter can be approved by the competent authority.¹²⁶

The amendments of the IPA also include the provision under which applicants and refugee counsellors are also entitled to the assistance of an interpreter during the procedure before the Administrative or Supreme Court. They are entitled to 2 hours or four translation pages per case,¹²⁷ no matter the lengthiness of the procedure. This provision was included in the amendments of the IPA as the result of a Supreme Court decision, stating that applicants are entitled to an interpreter if required for communication with their refugee counsellors in preparation of the legal remedy.¹²⁸

According to the IPA, the interpreter is bound to respect the rules of the Code of Conduct for interpreters and translators in the international protection procedures which is adopted by the Minister of Interior. The Ministry also needs to inform the interpreters on the rules and specifics of interpreting in the international protection procedures and on their role in such procedures.¹²⁹ In 2022 UNHCR in cooperation with IOM and the Ministry of Interior also organised a training on interpretation in the asylum procedures.¹³⁰

Lack of qualified interpreters for certain languages is a systematic problem in Slovenia. The quality of interpretation varies considerably and, in some cases, does not meet required standards. Interpreters are selected based on a public call. During the selection, interpreters are not subject to a test to determine their level of knowledge of the Slovenian language or the language they interpret. Although interpreters have to submit proof of language, education and references, the decisive factor in the public call is the price of the interpreter’s services. Those with the lowest prices are prioritised on the list of interpreters that the Migration directorate can use in the procedures. The Migration directorate does not monitor the quality of the translation. In practice, interpreters are required to operate in languages in which they are not fluent, but which are used in their countries of origin. As they cannot write in these languages, decisions on asylum are often wrongly translated by interpreters. There were also cases where the

¹²¹ Article 37(1) IPA.

¹²² Article 37(6) IPA.

¹²³ Article 6 (6) IPA.

¹²⁴ Information provided by the Migration directorate, February 2021.

¹²⁵ Information provided by the Migration directorate, March 2022.

¹²⁶ Article 6(1)-(2) IPA.

¹²⁷ Article 11(1) IPA.

¹²⁸ Supreme Court, Decision I Up 226/2017.

¹²⁹ Article 6(10)-(11) IPA.

¹³⁰ Official statistics provided by the Migration directorate, March 2023

translation stated that the person does not have the right to appeal the asylum decision. The lack of proper interpretation affects the credibility assessment of asylum seekers. Systematic changes in the selection of interpreters should be made in order to provide asylum seekers with proper interpretation in the asylum procedure and protect their ability to obtain international protection in Slovenia.

The IPA states that upon the request of the asylum seeker, if possible, they can be provided with the interpreter of the same sex.¹³¹ In practice this is often not respected due to the lack of available female interpreters.

Interpreting can be conducted through video conferencing if secure data transfer is guaranteed.¹³² In practice this is used only for the interpretation of languages for which an interpreter cannot be provided in Slovenia. In 2021 translation through videoconference was used on two occasions for lodging an application, due to the obligatory quarantine of the only translator available for a certain language.¹³³ In 2022 translation through videoconference was used 8 times due to the lack of available translators for certain languages in Slovenia. Translation through videoconference was used during the lodging of the application and during the personal interview.¹³⁴ The Ministry of Interior can also ask for help with the interpretation from another Member State, the institution of the European Union or other international organisation.¹³⁵ In 2022 the Ministry requested help with translation from the EUAA in 6 cases. All were carried out online.¹³⁶

1.3.2. Recording and report

Minutes are taken during the lodging of the application and during personal interviews. According to the law, the interview can also be recorded with audio/video electronic devices. In this case, the competent authority needs to ensure that the recording is attached to the official record which needs to contain a note that the recording has been made.¹³⁷ In practice the audio/video recordings are not used.

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

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

¹³¹ Article 6(6) IPA.

¹³² Article 6(13) IPA.

¹³³ Information provided by the Migration directorate, March 2022.

¹³⁴ Official statistics provided by the Migration directorate, March 2023.

¹³⁵ Article 6(12) IPA.

¹³⁶ Official statistics provided by the Migration directorate, March 2023.

¹³⁷ Article 37(7) IPA.

1.4 Appeal

Indicators: Regular Procedure: Appeal

1. Does the law provide for an appeal against the first instance decision in the regular procedure?
 Yes No
❖ If yes, is it Judicial Administrative
❖ If yes, is it automatically suspensive Yes Some grounds No
2. Average processing time for the appeal body to make a decision: Not available.

1.4.1. First appeal

The legal remedy available to asylum applicants is judicial review, which is initiated by filing a lawsuit against the Ministry of Interior.¹³⁸ In the proceedings that follow, the applicant for international protection acts as the plaintiff and the Ministry as the defendant. The Administrative Court of the Republic of Slovenia, with headquarters in **Ljubljana**, decides on the application for judicial review. The general rules of procedure are set out in the Administrative Dispute Act, while specific provisions particular to judicial review in international protection procedures are included in the IPA.

If the application was rejected in the regular procedure the deadline for lodging the judicial review is 15 days. The Administrative Court needs to decide on it within 30 days,¹³⁹ yet court procedures are usually much longer in practice, sometimes taking up to one year or longer. The length of the procedure mostly depends on the complexity of the case. This practice continued in 2022, similar to 2021 regardless of the pandemic.¹⁴⁰

An application for judicial review against the rejection of an application in the regular procedure has automatic suspensive effect.¹⁴¹ The review includes an assessment of both facts and points of law.

In practice, most asylum applicants that receive a rejection decision have difficulties filling for judicial review due to difficulties in obtaining a refugee counsellor. In 2020 the practice of accessing refugee counsellors has changed and asylum seekers face challenges in obtaining the representation of refugee counsellors since then (see [Legal assistance on appeal](#)).

In 2022, 235 appeals were lodged at the Administrative Court regarding asylum. 45 were lodged against negative asylum decisions. In 2022 the Administrative Court made 240 decisions regarding asylum. In 187 cases the Administrative Court conducted a hearing before making the decision.¹⁴²

In 2021, the practice of the Administrative Court changed and oral hearings became more frequent due to the decision of the Supreme Court in *X Ips 22/2020*,¹⁴³ in which the court noted that an oral hearing has to be conducted if the facts of the case are disputed, and that the court has to make a decision regarding the suggested evidence at the oral hearing.¹⁴⁴ However, the fact that the oral hearing is conducted does not necessarily mean that the applicant will be questioned. Therefore, the oral hearings in some cases last less than 20 minutes. The practice of conducting oral hearings differs between judges based on their interpretation of the Supreme Court's decision. In 2022, the Administrative Court carried out 187 oral hearings. In 53 cases, the Administrative Court made decisions without an oral hearing.¹⁴⁵

¹³⁸ Article 70(1) IPA.

¹³⁹ Articles 70(1) and 71(1) IPA

¹⁴⁰ Information provided by the refugee counsellors, March 2022.

¹⁴¹ Article 70(3) IPA.

¹⁴² Official statistics provided by the Administrative Court, February 2023.

¹⁴³ Supreme Court decision, *X Ips 22/2020*, 26. 8. 2020, available at: <https://bit.ly/3NqdKA8>.

¹⁴⁴ The decision of the Supreme Court follows the decision of the Constitution Court Up 360/16-22, 18.6.2020 and the decisions of the ECtHR, Appl. No 32303/13, Judgment of 13 March 2018, *Mirovni inštitut v. Slovenia*, available at: <http://bit.ly/3KKqNyk> and ECtHR, Appl. No 58512/16, Judgment of 30 June 2020, *Cimperšek v. Slovenia*, available at: <http://bit.ly/3mhzFS0>.

¹⁴⁵ Official statistics provided by the Administrative Court, February 2022.

Oral hearings are public. Decisions of the Administrative Court are published, with information on identity of applicants removed.¹⁴⁶

In the vast majority of the cases where the Administrative Court finds faults in the first instance decision, it annuls the decision and returns the case to the first instance. When the case is returned to the first instance, the Migration directorate is obliged to issue a new decision within 30 days.¹⁴⁷ However, this is not respected in practice. Instead, the repeated procedure in front of the Migration directorate again takes an excessively long time, which can bring the duration of the entire asylum procedure, from the time of lodging the application to the final decision, to several years. In addition, the Migration directorate often does not respect the decision or the instructions of the Administrative Court, which can further prolong the procedure. In 2022 the Administrative Court overturned the decision of the Ministry in 6 cases and granted international protection to the applicant. In 4 cases the Administrative court granted refugee status and in 2 cases it granted subsidiary protection.¹⁴⁸

1.4.2. Onward appeal

The amendments of the IPA again introduced the right of appeal to the Supreme Court against a decision of the Administrative Court.¹⁴⁹ The Supreme Court has to decide on the appeal within 30 days of receiving the appeal.¹⁵⁰ The amendment applies only to those asylum seekers who lodged the application after the amendments came to force. (Applicants who lodged an application before 24 April 2016 can also appeal to the Supreme Court against a decision of the Administrative Court, based on the provisions of the IPA that were in force before that date). In 2022 appeals to the Supreme Court were made in 48 cases.¹⁵¹ In 16 cases the Supreme Court granted the appeal and returned the case back to the Administrative Court to make a new decision.¹⁵²

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

Decisions of the Supreme Court are published, with identifying information of applicants removed.¹⁵³

In both cases, applicants can appeal to the Constitutional Court. The appeal needs to be lodged within 15 calendar days of the applicant being served the decision of the Administrative Court or the Supreme Court.¹⁵⁴ Decisions of the Constitutional Court are published, with identifying information of applicants removed.¹⁵⁵

¹⁴⁶ Decisions can be found at: <http://bit.ly/41xuspd>.

¹⁴⁷ Article 64(4) Administrative Dispute Act.

¹⁴⁸ Official statistics provided by the Administrative court, February 2023.

¹⁴⁹ Article 70(4) IPA.

¹⁵⁰ Article 71(4) IPA.

¹⁵¹ Official statistics provided by the Migration directorate, March 2023.

¹⁵² Official statistics provided by the Administrative Court, May 2023.

¹⁵³ Available in Slovene at: <https://bit.ly/38vowWZ>.

¹⁵⁴ Article 72 IPA.

¹⁵⁵ Available in Slovene at: <https://bit.ly/3sxUOrc>.

1.5 Legal assistance

Indicators: Regular Procedure: Legal assistance

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

1.5.1. Legal assistance at first instance

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

The NGO providing legal representation during the first instance is PIC – Legal Center for the Protection of Human Rights and the Environment. PIC provides legal representation throughout the whole first instance procedure which includes representation during the application and all subsequent personal interviews, legal assistance throughout the asylum procedure, preparation of country of origin information and help with accessing refugee counsellors when judicial review needs to be lodged. In 2022 PIC represented more than 811 individuals in the asylum procedure. PIC remains the only NGO providing legal assistance to asylum applicants.

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

In 2021 the Ministry of Interior published a new AMIF call for individuals, particularly refugee counsellors to provide free legal help and representation to asylum seekers during the first instance. Under the program free legal help and representation would not be provided to all asylum seekers. Vulnerable and detained asylum seekers would be provided with free legal help and representation for lodging the application while others could be provided with the services during the personal interview if they asked for representation. Non-governmental organisations were not able to apply to the call. The call was not public but was instead sent to a limited number of refugee counsellors that were selected by the Ministry of Interior. Out of the applications 6 refugee counsellors were selected for the call based on the offered price and their references. The project lasted from April to the end of November 2022. The project implementation was very inconsistent and discriminatory against vulnerable individuals. PIC estimates that throughout the project implementation (1.4.2022 – 30.11.2022) only 135 asylum seekers were provided with free legal help and representation, more than 60% being unaccompanied minors. In the time period of the project implementation 4,282 asylum seekers lodged an application for international protection meaning that less than 3% were provided with free legal help by the AMIF project. Vulnerability assessment is not conducted before or while lodging the application therefore access to free legal aid within this pilot project was not provided to the majority of eligible individuals.

1.5.2. Legal assistance on appeal

Legal assistance in the appeal procedure is provided to applicants by refugee counsellors.¹⁵⁶ They are graduate lawyers, selected by public tender and appointed to the position by the Ministry of Justice for a term of 5 years. Before starting work, they have to pass an exam and participate at a seminar on law of international protection for a minimum duration of 10 hours.¹⁵⁷ In line with the new amendments of the IPA they also have to pass a security check and obtain permission to access classified information.¹⁵⁸

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

Applicants therefore have access free of charge to refugee counsellors who initiate judicial review on their behalf and represent them in court. In January 2023, the list included 36 refugee counsellors.¹⁵⁹ A new public call was published in October 2021; the procedure of appointing new refugee counsellors was finalised by in March 2023. The list now contains 44 refugee counsellors.¹⁶⁰

The amendments of the IPA include several novelties regarding the work of refugee counsellors. According to the new provision refugee counsellors have to pass a security check and obtain permission to access classified information.¹⁶¹ The provision has been heavily criticised by NGOs and lawyers as refugee counsellors are the only legal professionals in Slovenia that have to do so in order to be able to represent their clients. Since refugee counsellors are bound by confidentiality and should have access to all the relevant information pertaining the case the provision is not necessary for the function of the refugee counsellors. Since the new refugee counsellors were appointed based on the provisions of the former IPA passing the security check and obtaining the permission was not needed at the last appointment. It is therefore not clear how the provision would be applied in practice.

One of the most notable and problematic changes of the IPA are the new grounds for dismissal of the refugee counsellor. Under the new provisions the refugee counsellor can be dismissed from their role by the Ministry of Justice if it is established that they:

- are aware of the true identity of the asylum seeker;
- have the identity documents of the asylum seeker;
- are aware of the asylum seeker's actual age, in case the asylum seeker claims they are underage; or
- are aware of facts based on which the asylum seeker is not eligible for refugee status or subsidiary protection and does not disclose these facts to the Migration directorate.¹⁶²

According to the Administrative Court's case law the activities of refugee counsellors, as established by the IPA, are identical to the activities of attorneys.¹⁶³ As refugee counsellors carry out the same activities as attorneys they share the same rights and obligations in relation to their clients; mainly this relates to the obligation to respect attorney-client privilege under which the communication between the attorney and client is protected as confidential. Violation of this obligation is considered a severe violation of the attorney's duties. Regarding the obligation to protect attorney-client privilege, the Constitutional Court¹⁶⁴ notes that the duty to protect attorney-client privilege is not the privilege of the attorney but his/her obligation, together with the protection of his/her clients' human rights as enshrined in the Slovene Constitution, mainly the protection of privacy and personal rights, protection of secrecy of letters and other

¹⁵⁶ Article 9(1) IPA.

¹⁵⁷ Article 12 Rules on knowledge testing of candidates for refugee counsellors and on the training of refugee counsellors at the Judicial Training Centre.

¹⁵⁸ Article 9(4), intendant 7 IPA.

¹⁵⁹ Ministry of the Interior, *Imenik svetovalcev za azil / begunce*, available in Slovenian at: <https://bit.ly/3eILHOI>.

¹⁶⁰ *Ibid*,

¹⁶¹ Article 9(4), intendant 7 IPA.

¹⁶² Article 9(10) intendant 6, IPA.

¹⁶³ Administrative Court decision, U 2135/2004, 14. November 2005, available in Slovene at: <https://bit.ly/3yQq8W7>; Administrative Court decision, I U 1858/2015, 16. November 2016, available in Slovene at: <https://bit.ly/39xHcpi>.

¹⁶⁴ Constitutional Court decision, Up-2530/06, 14. April 2010, available in Slovene at: <https://bit.ly/3yKzPFy>; Constitutional Court decision, U I 115/14, 21. January 2016, available in Slovene at: <https://bit.ly/3Mvi7dj>.

media and protection of personal data. This ensures the respect of the right to judicial review and the right to appeal.

The provision that allows the refugee counsellor to be dismissed from the function is therefore in direct violation of the Slovene Constitution. NGOs have urged the Slovene Ombudsman to submit the provisions to the Constitutional Court for review, however this was not done. In addition, refugee counsellors submitted the provisions for review to the Advocate of the Principle of Equality. The Advocate of the Principle of Equality stated in his decision that asylum seekers have the right to an effective legal remedy and judicial review and that the provision of the IPA renders that right void and null. He noted that confidentiality between the asylum seeker and the refugee counsellor is the basis for exercising the right to an official legal remedy. The Advocate of the principle of Equality also issued a recommendation to the Ministry of Interior to change the discriminatory provisions relating to lawyer-client privilege regarding asylum seekers and refugee counsellors.¹⁶⁵ In February 2022 opposition parliamentarians submitted the provision to the Constitutional Court for constitutional review however the decision was not taken by the end of the year.¹⁶⁶

In 2020, asylum seekers faced challenges in accessing the refugee counsellors. Until the end of April 2020 all asylum seekers were represented by PIC lawyers that helped asylum seekers in obtaining a refugee counsellor to represent them before the Administrative Court. The AMIF project that enabled PIC to represent asylum seekers was concluded at the end of April 2020. Since then, the Migration directorate serves asylum seekers the list of refugee counsellors, together with a decision, in their language by post. The list includes the instructions that they must obtain the help of the refugee counsellor themselves or contact the Migration directorate to provide one for them. In practice many individuals cannot access refugee counsellors before the deadline for the appeal. Detained asylum seekers face problems in accessing the help of refugee counsellors since many have no access to a phone. Lack of translation, wrongly translated decisions and illiteracy also prevent asylum seekers from obtaining the representation of refugee counsellors. Asylum seekers therefore either leave Slovenia without filing for the judicial review or rely heavily on social workers, PIC or other NGOs to help them find a refugee counsellor. There have also been reported cases of more than one refugee counsellor lodging an appeal at the Administrative Court against the decision of an asylum seeker.

Refugee counsellors are entitled to the assistance of a translator for the amount of 2 hours or 4 translated pages per case.¹⁶⁷ They are not entitled to reimbursement for extraordinary legal remedies,¹⁶⁸ however they are entitled to reimbursement for the appeal procedure before the Supreme Court.¹⁶⁹ They are still not entitled to reimbursement for representation before the Constitutional Court, the ECtHR or the CJEU.¹⁷⁰

The financial compensation of the refugee counsellors is half the amount of the official attorney's fee.¹⁷¹ The remuneration and reimbursement of expenses for their work are granted by the Ministry of Interior.¹⁷² The refugee counsellor is not entitled to financial compensation in the following instances:

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

¹⁶⁵ Zagovornik načela enakosti, *Ocena diskriminatornosti zakona ali drugega predpisa po 38. členu ZVARD*, 10 June 2022, available at: <http://bit.ly/3HgWEEP>.

¹⁶⁶ 24.ur: *Določbe zakona o tujcih in mednarodni zaščiti v ustavno presojo*, 10 February 2022, available in Slovene at: <https://bit.ly/3Pv1Yq7>.

¹⁶⁷ Article 11(1) IPA.

¹⁶⁸ Article 11(4) IPA.

¹⁶⁹ Article 11(1) IPA.

¹⁷⁰ *Ibid.*

¹⁷¹ Article 5(1) Rules on the access of applicants for international protection to refugee counsellors and on the remuneration and reimbursement of the expenses of refugee counsellors, Official Gazette of RS, No. 22/17.

¹⁷² Article 11(1) IPA.

- ❖ another refugee counsellor has already lodged the legal remedy.¹⁷³

In practice refugee counsellors are often not reimbursed fully for their representation as the Ministry does not approve the reimbursement claims in full or in the same manner as reimbursement claims approved by the court in other proceedings. In addition, refugee counsellors can only issue a reimbursement claim after the decision in the procedure becomes final.¹⁷⁴ This means that in practice, refugee counsellors can issue the reimbursement claims after several months or even years due to the lengthiness of the procedures.

In accordance with the new amendments, legal remedies before the Administrative and the Supreme Courts will no longer be free for all asylum seekers. The new provisions state that the Ministry of Interior will demand reimbursement of costs, or a proportionate part of the costs, for refugee counsellors from asylum seekers with sufficient means of subsistence.¹⁷⁵ In order to be able to do so the Ministry of Interior will demand that the asylum seeker submits documentation regarding their financial situation (e.g. bank statements). The following revenue will count as means of subsistence: revenue from employment contracts; unemployment benefits; revenue from other forms of work contracts; pension; revenue from self-employment; annuity, rent or lease; benefits rewarded by a court decision, with the exception of maintenance.¹⁷⁶ In 2022 the Ministry did not enforce the provision.¹⁷⁷

2. Dublin

2.1. General

Due to the COVID-19 pandemic, Dublin transfers were de facto suspended for several months from April 2020 up until the writing of this report, although no official decision on the suspension was made. In 2021 Dublin procedures were re-established. In 2022, 20 outgoing transfers and 257 incoming transfers were carried out during the year.

Dublin statistics: 2022

Dublin statistics: 1 January – 31 December of 2022

Outgoing procedure			Incoming procedure		
	Requests	Transfers		Requests	Transfers
Total	2,606	20	Total	2,834	257
Croatia	2,265	8	France	1,148	52
Bulgaria	113	0	Germany	721	96
Cyprus	67	0	Italy	349	1
Greece	59	0	Belgium	228	12
Italy	51	5	Switzerland	142	48

Source: Migration directorate, March 2023.

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

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

¹⁷³ Article 11(2) IPA.

¹⁷⁴ Article 11(4) IPA.

¹⁷⁵ Article 11(5) in relation to Article 11(1) if the IPA.

¹⁷⁶ Article 8(2)-(3) Rules on the access to refugee counsellors, remuneration and reimbursement of the expenses of refugee counsellors, and criteria for calculating the reimbursement of the expenses from the person with sufficient own means.

¹⁷⁷ Official statistics provided by the Migration directorate, March 2023.

Outgoing Dublin requests by criterion: 2022		
Dublin III Regulation criterion	Requests sent	Requests accepted
“Take charge”: Articles 8-15:	391	313
Article 8 (minors)	1	0
Article 9 (family members granted protection)	0	0
Article 10 (family members pending determination)	0	0
Article 11 (family procedure)	7	7
Article 12 (visas and residence permits)	212	192
Article 13 (entry and/or remain)	171	114
Article 14 (visa free entry)	0	0
“Take charge”: Article 16	0	0
“Take charge” humanitarian clause: Article 17(2)	0	0
“Take back”: Article 18	2,215	1,980
Article 18 (1) (b)	2,214	1,980
Article 18 (1) (c)	0	0
Article 18 (1) (d)	1	0
Article 20(5)	0	0

Source: Migration directorate, March 2023.

Incoming Dublin requests by criterion: 2022		
Dublin III Regulation criterion	Requests received	Requests accepted
“Take charge”: Articles 8-15	169	128
Article 8 (minors)	1	1
Article 9 (family members granted protection)	1	1
Article 10 (family members pending determination)	1	0
Article 11 (family procedure)	11	4
Article 12 (visas and residence permits)	129	122
Article 13 (entry and/or remain)	26	0

Article 14 (visa free entry)	0	0
“Take charge”: Article 16	0	0
“Take charge” humanitarian clause: Article 17(2)	0	0
“Take back”: Articles 18 and 20(5)	2,665	1,701
Article 18 (1) (b)	2,644	1,697
Article 18 (1) (c)	1	0
Article 18 (1) (d)	20	4
Article 20(5)	0	0

Source: Migration directorate, March 2023.

2.1.1. Application of the Dublin criteria

In practice, the most frequently used criteria for outgoing Dublin requests are irregular entry,¹⁷⁸ and first country of application.¹⁷⁹ The most frequently used criterion for incoming requests is the first country of application.¹⁸⁰

In 2022, the most frequently used basis for outgoing requests was Article 18 of the Dublin Regulation, while the majority of incoming requests were based on Article 18(1)(b) of the Regulation. Out of 2,606 outgoing requests made in 2022, 411 were rejected by other Member States. The most common reasons why the requested Member States deemed that they were no longer responsible were based on the criteria the Member State was no longer responsible or the responsibility was transferred to another Member state.¹⁸¹

According to available information, the family unity criteria under Articles 8-11 of the Regulation are respected in practice, both in outgoing and incoming procedures. Article 8 of the Dublin Regulation is consistently invoked when a child applies for international protection in Slovenia. However, due to the high absconding rate and the long duration of the Dublin procedure the procedure is usually stopped before it can be completed and transfer to another Member State implemented; In 2022 none of the unaccompanied children were reunited with a relative in another Member State through the Dublin procedure. Outgoing procedures for adults pursuant to Article 9 and 10 of the Regulation are also used in practice; one such case was registered in 2017. From 2018 and up to 2022 no such case was registered.

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

¹⁷⁸ Article 13(1) Dublin III Regulation.

¹⁷⁹ Article 3(2) Dublin III Regulation.

¹⁸⁰ *Ibid.*

¹⁸¹ Official statistics provided by the Migration directorate, March 2023.

2.1.2. The dependent persons and discretionary clauses

The use of the “sovereignty” clause under Article 17(1) of the Dublin Regulation is not done through a formal procedure and no decision is passed on it; applicants are simply not processed in the Dublin procedure and their case is instead referred by the authorities to the regular procedure. The sovereignty clause was first used in 2014 and has so far been employed in three cases (involving nine persons). The grounds that led to it were a person’s health situation and vulnerability. The sovereignty clause was not used from 2018 up to 2022.

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

2.2. Procedure

Indicators: Dublin Procedure

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

After the applicant lodges the application, the case is first examined for a possible application of the Dublin Regulation. In the event that another EU Member State is determined as responsible in accordance with the Dublin Regulation, the Ministry of Interior conducts a Dublin interview and issues a Dublin decision, with which the procedure in Slovenia is ended (once the decision becomes final) and the person is transferred to the state responsible. If the transfer is not carried out, the Migration directorate annuls the Dublin decision and starts processing the application for international protection.¹⁸²

The fingerprints of each applicant are obtained before they apply for international protection. Once the applicant lodges the application their fingerprints are entered into the Eurodac database. If the person refuses to be fingerprinted, the application can be rejected as manifestly unfounded.¹⁸³ However, no cases of this happening in practice have been documented.

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

2.2.1 Individualised guarantees

Individual guarantees are sought together with the “take charge” / “take back” request. Based on the recommendations from the Commission and EUAA, individualised guarantees are sought only in case of transfers to **Greece**.¹⁸⁴

2.2.2 Transfers

A pending Dublin procedure constitutes the main **Grounds for Detention** in Slovenia. The amendments of the IPA that came into force on 09 November 2021 include new provisions on detention, and the definition of the risk of absconding, which was previously absent.¹⁸⁵ (see **Grounds for detention**). This enabled the Migration directorate to start detaining asylum seekers in the Dublin procedure again. In 2022 the Migration directorate detained 105 asylum seekers,¹⁸⁶ out of which most were detained due to the pending Dublin procedure.

¹⁸² Article 51(2) IPA.

¹⁸³ Article 52, eighth indent IPA.

¹⁸⁴ Official statistics provided by the Migration directorate, March 2023.

¹⁸⁵ See also AIDA, Country Report Slovenia – 2021 Update, May 2022, available at: <https://bit.ly/3kCs3cg>.

¹⁸⁶ Official statistics provided by the Migration directorate, March 2023.

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

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

In the majority of cases when Dublin decisions are issued and become final, outgoing transfers are nevertheless not carried out, mostly due to the absconding of the applicants. In 2022 all applicants were transferred through supervised departure. Out of 2,606 outgoing requests only 20 transfers were carried out.¹⁸⁷

2.3. Personal interview

Indicators: Dublin: Personal Interview

Same as regular procedure

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

Are interviews conducted through video conferencing? Frequently Rarely Never

According to Article 46(1) IPA, the Migration directorate conducts a personal interview before taking a decision in the Dublin procedure. The personal interview can be omitted if the applicant has already submitted the relevant information for determining the responsible country and has been given the opportunity by the authorities to submit all such information.¹⁸⁸ In an Administrative Court judgment from 2019, the Court ruled that the applicant has the right to a hearing even if Slovenia decides to annul the transfer decision to the responsible state and take responsibility for processing the asylum seeker's application.¹⁸⁹

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

2.4. Appeal

Indicators: Dublin: Appeal

Same as regular procedure

1. Does the law provide for an appeal against the decision in the Dublin procedure?
- ❖ If yes, is it Yes No
- ❖ If yes, is it suspensive Judicial Administrative
- Yes No

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

In line with the amendments of the IPA, the time limit for judicial review was shortened from 8 calendar days to 3 calendar days.¹⁹⁰ In line with the Constitutional Court's decision,¹⁹¹ preclusive time limits have

¹⁸⁷ Official statistics provided by the Migration directorate, March 2023.

¹⁸⁸ Article 38(1) IPA.

¹⁸⁹ Administrative Court Judgment, I U 1174/2019/11, 25. July 2019, available at: <https://bit.ly/2IDAg9i>.

¹⁹⁰ Article 70(2) IPA.

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

to be reasonably long or they can disproportionately limit the right to judicial review, consequently depriving the individual of their rights. The time limit imposed by the amendments infringes the right to effective remedy and the right to judicial review. In practice, refugee counsellors have trouble in lodging the judicial review within the time limit, since they have to obtain the power of attorney, the case file and then lodge the judicial review. In addition, refugee counsellors rarely apply for the help of an interpreter while preparing the judicial review due to the time limit.

The application has no automatic suspensive effect.¹⁹² However, on the applicant's request, the court can postpone the execution of the contested decision until a final decision has been issued, if its execution could cause the applicant to suffer damage which would be difficult to repair.¹⁹³ In practice, the determining authority does not enforce the decision before the Administrative Court decides on the request for suspensive effect. As long as such practice remains, the situation is not much different from an automatic suspensive effect being prescribed by law. The applicant can lodge an appeal against a decision of the Administrative Court to the Supreme Court. This new provision came into force on 09 November 2021 with the new amendments of the IPA.¹⁹⁴ However, if the applicant's request to postpone the execution of the Dublin decision is not granted by the Administrative Court the applicant can be transferred before the decision is made by the Supreme Court. In practice the Migration directorate waits for the decision of the Supreme Court for a couple of months (approximately two) and then proceeds with the transfer. In the majority of cases applicants abscond in order to not be transferred.

The IPA does not limit the grounds on which an applicant can challenge the Dublin decision and in principle they can challenge it on all grounds of incorrect determination of facts and application of law. This was in contention in the case C-490/16 A.S., where the Slovenian Supreme Court made a preliminary reference to the Court of Justice of the European Union (CJEU), asking *inter alia* whether judicial review also extends to the application of the irregular entry criterion under Article 13 of the Dublin Regulation. The CJEU judgment confirmed that it does.¹⁹⁵

2.5. Legal assistance

Indicators: Dublin: Legal assistance

Same as regular procedure

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

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

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

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

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

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

The law does not contain any special provisions regarding legal representation of asylum seekers during the Dublin procedure. Legal assistance in the Dublin procedure is provided in the same way as in the [Regular Procedure: Legal Assistance](#). In the first instance, the legal representation can be provided by the NGO PIC. During the judicial review applicants have to obtain the help of a refugee counsellor to represent them in the procedures before the Administrative Court and the Supreme Court. In practice, due to short time limits for judicial review, language barriers and other difficulties, applicants often cannot obtain the help of a refugee counsellor in time. Whether the applicant will obtain the help of a refugee counsellor depends heavily on the help of social workers, PIC and other NGOs. Applicants therefore often abscond without lodging the judicial review. In addition, due to the short time limits refugee counsellors do not have the time to obtain the help of translators when preparing the judicial review. Obtaining the

¹⁹² Article 70(3) IPA.

¹⁹³ Article 32(2) Administrative Dispute Act.

¹⁹⁴ Article 70(4) IPA.

¹⁹⁵ CJEU, Case C-490/16, *A.S. v Republic of Slovenia*, Judgment of 26 July 2017, available at: <http://bit.ly/3KPHQiu>.

documentation, reviewing the case and preparing the judicial review in such a short time frame is challenging for the refugee counsellors. Due to the short time limit refugee counsellors also do not obtain the help of translators while preparing the judicial review.

2.6. Suspension of transfers

Indicators: Dublin: Suspension of transfers

- ❖ Are Dublin transfers systematically suspended as a matter of policy or jurisprudence to one or more countries? Yes No
- ❖ If yes, to which country or countries?

Dublin transfers to **Greece** were systematically suspended and have not been implemented since the European Court of Human Rights (ECtHR) judgment in *M.S.S. v. Belgium and Greece*.¹⁹⁶ However, in 2018, the Dublin Unit started issuing requests to Greece, although no transfers were carried out. In 2022, the Dublin Unit issued 7 “take charge” requests and 52 “take back” requests although no transfers were carried out.¹⁹⁷

The Constitutional Court has clarified that the authorities are obliged to examine all circumstances relevant from the perspective of the principle of *non-refoulement*. Due to the absolute nature of the protection afforded by the principle of *non-refoulement*, the assessment must consider all the circumstances of the particular case, including the applicant's personal situation in the transferring country. In this context, it should also be assessed whether the mere removal of an individual to another country due to their health status is contrary to the principle of *non-refoulement*.¹⁹⁸

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

2.7. The situation of Dublin returnees

There are no obstacles for asylum seekers transferred from another Member State with regard to access to the asylum procedure. As confirmed by the Constitutional Court, Dublin returnees are considered asylum applicants from the moment of their return to Slovenia.¹⁹⁹

Applicants who abscond from Slovenia while their asylum procedure is still pending at first instance and are returned through a Dublin transfer are allowed to lodge a new asylum application that is not considered a subsequent application. On the other hand, if an applicant absconds upon receiving a rejection decision, it becomes final after the 15-day deadline for lodging a legal remedy, or 3-day deadline in the case of an accelerated procedure, and if the applicant is returned the only option of accessing asylum procedure is through a subsequent application. The same goes if the rejection decision is issued in the applicant's absence upon absconding.²⁰⁰ If the applicant absconds after filing for judicial review, the court stops the procedure due to lack of legal interest, the rejection decision becomes final and, if returned, the applicant is again only left with a subsequent application procedure.

Similarly to other asylum seekers, transferred asylum seekers have to wait from 3-10 days to lodge the application due to the backlog of applications. After they lodge the application they have the same rights as other asylum seekers and are accommodated in the Asylum home or its branch.

¹⁹⁶ ECtHR, *M.S.S. v. Belgium and Greece*, Application No 30696/09, Judgment of 21 January 2011, available at: <http://bit.ly/3YdcC85>.

¹⁹⁷ Official statistics provided by the Migration directorate, March 2023.

¹⁹⁸ Constitutional Court, Decision Up-613/16, 28 September 2016, available at: <http://bit.ly/2F04oba>.

¹⁹⁹ Constitutional Court, Decision Up-21/11, 10 October 2012, available at: <http://bit.ly/2HisQFR>.

²⁰⁰ This is possible under Article 49(7) IPA if a personal interview has already been carried out and the asylum authority has sufficient information to issue a decision.

3. Admissibility procedure

3.1. General (scope, criteria, time limits)

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

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

The time limits for deciding on admissibility are the same as in the regular procedure.

Besides from Dublin decisions, inadmissibility grounds are rarely applied in practice. In 2022, applications were dismissed in 75 cases on the ground of protection in another Member State and 2,498 applications on the ground that another country is responsible for examining the claim under the Dublin Regulation.²⁰¹

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

3.2. Personal interview

Indicators: Admissibility Procedure: Personal Interview

Same as regular procedure

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

According to the IPA, the Migration directorate conducts the personal interview before reaching a decision in the admissibility procedure.²⁰² The interview is conducted in the same way as described under [Regular Procedure: Personal Interview](#).

3.3. Appeal

Indicators: Admissibility Procedure: Appeal

Same as regular procedure

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

In line with the amendments of the IPA the time limit for judicial review was shortened from 8 days to 3 days.²⁰³ In line with the Constitutional Court's decision,²⁰⁴ preclusive time limits have to be reasonably long or they can disproportionately limit the right to judicial review, consequently depriving the individual of their rights. The time limit imposed by the amendments infringes upon the applicant's right to an effective remedy and the right to judicial review. In practice, refugee counsellors have trouble in lodging the judicial review within the time limit, since they have to obtain the power of attorney, study the case file

²⁰¹ Official statistics provided by the Migration directorate, March 2023.

²⁰² Article 46(1) IPA.

²⁰³ Article 70(2) IPA.

²⁰⁴ Constitutional Court decision, I U 203/14, 3. December 2015, available in Slovene at: <https://bit.ly/3Pv0UCF>.

and then lodge the judicial review. Due to the short time limit refugee counsellors also do not obtain the help of translators while preparing the judicial review.

The judicial review does not have automatic suspensive effect, except where the application was rejected as inadmissible on “safe third country” grounds.²⁰⁵ If the application is rejected as inadmissible for other reasons, applicants can suspend enforcement until a final decision has been reached by adding a request to this effect to their application for judicial review.²⁰⁶

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

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

3.4. Legal assistance

Indicators: Admissibility Procedure: Legal Assistance

Same as regular procedure

1. Do asylum seekers have access to free legal assistance during admissibility procedures in practice? Yes With difficulty No
 - ❖ Does free legal assistance cover: Representation in interview Legal advice

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

The law does not contain any special provisions regarding legal representation of asylum seekers during the admissibility procedure. The same rules and practice as in the [Regular Procedure: Legal Assistance](#) apply. At first instance, legal representation can be provided by PIC. Legal assistance and representation before the Administrative Court or Supreme Court can be provided to applicants by refugee counsellors. Applicants are issued a list of refugee counsellors together with the decision. The list includes the instructions that applicants can obtain the help of a refugee counsellor. In case they are not able to do it on their own they have to come to the offices of the Migration directorate where an official will appoint a refugee counsellor to their case. In practice, due to the short 3-day time limit for lodging the judicial review, language barriers and other obstacles (telephone access etc.) applicants have difficulties in obtaining the help of refugee counsellors in time and rely heavily on the help of social workers, PIC and other NGOs in order to do so. Due to the short time limits refugee counsellors cannot obtain the help of the translators when preparing the judicial review.

²⁰⁵ Article 70(3) IPA, citing Article 51, third indent IPA.

²⁰⁶ Article 32(2) Administrative Dispute Act.

4. Border procedure (border and transit zones)

4.1. General (scope, time limits)

Indicators: Border Procedure: General

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

The possibility of border procedures was added to the existing legal provisions on airport and port procedures in the IPA in 2016.²⁰⁷

Although regulated in law, the procedure at the border, airport or port is not used in practice. There are two border transit zones in Slovenia, one at the Jože Pučnik Airport in **Ljubljana** and one at Edvard Rusjan Airport in **Maribor**. Persons can be detained in both transit zones for up to 48 hours in accordance with the State Border Control Act. In the case that a person is detained for more than 6 hours, a detention order has to be issued by the police. The person has the right to appeal against the detention order, and the right to free legal representation in order to be able to do so.²⁰⁸

Whilst detention occurs in the transit zones this is not for the purpose of the border procedure (see [Detention conditions](#)). If a person expresses the intent to apply for international protection, detention is stopped and the person is processed in the preliminary procedure. People who apply for international protection at the border, airport or port are, therefore, first processed by the Police in the preliminary procedure and then transferred to the Asylum Home in **Ljubljana** or its branch in Logatec as soon as possible as part of the [Regular Procedure](#). In practice individuals arriving at the border, airports and sea ports face issues in accessing the asylum procedure (see [Access to territory and pushbacks and the "preliminary procedure"](#)).

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

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

- (a) in the admissibility procedure;
- (b) in the accelerated procedure if there are grounds for rejecting the application as manifestly unfounded, or
- (c) if the person lodged the request for a subsequent application and has not submitted any new evidence or listed any new circumstances that significantly increase their chance to be granted international protection.²⁰⁹

²⁰⁷ Article 43 IPA.

²⁰⁸ Article 32 of the State Border Control Act, Official Gazette of RS, no. 35/10 and subsequent changes.

²⁰⁹ Article 43(1) IPA.

The decision in the border, airport or port procedure has to be taken within three weeks. If the decision is not taken within three weeks or if the application needs to be examined in a regular procedure, the applicant is allowed entry to Slovenia.²¹⁰ This is also a novelty introduced by the new amendments of the IPA. It is not clear from the wording of the provisions which authority – the Migration directorate or the Police - would make the decision regarding entry to the territory. In practice this is made by the Police, since the Police are normally the first to process the individual in the preliminary procedure. The general rule that an individual cannot be deported from the country from the moment they have expressed the intention to apply for international protection, still applies in the border procedure.²¹¹

In case of a large number of applicants who express the intention to apply for international protection at the border, airport or port, they can be accommodated near the border under the condition that material reception conditions are guaranteed.²¹²

Another novel provision introduced by the amendments relates to the treatment of vulnerable persons with special needs. The provision states that if a vulnerable person with special needs lodges an application in the border procedure, the Migration directorate should give priority to the protection of the person's health, including their mental health, and has to ensure that they are regularly monitored and have adequate assistance, taking into account their special position.²¹³

4.2. Personal interview

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

4.3. Appeal

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

4.4. Legal assistance

The law does not contain any special provisions regarding legal representation of asylum seekers during the border procedure. Free legal representation during the first instance procedure is not guaranteed by the IPA, while support and legal assistance in the appeal procedure is provided to applicants by refugee counsellors.²¹⁴

5. Accelerated procedure

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

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

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

1. During the procedure the applicant only stated facts that are irrelevant for the examination of the claim;
2. The applicant comes from a [Safe Country of Origin](#);

²¹⁰ Article 43(1) IPA.

²¹¹ Article 36(1) IPA.

²¹² Article 43(2) IPA.

²¹³ Article 43(4) IPA.

²¹⁴ Article 9(1) IPA.

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

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

Pursuant to the case law of the Administrative Court, in order to reject an application as manifestly unfounded, it is not sufficient to establish the applicability of one of these grounds. The authorities must also cumulatively conclude that the applicant clearly does not fulfil the requirements for international protection.²¹⁵

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

The accelerated procedure can also be applied at the border, airport or port. In this case the decision has to be taken as soon as possible, but no later than within 3 weeks. If the decision is not taken in this time limit the applicant is allowed entry in Slovenia.²¹⁶

In 2022, 108 applications were processed in the accelerated procedure and rejected as manifestly unfounded. The majority of asylum seekers whose applications were rejected as manifestly unfounded in the accelerated procedure were from **Morocco** (31), **India** (25), **Algeria** (18) and **Pakistan** (18).²¹⁷

²¹⁵ See: Administrative Court, Decision I U 1544/2017, available at: <http://bit.ly/2oU9EY7> and I U 859/2018, available at: <http://bit.ly/3Hk50LQ>.

²¹⁶ Article 43(1) IPA.

²¹⁷ Official statistics provided by the Migration directorate, March 2023.

5.2. Personal interview

Indicators: Accelerated Procedure: Personal Interview

Same as regular procedure

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

According to the IPA, the Migration directorate conducts a personal interview before making the decision in the accelerated procedure.²¹⁸ The law does not stipulate any circumstances in which the personal interview can be omitted. The personal interviews are conducted in the same way as described under [Regular Procedure: Personal Interview](#).

5.3. Appeal

Indicators: Accelerated Procedure: Appeal

Same as regular procedure

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

The appeal against a decision taken in the accelerated procedure has to be lodged within 3 days of notification.²¹⁹ The time limit for judicial review was shortened by the amendments of the IPA from 8 days to 3 days. The suspensive effect of the appeal is automatic,²²⁰ and the Administrative Court has to take a decision in 7 days,²²¹ although court procedures are usually much longer than that in practice.

Due to the short time limits refugee counsellors have difficulties in preparing the judicial review (see [Accelerated procedure: Legal assistance](#)). In line with the Constitutional Courts case law the time limits for judicial review should not be excessively short, as otherwise they may equal to deprivation of rights.²²² Refugee counsellors therefore argued that the time limits for judicial review hinder the right to effective remedy. In 2022 the Administrative Court decided to pose a preliminary question to the CJEU on whether a 3-day time limit is in line with the Procedures directive.²²³

²¹⁸ Article 46(1) IPA.

²¹⁹ Article 70(1) IPA.

²²⁰ Article 70(3) IPA.

²²¹ Article 71(1) IPA.

²²² Constitutional Court decision, U I 203/14, available at: <https://bit.ly/444pf9N>.

²²³ Administrative Court, 31 January 2023, No I U 47/2023, available in Slovene at: <https://bit.ly/3Ms2UMF>.

5.4. Legal assistance

Indicators: Accelerated Procedure: Legal Assistance

Same as regular procedure

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

The law does not contain any special provisions regarding legal representation of asylum seekers during the accelerated procedure. The same rules and practice as in the [Regular Procedure: Legal Assistance](#) apply. Applicants are issued a list of refugee counsellors together with the decision. The list includes the instructions that applicants can obtain the help of a refugee counsellor. In case they are not able to do it on their own they have to come to the offices of the Migration directorate where an official will appoint a refugee counsellor to their case. In practice, due to the short 3-day time limit for lodging the judicial review, language barriers and other obstacles (telephone access etc.) applicants have difficulties in obtaining the help of refugee counsellors in time and rely heavily on the help of social workers, PIC and other NGOs in order to do so. Due to the short time limits refugee counsellors have difficulties in lodging the judicial review. In the 3-day time limit (weekends and holidays included) refugee counsellors have to obtain the power of attorney from the applicant, obtain and review the documentation and prepare the judicial review. In practice refugee counsellors often do not have the time to obtain the help of the translators in order to prepare the judicial review although the law allow for this possibility.

D. Guarantees for vulnerable groups

1. Identification

Indicators: Special Procedural Guarantees

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

Categories of people considered to be vulnerable are similar to those listed in Article 21 of the recast Reception Conditions Directive, the only difference being that the IPA definition does not explicitly include persons with serious illness, although the definition is open to categories not listed.²²⁴

1.1 Screening of vulnerability

According to the law, the vulnerability of persons is assessed during the medical examination, which is conducted before the lodging of the asylum application.²²⁵ Their vulnerability can also be identified during the lodging of the application or any time later pending the asylum procedure.²²⁶

²²⁴ Article 2(22) IPA.

²²⁵ Article 13(1) IPA.

²²⁶ Article 13(2) IPA.

In practice, physical vulnerability is assessed during the medical examination. In order to ensure the proper support is given to vulnerable asylum seekers, the Migration directorate and the UOIM have to share information regarding the existence and nature of identified special needs of asylum seekers.²²⁷ During the lodging of the application, the Migration directorate states the detected vulnerability or identified special needs of the applicant on a form that is later sent to UOIM when the applicant is accommodated. The Migration directorate mostly collects basic information on the form such as medical needs of the applicant. The form is normally filled out before the application is lodged and which information will be added depends on the official of the Migration directorate. The practice is not consistent and information on vulnerability that does not include medical needs is often not added. The form is then checked by the responsible social worker of the UOIM in order to ensure that the proper support regarding accommodation is provided to the applicant.

Although the vulnerability of the applicant can also be identified by the Migration directorate, during the personal interview, the above-mentioned form is not filled up. This means that the UOIM may not be aware of the detected vulnerabilities.

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

The Migration directorate does not collect statistics on vulnerable asylum seekers.²²⁸ In practice the vulnerability assessment is also not part of the final decision on asylum and vulnerability of the applicants is often not considered as a factor in the final decision. Although all officials receive training on conducting interviews with vulnerable applicants, only 3 decision makers have the authority to make decisions on applications of vulnerable applicants.²²⁹ In practice, since the vulnerability assessment is not made other decision makers also make decisions on applications of vulnerable applicants.

If it is established that the asylum seeker is not able to participate in the asylum procedure independently the Migration directorate is obliged to notify the social services.²³⁰ Based on the recommendation of the Migration directorate and a medical examination, social services have to immediately appoint a legal guardian to the asylum seeker.²³¹ In practice the Migration directorate will order an expert opinion before making the recommendation to the social services. In line with the decision of the Administrative Court the Ministry of Interior is obliged to make sure that the person acting as a party in the procedure has the legal capacity to understand the procedure. In case they do not, the applicant cannot be a party in the procedure and has to be represented by an appointed legal guardian. The procedure conducted with a person without the legal capacity to be a party in the procedure and without the representation of a legal guardian renders the decision made in the procedure unlawful.²³²

In 2022, 2 asylum seekers were found to be unable to participate in the procedure independently and in need of a legal guardian. Due to the position of the Migration directorate that a legal guardian can be paid only if they represent an unaccompanied minor and not if they represent an adult that is not able to independently participate in the procedure, legal guardians are not generally willing to represent such adults. In addition, legal guardians are only trained to represent unaccompanied minors, and not adults.

²²⁷ Article 13 (1) Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection.

²²⁸ Official statistics provided by Migration directorate, March 2023.

²²⁹ Official statistics provided by the Migration directorate, March 2023.

²³⁰ Article 13(2) Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection.

²³¹ Article 19(1)-(2) IPA.

²³² Administrative Court Decision, I U 194/2021, available at: <http://bit.ly/3D8moki>.

Vulnerability can also be detected by the UOIM social workers where the applicant is accommodated. Information on detected vulnerability is not shared with the Migration directorate unless the Standard operative procedure for the prevention and action in cases of sexual and gender-based violence (SOPS)²³³ is conducted and the Migration directorate attends the meeting. The information gathered in the SOPS is not automatically submitted in the asylum procedure.

The Inter-ministerial Working Group for Combating Trafficking in Human beings prepared the Action plan for combating trafficking in human beings²³⁴ that includes preventative measures, detection, investigation and prosecution and a call for systemic solutions and legislative changes.

Special information sessions following the asylum application should be conducted with unaccompanied children and other potential victims of trafficking. Until 2022, the project was implemented both by the NGO Institute for African Studies²³⁵ and the staff of UOIM. In 2022 this information sessions were conducted by staff of UOIM. The aim of the sessions is informing potential victims of the dangers of trafficking, and at identifying potential victims. In general, these sessions should be conducted with all unaccompanied minors, single women and identified victims of trafficking. In practice, due to the lack of translators and the high absconding rate of asylum seekers, the information sessions are not carried out with most of the eligible applicants. If someone is identified as a victim of trafficking, the SOPs are conducted, during which a plan for further action and support is made and the victim is offered additional support. In 2022 PATS sessions were carried out with only 39 individuals out of which 29 were conducted with unaccompanied minors and 10 with single women. Only 9 SOPS were conducted.²³⁶

Lack of vulnerability screening is one of the biggest shortcomings of the asylum system. Since a vulnerability assessment is not conducted, vulnerability is also not taken into account in the decision and is often not addressed during the accommodation. In addition, there is no separate accommodation facilities for vulnerable groups (LGBTQI+, single women, single women with children, unaccompanied minors) available in Slovenia.

1.2 Age assessment of unaccompanied children

If doubts about the age of the unaccompanied minor arise during the examination of the application for international procedure, a medical examination of the applicant can be ordered by the competent authority.²³⁷ In the course of preparation of the opinion, the medical expert can also consult with experts of other fields.²³⁸

The medical examination for the purpose of age assessment can only be conducted if both the unaccompanied minor and their legal representative give written consent. If they refuse to give consent without stating a valid reason, the applicant is considered to be an adult. However, the decision to reject their application cannot be based solely on that refusal.²³⁹

If after obtaining the expert opinion, a doubt still exists as to the applicant's age, they are considered a minor.²⁴⁰

In 2018, the Ministry of the Interior concluded negotiations with medical institutions that are to perform age assessment examinations. Before the agreement, the age assessment procedure was not used in practice.

²³³ The SOPS protocol is available in Slovene at: <https://bit.ly/39AXpdb>.

²³⁴ Action plan for combating trafficking in human beings for the 2021-2022 period, available at: <https://bit.ly/3HA3hBZ>.

²³⁵ The Institute for African Studies website can be accessed here: <http://bit.ly/3ZsusVJ>.

²³⁶ Official statistics provided by UOIM, February 2022.

²³⁷ Article 17(2) IPA.

²³⁸ Article 17(3) IPA.

²³⁹ Article 17(4), (5) and (7) IPA.

²⁴⁰ Article 17(6) IPA.

Age assessment is conducted by the Institute for Forensic medicine that is part of the Medical Faculty of the University of Ljubljana. Age assessment includes a physical examination, an MRI of the applicant's wrists and collar bones and a dental X-ray. Members of civil society are concerned that conducting such age assessment is unethical and unsafe. Based on the results an opinion is written out.

In practice doubts as to the child's age usually arise when the child's statements do not match the submitted documents. In this case the Migration directorate sometimes conducts an interview in order to clear the inconsistencies before ordering the age assessment. The law stipulates that age assessment can only be conducted in case there are doubts as to whether the child is underage and not in cases when there is doubt about a child claiming to be of age. Therefore, in practice, adults claiming to be minors can be accommodated together with unaccompanied children until the assessment is made. Due to the lengthiness of the procedure this could happen for up to a couple of months. In addition, children claiming to be of age can be accommodated with adults since age assessment cannot be made in their case.

In 2022, age assessment procedures (MRI and dental X-ray) were conducted in 2 cases. In both cases the assessment concluded that the individuals were minors.²⁴¹ Due to the large cost of medical examinations and the logistical problems owing to the remote locations where MRI can be conducted, the Migration directorate only conducts age assessments in exceptional cases.

The applicant cannot appeal against the results of the age assessment, however the applicant can argue issues relating to age assessment procedure in the appeal procedure against the international protection decision.

In 2022, age assessment was conducted for 2 unaccompanied minors.²⁴²

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

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

2.1 Adequate support during the interview

The IPA is not very specific about the special procedural guarantees available to vulnerable groups. The law provides that special support is provided in the asylum procedure to persons with vulnerabilities,²⁴³ and that the interviews have to be conducted accordingly, having regard to the personal and other circumstances of the individual, including their vulnerability.²⁴⁴ If needed the personal interview can be conducted in shorter intervals spread over several days.²⁴⁵ A child's asylum application can be postponed for up to 48 hours if there are justified reasons to do so.²⁴⁶

If a person is not able to understand the meaning of the international protection procedure due to a temporary or permanent mental disorder or illness or for other reasons, they must be assigned a legal guardian.²⁴⁷ As mentioned above (see [Screening of vulnerability](#)) legal guardians are reluctant to represent adults who are unable to participate in the procedure independently, due to the position of the Migration directorate that a legal guardian can be paid only if they represent an unaccompanied minor. In addition, legal guardians are only trained to represent unaccompanied minors and not adults.

²⁴¹ Official statistics provided by the Migration directorate, March 2023.

²⁴² Official statistics provided by the Migration directorate, March 2023.

²⁴³ Article 14(2) IPA.

²⁴⁴ Article 37(1) IPA.

²⁴⁵ Article 13(3) IPA Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection.

²⁴⁶ Article 9(2) Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection.

²⁴⁷ Article 19(1) IPA.

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

In addition, the IPA no longer allows persons to be accompanied by a person of their own choosing for support during the personal interview. The Migration directorate does not have a specific unit dealing with vulnerable groups. Although all officials receive training on conducting interviews with vulnerable applicants in practice the way vulnerability is taken into account during the interview differs based on the official that is conducting the interview. According to the Migration directorate, in 2022 four officials have received EASO training on Inclusion, Asylum Interview Method, trafficking in Human Beings and Resettlement. One official received training on Communication with displaced children, Communication with persons who have experienced traumatic events and Introduction to vulnerability.²⁴⁸

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

2.2 Exemption from special procedures

The **Accelerated Procedure** and the Border procedure (border and transit zones) may also be used in the case of applicants belonging to vulnerable groups. Unaccompanied children's applications can only be rejected in the accelerated procedure as manifestly unfounded in two cases: on grounds of **Safe Country of Origin**; and where the child presents a threat to national security or public order.²⁴⁹

3. Use of medical reports

Indicators: Use of Medical Reports

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

The law provides that the applicant has to submit all documentation and evidence at their disposal which support their statements made in the application.²⁵⁰ In practice this can also include medical reports regarding their past persecution or serious harm.

The preparation of a medical opinion, or any other type of expert opinion, can also be ordered by the Migration directorate, in which case the costs are covered by the State.²⁵¹ There are no criteria set in the law or administrative practice to indicate when a medical examination for the purpose of drafting a medical report should be carried out. No guidelines are in place to guarantee the use of the methodology laid down in the Istanbul Protocol.

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

²⁴⁸ Official statistics provided by Migration directorate, March 2023.

²⁴⁹ Administrative Court, Decision I U 1544/2017, available at: <http://bit.ly/2oU9EY7>.

²⁵⁰ Article 21(2) IPA.

²⁵¹ Article 39 IPA.

In 2022 the medical evaluation was made in 6 cases. In 3 cases the medical examination was conducted in order to determine if the person is capable of participating in the procedure. In 2 cases it was established that the applicant is not capable to independently participate in the procedure. In 2 cases the medical examination was conducted for age assessment. In 1 case the medical examination was conducted by a clinical psychologist for children. In 2 of these cases the medical examination was order by the Administrative Court.²⁵²

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

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

In Slovenia unaccompanied minors are subject to different kind of guardianship regimes based on their legal status in Slovenia. At their arrival in Slovenia they are appointed a legal guardian for a special case according to the provisions of the Family Code.²⁵³ After the border procedure the minor is accompanied to the Foreigners Centre or another institution. This means that a new legal guardian for a special case is appointed based on the geographical location. In both cases the legal guardian for a special case is normally the Centre for social services. If the unaccompanied minor applies for international protection, then a new legal guardian (for unaccompanied minor asylum seekers) is appointed in line with the provisions of the International Protection Act.²⁵⁴ The responsibility of the legal guardian ends when the child becomes of age or when the international procedure is finished. After the international procedure is finished and the minor either obtained international protection or is in the return procedure a legal guardian for a special case is again appointed in line with the provisions of the Family Code. This means that in practice unaccompanied children can be appointed at least 3 legal guardians during their stay in Slovenia.

Under Article 16(1) IPA each unaccompanied child is assigned a legal guardian before the procedure for international protection starts. This means that they have to form the first contact with the child right before they lodge the application for international protection. Therefore, legal guardians are not familiar with the child's needs, prior procedures, vulnerability, reasons of asylum or any other relevant information before lodging the application. In addition, they are only provided with the help of translator if they can prove that they need the help due to reasons connected to one of the fields of their work. In practice, guardians are often unable to obtain the help of the translator when communicating with the child.

A legal guardian is not appointed if the child is married and older than 15 years.²⁵⁵

The legal guardian must accompany the unaccompanied child from the beginning of the application throughout the entire procedure. They are responsible for representing the minor in relation to the asylum procedure, health care, education, protection of property rights and rights related to reception.²⁵⁶ The legal guardian is present during the child's asylum application and all subsequent personal interviews and can ask additional questions beside those asked by the official and legal representative.²⁵⁷ The legal guardian also has to consent, together with the applicant, to the age assessment procedure.²⁵⁸

The child can in addition be assisted by a PIC lawyer, as is the case for any other asylum applicant (see [Regular Procedure: Legal Assistance](#)). As legal help and representation is not automatically provided to all asylum seekers, legal guardians can be the only representatives of the child, responsible for the child's international protection claim. This means that they have to pose relevant questions during the lodging of the application and subsequent personal interviews, prepare COI and perform other relevant acts during

²⁵² Official statistics provided by the Migration directorate, March 2022.

²⁵³ Article 267 of the Family Code.

²⁵⁴ Article 6(1) IPA.

²⁵⁵ Article 16(9) IPA.

²⁵⁶ Article 16(1) and (3) IPA.

²⁵⁷ Article 14 Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection.

²⁵⁸ Article 17(4) IPA.

the procedure although they have not received any training on how to do it. Legal guardians therefore rely heavily on the help of NGOs. In 2021 PIC assisted 177 children in the procedure.

Candidates for legal guardians for unaccompanied children are appointed to the list of legal guardians upon applying to the public tender. One cannot be appointed as a legal guardian if they have been deprived of parental rights, if they do not have capacity to contract, if their interests are in conflict with the interests of the child or if, due to their personal characteristics or relationship with the child or their parents, it cannot be expected that they will correctly perform their duties as legal guardians.²⁵⁹ In practice, the fitness of guardians to perform their duties with a view to a positive involvement in the child's procedure and care has raised questions in some cases. In one case, the social services removed a legal guardian from the list. In 2020 the UOIM sent negative reports about three legal guardians to social services. The social services initiated the procedure of objection to the work of the three guardians based on the report regarding their work made by the UOIM. The procedures were completed in 2021 and no legal guardian was suspended from the list.

According to the amendments of the IPA that came into force in 2021, legal guardians can be removed from the list in case they do not inform the Ministry of Interior about the real identity of the child, do not submit the child's documents into the procedure, do not disclose the real age of the child that claims to be a minor or do not disclose any other information that can be relevant in the status determination procedure.²⁶⁰ The article was submitted to the Advocate for the Principle of Equality who found that the provision was discriminatory and issued a recommendation that the provision is removed. The Advocate concluded that the provision is in contradiction with the main purpose of legal guardianship which is the establishment of a confidential relationship between the child and the legal guardian.²⁶¹ No legislative changes were made by the end of the year however the provision was submitted to the Constitutional Court for review by the parliamentarians.²⁶² The decision was not made by the end of the year.

Legal guardians are compensated for their work if it relates to the asylum procedure, health care, education, protection of property rights and rights related to reception. They are not compensated for visiting the child or performing any kind of necessary duties not related to these five areas. Although legal guardians are compensated for their work legal guardianship is not a regular form of employment meaning that legal guardians can only perform their duties outside of their regular employment, if they are self-employed or retired. In practice most of the duties of legal guardians have to be performed during working hours therefore only a few legal guardians are actually able to perform their duties and are willing to represent children. Thus, the fluctuation in legal guardians is high and the authorities have trouble finding persons eligible and willing to become legal guardians.

Before being appointed as legal guardians, candidates also have to attend a special training organised by the Faculty of Social Work, University of Ljubljana, which includes family law, social work, psychology, protection of children's rights, protection of human rights and asylum law.²⁶³ They receive 40 hours of training (16 hours of theory and 24 hours of practice). The training does not include an in-depth training on international protection and the procedure in Slovenia. In practice, this means that they face difficulties when representing the children in the international procedure. In addition, legal guardians have to attend training every 3 years.²⁶⁴

The absconding rate of unaccompanied children in Slovenia is very high, which seems to be mostly due to children having family in other Member States or, more generally, Slovenia not being their destination country. The absconding of unaccompanied minors continued to be a significant issue in 2022. Out of

²⁵⁹ Article 18(2) IPA and article 181 Marriage and Family Relations Act, Official Gazette of RS, No. 69/04 and subsequent amendments.

²⁶⁰ Article 18(8) IPA.

²⁶¹ Advocate for the Principle of Equality, opinion available at: <https://bit.ly/3nDaYR6>.

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

²⁶³ Article 18(3) IPA.

²⁶⁴ Article 6(2) Decree on the implementation of the statutory representation of unaccompanied minors and the method of ensuring adequate accommodation, care and treatment of unaccompanied minors.

253 unaccompanied minors that lodged the application, 251 absconded before the first instance decision. The absconding rate was therefore 99% in 2022. Unaccompanied minors represented 4% of asylum seekers in 2022.²⁶⁵

E. Subsequent applications

Indicators: Subsequent Applications

1. Does the law provide for a specific procedure for subsequent applications? Yes No

2. Is a removal order suspended during the examination of a first subsequent application?

- ❖ At first instance Yes No
- ❖ At the appeal stage Yes No

3. Is a removal order suspended during the examination of a second, third, subsequent application?

- ❖ At first instance Yes No
- ❖ At the appeal stage Yes No

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

- ❖ Their previous asylum application was finally rejected;
- ❖ Their previous asylum application was explicitly withdrawn or
- ❖ Their previous asylum application was implicitly withdrawn and more than nine months have passed; or;
- ❖ Their procedure for extending the subsidiary protection was stopped;
- ❖ Their request for extending subsidiary protection status has been finally rejected;
- ❖ The beneficiary has not applied for extension of subsidiary protection in time.²⁶⁶

A person returned to Slovenia under the Dublin Regulation whose procedure was stopped due to implicit withdrawal of their asylum application, i.e. absconding, has the right to lodge a new asylum application which is not examined as a request for subsequent application.²⁶⁷ However, if the procedure was finally concluded in their absence, they have to undergo the subsequent application procedure (see [Dublin: Situation of Dublin Returnees](#)).

New evidence or facts have to arise either after the issuance of the prior decision or existing at the time of the first procedure but not presented by the applicant for justified reasons in order for the new asylum application to be allowed.²⁶⁸ The lodging of a new application is also allowed if it is proven that explicit withdrawal of the previous application was made under threat or compulsion.²⁶⁹

An applicant cannot be removed from the country until their request for subsequent application is finally processed.²⁷⁰

The responsible authority in the subsequent application procedure is the Migration directorate of the Ministry of Interior. If it establishes that the aforementioned conditions are met, it allows the person to lodge a new asylum application. If the conditions are not met, it dismisses the request for the subsequent application as inadmissible.²⁷¹

²⁶⁵ Official statistics provided by the Migration directorate, March 2022.

²⁶⁶ Article 64(1) IPA.

²⁶⁷ Article 65(6) IPA.

²⁶⁸ Article 64(3) IPA.

²⁶⁹ Article 64(2) IPA.

²⁷⁰ Article 36(1) IPA.

²⁷¹ Article 65(4) IPA.

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

If a person submits a request for a subsequent application after their previous request for a subsequent application has already been dismissed or a first new application has been rejected, the request for the subsequent application is dismissed.²⁷²

The dismissal of a first request for a subsequent application can be challenged by judicial review before the Administrative Court, which is the same legal remedy as in the regular procedure. The time limit for lodging the application for judicial review was shortened from 8 to 3 calendar days. An application for judicial review has suspensive effect.²⁷³ The procedure is the same as that described under [Admissibility Procedure: Appeal](#). Free legal assistance by refugee counsellors can be provided by law, as in all other cases of judicial review under the IPA. In practice free legal assistance of refugee counsellors is difficult to access (see: [Regular Procedure: Legal Assistance](#)) In case judicial review is filed against the decision to dismiss the second or third subsequent application, the application for judicial review does not have automatic suspensive effect.²⁷⁴

In 2022, 36 individuals lodged a first request for a subsequent application and 5 persons lodged their second or third request for a subsequent application. None were granted and no subsequent applications were lodged in 2022.²⁷⁵

By the end of the year, 3 requests for a subsequent application and the subsequent application remained pending.²⁷⁶

F. The safe country concepts

Indicators: Safe Country Concepts

- | | | |
|--|---|--|
| 1. Does national legislation allow for the use of “safe country of origin” concept? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Is there a national list of safe countries of origin? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Is the safe country of origin concept used in practice? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| 2. Does national legislation allow for the use of “safe third country” concept? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Is the safe third country concept used in practice? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 3. Does national legislation allow for the use of “first country of asylum” concept? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

1. Safe country of origin

The concept of the safe country of origin is defined in Article 61 IPA. A third country is designated as safe in case it can be concluded, based on the legal situation, the application of the law within the democratic system and the general political circumstances, that there is no general and consistent persecution, torture, inhuman or degrading treatment or punishment in the country and no threat of indiscriminate violence in situations of international or internal armed conflict.²⁷⁷

According to the law, a country is declared a safe country of origin by the Government of the Republic of Slovenia based on a proposal of the Ministry of Interior, which regularly monitors the situation in the country through the information gathered by other EU Member States, EU institutions and other relevant international organisations.²⁷⁸

²⁷² Article 65(5) IPA.

²⁷³ Article 70(2)-(3) IPA.

²⁷⁴ Article 70(3) and 65(5) IPA.

²⁷⁵ Official statistics provided by the Migration directorate, March 2022.

²⁷⁶ Ibid.

²⁷⁷ Article 61(1) IPA.

²⁷⁸ Article 61(3) IPA.

If the Ministry finds out that conditions regarding the human rights situation have deteriorated considerably, or if it doubts that the country is still fulfilling the conditions needed to be considered as a safe country of origin, the Ministry of Interior can re-examine whether the country can still be considered safe. If the country can no longer be considered a safe country of origin the Ministry of Interior can make a proposal to remove it from the list of safe countries of origin.²⁷⁹

The Government notifies the European Commission about the declaration of the country as a safe country of origin and about changes relating to the declaration of the country as a safe country of origin.²⁸⁰

A third country can be considered a safe country of origin in an individual case if the applicant has citizenship or, in case the applicant is a stateless person, they had habitual residence in the country and failed to prove that it cannot be considered a safe country of origin due to specific circumstances in their case. In this case, the competent authority can reject the applicant's claim for international protection as manifestly unfounded in an [Accelerated Procedure](#).²⁸¹

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

The Government issued its first List of Safe Countries of Origin in February 2016.²⁸² In April 2022, the Government amended the Ordinance and again added **Turkey** to the safe country of origin list together with **Ghana** and **Gambia**. Therefore **Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Montenegro, Egypt, Ghana, Gambia, Georgia, Kosovo, Morocco, Nepal, Senegal, North Macedonia, Serbia, Tunisia** and **Turkey** were determined as safe countries of origin by the Government.²⁸³

In 2022, a total 2,052 nationals of countries designated as safe countries of origin applied for asylum in Slovenia:

Asylum seekers from “safe countries of origin”: 2022	
Country of origin	Number of applicants
Albania	3
Algeria	112
Bangladesh	825
Bosnia and Herzegovina	2
Monte Negro	0
Egypt	14
Gambia	104
Ghana	121

²⁷⁹ *Ibid.*

²⁸⁰ Article 61(4) IPA.

²⁸¹ Article 62(1)-(2) IPA.

²⁸² Article 1 of the Ordinance determining the list of safe countries of origin, Official Gazette of RS, No. 13/16.

²⁸³ Ordinance determining the list of safe countries of origin, Official Gazette of RS, No. 47/22.

Kosovo	39
Morocco	380
Nepal	132
Senegal	45
North Macedonia	1
Serbia	1
Tunisia	73
Turkey	200
Total	2,052

Source: Official statistics of the Migration directorate available at: <http://bit.ly/3ksiZGh>.

In comparison to 2021, when 854 applications from applicants from a 'safe country of origin' were lodged, the number of these applications increased significantly in 2022. This is mostly due to the increase of applicants from **Morocco** and **Bangladesh** and the addition of **Ghana**, **Gambia** and **Turkey** to the safe country of origin list.

In 2022 the concept of a 'safe country of origin' was used. However, official statistics on the number of cases where it was used is not available. If the concept is used, the application can only be rejected in the accelerated procedure as manifestly unfounded.²⁸⁴ In practice, applications are not rejected solely based on a 'safe country of origin' concept but together with other reasons for rejecting the application as manifestly unfounded.

2. Safe third country

According to Article 53 IPA, a safe third country is a country in which the applicant was present before arriving to the Republic of Slovenia and in which the applicant had a real opportunity to apply for international protection but failed to do so without a justified reason. Based on the safe third country concept, the competent authority can dismiss the application for international protection as inadmissible.²⁸⁵

According to the law, a country is declared a safe third country by the government based on a proposal of the Ministry of Interior, which regularly monitors the situation in the country through the information gathered by other EU Member States, EU institutions and other relevant international organisations.²⁸⁶

In case the Ministry of Interior assesses that the conditions regarding the human rights situation have deteriorated considerably or if it doubts whether the country still fulfils the conditions for being considered as a safe third country, the Ministry of Interior can re-examine the safety of the country. In case the country can no longer be considered a safe third country, the Ministry of Interior can make a proposal to remove it from the list of safe third countries.²⁸⁷

²⁸⁴ Article 63(4) IPA.

²⁸⁵ Article 51 IPA.

²⁸⁶ Article 54(2) IPA.

²⁸⁷ *Ibid.*

The Government notifies the European Commission of the declaration of a country as a safe third country and of changes relating thereto.²⁸⁸

The government adopted an Ordinance on 15 May 2008 to declare **Croatia** a safe third country.²⁸⁹ This is the only country to have been declared as such by Slovenian authorities and the safe third country principle has not been used since the accession of Croatia to the EU in July 2013.

In 2022, the Migration directorate did not apply the safe third country concept.

2.1 Safety criteria

In order to be considered a safe third country, a country must meet the following requirements:²⁹⁰

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

When faced with the safe third country argument, asylum applicants can provide facts and evidence showing that the country in question is not a safe third country for them personally and that due to justified reasons they were not able to apply for international protection there.²⁹¹ In a 2013 case concerning the safe third country provisions in force prior to the adoption of IPA, the Supreme Court had stressed that the burden of proof lies on the applicant to demonstrate that a country does not meet the criteria to be deemed a safe third country.²⁹²

2.2 Connection criteria

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

It should be noted that, when reviewing the legal provision in force prior to the adoption of the IPA, the Constitutional Court had found that the ambiguity with respect to the requisite degree of connection between an applicant and a third country did not allow a clear conclusion as to whether mere transit through a country is sufficient or whether the applicant needs to benefit from legal residence there. On that basis, the Constitutional Court had declared that provision unconstitutional.²⁹³

In an earlier case, the Supreme Court had found that it is not necessary for direct or indirect contact to have taken place between the applicant and the authorities or institutions within the concerned third country; it is enough if the circumstances of the individual case reveal that the applicant had objective and subjective possibilities to establish contact with the authorities of the safe third country.²⁹⁴

²⁸⁸ Article 54(3) IPA.

²⁸⁹ Ordinance on the proclamation of the Republic of Croatia as safe third country, Official Gazette of RS, No. 50/2008.

²⁹⁰ Article 54(1) IPA.

²⁹¹ Article 55(1) IPA.

²⁹² Supreme Court, Decision I Up 39/2013, 14 February 2013, available at: <http://bit.ly/2mXKMwX>.

²⁹³ Constitutional Court, Decision U-I-155/11, 18 December 2013, available at: <http://bit.ly/2Dvfl8w>.

²⁹⁴ Supreme Court, Decision I Up 39/2013, 14 February 2013, available at: <http://bit.ly/2mXKMwX>.

According to the law, applicants whose claims are rejected as inadmissible on the ground of a safe third country concept are to be given a document in the language of the safe third country stating that their claim was not examined on the merits.²⁹⁵

If a safe third country refuses the entry of the applicant to its territory, the Migration directorate revokes the inadmissibility decision and proceeds to the examination of the asylum application.²⁹⁶

3. First country of asylum

The concept of the first country of asylum is a ground for inadmissibility of the application for international protection.²⁹⁷ According to Article 63 IPA, a first country of asylum is either the country in which the applicant was granted refugee status which is still valid, or a country in which the applicant enjoys sufficient protection, including protection from *refoulement*.

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

The concept is used in practice, but so far only in a few cases per year. It was not used in any cases in 2022.

The applicants can challenge the application of the first country of asylum concept by referring to the specific circumstances of their case.²⁹⁸ If a first country of asylum refuses the entry of the applicant to its territory, the Migration directorate revokes the inadmissibility decision and proceeds to the examination of the asylum application.²⁹⁹

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

1. Provision of information on the procedure

Indicators: Information on the Procedure

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

The IPA provides that before applying for international protection, the applicant must be provided information (in a language they understand) about the procedure, rights and obligations of the applicant, possible consequences of failure to comply with the obligations and failure to cooperate with the competent authorities, the time frames for legal remedies and information about refugee counsellors and NGOs working in the field of international protection.³⁰⁰ At the request of the applicant, all information relating to their individual asylum procedure also needs to be provided free of charge throughout the procedure.³⁰¹

The law does not specify in what form the information is to be provided. After the applicants have undergone their medical examination and before they lodge their asylum application, information is provided through a video that was made in 2020. The duration of the information video is approximately 7 minutes. The video contains information about the procedure, the rights and obligations of asylum

²⁹⁵ Article 59 IPA.

²⁹⁶ Article 60 IPA.

²⁹⁷ Article 51(1) IPA.

²⁹⁸ Article 63(3) IPA.

²⁹⁹ Article 63(4) IPA.

³⁰⁰ Article 5(1)-(2) IPA.

³⁰¹ Article 5(3) IPA.

seekers, and the right to appeal. It does not contain information concerning the reasons for asylum, nor on the NGOs working on the field of international protection.

In 2020, there was no available information video tailored to unaccompanied minors. In 2021 the information video was made for use by unaccompanied minors. However, the only difference as compared to the information video intended for adults is that it contains additional information on the procedure of unaccompanied minors. The video does not include grounds for asylum and is not adapted to minors in any other way. Legal guardians of unaccompanied minors are usually present in information sessions with unaccompanied children and can participate in providing information; this is usually the first opportunity for them to meet with the child and introduce themselves after being appointed. The information is also not tailored for the specific needs of asylum seekers, such as potential victims of trafficking, or persons in the Dublin procedure.

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

Throughout the asylum procedure, PIC lawyers are available to asylum seekers for any questions regarding procedures and rights and obligations they have. In 2022 PIC lawyers assisted 811 individuals during the asylum procedure and the family reunification procedure.

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

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

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice? Yes With difficulty No³⁰²
2. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? Yes With difficulty No
3. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? Yes With difficulty No

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

³⁰² Border procedures are not implemented in practice in Slovenia, however applicants do not have access to NGOs if they are apprehended.

Asylum applicants who are detained are located in the Foreigner Centre in **Postojna**. Detainees are allowed to use their mobile phones for at least a few hours per day and free internet connection is available to them. They can also use the regular landline phones by the centre staff if they need to make important calls, especially regarding their asylum and detention cases. The detainees are also allowed to meet with visitors during appointed hours in accordance with the daily schedule. As with other asylum applicants, detained asylum applicants can be represented in the first-instance procedure by PIC, whose lawyers are available to them over phone and can visit them in person, if required. Refugee counsellors and PIC lawyers can visit their clients freely without prior authorisation or limitation regarding the daily schedule.

Upon obtaining a permission from the UOIM NGOs can be present in the Asylum Home or its branch in order to carry out their activities.

UNHCR does not have an office in Slovenia however it carries out numerous activities and supports several NGOs programmes.

In 2022 UNHCR supported the following organisations:

- ❖ PIC in providing information, counselling and representation to asylum seekers during the asylum procedure, beneficiaries of international protection during the family reunification procedure and a mobile blue dot providing information and counselling to people fleeing Ukraine;
- ❖ Društvo Ključ in conducting preventive workshops regarding trafficking;
- ❖ KD Gmajna/Info Kolpa in their community outreach programme.
- ❖ Red Cross in their community outreach programme relating to the Ukrainian response with the focus of providing interpretation of the Ukrainian language in order to facilitate access to services for people fleeing Ukraine. As part of the project Institute EMMA, was providing psycho-social counselling and support to asylum seekers, refugees and people fleeing Ukraine, focusing on victims of gender-based violence.

H. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? Yes No
 - ❖ If yes, specify which:
2. Are applications from specific nationalities considered manifestly unfounded?³⁰³ Yes No
 - ❖ If yes, specify which:

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

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

In 2020, the Administrative Court made first decisions on the rejected applications of **Eritrean** applicants. The Administrative Court ruled that these decisions were lawful and that the applicants did not meet the conditions for international protection. In one case, the Court stated that there are systematic deficiencies regarding obligatory army service in Eritrea, since individuals are subjected to unlimited army service and forced labour. However, in the opinion of the Court, this obligatory army service does not amount to persecution, since all Eritreans are subjected to such treatment and therefore the applicant does not meet

³⁰³ Whether under the “safe country of origin” concept or otherwise.

the definition allowing them to be granted international protection, as they are not a member of a particular social group.³⁰⁴ The Administrative Court stated in another case that general inhumane and degrading treatment was applied to all prisoners in **Eritrea**, and therefore the applicant does not meet the definition that would allow them to be granted subsidiary protection, since the discriminatory nature of the treatment of certain groups of prisoners could not be established.³⁰⁵ Only one case concerning an Eritrean applicant is still pending in the Administrative Court at the time of writing.

Until the end of 2017, Slovenian authorities did not issue decisions in the cases of persons fleeing **Turkey** in the wake of the attempted coup d'état of July 2016. Turkey was the fourth main nationality of asylum seekers, representing 102 of the 1,476 applications lodged in 2017. Many Turkish applicants, including families with children, have been waiting for the conclusion of their cases for more than one year, without any substantial explanation for the delay on the part of the authorities. In 2018, during which 70 Turkish nationals applied for asylum, the Migration directorate issued 12 negative decisions to asylum seekers from Turkey and granted refugee status in 12 cases. In 2019, 28 applicants from Turkey were granted refugee status in Slovenia either by the Administrative Court or by the Migration directorate. In 2020, 17 applicants were granted refugee status by the Migration directorate. In 2021, 1 applicant from Turkey was granted refugee status and none were rejected.

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

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

Applications from **Ukrainians** are considered to be well-founded since the start of the conflict. Ukrainian asylum seekers are granted subsidiary protection for one year. In addition, applications of Ukrainian asylum seekers are prioritised and they receive the decision on their status in 1 – 3 months.

³⁰⁴ Administrative Court Decision, I U 7/2020, 10. June 2020.

³⁰⁵ Administrative Court Decision, I U 117/2020, 15. May 2020.

Reception Conditions

Short overview of the reception system

The Government Office for the Support and Integration of Migrants (UOIM) is responsible for the reception and accommodation of asylum seekers in Slovenia. After the preliminary procedure, applicants are brought to the Asylum Home or its branch in Logatec where they must wait to lodge the application for international protection. Before lodging the application, individuals are accommodated in the pre-reception area of the Asylum Home or in the separate building or containers in Logatec. Although, since 2022, they are no longer locked in the Asylum home or the houses in Logatec and nothing prevents them from absconding, applicants are not allowed to leave the pre-reception area of the Asylum Home or Logatec and are therefore *de facto* detained. In case they leave the premises of the Asylum Home or its branch before lodging the application they can be processed as foreigners in line with the Foreigners Act meaning that they can be returned or readmitted to another country. Since they are not asylum seekers before lodging the application, they do not have access to all of the services.

The Asylum Home security personnel allow them to walk in front of the Asylum Home a couple of times per day. Food is brought to them by the social workers. The rooms of the pre-reception area have limited space and do not allow for privacy or for the separate accommodation of vulnerable groups such as unaccompanied minors, single women, families, or victims of torture. The reception capacity of the pre-reception area is approximately 36 persons. However, during a large influx of persons, a higher number of persons is often accommodated. Due to the high numbers of new arrivals and the activation of the temporary protection due to the Ukrainian conflict the Asylum Home was reorganised in a *de facto* pre-reception centre in the beginning of 2022. Applicants waiting to lodge the application for international protection were accommodated in the Asylum Home together with asylum seekers, who represented the minority among the accommodated population during the year. Although asylum seekers were accommodated in a separate part of the Asylum Home there was no physical barrier between them and applicants waiting to lodge the application as they were able to move freely on the premises of the Asylum Home.

Due to the arrival of people fleeing Ukraine the centre in Logatec was reorganised in order to accommodate applicants for temporary protection and temporary protection holders. A few accommodated asylum seekers were moved to the Asylum Home in Ljubljana and Logatec was only used as a reception and accommodation centre for newly arrived individuals. Due to lack of capacity individuals were also accommodated in the containers. Logatec served as the only reception centre for people fleeing Ukraine. After their arrival in Logatec they could move into private accommodation or another accommodation centre. Due to lack of appropriate accommodation spaces for unaccompanied minors, single women and families, asylum seekers were also accommodated in Logatec, together with Ukrainians, during the year.

After individuals lodge the application, they are accommodated in the Asylum Home or its branch. The decision is made by social workers of the Asylum Home based on the individual circumstances (e.g. family, unaccompanied minor, single woman, other detected vulnerabilities etc.) of the applicants, as well as availability. In practice, single men are accommodated in the Asylum Home or its branch in **Kotnikova**. Women and families are also accommodated in the Asylum Home or Logatec. Unaccompanied minors can be accommodated in the Asylum Home, Logatec or the Student Dormitory in **Postojna**. The practice changed during the year and depended heavily on the number of new arrivals of both asylum seekers and temporary protection holders. Before the unaccompanied minor is accommodated in one of the centres, the UOIM must obtain the opinion of the social services regarding the suitability of the centre.³⁰⁶

³⁰⁶ Article 16(7) IPA.

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

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

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

1. Does the law make material reception conditions to asylum seekers in the following stages of the asylum procedure?

- | | | | |
|---------------------------|---|--|-----------------------------|
| ❖ Regular procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Dublin procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Admissibility procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Border procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Accelerated procedure | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ First appeal | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Onward appeal | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |
| ❖ Subsequent application | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Reduced material conditions | <input type="checkbox"/> No |

2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions? Yes No

The authority responsible for accommodation and reception of asylum applicants is the Government Office for Support and Integration of Migrants (*Urad vlade za oskrbo in integracijo migrantov*, UOIM). The office is an independent authority operating directly under the Slovenian Government and is also responsible for assistance to and integration of beneficiaries of international protection as well as temporary protection holders.

The IPA grants the right to material reception conditions which includes accommodation provided in the **Asylum Home** or its branch facilities during the whole procedure to all asylum seekers regardless of the procedure they are in,³⁰⁷ until a final decision on their application becomes enforceable.³⁰⁸ Applicants who lodge their first request for subsequent application also have the right to material reception conditions until a final decision in the procedure becomes enforceable.³⁰⁹ Applicants who lodge a second request for a subsequent application do not have the right to material conditions.

Since a Supreme Court decision in 2018,³¹⁰ the IPA was amended to confirm that applicants in the Dublin procedure have the same rights as asylum seekers until their actual transfer to another Member State.³¹¹

Applicants are entitled to material reception conditions by lodging their asylum application; the law makes no distinction between “making” and “lodging” an application in this regard.³¹² In practice, from the moment they express the intention to apply and until they have formally lodged their application, asylum seekers are held in the Asylum Home (see [Detention of Asylum Seekers](#)).

³⁰⁷ Article 78(1) IPA.

³⁰⁸ Article 78(2) IPA.

³⁰⁹ Article 78(3) IPA.

³¹⁰ Supreme Court, Decision Up 10/2018, 12 June 2018.

³¹¹ Article 78(2) IPA.

³¹² Article 78(2) IPA.

Applicants also receive an identification card which certifies their status as applicants for international protection in the Republic of Slovenia.³¹³ Since the amendments of the IPA came to force on 09 November 2021, applicants are no longer allowed to move freely on the territory. Their freedom of movement is limited to the municipality in which they are accommodated.³¹⁴ They are informed about this limitation of movement by the Migration directorate upon lodging the application. The limitation does not apply for unaccompanied minors.³¹⁵

According to Article 32 of the Slovene Constitution everyone has the right to freedom of movement. The provisions were submitted to the Constitutional Court for review by parliamentarians in 2022.³¹⁶ The decision was not made by the end of the year.

The law provides that applicants who have their own means of subsistence (amounting to the basic minimum monthly income of 421,89€ per person) have to bear all or the proportional share of the cost for their material care,³¹⁷ which includes reception or accommodation. They are also not entitled to food, clothes, shoes³¹⁸ or a monthly allowance³¹⁹. Asylum seekers must declare their financial resources before they are accommodated in the Asylum Home or its branch. The form regarding their financial resources is part of their accommodation documentation and is filled by the officials of the Migration directorate with the help of an interpreter. The content and the purpose of the form are explained to the asylum seeker and both the official of the Migration directorate and the interpreter have to sign the form together with the asylum seeker.

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

Accommodated persons are obliged to move out of the reception centre when the decision on their application becomes enforceable.³²⁰ In the case of granted international protection, this is 15 days from the receipt of the decision (see [Content of International Protection: Housing](#)). In case of a negative decision, applicants retain all of their reception rights, including the right to live in the reception facility during the appeal (judicial review) procedure. If the negative decision is confirmed by the court, the rejected applicant must move out of the facility and the return procedure is started if they do not have the right to stay in Slovenia.

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum seekers as of 31 December 2022 (in original currency and in €): EUR 18

Asylum Seekers have the right to the following material reception conditions: accommodation in the **Asylum Home** or its branch facilities; food; clothing, footwear and hygiene supplies; emergency medical care (and full medical care in case of children); access to education; access to the labour market; humanitarian aid and an allowance of 18€ per month.³²¹ Applicants who lodged a request for a subsequent application do not have the right to a monthly allowance.³²²

If the applicant's identity is not disputed and they have already undergone a personal interview, they may request to reside in private accommodation instead of the Asylum Home or one of the branch facilities, in which case they are not entitled to material reception conditions. The living conditions in private

³¹³ Article 107 IPA.

³¹⁴ Article 78(1), first indent IPA.

³¹⁵ Article 78(7) IPA.

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

³¹⁷ Article 82(3) IPA.

³¹⁸ *Ibid.*

³¹⁹ Article 85(1) IPA.

³²⁰ Article 78(2) IPA.

³²¹ Article 78(1) and 79 IPA.

³²² Article 85(1) IPA.

accommodation have to be suitable.³²³ Therefore, before granting the request to reside in private accommodation, the UOIM will conduct an inspection of the living conditions. In case of exceptional personal circumstances, the UOIM can accommodate the applicant in another suitable institution even if identity is not confirmed and a personal interview has not yet been conducted, if they cannot provide a suitable accommodation in the Asylum Home or its branch.³²⁴ The question of whether there are exceptional circumstances is considered by a special committee.³²⁵ If the applicant does not have his or her own means of subsistence, or is unable to cover all or a proportional share of the accommodation cost of another suitable institution, the accommodation costs are covered by the UOIM.³²⁶

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

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

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

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

- leaves the municipality in which he/she is accommodated without informing the authorities;
- fails to fulfil the obligation to provide information to the authorities;
- does not attend their personal interview; or
- commits a serious violation of the house rules.³²⁷

In 2019 the withdrawal or reduction of the monthly allowance to asylum seekers became a regular practice. In 2022, 16 decisions on withdrawal of the monthly allowance were issued. One was issued due to serious violations of the house rules and the others were issues because the person did not return to the premises of the Asylum Home in time.³²⁸

The decision to reduce or withdraw the monthly allowance is made by the authorized person of UOIM. When making the decision they must take into account the special individual circumstances of the asylum seeker and the principle of proportionality.³²⁹ The IPA does not regulate the assessment of the asylum seekers' risk of destitution or ability to provide for their own basic needs, nor does it define "destitution" or "basic needs". Similarly, and in practice, the decision to reduce or withdraw the monthly allowance does not contain the assessment of the asylum seekers' risk of destitution or ability to provide for their basic needs but only the legal grounds and the reason for the decision.

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

In addition, the new amendments of the IPA allow the UOIM to resettle the asylum seeker to another accommodation centre, if the asylum seeker commits certain serious violations of the house rules.³³⁰ 2

³²³ Article 83(1) and (3) IPA.

³²⁴ Article 83(2) IPA.

³²⁵ Article 83(3) IPA.

³²⁶ Article 83(4) IPA.

³²⁷ Article 85(2) IPA.

³²⁸ Official statistics provided by UOIM, February 2023.

³²⁹ Article 85(3) IPA.

³³⁰ Article 82.b IPA.

persons were resettled to another accommodation centre due to serious violations of house rules in 2022.³³¹

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

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

The amendments allow the UOIM to ‘accommodate’ the asylum seeker in another, special, separate room in the pre-reception area of the Asylum Home for up to 3 days or less, if the measure has reached its purpose.³³² It should be noted that the measure itself amounts to solitary confinement and *de facto* detention, although it is not defined as such in the IPA, and the procedural provisions for detention do not apply. Applicants who are ‘accommodated’ in the separate room are notified about the detention orally and given a written decision in 24 hours. The applicant can lodge an objection to the UOIM against the decision within 3 days of receiving the written decision.³³³ As the measure imposed is no longer in place by the time the applicant is in a position to lodge the objection, the legal remedy is not effective. Applicants also do not have free legal help or representation provided by law in the first instance or before the court. This measure was not used in 2022.³³⁴

4. Freedom of movement

Indicators: Freedom of Movement

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

Since the amendments of the IPA came to force on 09 November 2021, asylum seekers are no longer allowed to move freely on the territory. Their freedom of movement is limited to the municipality in which they are accommodated.³³⁵ They are informed about this limitation of movement by the Migration directorate upon lodging the application. Applicants can only leave the municipality if it is necessary for them to exercise their rights relating to health, work and education, if they have to participate in a procedural act, or for other substantiated reasons. In order to be able to live in the municipality, they have to lodge a request to the UOIM. They can lodge an objection against the decision to the head of the UOIM within 3 days from receiving it.³³⁶ In practice this poses a challenge. The majority of municipalities in Slovenia are small. Asylum seekers accommodated in Logatec cannot access all of the services, shops, sport activities etc. in the municipality. In addition, some asylum seekers live in private accommodation in smaller municipalities. Asylum seekers often work outside of Ljubljana. In addition, since the asylum procedure can last for years, asylum seekers form ties outside of Ljubljana and regularly visit other parts of Slovenia with NGOs, friends etc. The provisions therefore pose a logistical obstacle. In case the applicants leave the municipality without the permit of the UOIM and are apprehended by the police they are ordered to return and their monthly allowance can be withdrawn.³³⁷ The limitation does not apply for unaccompanied minors.³³⁸

³³¹ Official statistics provided by UOIM, February 2023.

³³² Article 82.b(2) IPA.

³³³ Article 82.b (4) IPA.

³³⁴ Official statistics provided by UOIM, February 2023.

³³⁵ Article 78(1), first indendant IPA.

³³⁶ Article 78(5)-(6) IPA.

³³⁷ Article 85(2) IPA.

³³⁸ Article 78(7) IPA.

According to Article 32. Of the Slovene Constitution everyone has the right to freedom of movement. The provisions were submitted to the Constitutional Court for review by parliamentarians in 2022.³³⁹ The decision was not made by the end of the year.³⁴⁰

In 2022, 398 requests to leave the municipality were submitted. 333 requests were granted.³⁴¹

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

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

During the day, applicants can leave their place of accommodation as they wish. However, at night they have to respect the Asylum Home house rules, which state that absence from the facility is allowed during the following hours:³⁴²

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

If they wish to leave the accommodation facility outside the prescribed hours, applicants have to obtain permission in advance. Permission cannot be issued for more than 7 days and the total amount of permissions issued cannot exceed 60 days in one year.³⁴³ In 2022 UOIM issued 296 permissions.³⁴⁴

Arbitrary departure from the appointed premises of accommodation can also have consequences on the asylum procedure itself. If the applicant leaves the premises of the Asylum Home or its branch facility and does not return after 3 days, their application is considered to be implicitly withdrawn. The asylum application can also be considered to be implicitly withdrawn if the applicant sleeps outside the accommodation centre without permission and does not provide substantiated reasons for doing so.³⁴⁵ If more than nine months have passed since this implicit withdrawal, the applicant can only reapply for asylum if they meet the admissibility conditions for a [Subsequent Application](#).³⁴⁶

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

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

³⁴¹ Official statistics provided by the UOIM, February 2023.

³⁴² Article 6(1) Decree on Asylum Centre House Rules.

³⁴³ Article 82(6) IPA.

³⁴⁴ Official statistics provided by UOIM, February 2023.

³⁴⁵ Article 50(2) IPA.

³⁴⁶ Article 50(3) IPA.

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation	
1. Number of reception centres:	4
2. Total number of places in the reception system:	1,498 ³⁴⁷
3. Total persons living in private accommodation:	16
4. Type of accommodation most frequently used in a regular procedure:	
<input checked="" type="checkbox"/> Reception centre <input type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input type="checkbox"/> Private housing <input type="checkbox"/> Other	
5. Type of accommodation most frequently used in an urgent procedure:	
<input checked="" type="checkbox"/> Reception centre <input type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input type="checkbox"/> Private housing <input type="checkbox"/> Other	

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

Capacity and occupancy of the Asylum Home and branch facilities		
Centre	Capacity	Occupancy at 31 December 2022
Asylum Home	350	320
Branch Facility Kotnikova	90	77
Branch Facility Logatec	350	226 (including TP holders)
Student Dormitory Postojna	22	5
Total	812	628

Source: Official statistics provided by UOIM.

The main reception facility is the Asylum Home in **Ljubljana**, which accommodates up to 203 persons. Until 2015 this was the only reception centre in Slovenia. Currently, **the Asylum Home** accommodates mostly single men, women, unaccompanied minors and families waiting to lodge the application, the **Branch Facility Kotnikova** in Ljubljana exclusively single men, the **Branch Facility Logatec** serves as an accommodation centre for asylum seekers, applicants for temporary protection and temporary protection holders, and the **Student Dormitory Postojna** accommodates unaccompanied children.

Applicants can also request to reside in private accommodation (see [Forms and Levels of Material Reception Conditions](#)). 16 asylum seekers were living in private accommodation at the end of 2022.³⁴⁸

In the case of the [Border Procedure](#), yet to be applied, persons expressing the intention to seek asylum can also be accommodated “close to the border”, if the requisite material reception conditions are guaranteed.³⁴⁹ Other types of accommodation are not used in practice.

³⁴⁷ This includes temporary protection beneficiaries and applicants, asylum seekers and persons who have expressed their intention to apply for asylum but have not finished the process yet. According to the authorities, the data cannot be disaggregated.

³⁴⁸ Official statistics provided by UOIM, February 2023.

³⁴⁹ Article 43(2) IPA.

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? Yes No
2. What is the average length of stay of asylum seekers in the reception centres? 14 days
3. Are unaccompanied children ever accommodated with adults in practice? Yes No

2.1 Overall conditions

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

The **Asylum Home** was renovated in 2017. The average room surface in the Asylum Home is around 3.75 – 7.50 m² per applicant, the same as before renovation,³⁵⁰ and of similar size to the rooms in the branch facilities. Applicants are normally accommodated in rooms for two to four persons. Bathrooms in all facilities are shared. Hygiene and other conditions in the Asylum Home and its branch facilities are generally considered to be satisfactory.

Applicants are provided three meals per day. Children up to the age of 15 are entitled to two additional intermediate meals.³⁵¹ The menu is adapted to special medical or other needs on the basis of a doctor's certificate or other proof. Religious and other dietary customs are taken into consideration, whenever possible.³⁵² Asylum seekers in the **Asylum Home** as well as all branch facilities also have common kitchens at their disposal in which they can cook for themselves.

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

The facilities could benefit from more regular employment of cultural mediators and interpreters to help with reception issues and activities, so far only available inconsistently through projects. The number of staff in the facilities is otherwise generally considered sufficient, although it may be lacking during certain periods of time (e.g. due to gaps in implementation of projects).

In 2022, overcrowding due to the large number of new arrivals continued. Due to the lack of capacity the accommodation centre in Logatec was reorganised in a reception/accommodation centre for people fleeing Ukraine due to conflict. All of the families, single women and unaccompanied children were moved to the Asylum Home in Ljubljana or the Student dormitory in Postojna. In Logatec, some people were first accommodated in containers, and moved to one of the rooms in the separate buildings when they became available. Vulnerable asylum seekers were also accommodated in Logatec during the year.

The medical examination is performed before the interview. Before the medical examination was performed people could move freely on the premises of the **Asylum Home**. After they lodged their applications, they were accommodated in the Asylum Home or one of its branches.

³⁵⁰ European Migration Network (EMN), *Focused Study: The Organisation of Reception Facilities for Asylum Seekers in different Member states, Slovene national contribution*, 2013.

³⁵¹ Article 14 Decree on the methods and conditions for ensuring the rights of applicants for international protection.

³⁵² *Ibid.*

The Slovenian Ombudsman visited the Asylum Home and its branch Logatec in 2022 due to reports of overcrowding and bad conditions. During the visit the rooms of the Asylum Home were severely overcrowded and people had less than 4m² of personal space available. The persons' personal space was limited to the bed and there was no privacy. Applicants did not have any space where they could lock their belongings as there was no other furniture except for the beds in the rooms. A large number of persons had to share the same room. Most of the rooms could not be locked. Due to lack of space 6 containers were put outside the Asylum Home. The temperature in the rooms and the containers was too high. The Ombudsman noted that the hygiene and cleanliness was still sufficient. Based on the visit the Ombudsman concluded that accommodation conditions in the Asylum Home do not reach the minimal standards set out by the EASO/EUAA guidelines. 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.³⁵³

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 out 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 do not reach the minimal standards set out by the EASO/EUAA guidelines when overcrowded. Similar to above, the situation is especially concerning regarding the right to personal dignity, the right to privacy and the right to personal security. Again 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.³⁵⁴

2.2 Activities in the centres

Many NGOs and humanitarian organisations provide support in the **Asylum Home** on a regular basis. PIC lawyers are available to asylum seekers for legal aid and assistance in the Asylum Home through the telephone and upon previous appointment. Slovenian language classes were provided by the company Limes d.o.o. **ADRA** carried out different free time activities and workshops. **Slovene Philanthropy** conducted different workshops on integration related topics. **Zavod Emma**³⁵⁵ provided psycho-social counselling as well as workshops on sexual and gender-based violence. Asylum seekers also have a room in the Asylum Home dedicated for prayer and practicing their religion.

The Branch Facility **Kotnikova** is visited by PIC lawyers providing legal counselling once per week. Slovenian literacy classes were carried by **Javni zavod Cene Štupar** and Slovenian language classes were provided by the company Limes d.o.o. **Slovene Philanthropy** conducted different workshops on integration related topics. **Zavod Emma** provided counselling to victims of SGBV twice per month.

In the Branch Facility **Logatec** Slovenian language classes and additional learning support was provided by the company Limes d.o.o. **Unicef Slovenia** carried out psycho-social support through different activities, workshops for children, provided support and information for children, families and mothers with young children. **ADRA** carried out different free time activities and workshops. **Slovene Philanthropy** conducted different workshops on integration related topics and activities for children.

One shortcoming observed in the Slovenian system is that pre-school children do not have access to regular kindergartens and families can, in this regard, only rely on NGO activities, which may not always

³⁵³ Ombudsman, *Končno poročilo z obiska Azilnega doma v Ljubljani*, 7.0-2/2022-8-NAB (21. 9.2022).

³⁵⁴ Ombudsman, *Poročilo z obiska nastanitvenega centra v Logatcu*, 7.0-4/2022-4-NAB.

³⁵⁵ The project was concluded in December 2019.

be available or sufficient. In 2021 the child daycare activities were suspended due to the COVID-19 pandemic however they were not implemented again in 2022 although other activities resumed.

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

2.3 Average duration of stay

Considering that most persons applying for asylum in Slovenia abscond – 6,305 individuals absconded in 2022 out of the total of 6,787 applicants (i.e. approximately 92%) – usually within a short time after the application, the turnover of people in the reception facilities is quite high. Applicants in the regular procedure often wait for the decision for over six months, possibly over one year or longer. The duration of Dublin procedures varies considerably and may be quick or take several months or longer. The average duration of accommodation in 2022 per person was 14 days. The average duration of stay in the Asylum Home was 7 days, in **Kotnikova** 16 days, in Logatec 15 days, and 15 days in the Student Dormitory **Postojna**.³⁵⁶

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

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

Asylum seekers acquire the right to free access to the labour market nine months after they have lodged their application if the decision in their procedure has not yet been taken by the Migration directorate and the delay cannot be attributed to the asylum seeker.³⁵⁷

Once asylum seekers have the right to free access to the labour market, they can access self-employment, employment and work without meeting other requirements such as consent to the single residence permit and work permit or EU Blue Card or seasonal work permit. The Ministry of Interior only issues them a notice stating that they meet the above-mentioned conditions.³⁵⁸

In practice, asylum seekers face systematic and practical obstacles when searching for work and employment such as the language barrier, cultural differences, lack of certificates bringing evidence of education, lack of work experience, medical problems, discrimination, structural imbalances in the labour

³⁵⁶ Information provided by UOIM, February 2023.

³⁵⁷ Article 87(1) IPA.

³⁵⁸ Article 6 Employment, Self-Employment and Work of Foreigners Act, Official Gazette of RS, No. 47/15 and 10/17.

market and lack of employers' trust.³⁵⁹ In addition, asylum seekers are often unable to open the bank accounts that will be necessary if they obtain employment, as Slovenian banks are reluctant to accept asylum seekers as their clients. The statistics on the number of employed asylum seekers are not available.

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

After nine months, applicants are also allowed access to vocational training.³⁶⁰ In practice asylum seekers prefer to find employment and enter vocational training after obtaining international protection.

2. Access to education

Indicators: Access to Education

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

The law provides that the right to elementary education has to be ensured to asylum seekers no more than three months since they lodged their application.³⁶¹ There is no age limit attached to this provision.

Child asylum seekers are ensured access to education in vocational and secondary schools under the same conditions as Slovenian citizens; adult asylum seekers are also allowed such access. Furthermore, asylum seekers are allowed access to post-secondary and higher education programmes and to programmes designed for education of adults. The law expressly sets out that, if necessary, preparatory educational assistance has to be provided to children in order to facilitate their access to the education system.³⁶²

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

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

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

Children do not face any considerable obstacles in their accessing of the education system. The same is true for adults accessing elementary school for adults. On the other hand, adults wishing to enrol into high school have to pay a tuition fee, same as Slovenian citizens. Nevertheless, cases of asylum applicants accessing high school are rare, since asylum procedures are usually concluded by the time when their level of Slovenian language would be insufficient. Universities are mostly free (same as for Slovenian citizens), but programmes carried out in English are rare. Also, one obstacle for accessing high schools and universities is that, unlike beneficiaries of international protection, asylum applicants have to pay themselves the costs of proving their previously attained education.³⁶³

³⁵⁹ EMN, *Focused Study: Integration of beneficiaries of international/humanitarian protection into the labour market*, 2015, available at: <https://bit.ly/3Y914mf>.

³⁶⁰ Article 87(2) IPA.

³⁶¹ Article 88(1) IPA.

³⁶² Article 88(1)-(2) and (4) IPA.

³⁶³ Article 88(6) IPA.

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

D. Health care

Indicators: Health Care			
1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	
2. Do asylum seekers have adequate access to health care in practice?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Limited	<input type="checkbox"/> No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?	<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> Limited	<input type="checkbox"/> No
4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Limited	<input type="checkbox"/> No

Asylum seekers have the right to urgent medical care which includes emergency medical assistance and emergency rescue services based on the decision of the doctor, the right to emergency dental assistance, emergency treatment based on the decision of the treating physician and health care for women.³⁶⁴ Asylum-seeking children and students up to the age of 26 are entitled to health care to the same extent as other children in Slovenia who are insured as family members,³⁶⁵ which means they enjoy full medical coverage.

Vulnerable persons with special needs are also entitled to additional health services, including psychotherapeutic assistance, following approval from a special committee comprising of a representative of the UOIM, a nurse or medical technician employed in the Asylum Home, a representative of NGOs working in the field of asylum and a representative of the Ministry of Health (see [Special Reception Needs](#)).³⁶⁶ Other asylum seekers can also be granted such additional health services by the committee in exceptional cases.³⁶⁷

The **Asylum Home** employs a nurse and ensures daily presence of a doctor through contracts with different doctors. A psychiatrist visits the Asylum Home on a weekly basis. Asylum seekers accommodated in branch facilities can also make an appointment and visit the psychiatrist in the Asylum Home.

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

Asylum seekers obtain mandatory health insurance after they have been granted international protection (see [Content of Protection: Health Care](#)).³⁶⁸

³⁶⁴ Article 86(1) IPA.

³⁶⁵ Article 86(3) IPA.

³⁶⁶ This is the same body which decides on requests to reside outside the Asylum Home, extended by an additional member – representative of the Ministry of Health (see Forms and Levels of Material Reception Conditions).

³⁶⁷ Article 86(2) IPA.

³⁶⁸ Article 98(2) IPA.

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

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

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

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

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

Special information sessions following the asylum application are conducted with unaccompanied children and other potential victims of trafficking. The sessions were carried out by the staff of UOIM. However in 2022 only 39 sessions were conducted although 849 unaccompanied minors lodged the application for international protection.³⁶⁹

When victims or potential victims of sexual or gender-based violence are identified, they are processed in the system of Standard Operating Procedures. The system is based on the protocol that establishes a mechanism for prevention, and action in cases where asylum seekers or beneficiaries of international protection are identified as victims or potential victims of sexual or gender-based violence.³⁷⁰

The mechanism complements the existing national mechanism, and it aims to establish a fast and coordinated approach for offering support to victims. When a potential victim is identified, the authority or the NGO that identified a potential victim is obliged to report it and call for an immediate activation of the Standard Operating Procedures. A meeting of relevant actors is conducted and a plan of support is drafted based on the individual needs of the victim. Additional support can be offered to the victim regarding reception, health care, mental health care, international protection procedure or any other identified needs.³⁷¹

In 2022, the expert group convened 9 times in order to discuss individual cases and make an additional assistance plan.³⁷² This is related to the protocol on sexual and gender-based violence signed by Slovenia in 2020.³⁷³

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

³⁶⁹ Official statistics provided by UOIM, February 2023.

³⁷⁰ The protocol is available in Slovene at: <https://bit.ly/3HA3hBZ>.

³⁷¹ UOIM: *Deležniki podpisali nov protokol o preprečevanju in ukrepanju v primerih spolnega nasilja ter nasilja na podalgi spola*, 22. 9. 2020, available in Slovene at: <https://bit.ly/39AXpdb>.

³⁷² Official statistics provided by the UOIM, February 2023.

³⁷³ EASO Asylum Report 2021, available at: <https://bit.ly/3L653cM>, 263.

As mentioned in [Health Care](#), individuals who are identified as vulnerable by a special multidisciplinary committee can receive additional health services.³⁷⁴ They can also be accommodated in special facilities such as medical facilities or nursing homes if appropriate accommodation for them cannot be provided in the Asylum Home.³⁷⁵ In practice, this is arranged on a case by case basis and depends on the availability of such facilities.

Vulnerable groups are accommodated according to the category of vulnerability they belong to. In 2022, 4,165 asylum seekers were recognised as vulnerable, out of which 3,281 were minors and 849 were unaccompanied minors.³⁷⁶

Lack of separate accommodation centres for members of particularly vulnerable groups (LGBTQI+, single women, single women with children, unaccompanied minors, victims of SGBV, victims of trafficking, victims of domestic violence) is one of the shortcomings of the asylum system. Due to limited accommodation capacities vulnerable individuals are often not accommodated in a manner that would allow them sufficient privacy or safety. This is most evident with unaccompanied minors who are often accommodated in the Asylum home (especially before lodging the application) where they are not separated from adults.

1. Reception of families

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

2. Reception of unaccompanied children

According to the provisions of the IPA unaccompanied minors have to be accommodated in institutions that are intended for minors and provide adequate support and care. The decision where the unaccompanied minor will be accommodated is made by the UOIM in cooperation with the legal guardian after obtaining the opinion of the social services.³⁷⁷

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

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

Unaccompanied children can be accommodated either in the Asylum Home in Ljubljana or in the Student Dormitory in Postojna. Based on the agreement with the Student Dormitory Postojna, up to 22 unaccompanied children can be accommodated in the dormitory. In the Asylum Home unaccompanied children are accommodated in a special section however they are not separated from other adults.

Since the number of unaccompanied children is higher than the reception capacity of the Student Dormitory, in practice only unaccompanied children under 16 are accommodated in Postojna while the

³⁷⁴ Article 86(2) IPA.

³⁷⁵ Article 83(2) IPA.

³⁷⁶ Official statistics provided by UOIM, February 2023.

³⁷⁷ Article 16(7) IPA.

rest are accommodated in the **Asylum Home**. Due to the shortcomings in protection and care, the Asylum Home is not a suitable accommodation for unaccompanied children (see [Conditions in Reception Facilities](#)). Due to a large number of unaccompanied minors that lodged the application in 2022, older unaccompanied minors were accommodated in the Asylum Home during the year. At the end of the year 10 were in Student Dormitory Postojna.³⁷⁸

Various stakeholders agree that Slovenia should strengthen the individual approach towards accommodation and care for unaccompanied children and establish support measures for transition to adulthood. During 2022 the interdepartmental working group for the establishment of a systematic form of accommodation for the treatment of unaccompanied minors was activated again. A systemic solution for accommodation and care of unaccompanied children was still not established in 2022.

One identified problem is that while an age assessment procedure is set out in law (see [Identification](#)), it is not carried out in practice, thereby raising the risk of adults falsely claiming to be children being accommodated together with actual children. (see [Age assessment of unaccompanied children](#)).³⁷⁹

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

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

According to Article 5 IPA, asylum seekers need to be informed about their rights and obligations in the procedure in a language they understand. This includes information about the material reception conditions, rights and obligations in reception accommodation, legal status and access to the labour market. General information on the house rules of the accommodation facility is provided by social workers as part of the accommodation process. Additional information is provided to them by PIC legal representatives or other officials. Written information on reception conditions is currently outdated and not available in all required languages.

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

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

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

Visits to reception centres are possible during official hours with a visitor's permit issued by the social worker only.³⁸⁰ Visitors have to submit their identification document at the reception.³⁸¹ NGOs and their staff working in the Asylum Home and the branch facilities have to be approved by the Ministry of Interior. Asylum seekers have access to NGOs working in the reception centres according to their schedule without any time limitations. Refugee counsellors can enter the premises without any limitations.

G. Differential treatment of specific nationalities in reception

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

³⁷⁸ Official statistics provided by UOIM, February 2023.

³⁷⁹ Official statistics provided by UOIM, January 2020.

³⁸⁰ Article 10 Decree on Asylum Centre House Rules.

³⁸¹ Article 11 Decree on Asylum Centre House Rules.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2022:	105
2. Number of asylum seekers in detention at the end of 2022:	0
3. Number of detention centres:	1
4. Total capacity of detention centres:	180

The decision on detention of asylum applicants is taken by the Migration directorate or the UOIM. Asylum seekers can be detained in the **Foreigners Centre** or in the **Asylum Home**. Most asylum seekers are generally not formally detained.

Detention of asylum seekers 2017-2022						
	2017	2018	2019	2020	2021	2022
Foreigners Centre	47	123	22	217	69	105
Asylum Home	1	0	1	0	20	0

In March 2019, the Supreme Court ruled, in accordance with the CJEU judgment C-538/15, *Al Chodor*, that the provisions of the IPA regarding the detention are not in accordance with the Dublin Regulation, since the IPA does not contain the definition of the “risk of absconding” and the objective criteria needed to establish the risk of absconding in an individual case.³⁸² The Supreme Court therefore ruled that detention in the Dublin procedure is not lawful since the IPA does not contain the proper legal ground for detention. Thus, asylum seekers in Slovenia could not be detained in the Dublin procedure or on any other ground that required the risk of absconding to be established. The only possible ground for detention until the amendments to the IPA were made was preventing security threats to the country or to the constitutional order of the Republic of Slovenia or protecting personal safety, property and other grounds related to public safety.

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

The changes include a provision that allows the Migration directorate to detain asylum seekers and individuals who have expressed the intention to apply for international protection but have not yet lodged the application. According to the new amendments, asylum seekers detained in the Foreigners Centre can be subject to the same measures as foreigners if they violate the rules of the Foreigners Centre.³⁸³ This means that they can be subject to solitary confinement³⁸⁴, prohibited to attend the activities in the centre, or have their rights limited.³⁸⁵

³⁸² Supreme Court Decision, X Ips 1/2019 from 13 March 2019, available at: <https://bit.ly/2TSXCNR>.

³⁸³ Article 84(10)-(12) IPA.

³⁸⁴ Article 77 Foreigners Act.

³⁸⁵ Article 76.c(2) Foreigners Act.

Detained asylum seekers have also struggled to obtain legal help and representation from refugee counsellors. Although 105 individuals were detained, only 90 judicial reviews against the detention orders were made.³⁸⁶ 5 individuals were detained by the UOIM and the others by the Migration directorate.³⁸⁷

Apart from asylum applicants, the Foreigners Centre also detains aliens in return procedures, which is the main purpose of the institution. In 2022, 1,929 aliens were detained throughout the year. The highest number of detainees were nationals of **Pakistan, Afghanistan, Bangladesh, India and Turkey**. At the end of the year, 11 individuals were detained in the Foreigners Centre.³⁸⁸

A regime of *de facto* detention is applied to all newly arrived asylum seekers. Upon arrival in the Asylum Home applicants are informed they are not allowed to leave the premises of the Asylum Home until they lodge the application. In general individuals had to wait from 3 to up to 20 days to lodge the application in 2022. If they leave the premises of the Asylum Home before lodging the application they are considered as foreigners under the Foreigners act meaning that they can be processed in the return procedure or readmitted to another country. They have to sign a statement that they were informed about the consequences of leaving the asylum home. In 2022 the UOIM stopped the practice of locking up the area where newly arrived applicants are accommodated.³⁸⁹ Due to the change in practice a large number of applicants absconded before lodging the application. In 2022, 31,447 individuals expressed the intention to lodge the application for international protection, however only 6,787 applications were lodged.³⁹⁰

In 2022 asylum seekers were not properly informed that they cannot leave the Asylum home before lodging the application. They were only informed by the police or the UOIM that they will be processed as foreigners in case they leave the premises before lodging the application without an explanation on what this means. In addition, some were not informed at all while others had the wrong translator present. Because a large number of asylum seekers left the Asylum home before lodging the application the Migration directorate began to detain them after lodging the application. Detained asylum seekers protested and started a hunger strike.³⁹¹ In addition they appealed against the detention decisions and the Administrative Court found that they were not informed in the language they understand in several cases.³⁹²

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

In 2022 1,062 individuals expressed their intention to apply for asylum in the Foreigners Centre.³⁹³

³⁸⁶ Official statistics provided by the Police, February 2023.

³⁸⁷ Official statistics provided by the UOIM, May 2023.

³⁸⁸ Official statistics provided by the Police, February 2023.

³⁸⁹ For further information on this practice, see AIDA, *Country Report Slovenia – 2021 Update*, May 2022, available at: <https://bit.ly/3kCs3cg>.

³⁹⁰ Official statistics provided by the Police and the Migration directorate, 2023.

³⁹¹ MMC, *Prosilci za azil gladovno stavkajo, ker menijo, da so zaprti po krivem*, available at: <https://bit.ly/3HfipnP>.

³⁹² See for example: Administrative Court decision I U 1341/2022 available at: <https://bit.ly/40VqFkd>.

³⁹³ Official statistics provided by the Police, March 2022.

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

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

According to the law, asylum seekers can be detained:³⁹⁴

1. In order to verify and establish their identity or nationality in case of a clear doubt, especially if the circumstances of the case suggest that the applicant could have obtained identification documents in the country of origin, but left the country of origin without a document; or provided false information, forged documents or withheld important information or documents about their identity or nationality; or if they are likely to have maliciously destroyed or disposed of an identity document or a travel document or other document which could be used to establish their identity or nationality.
2. To establish certain facts on which the application for international protection is based that cannot be obtained without the measure, and there is reasonable possibility that the applicant will abscond;
3. Where they are detained in order to facilitate return or removal and it can be reasonably assumed that they applied for international protection in order to postpone or obstruct the procedure wherein they had the opportunity to apply for international protection;
4. In order to prevent security threats to the country or to the constitutional order of the Republic of Slovenia or if it is necessary to protect personal safety, property and other grounds related to public safety;
5. In accordance with Article 28 of the Dublin Regulation.

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

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

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

Due to the judgment of the Supreme Court,³⁹⁵ detention of asylum seekers based on the Dublin procedure or any ground that required the risk of absconding to be established was unlawful, since the IPA did not contain any definition of the risk of absconding. One could only be detained to prevent security threats to the country or to the constitutional order of the Republic of Slovenia, or if it was necessary to protect personal safety, property and other grounds related to public safety. The definition of risk of absconding

³⁹⁴ Article 84(1) IPA.

³⁹⁵ Supreme Court Decision, X Ips 1/2019 from 13 March 2019, available at: <https://bit.ly/3vVifWH>.

was included in the 2021 amendments to the IPA and hence the Migration directorate can again detain on this basis since November 2021.

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

- ❖ lodged the application or the subsequent application while in the extradition procedure or the return procedure;
- ❖ previously tried to leave the Republic of Slovenia or has left it;
- ❖ previously lodged the application in Slovenia or any other EU Member State and subsequently left the country;
- ❖ despite the previously issued decision that the application is inadmissible or the previously issued Dublin decision the applicant did not wait for the execution of the decision;
- ❖ provided false information in the procedure or did not participate in the procedure and refused to give the biometric data;
- ❖ used false or forged identity documents;
- ❖ entered the Republic of Slovenia during the entry ban;
- ❖ was sanctioned for the offence of illegal residence in the past 3 years;
- ❖ did not comply with the return decision issued by another Member State;
- ❖ was, in the past 2 years, convicted in the Republic of Slovenia for a criminal offence for which the perpetrator is being prosecuted *ex officio*;
- ❖ was sanctioned at least three times for public order offences or offences relating to border crossings, weapons or drugs in the past 2 years.³⁹⁶

Individuals in return procedures are also detained in the Foreigners Centre, primarily designed for that purpose. If they express the intention to apply for asylum, they can be transferred to the Asylum Home or continue to be detained in the Foreigners Centre on the grounds of a new detention decision, if it is determined that they have expressed an intention to seek asylum only in order to frustrate the procedure of return.³⁹⁷ 1,062 asylum seekers expressed their intention to apply for international protection in the Foreigners Centre.³⁹⁸

2. Alternatives to detention

Indicators: Alternatives to Detention

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

The law does not regulate alternatives to detention. Asylum seekers can either be detained in the Foreigners Centre in the vast majority of cases, or rarely in the Asylum Home. The IPA provides that asylum seekers can be detained in the Foreigners Centre only if the measure cannot be effectively applied in the Asylum Home or if the applicant has left the premises of the Asylum Home, despite the measure being applied.³⁹⁹ While the Foreigners Centre is a closed facility under the jurisdiction of the Police, the Asylum Home is an open centre guarded by security staff of a private company. Thus, applicants cannot be physically prevented from leaving the Asylum Home even if detention is imposed on them.

The competent authorities usually consider the detention in the Asylum Home as an alternative to detention. However, according to the case law of Administrative Court,⁴⁰⁰ the measure amounts to a

³⁹⁶ Article 84.a IPA.

³⁹⁷ Article 84(1) IPA.

³⁹⁸ Official statistics provided by the Police, February 2022.

³⁹⁹ Article 84(2) IPA.

⁴⁰⁰ Administrative court judgements: I U 62/2022, 19. January 2022, I U 59/2022, 19. January 2022 and I U 1887/2021 30. December 2021.

deprivation of liberty and not limitation on freedom of movement and therefore represents detention and not an alternative.⁴⁰¹

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

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

In 2022 asylum seekers were not detained on the premises of the Asylum Home.⁴⁰²

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

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

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

Victims of torture and other vulnerable people can be detained in the Foreigners Centre, but according to the law special attention has to be paid to their health, including their mental health, and regular monitoring and appropriate assistance guaranteed taking into account their specific circumstances.⁴⁰³

Unaccompanied minors cannot be detained in the Foreigners Centre if they lodged the application for international protection. Other minors and unaccompanied children who are detained in the Foreigners Centre are considered as potential victims of trafficking. In 2022, 172 children and 67 unaccompanied children were detained in the Foreigners Centre. In 2022, one detained person was recognised as vulnerable as a victim of trafficking.⁴⁰⁴

4. Duration of detention

Indicators: Duration of Detention

1. What is the maximum detention period set in the law (incl. extensions): 4 months
2. In practice, how long in average are asylum seekers detained? Not available.

Asylum seekers may be detained for a maximum of three months, with the possibility of extension for an additional month.⁴⁰⁵

According to the law, asylum seekers are to be released when the reasons for their detention cease to exist, after the maximum period for detention has been reached or after the detention decision has been annulled in judicial review. The law also states that the president of the Administrative Court can decree a special supervision of the implementation of detention, which can result in termination of detention.⁴⁰⁶

⁴⁰¹ Constitutional Court, Decision Up-1116/09, 3 March 2011, available at: <http://bit.ly/2DA8oSH>.

⁴⁰² Official statistics provided by the Migration directorate, March 2023.

⁴⁰³ Article 84(9) IPA.

⁴⁰⁴ Information provided by the Police, February 2023.

⁴⁰⁵ Article 84(6) IPA.

⁴⁰⁶ *Ibid.*

In 2022 one such supervision was conducted and in five additional cases the Administrative Court only issued a report regarding the implementation of detention.⁴⁰⁷

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

In 2022 the average duration of detention of all foreigners in the Foreigners Centre was 4 days. The average duration of detention of unaccompanied minors was 3 days. The average duration of detention for minors was 1,4 days, Separate statistics for the average duration of detention of asylum seekers is not available for 2022.⁴⁰⁸

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

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

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

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

Currently the Foreigners Centre has a maximum capacity of 180 places. By the end of 2022 only 11 foreigners were detained in the Foreigners Centre in the return procedure. In 2022, 1,929 individuals were detained in the Foreigners Centre.⁴⁰⁹

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

In Slovenia, as in 2021 there was only one border transit zone used in 2022. The **Jože Pučnik Airport** in Ljubljana has the capacity to hold 18 people while in the transit zone. In 2022, 87 foreigners were detained in the transit zone in Ljubljana.⁴¹⁰ Only foreigners can be detained in the transit zone, although not on the basis of the IPA. Once an individual expresses their intent for international protection, they are no longer detained in the transit zone, but brought to the Asylum home or its branch. Asylum seekers are not detained in the transit zone but if they do apply for asylum from a transit zone, their application is not processed there (see [Access to the territory and push backs](#)).

⁴⁰⁷ Official statistics provided by the Administrative Court, February 2023.

⁴⁰⁸ As explained above, unaccompanied minors who lodged the application for international protection cannot be detained in the Aliens Centre. Official statistics provided by the Police, February 2022.

⁴⁰⁹ Official statistics provided by the Police, February 2022.

⁴¹⁰ Official statistics provided by the Police, February 2023.

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

- | | | |
|---|---|-----------------------------|
| 1. Do detainees have access to health care in practice? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ If yes, is it limited to emergency health care? | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |

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

2.1 Overall conditions

Both facilities are subject to unannounced visits by the National Preventive Mechanism instituted under the Optional Protocol to the United Nations Convention against Torture and implemented by the Office of the Ombudsman in cooperation with representatives of the civil society.⁴¹¹

The **Foreigners Centre** is visited by the Ombudsman around once per year. The centre is also occasionally visited by international monitoring bodies, including the Council of Europe Committee for the Prevention of Torture (CPT) which last visited between 28 March and 4 April 2017.⁴¹² The CPT did not detect any ill-treatment by the police in the Foreigners centre. They criticised the fact that unaccompanied minors and families with children in the return procedure are regularly detained and recommended that unaccompanied minors are accommodated in an open or semi-open specialised establishment for minors. They also noted that detention of children with their parents should be a last resort.⁴¹³

In 2020, detention conditions deteriorated due to the large number of detained persons. Due to the lack of reception capacity, individuals were also accommodated outside the Foreigners Centre in containers. The deteriorating conditions encouraged the Slovenian Ombudsman to visit the Foreigners Centre twice in 2020. Based on the visit the Ombudsman concluded that the individuals were not able to leave the area where the containers were located and did not have the possibility to enjoy outdoor activities. The Ombudsman also advised that service dogs should not be used in the presence of migrants. The Ombudsman also remarked that the time limit regarding the lodging the application should be respected. In practice, those who expressed their intention to lodge their application were able to lodge the application a few weeks later. The Ombudsman concluded that the reception conditions outside the Foreigners Centre where asylum seekers were detained in containers were not in accordance with the Reception Directive.⁴¹⁴

The Ombudsman did not conduct a visit in 2021. A visit was conducted in 2022. The Ombudsman recommended that the findings from monitoring returns conducted by NGO Slovenska Karitas be publicly available. In addition, the Ombudsman urged the Ministry of Interior to find a systemic solution for accommodation of unaccompanied children as detention should be used as a last resort. He also noted that the help of an interpreter should be used even if the foreigners can understand or speak basic English.⁴¹⁵

Many smaller issues detected through monitoring activities have been remedied and improved over the years. In 2021, allegations of mistreatment and other inappropriate conduct of the Police and staff were

⁴¹¹ For reports of monitoring visits, see Ombudsman, *Varuh kot Državni preventivni mehanizem*, available in Slovenian at: <http://bit.ly/2G2n8Z8>.

⁴¹² Council of Europe, 'Council of Europe anti-torture Committee visits Slovenia', 6 April 2017, available at: <http://bit.ly/2DniGSM>.

⁴¹³ Report to the Slovenian Government on the visit to Slovenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28. March to 4. April 2017, available at: <http://bit.ly/3JweXHp>.

⁴¹⁴ Ombudsman, *Poročilo Varuha o nameščanju pridržanih oseb v Centru za tujce v Postojni*, available in Slovenian at: <https://bit.ly/3tniqgc>.

⁴¹⁵ Varuh človekovih pravic, *Državni preventivni mehanizem, Priporočila iz obiskov (preglednice)*, available at: <http://bit.ly/3l6Xhs0>.

made by asylum seekers and foreigners. Detainees reported that they were beaten and abused by the staff, and that they were put in solitary confinement for longer periods of time. Cases of self-harm, suicide attempts and hunger strikes were reported.⁴¹⁶ In 2021 the Ombudsman finished the investigation into the claims of police violence of two foreigners made in 2020. Regarding solitary confinement, the Ombudsman found severe procedural violations. The Ombudsman also concluded that the documentation available regarding the use of coercive means was lacking in that it did not allow for a comprehensive assessment of the proportionality of the use of force.⁴¹⁷

In 2022 addition cases of police violence and ill treatment prompted detained asylum seekers to start a hunger strike. The asylum seekers claimed that they were beaten, psychologically tormented and humiliated by the police. The police denied the accusations.⁴¹⁸ An investigation into the accusations was not publicly announced therefore it is not known if it was conducted.

2.2 Activities

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

In the **Foreigners Centre**, detainees can access the recreational facilities for 2 hours a day. The recreational facilities are considered inadequate and one of the main shortcomings in terms of conditions in the centre is that outdoor exercise is only available in a small closed-off courtyard of the centre. The centre also holds a bigger and better-equipped playground with a view over the surrounding nature, yet detainees are usually not allowed access as constant supervision would be required to prevent escapes. Apart from table tennis in the main accommodation area, other options for indoor exercise are not provided. Regarding the activities the Ombudsman noted in the report after his visit in 2022 that the Foreigners centre should allow the foreigners to engage in more outdoor activities as this would improve their overall well-being.⁴¹⁹

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

The Foreigners Centre employs 5 social workers who are available to detainees every day from morning to evening and also organise various activities such as language courses, trainings on hygiene and disease prevention and sport activities.

During 2022 different activities were conducted by social workers including: sport activities, English language classes, workshops, computer courses, cultural events etc. The Jesuit Refugee Service visited the centre every Wednesday and carried out different activities.⁴²⁰

2.3 Health care and special needs in detention

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

⁴¹⁶ N1, "Center za zastraševanje in psihični zlom", 11 December 2021, available in Slovene at: <https://bit.ly/38wyAiM>.

⁴¹⁷ Ombudsman: *Končno poročilo o obravnavi odreditve bivanja pod strožjim policijskim nadzorom v posebj varovani sobi in uporaba prisilnih sredstev v Centru za tujce v Postojni*, no. 8.6-1/2021-21-KO, from 28.6.2021.

⁴¹⁸ N1, *Gladovna stavka v Centru za tujce v Postojni: Želimo svobodo in enako obravnavo*, 16 October 2022, available at: <http://bit.ly/3Yjc9li>.

⁴¹⁹ Varuh človekovih pravic, *Državni preventivni mehanizem, Priporočila iz obiskov (preglednice)*, available at: <http://bit.ly/3l6Xhs0>.

⁴²⁰ Official statistics provided by the Police, February 2023.

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

In 2022, social workers focused on individual counselling and the medical staff on preventive health checks. Social workers provided information on preventive measures as part of the accommodation process. Information on preventive measures was also translated into eight languages (i.e. Farsi, English, Albanian, Arabic, Bengali, Pashtu, Urdu and Turkish). Social workers informed individuals about all COVID-19 related measures.⁴²¹

3. Access to detention facilities

Indicators: Access to Detention Facilities

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

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

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

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

Visits in the Foreigners Centre are allowed in accordance with the daily visitation schedule. There are no restrictions on who can visit a detainee. The same rules also apply to the media and politicians. Visits take place in a room for visitations, which is monitored by a surveillance camera. Legal representatives are allowed to meet with their detained clients regardless of the official visitation hours.

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

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention

- | | | |
|---|------------------------------|--|
| 1. Is there an automatic review of the lawfulness of detention? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| ❖ If yes, at what interval is the detention order reviewed? | | |

Asylum seekers are informed orally about the reasons for their detention in a language they understand by the officials of the Migration directorate and by their legal representatives if they are represented. They are given legal instruction, however it depends on the official if they will also give the information on the help of refugee counsellors. Then the Migration directorate has to issue a written decision in 48 hours and

⁴²¹ Ibid.

serve it to the applicant in the next 3 working days. In the written decision reasons for detention are stated together with the information about judicial review.⁴²² The dictum, the essential reasons for the decision and the legal instruction are translated in a language the applicant understands.⁴²³ In addition, a list of refugee counsellors together with the instruction on how to contact them is given to the applicant in the language he understands.

Applicants have the right to challenge the detention order before the court. They can file the judicial review before the Administrative Court within three days of notification of the decision. The Administrative Court has to conduct an oral hearing and take a decision in three days.⁴²⁴ In 2022, out of 105 issued detention orders, 90 were challenged before the court.⁴²⁵ However, some individuals were not able to access refugee counsellors to obtain representation and thus to challenge detention orders. In 42 cases, the appeal was granted and the detention order was lifted.⁴²⁶

There is no automatic review of the lawfulness of detention. However, the President of the Administrative Court can decide that a supervision of the application of the measure in practice needs to be performed. They then appoint one or more judges together with instructions on the timeframes, places or specific asylum seekers that have to be included in such supervision. If it is concluded that the reasons for detention of a certain asylum seeker no longer exist, the President of the Administrative Court can order the termination of the measure.⁴²⁷ Informally collected data shows that such review was used once in 2018 at the initiative of the refugee counsellor of the applicant. Based on the new evidence presented the President of the Administrative Court issued a release order for the detained applicant.⁴²⁸ Since the ruling of the Supreme Court in March 2019 made it impossible to detain asylum seekers based on any risk of absconding ground, no automatic review of the lawfulness of detention was conducted in 2019.⁴²⁹ Based on informally collected data, none were conducted in 2021 either which can largely be attributed to the fact that detention of asylum seekers was not carried out until November 2021, when the new provisions of the IPA came to force. In 2022 the Administrative Court carried out such supervision of detention of asylum seekers in at least 6 cases. In one case they conducted a visit to the Foreigners centre and in 5 cases they only issued a report on the implementation of the measure.⁴³⁰

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

In addition, the applicant has the possibility to appeal against the decision of the Administrative Court to the Supreme Court. According to the IPA the Supreme Court has 30 days to decide on the appeal.⁴³¹ However in practice it takes longer. Therefore often the asylum seeker is released before the decision on the appeal is made.

⁴²² Article 84(5) IPA.

⁴²³ Article 6(5) IPA.

⁴²⁴ Article 84(7) IPA.

⁴²⁵ Official statistics provided by the Migration directorate, March 2023.

⁴²⁶ Ibid.

⁴²⁷ Article 84(6) IPA.

⁴²⁸ Administrative Court, Decision I U 1010/2018-7, 7 May 2018.

⁴²⁹ Supreme Court Decision, X Ips 1/2019, 13 March 2019, available in Slovenian at: <https://bit.ly/2Q5VHnF>.

⁴³⁰ Official statistics provided by the Administrative Court, February 2023.

⁴³¹ Article 70(3) IPA.

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

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

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

In practice, assistance in accessing refugee counsellors used to be provided by PIC lawyers who represented the applicants in first instance procedures. In April 2020, the AMIF project through which PIC lawyers provided legal help and representation ended and the Ministry of Interior did not issue a new public call since. PIC continued these activities with limited capacity. Asylum seekers without legal representation in the first instance had problems with ensuring the assistance of refugee legal counsellors in practice. Together with the detention order, asylum seekers are given a list of refugee legal counsellors, and instructed to secure their assistance by themselves. If they do not secure a refugee counsellor themselves, they can call the Migration directorate and an official will provide one for them.

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

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

E. Differential treatment of specific nationalities in detention

The breakdown of detained asylum seekers by nationality in 2021 is as follows: Afghanistan (12), Algeria (6), Burkina Faso (1), Cameroon (2), Cuba (4), Congo (2), Guinea (2), India (34), (, Iraq (2), Mali (1), Morocco (2), Pakistan (25), Senegal (2), Sierra Leone (1), Tadjikistan (1), Tunisia(1), Türkiye (7).⁴³²

The average duration of detention of asylum seekers is not available for 2022.⁴³³ No differential treatment is observed in this respect between nationalities.

⁴³² Official statistics provided by the Migration directorate, March 2023.

⁴³³ Official statistics provided by the Police, February 2023.

A. Status and residence

1. Residence permit

Indicators: Residence Permit

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

Refugee status is recognised with no set limit as to the length of the status afforded. Subsidiary protection is recognised for a limited time period with possibility of extension. Usually, the time period ranges from one to five years, based on the individual circumstances of the case. In 2021, 17 individuals were granted refugee status out of which 2 were women. Subsidiary protection was not granted in 2021.⁴³⁴ In 2022, 43 persons were granted refugee status (4 by the Administrative Court) and 164 were granted subsidiary protection. The increase is due to the fact that Ukrainians ineligible for temporary protection are granted subsidiary protection. Out of 164 persons who were granted subsidiary protection, 158 were Ukrainian.⁴³⁵

Beneficiaries of international protection are afforded their right to residence along with the decision granting them international protection. It is expressly stated in the operative part of the decision that they have a right to residence. With the help of integration staff of the UOIM, they are then issued with an residence card, usually within five days at the latest. The card certifies their residency right and is required to access most rights. The procedure is free of charge for beneficiaries. The issued card is valid for 10 years. It can easily be renewed before expiry.

Beneficiaries of subsidiary protection are issued a temporary residence permit that indicates the duration of the status, between one and five years.⁴³⁶ The card for persons with subsidiary protection can also be renewed in case of extension of subsidiary protection. Pending the extension procedure, a card with a duration of one year is issued to them. If the subsidiary protection is extended it is automatically extended for 2 years in line with the provisions of the IPA.⁴³⁷ After the person's subsidiary protection is prolonged, they are issued a new residence permit with the same validity as the subsidiary protection.

2. Civil registration

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

One identified problem in relation to marriage registration is that partners cannot be registered as married in official records if they do not present the requisite documentary evidence from their country of origin. If they get married in Slovenia they are registered as married based on the marriage certificate issued in Slovenia. This posed a problem when a child is born in Slovenia and the Administrative unit would not list the father of the child on the birth certificate until original proof of marriage from the country of origin was submitted although even though an extramarital union is equal to marriage under the law. This practice changed in 2022 after PIC brought the issue before the Ministry of Interior and the Ministry for Ministry of Labour, Family, Social Affairs and Equal Opportunities. Both Ministries issued new guidelines to the administrative units stating that foreigners should be processed equally as citizens and that their extramarital unions should be recognised meaning that based on the statement of the parents the father should be listed in the birth certificate of the child.

⁴³⁴ Official statistics provided by the Migration directorate, March 2022.

⁴³⁵ Official statistics provided by the Migration directorate, March 2023.

⁴³⁶ Article 92(1)-(2) IPA.

⁴³⁷ Article 66(6) IPA.

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

3. Long-term residence

Indicators: Long-Term Residence	
1. Number of long-term residence permits issued to beneficiaries in 2022:	4

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

- ❖ Five years of uninterrupted legal stay in Slovenia.⁴³⁸ The law provides that half of the time spent in asylum procedure can be counted towards the required five-year period; if the asylum procedure was longer than 18 months, the entire period is counted towards it.⁴³⁹ The law does not discriminate between refugee and subsidiary protection status;
- ❖ General criteria for obtaining a residence permit: valid passport, health insurance and sufficient financial means,⁴⁴⁰ and
- ❖ Circumstances free of general reasons preventing the issuance of a residence permit, i.e. security concerns or fraud.⁴⁴¹

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

In 2022, 4 persons with international protection obtained the long-term resident status.

4. Naturalisation

Indicators: Naturalisation	
1. What is the minimum residence period for obtaining citizenship?	
❖ Refugee status	5 years
❖ Subsidiary protection	5 years
2. Number of citizenship grants to beneficiaries in 2022:	6

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

- ❖ Be 18 years old;
- ❖ Have the means of subsistence that guarantees them (and those who they are obliged to provide for) material and social security;
- ❖ Have passed the Slovenian language test;
- ❖ No prison sentence longer than three months or probation longer than one year;
- ❖ Residence in the Republic of Slovenia must have not been annulled;
- ❖ Do not pose a threat to public order, safety or security of the state;
- ❖ Have settled all of their tax obligations; and
- ❖ Have pledged to respect the free democratic constitutional order founded by the Constitution of the Republic of Slovenia.⁴⁴²

Beneficiaries of international protection can apply for citizenship by naturalisation after five years of continued residence in the Republic of Slovenia, which is shorter than the general period of 10 years, and

⁴³⁸ Article 53.a(1) Foreigners Act.

⁴³⁹ *Ibid.*

⁴⁴⁰ As listed in Article 33 Foreigners Act.

⁴⁴¹ As listed in Article 55(1) Foreigners Act.

⁴⁴² Article 10(1) Citizenship of the Republic of Slovenia Act, Official Gazette of RS, 1/1991 and subsequent amendments.

they do not have to meet the additional criterion of obtaining renunciation of their previous citizenship.⁴⁴³ The request for naturalisation must be lodged with the Administrative Unit of the place of residence.

Between 1995 – when the first international protection statuses were granted – and 31 December 2022, a total of 148 beneficiaries of international protection have obtained Slovenian citizenship. In 2022, 5 persons with refugee status and 1 person with subsidiary protection was granted citizenship.⁴⁴⁴

Under the provisions of the Citizenship Act children can obtain Slovenian citizenship if they are born or found in Slovenia and their parents are unknown or their citizenship is unknown or if they are stateless.⁴⁴⁵ There is therefore no legal ground for children born in Slovenia to beneficiaries of international protection to obtain Slovenian citizenship although they are stateless. In June 2022 PIC filled several citizenship applications for stateless children born in Slovenia to beneficiaries of international protection based directly on the Convention on the Rights of the Child and the 1954 Convention on Statelessness rather than national legislation. Until the end of January 2023, 10 children were granted Slovenian citizenship on this ground by the Administrative Unit.

5. Cessation and review of protection status

Indicators: Cessation

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

The grounds for cessation of refugee status and subsidiary protection status are those listed in Articles 11 and 16 of the recast Qualification Directive.⁴⁴⁶

The Migration directorate can start the cessation procedure if it becomes aware that grounds for cessation exist. The Migration directorate notifies the beneficiary of international protection in writing about the start of the procedure and grounds for it.⁴⁴⁷

Before making the decision, the Migration directorate needs to enable the beneficiary to present reasons against the cessation of the international protection in a personal interview.⁴⁴⁸ The beneficiary can also file an application for judicial review against the decision before the Administrative Court in 15 days. The application has suspensive effect.⁴⁴⁹

There is no systematic review of protection status in Slovenia. Apart from cessation due to acquisition of Slovenian citizenship, cessation is rarely applied in practice. In 2019, only one person's application to renew subsidiary protection was rejected. In 2021, 1 application to renew subsidiary protection was rejected.⁴⁵⁰

In 2022, cessation decisions were issued in 6 cases following acquisition of Slovenian citizenship.⁴⁵¹

⁴⁴³ Article 12(7) Citizenship of the Republic of Slovenia Act.

⁴⁴⁴ Official statistics provided by the Migration directorate, March 2022.

⁴⁴⁵ Article 9 Citizenship of the Republic of Slovenia Act.

⁴⁴⁶ Article 67 IPA.

⁴⁴⁷ Articles 69(1)-(2) IPA.

⁴⁴⁸ Article 69(3) IPA.

⁴⁴⁹ Article 70(1) and (3) IPA.

⁴⁵⁰ Official statistic provided by the Migration directorate, March 2022.

⁴⁵¹ Official statistics provided by the Migration directorate, March 2023.

6. Withdrawal of protection status

Indicators: Withdrawal

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

The grounds for withdrawal of refugee status and subsidiary protection status are similar to those listed in Articles 14 and 19 of the recast Qualification Directive.⁴⁵²

The withdrawal procedure is the same as the **Cessation** procedure. The Migration directorate notifies the beneficiary of international protection in writing about the start of the procedure and grounds for it and the beneficiary can present their reasons against withdrawal at a personal interview.⁴⁵³ The beneficiary can also file an application for judicial review against the decision before the Administrative Court in 15 days. The application has suspensive effect.⁴⁵⁴

Two withdrawn decisions were issued in 2021 – out of which one person gave up their status.⁴⁵⁵ None were issued in 2022.⁴⁵⁶

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

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

1.1 Eligible family members

Family members with whom the beneficiary of refugee status or subsidiary protection can be reunited are:⁴⁵⁷

- ❖ The spouse, registered partner or partner with whom the applicant for family reunification has been living in a long-term relationship;
- ❖ Minor unmarried children of the beneficiary;
- ❖ minor unmarried children of the spouse, registered partner or partner with whom the applicant has been living in a long-term relationship;
- ❖ Adult children and parents of the applicant or the spouse, registered partner or partner with whom the applicant has been living in a long-term relationship, if the applicant or the spouse, registered

⁴⁵² Article 68 IPA.

⁴⁵³ Article 69(2)-(3) IPA.

⁴⁵⁴ Article 70(1) and (3) IPA.

⁴⁵⁵ Official statistics provided by the Migration directorate, March 2022.

⁴⁵⁶ Official statistics provided by Migration directorate, March 2023.

⁴⁵⁷ Articles 47.a(2) and 47.b(2) Foreigners Act.

- partner or partner with whom the applicant has been living in a long-term relationship is obliged to support them under the law of their country; and
- ❖ Parents of an unaccompanied child.⁴⁵⁸

In exceptional cases, the determining authority can also consider other relatives if special circumstances speak in favour of family reunification in the Republic of Slovenia. Special circumstances exist when there is a family community established between other relatives, which is essentially similar to and has the same function as a primary family, especially in terms of genuine family ties, physical care, security, protection, emotional support and financial dependence.⁴⁵⁹ This provision was included in the law on the basis of a Constitutional Court decision from January 2015.⁴⁶⁰ The provision is applied in practice as applicants are able to reunite with their parents, siblings and other family members if their claim is eligible. In one case the applicant was able to reunite with their spouse, children and the applicant's mother. In another case a child was able to reunite with underage siblings.

1.2 Conditions and procedure

Generally, there is no waiting period for a beneficiary of international protection to apply for family reunification after being granted international protection status. The only exception is made in the law for beneficiaries who have been granted subsidiary protection for one year – they obtain the right to family reunification after their status is extended. The new amendments to the Foreigners Act state that beneficiaries of international protection can start the family reunification process after the decision on their status becomes final.⁴⁶¹ In practice, this means that if persons with subsidiary protection decide to appeal against a decision, they cannot start the family reunification procedure until the procedure is finished and the decision on status becomes final.

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

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

Persons enjoying either refugee status or subsidiary protection have to apply for family reunification within 90 days from the moment the decision on their status becomes final (or on the extension of subsidiary protection if it was granted for one year) in order to enjoy the more favourable conditions available to beneficiaries of international protection. In case the beneficiary does not apply in 90 days, the family member must meet the general conditions for family reunification that apply to all foreigners in Slovenia: possession of a valid passport, health insurance and sufficient financial means.⁴⁶²

In 2022, 75 applications for family reunification were submitted. 71 were submitted by persons with refugee status and 4 were submitted by a person with subsidiary protection. 31 applications were submitted for nationals of Syria, 14 for nationals of Somalia, 10 for nationals of Afghanistan, 4 for nationals of Cameroon, 4 for national of Congo, 3 for nationals of Central African Republic, 3 for nationals of Iran, 1 for national of Eritrea and 1 for national of Senegal. The applications made by beneficiaries with subsidiary protection were made for nationals of Afghanistan.

The Migration directorate issued 58 decisions on family reunification. 13 applications were granted – 9 applications were granted to family members of refugees and 4 to family members of persons with subsidiary protection – 33 applications were rejected and 11 procedures were interrupted because the applicants did not submit the necessary documents or proof.⁴⁶³

⁴⁵⁸ There has not been any change in practice witnessed since the CJEU ruling in Case C-550/16 A.S., Judgment of 12 April 2018, EDAL, available at: <https://bit.ly/2ARhyI0>.

⁴⁵⁹ Articles 47.a(4) and 47.b(4) Foreigners Act.

⁴⁶⁰ Constitutional Court, Decision U-I-309/13, 14 January 2015, available at: <http://bit.ly/1VwZJ4G>.

⁴⁶¹ Article 47a(3) and 47b(3) Foreigners Act.

⁴⁶² Articles 47.a(7) and 47.b(6) Foreigners Act.

⁴⁶³ Official statistics provided by the Migration directorate, March 2023.

The authorities impose strict criteria regarding the required documents to establish identity and links with family members, which can be problematic for citizens of countries where the acquisition of such official documents is difficult or impossible. Applicants for family reunification notably have had difficulties obtaining original or notarised documents of family members in order to prove family ties. They also have had problems obtaining identification documents for family members, especially where the family members reside outside their country of origin.

Only official documents with a picture issued by the country of origin are accepted as proof of identity and family links. In case the applicant cannot submit an original identification document from the family member's country of origin or original proof of links the Migration directorate also accepts documents issued by international organisations (UNHCR, IOM, Red Cross) under the condition that the document has a picture. For proving family links original birth certificates, marriage certificates issued by the state or in some cases the church will suffice. If identity or family links cannot be established through original documents the Migration directorate can ask an international organisation working in the field of migration (UNHCR, IOM, Red Cross) to establish the family members' identity or family links.⁴⁶⁴

Before issuing the decision, the Migration directorate can also conduct a personal interview with the beneficiary in order to gather additional information on family members, the submitted documents, inability to provide original documents, family links etc. Submitted documents regarding identity and family links are sent to the National Forensic Laboratory that verifies their authenticity. Before issuing the positive decision a security check of family members is also performed by the Police.

When family reunification is approved the Migration directorate issues a residence permit with a validity of 90 days to the family member. The family member does not have to give fingerprints or other biometrical data in order for the residence permit to be issued. If the family member does not have a passport from the country of origin the Migration directorate also issues a passport for foreigners with a validity of 90 days.⁴⁶⁵ With the documents the family members can travel to and enter Slovenia. If they are unable to travel to Slovenia in 90 days the Migration directorate can issue new documents. The beneficiary has to pay for all documents issued by the Migration directorate. Therefore, the applicants normally request the documents and start organising the travel when it is evident the family will be able to arrive in the 90-day time frame. Documents can only be given to family members by a Slovenian embassy or consulate. In case there is no Slovenian embassy in the country where the family member is located the documents can also be served by an international organisation working in the field of migration (UNHCR, IOM, Red Cross).⁴⁶⁶ Sending Slovenian documents (passports and residence permits) to countries without IOM, UNHCR and Slovenian representations presented difficulties in the cases of Syrian, Afghan and Palestinian nationals, whenever the documents cannot be served in the country where the family member is located they have to travel to another country to obtain the documents. In some cases, family members have struggled in obtaining exit visas. When the family members arrive in Slovenia they have to give their biometrical data in 30 days based on which the Migration directorate issues new residence permits with the same validity as the permit of the beneficiary.

Vulnerable family members often request the assistance of IOM when travelling to Slovenia. Covering the cost of the assistance is the responsibility of the beneficiary.

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

⁴⁶⁴ Articles 47.a(3) and 47.b(3) Foreigners Act.

⁴⁶⁵ Article 98(5) Foreigners Act.

⁴⁶⁶ Article 47.a(9) and 47.b(9) Foreigners Act.

2. Status and rights of family members

Before 2014, family members of the sponsor were granted the same status (refugee or subsidiary protection) as the sponsor. However, since the 2014 legislative changes, family members are now granted resident status under the Foreigners Act. Family members of persons with refugee status are granted a permanent residence permit, while family members of a person with subsidiary protection are granted a temporary residence permit for the same duration as that of their family member's subsidiary protection. It can be extended under the same conditions as it is granted and for the same time as the extension of the subsidiary protection of the sponsor.⁴⁶⁷

Family members of refugees are entitled to accommodation in an Integration House or financial assistance with accommodation at a private address together with the sponsor. However, family members of a person with subsidiary protection are not entitled to financial assistance (see [Housing](#)).⁴⁶⁸

Family members are entitled to the same rights regarding health care, social security, education and employment as citizens of the Republic of Slovenia.⁴⁶⁹

In case the family member who has been granted family reunification with a beneficiary of international protection does not possess a valid passport, the Ministry of the Interior issues them a passport without fingerprints and signature, with a validity of 90 days, for the purpose of entry into the Republic of Slovenia.⁴⁷⁰ Financial assistance for arrival in Slovenia is not provided. Since the costs needed for arrival can be extremely high beneficiaries normally ask NGOs (ADRA, Red Cross) to help them with fundraising campaigns. In addition to the costs of arrival beneficiaries also have to bear the costs of the procedure. This includes costs related to obtaining the needed documentation, translation of the documents, cost of Slovenian documents issued by the Migration directorate, costs of serving the documents etc. During the personal interview translation is provided by the Migration directorate.

C. Movement and mobility

1. Freedom of movement

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

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

2. Travel documents

Refugees are issued a passport for refugees, which is a Convention travel document.⁴⁷¹ Beneficiaries of subsidiary protection can use their national passport; in case they do not have one the competent authority issues them a passport for foreigners.⁴⁷²

⁴⁶⁷ Articles 47.a(3) and 47.b(3) and (7) Foreigners Act.

⁴⁶⁸ Articles 93(2) and 97(5) IPA.

⁴⁶⁹ Family members of persons with subsidiary protection pursuant to an explicit provision in Article 47.b(12) Foreigners Act and family members of persons with refugee status as holders of a permanent residence permit.

⁴⁷⁰ Article 98(5) Foreigners Act.

⁴⁷¹ Article 111 IPA. More detailed provisions are set out in Rules on the content, format and method of issuing passports to refugees.

⁴⁷² Article 113 IPA and 98 Foreigners Act.

Refugees are normally issued a passport with a validity period of 10 years. Passports for foreigners issued to beneficiaries for subsidiary protection are issued for the same time period as the subsidiary protection.⁴⁷³

A person holding a refugee status applies for the refugee passport with the Ministry of Interior,⁴⁷⁴ which must issue the document in 15 days.⁴⁷⁵ A person holding subsidiary protection applies for their passport for foreigners with the Administrative Unit of their place of residence.⁴⁷⁶

In 2022, the authorities issued 146 passports to persons with international protection.⁴⁷⁷

D. Housing

Indicators: Housing

1. For how long are beneficiaries entitled to stay in reception centres?	15 days
2. Number of beneficiaries staying in reception centres as of 31 December 2022	25

Beneficiaries of international protection have to move out of reception centres (except Student Dormitory **Postojna**) as soon as the positive decision on their asylum applications becomes enforceable, i.e. within 15 days of being granted status.⁴⁷⁸ At the end of 2022, 25 persons holding international protection status were living in the reception centre.⁴⁷⁹

In line with the amendments of the IPA, beneficiaries need to sign an integration contract with the UOIM if they want to access integration services, including housing.⁴⁸⁰ In 2022, 184 beneficiaries signed integration contracts and only 15 beneficiaries did not.⁴⁸¹ In practice integration contracts are normally not signed by beneficiaries who are employed and therefore do not need financial assistance or accommodation in the integration house.

Beneficiaries without financial means and for whom accommodation is not provided in another way must sign the integration contract in order to receive financial assistance for accommodation.⁴⁸² The time period for which they are entitled to assistance has been shortened by the amendments of the IPA from 18 months to 1 year after being granted status.⁴⁸³ If they attend at least 80% of free training in Slovenian language and culture, and visit their case worker at least once a month, the assistance can be prolonged for an additional year.⁴⁸⁴ (see [Access to Education](#)).⁴⁸⁵ (This time period was also shortened by the amendments - previously this was 18 months).

Students, including students enrolled in adult education, who have financial means and are in the Republic of Slovenia without parents or other persons legally required to provide for them, are entitled to the assistance until they finish schooling, but not after they reach the age of 26, the condition being that they obtained their student status within one year of signing the integration contract⁴⁸⁶

⁴⁷³ Articles 111(3) and 113(2) IPA.

⁴⁷⁴ Article 6 Rules on the content, format and method of issuing passports to refugees.

⁴⁷⁵ Article 111(1) IPA and Article 25(1) Passports of the Citizens of the Republic of Slovenia Act, Official Gazette of RS, No. 65/2000 and subsequent amendments.

⁴⁷⁶ Article 98(3) Foreigners Act.

⁴⁷⁷ Official statistics provided by the Migration directorate, March 2023.

⁴⁷⁸ Article 70 (1) IPA.

⁴⁷⁹ Official statistics provided by UOIM, January 2021.

⁴⁸⁰ Article 90(3) IPA.

⁴⁸¹ Official statistics provided by UOIM, February 2023.

⁴⁸² *Ibid.*

⁴⁸³ Article 97(1) IPA.

⁴⁸⁴ Article 97(1) IPA.

⁴⁸⁵ Article 97(2) IPA.

⁴⁸⁶ Article 97(3) IPA.

This financial assistance covers the rent for accommodation and related utility costs. The maximum monthly amount for single claimants is linked to the monthly amount of financial social assistance, currently € 421,89. In the case of families, the maximum amount per person is less, calculated in accordance with a Decree.⁴⁸⁷

Beneficiaries receive assistance with finding apartments in the real estate market and assistance in other aspects of integration by the UOIM and by NGOs, mainly [Slovene Philanthropy](#). High prices and distrust of migrants by potential landlords often pose an obstacle to finding suitable apartments. One identified systemic shortcoming in relation to housing for beneficiaries is the restriction of access to non-profit governmental rental apartments,⁴⁸⁸ since this right is by law only available to Slovenian citizens. However, they do have access to non-profit municipal rental apartments in some municipalities. In 2020 more than 4 families and two single persons were granted a non-profit municipal rental apartment. As of 31 December 2022, 626 beneficiaries of international protection lived in private apartments.⁴⁸⁹

In the first year after receiving status, monetary assistance can be substituted with free accommodation in “Integration Houses” of the UOIM, which are facilities comprising of apartments for beneficiaries.⁴⁹⁰

If they attend at least 80% of free training in Slovenian language and culture, and visit their case worker at least once a month, the assistance can be prolonged for an additional 1 year.⁴⁹¹

Based on justified medical or other reasons, accommodation in the Integration House can be extended for a further six months, on the condition that the person signs the integration contract and meets at least one of the above-mentioned conditions.⁴⁹² If beneficiaries have their own means of subsistence (of an amount equivalent to the minimal income), or if this is provided to them in another way, they have to cover their proportionate share of accommodation costs in the Integration House or another accommodation capacity.⁴⁹³

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

Capacity and occupancy of Integration Houses		
Integration House	Capacity	Occupancy at 31 December 2022
Ljubljana	15	4
Maribor	35	13
Total	50	17

Unaccompanied children that obtain international protection can currently keep their accommodation in the Student Dormitory Postojna, where they have also been accommodated as asylum applicants. The solution mentioned in [Special Reception Needs](#) will also include unaccompanied children with

⁴⁸⁷ Article 20 Decree on the methods and conditions for ensuring the rights of persons with international protection.

⁴⁸⁸ Apartments owned by the municipality, the state, the public housing fund or a non-profit housing organization, leased out under a reduced rent, pursuant to the Housing Act, Official Gazette of RS, No. 69/2003 and subsequent amendments.

⁴⁸⁹ Official statistics provided by UOIM, January 2021.

⁴⁹⁰ Article 93(1) IPA.

⁴⁹¹ Article 93(3) IPA.

⁴⁹² Article 93(3) IPA.

⁴⁹³ Article 93(6) IPA.

international protection status. At the end of 2022, 9 beneficiaries of international protection were living in the Student Dormitory Postojna.⁴⁹⁴

Reunited family members of a beneficiary of international protection (both refugee and subsidiary protection status) are entitled to accommodation in an Integration House, together with the sponsor.⁴⁹⁵ Reunited family members of a person with refugee status are also entitled to financial assistance with accommodation at a private address,⁴⁹⁶ however this right is no longer available to family members of persons with subsidiary protection.

E. Employment and education

1. Access to the labour market

Beneficiaries of international protection and their reunited family members have free access to the labour market and can be employed, self-employed, or work without having to obtain a special working permit or to meet other requirements.⁴⁹⁷ Their access to the labour market is also not conditioned by a market labour test. There is no difference between refugees and beneficiaries of subsidiary protection.

The identification documents issued to beneficiaries of international protection explicitly mentions their right to work, same as IDs for other aliens with this right, which helps prevent misunderstandings in practice.

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

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

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

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

2. Access to education

Beneficiaries of international protection are entitled to the same rights regarding pre-school, primary, secondary, higher and adult education as nationals.⁴⁹⁸ They are also entitled to state scholarships and accommodation in student dormitories under the same conditions as nationals.⁴⁹⁹ Asylum-seeking children enjoy unimpeded access to the education system (see [Reception Conditions: Access to Education](#)) and are, therefore, normally already enrolled in the education system before they are granted international protection status.

⁴⁹⁴ Official statistics provided by UOIM, February 2023.

⁴⁹⁵ Article 93(2) IPA.

⁴⁹⁶ Article 97(5) IPA.

⁴⁹⁷ Article 102 IPA and Article 6(2) Self-Employment and Work of Aliens Act, Official Gazette of RS, No. 47/2015 and subsequent amendments.

⁴⁹⁸ Article 101(1) IPA.

⁴⁹⁹ Article 101(2) IPA.

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

Costs related to recognition and assessment of education attained abroad is covered by the UOIM.⁵⁰⁰ In case the attained education cannot be proven with documentation, a system for official testing is set up in a Decree.⁵⁰¹

Furthermore, beneficiaries of international protection are entitled to a free Slovenian language course of 300 hours, which can be extended for further 100 hours, subject to approval of the UOIM.⁵⁰²

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

F. Social welfare

Beneficiaries of international protection are entitled to social benefits under the national social security system.⁵⁰³ Their rights in this respect are equal to Slovenian citizens and do not differ between persons with refugee status and subsidiary protection. The main authority for granting social assistance is the territorially competent Centre for Social Work.

First, beneficiaries are entitled to financial social assistance, provided to all persons without other means. The current amount for single claimants is € 421,89 per month. If the individual also receives financial assistance for accommodation they receive 15% less of financial social assistance per month. In the case of families, the amount per person is less than € 421,89 calculated in accordance with the Social Assistance Benefits Act.⁵⁰⁴ This is complemented by other benefits under the national social security system, granted to individuals who meet specific criteria, including child benefits, large family allowance, emergency assistance and kindergarten subsidies.

The rights to social assistance described above are the same regardless of the region of residence. However, apart from the national social security system, additional assistance is sometimes provided by municipalities which may also require beneficiaries to reside within their territory.

One considerable problem faced by beneficiaries of international protection is the lack of social security during the initial period after being granted status. The precondition for applying for social welfare is registered address of residence, which means beneficiaries must first rent an apartment or be accommodated in an integration house (see [Housing](#)). This, together with the time it takes to process their social welfare claim, can in practice take up to two months, during which time beneficiaries often have to rely on humanitarian support of welfare organisations

G. Health care

Beneficiaries of international protection are entitled to health care under the same conditions as nationals.

The Slovenian national system of health insurance, set out in the Health Care and Health Insurance Act,⁵⁰⁵

⁵⁰⁰ Article 101(3)-(4) IPA.

⁵⁰¹ Articles 23-42 and 34 Decree on the methods and conditions for ensuring the rights of persons with international protection.

⁵⁰² Article 103 IPA and Article 49 Decree on the methods and conditions for ensuring the rights of persons with international protection.

⁵⁰³ Article 95 IPA.

⁵⁰⁴ Official Gazette of RS, No. 61/2010 and subsequent amendments.

⁵⁰⁵ Official Gazette of RS, No. 9/1992 and subsequent amendments.

comprises of compulsory health insurance and complementary health insurance. Compulsory health insurance covers only part of the medical costs. In order to enjoy full benefits of the health insurance system, one has to apply for the complementary health insurance.

Beneficiaries of international protection are covered by compulsory health insurance on the basis of their international protection status.⁵⁰⁶ They are encouraged by the integration officers to also apply for complementary health insurance, as without it the costs for medication and medical treatment can become very high. Persons who receive financial social assistance – which is most beneficiaries upon being granted status – do not require complementary health insurance and enjoy full rights without it.⁵⁰⁷

The provisions for children beneficiaries of international protection are more favourable: they are entitled to health care services under the same conditions as Slovenian children,⁵⁰⁸ which means they do not require complementary health insurance until they reach the age of 18 (or until 26, as long as they are enrolled into school as regular students) and enjoy full rights without it.⁵⁰⁹

Beneficiaries suffering from mental health problems, including torture survivors and other traumatised persons are entitled to the same medical services as nationals.

In order to help bridge the language barrier, a manual - the “[Multilingual Aid for Better Communication in Healthcare](#)”, has been issued by the Ministry of the Interior in cooperation with other stakeholders in 2017. In the initial phase after being granted status, beneficiaries also enjoy assistance from the UOIM staff and NGOs. Nevertheless, due to language and cultural difficulties, practical access to healthcare remains challenging in practice.

In practice, beneficiaries of international protection and employed asylum seekers have troubles obtaining a personal doctor due to a lack of personal doctors in Slovenia. However, this is not connected to their status, and Slovenian citizens face the same difficulties.

Beneficiaries of international protection have been able access COVID-19 vaccinations under the same conditions as Slovenian citizens.

⁵⁰⁶ Article 94(1) IPA.

⁵⁰⁷ Article 24 Health Care and Health Insurance Act.

⁵⁰⁸ Article 94(2) IPA.

⁵⁰⁹ Article 22 Health Care and Health Insurance Act.

ANNEX I – Transposition of the CEAS in national legislation

Directives and other CEAS measures transposed into national legislation

Directive / Regulation	Deadline for transposition	Date of transposition	Official title of corresponding act	Web Link
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	27 December 2013	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in 54/21.	http://bit.ly/2g7aCiV (SI)
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015 Article 31(3)-(5) to be transposed by 20 July 2018	25 March 2016	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in 54/21.	http://bit.ly/2g7aCiV (SI)
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	25 March 2016	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in 54/21.	http://bit.ly/2g7aCiV (SI)
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013	25 March 2016	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in 54/21.	http://bit.ly/2g7aCiV (SI)

The following section contains an overview of incompatibilities in transposition of the CEAS in national legislation:

Directive	Provision	Domestic law provision	Non-transposition or incorrect transposition
Directive 2011/95/EU Recast Qualification Directive	Article 12 Article 14 (14b)	Article 31 IPA	The grounds for exclusion include substantiated reason that the person is a threat to the security and territorial integrity and a final conviction for a serious crime due to which the person represents a threat to the Republic of Slovenia. These are not exclusion grounds under the Qualification Directive. In addition, standard of proof required is reasonable grounds for suspicion the person committed a crime against peace (..), a serious crime etc.
Directive 2011/95/EU Recast Qualification Directive	Article 14 (14b)	Article 68(1) IPA	While the Qualification Directive allows the revocation of refugee status in case the individual is convicted by a final judgement of “a particularly serious crime” the IPA does not contain the definition of a particularly serious crime. Therefore, the refugee status can be revoked in case the person is convicted with a final judgement of a serious crime in Slovenia.
Directive 2013/33/EU Recast Reception Conditions Directive	Article 8(4)	Article 84 IPA	The IPA does not contain a provision on alternatives to detention. “Limitation of freedom of movement” on the premises of the Asylum Home amounts to <i>de facto</i> detention.