

Temporary Protection Slovenia

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

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A. General

On 4 March 2022, the Council of the European Union adopted the Council Implementing Decision (EU) 2022/382¹ (hereinafter: Council Decision) to activate the Council Directive 2001/55/EC (hereinafter: Temporary Protection Directive or TPD),² providing immediate and temporary protection to persons displaced from Ukraine on or after 24 February 2022 due to the military invasion of the Russian armed forces. On 9 March 2022, the Government of the Republic of Slovenia adopted the Decision establishing temporary protection for persons displaced from Ukraine (hereinafter: Government Decision),³ which entered into force on 10 March 2022. The Government decision allowed for the activation of the Temporary Protection of Displaced Persons Act,⁴ which was adopted in 2005 to transpose the TPD. The Act regulates the introduction, duration and termination of the temporary protection of displaced persons (hereinafter: temporary protection or TP), the conditions and procedures for obtaining temporary protection and the termination thereof, and the rights and obligations of persons enjoying temporary protection. In accordance with the Government Decision, temporary protection was introduced from the date of entry into force of the decision and for a period of one year,⁵ with the possibility of extension for a maximum of two times for a period of six months each.⁶ At the time of writing this report, no changes have yet been made to the Slovenian legislation regulating temporary protection, apart from amending the Decision establishing temporary protection for displaced persons from Ukraine to extend temporary protection in the Republic of Slovenia until 4 March 2025,⁷ in accordance with the Council Implementing Decision (EU) 2023/2409 of 19 October 2023 extending temporary protection.⁸

Once the temporary protection's period of validity expires, the provisions of the Foreigners Act apply and regulate the modalities of the person's departure from the Republic of Slovenia.⁹

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

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

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

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

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

⁶ Article 2 Government Decision.

⁷ Decision amending the Decision establishing temporary protection for displaced persons from Ukraine, Official Gazette of RS, No.4/24.

⁸ Council Implementing Decision (EU) 2023/2409 of 19 October 2023 extending temporary protection as introduced by Implementing Decision (EU) 2022/382, OJ L 2023/2409, available at: <http://bit.ly/3u92Zy9>.

⁹ Foreigners Act, Official Gazette of RS, No. 91/21 and subsequent amendments.

Main legislative acts on temporary protection

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

Main implementing decrees, guidelines and regulations on temporary protection

Title (EN)	Original Title (HU)	Abbreviation	Web Link
Decision establishing temporary protection for persons displaced from Ukraine, Official Gazette of RS, No. 32/22 and No.4/24.	Sklep o uvedbi začasne zaščite za razseljene osebe iz Ukrajine, Uradni list RS, št. 32/22 in 4/24.	Government Decision	http://bit.ly/3jDcuQQ (SI)
Decree on the methods for ensuring rights of persons enjoying temporary protection, Official Gazette of RS, No. 42/22 and 151/22	Uredba o načinu zagotavljanja pravic osebam z začasno zaščito, Uradni list RS, št. 42/22 in 151/22		https://bit.ly/3Mt2UcH (SI)
Rules on the application for granting temporary protection and on the identity card of persons enjoying temporary protection, Official Gazette of RS, No. 43/22	Pravilnik o vlogi za začasno zaščito in izkaznici osebe z začasno zaščito, Uradni list RS, št. 43/22		http://bit.ly/3jxNMRR (SI)
Decision determining the allowance for private accommodation, Official Gazette of RS, No. 41/14	Sklep o določitvi denarnega nadomestila za zasebno nastanitev, Uradni list RS, št. 41/14		http://bit.ly/3GpCDeU (SI)
Rules on the procedure concerning transferal of persons enjoying temporary protection, Official Gazette of RS, No. 110/05	Pravilnik o postopku premestitve oseb z začasno zaščito, Uradni list RS, št. 110/05		http://bit.ly/3WPiOCO (SI)
Instructions on the procedure and method of dealing with persons illegally entering the Republic of Slovenia during the period when covered by temporary protection, Official Gazette of RS, No 34/06 and 58/22.	Navodilo o postopku in načinu ravnanja z osebami, ki v času trajanja začasne zaščite nezakonito vstopijo v Republiko Slovenijo, Uradni list RS, št. 34/06 in 58/22.		http://bit.ly/3vmlLOy (SI)

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

The Government Decision introducing temporary protection in the Republic of Slovenia sets the categories of persons to whom the temporary protection is granted, the duration of temporary protection and the rules applicable to the persons concerned after termination of temporary protection. However, the Decision lacks an essential provision in accordance with the aforementioned Article 10 of the Temporary Protection of Displaced Persons Act: *i.e.*, the number of people to whom Slovenia will offer temporary protection. On 10 March 2022, the Government explained that such number was not included because it was impossible to estimate the number of persons to whom the Republic of Slovenia would provide temporary protection and to assess the reception facilities at the time of adopting the Decision.¹⁰ The Government also noted that the vast majority of displaced persons from Ukraine was, at that time, housed at private addresses, which was expected to change in the following days, causing reception capacities to be increased accordingly. Further explanation was that the exact number of persons is also not specified in the implementing decision of the Council of the EU, even though the directive requires, under the third paragraph of Article 5, that the decision also include, *inter alia*, data received from the Member States on their reception capacities. According to the Minister of the Interior at the time, Slovenia could provide a temporary home to approximately 180,000 to 200,000 refugees from Ukraine altogether at the time of the said statement.¹¹ Even with the extension of TP until 4 March 2024, no further information on the estimated number of persons to whom the Republic of Slovenia would provide temporary protection was announced by the government and there has been no update in this regard yet at the beginning of 2024.

Further, on 24 March 2022, the Decree on the methods for ensuring the rights of persons enjoying temporary protection was adopted and entered into force on 25 March 2022.¹² It specifies how to ensure the rights of persons with temporary protection and applicants for temporary protection in more detail.

The Temporary Protection of Displaced Persons Act was adopted in 2005 and has so far been amended only once, in 2017, to regulate the separation of powers between the Government Office for the Support and Integration of Migrants (hereinafter: UOIM) and the Ministry of the Interior (hereinafter: Ministry). Since its first activation in 2022, several issues regarding TP have arisen in practice, demonstrating the need for legislative amendments in this regard, as further addressed in this report. One of the main issues with the Act is that it is outdated and deficient in some pressing areas, particularly with respect to providing a clearer regulation of the relationship between temporary protection and international protection and the transition between the statuses as well as transition to any other legal ground for residing in Slovenia after the cessation of temporary protection by obtaining a residence permit for other purposes (such as for the purpose of employment, self-employment, studies etc.). Considering that, over time, there have been certain legal developments of international protection, while no such significant amendments were made in relation to temporary protection, it is also necessary to modernise the system of temporary protection and to bring it closer to the system of international protection *mutatis mutandis*, considering that the two institutes are essentially comparable in rationale. The Temporary Protection of Displaced Persons Act also inadequately transposed the Temporary Protection Directive. For these reasons, as also explained in the proposed acts, there were several attempts to amend the Act with the following proposed legislation:

- ❖ the Act on Intervention Measures for Comprehensive Regulation of the Situation of Displaced Persons from Ukraine and for Assistance to the Economy of the Republic of Slovenia Due to the Consequences of the Ukrainian Crisis,¹³ proposed by the Government in May 2022, which was not adopted,
- ❖ the Act on Intervention Measures for Comprehensive Regulation of the Situation of Displaced Persons from Ukraine and for Assistance to the Economy of the Republic of Slovenia Due to the Consequences of the Ukrainian Crisis,¹⁴ proposed by a group of members of the National Assembly (Parliament) in September 2022, which was not adopted,

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

¹¹ MMC RTV Slovenija, *Hojs: Slovenija je pripravljena sprejeti do 200.000 beguncev iz Ukrajine*, 27 February 2022, available in Slovenian at: <https://bit.ly/3Yi0t23>.

¹² Decree on the methods for ensuring rights of persons enjoying temporary protection, Official Gazette of RS, No. 42/22 and 151/22.

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

¹⁴ The proposed act is available in Slovenian at: <https://bit.ly/3wRJfNg>.

- ❖ a new Temporary Protection of Displaced Persons Act (ZZZRO-1), proposed by the Ministry of the Interior,¹⁵ the last available information at the time of writing this report is from 12 June 2023, stating that the proposed act has been submitted for discussion in the governmental procedure.

As can be seen from the chronologically listed proposed legislative changes, the identified deficiencies were first proposed to be addressed with an intervention law, which would intervene in some problematic areas of the current legal regulation of temporary protection. However, as changes are needed in more than half of the articles of the current Act on Temporary Protection of Displaced Persons, it became apparent that regulation through sectoral law would be more appropriate in order to eliminate the shortcomings in a comprehensive and thorough manner, as explained in the reasoning behind the proposed new Act on Temporary Protection of Displaced Persons (ZZZRO-1).¹⁶ Nonetheless, as aforementioned, the Act has not yet been adopted, which is causing further issues and is keeping TP beneficiaries uncertain about their rights and situation in the future.

Statistics

According to official statistics provided by the General Police Directorate, in 2023, a total of 1,568 applications for temporary protection were submitted to the Police in comparison with the 7,556 applications submitted in 2022. 1,540 were lodged by Ukrainian citizens, 10 by Russian citizens, and the rest were of other nationalities (e.g., citizens of Moldova). There was also a large number of people who were displaced – directly or indirectly – by the conflict present in the country but beyond the scope of TPD. According to the findings of the General Police Directorate, for example, since Russian president Putin declared partial mobilisation on 21 September 2022, many Russian citizens have also sought protection in the Republic of Slovenia. In 2023, 3,637 Russian citizens expressed their intention to apply for international protection at the Police.¹⁷

However, not all applicants apply for temporary protection at the Police, as they may also apply directly at the territorially competent administrative units, which are the authority deciding on granting temporary protection. According to the statistics of the Ministry of the Interior provided to PIC in February 2024, a total of 1,761 persons applied for temporary protection in the Republic of Slovenia in 2023. 1,714 were Ukrainian citizens, 14 were Russian citizens and others were of other nationalities. In the same period, Ukraine citizens submitted 92 applications for international protection. In 2023, temporary protection was granted to 1,671 persons, of which 1,638 were Ukrainian citizens. In the same period, 31 applications for temporary protection were dismissed, 10 were rejected and 59 procedures were stopped.¹⁸

B. Qualification for temporary protection

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

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

As per the Government Decision introducing temporary protection in the Republic of Slovenia for persons displaced from Ukraine on or after 24 February 2022 due to the military invasion by the Russian Armed

¹⁵ The proposed act is available in Slovenian at: <http://bit.ly/3jwkie>.

¹⁶ *Ibid.*

¹⁷ Official statistics provided by the General Police Directorate, February 2023 and February 2024.

¹⁸ Official statistics provided by the Ministry of the Interior, February 2024.

Forces,¹⁹ the following categories of persons residing in Ukraine before 24 February 2022 are eligible for temporary protection²⁰:

- ❖ citizens of Ukraine,
- ❖ stateless persons and third-country nationals who are not citizens of Ukraine and who were granted international protection or other equivalent national protection in Ukraine,
- ❖ family members of the persons referred to in the first and second indents of this paragraph, as defined in Article 36 of the Temporary Protection of Displaced Persons Act, *i.e.*,:
 - a spouse or a person who had lived with the person who was granted temporary protection before their arrival in the Republic of Slovenia, for at least one year, in a domestic community that is equal in legal consequences to a marriage pursuant to the Family Code;²¹
 - the children of the person granted temporary protection, as long as the person is obliged to support them;²²
 - stepchildren if they support their stepfather or stepmother, and a stepmother or stepfather if they support their stepchildren;²³
 - grandchildren and nephews of the person granted temporary protection, in so far as that person is supporting the grandchildren or nephews who are without parents;
 - other close relatives of the person granted temporary protection, if they had lived together as a family before their arrival in the Republic of Slovenia and were supported by the person who has obtained temporary protection,
- ❖ stateless persons and third-country nationals who are not citizens of Ukraine and who resided in Ukraine on the basis of a valid permanent residence permit and who are unable to return to their country or region of origin in a safe and sustainable or lasting manner.

The Council Decision allows Member States to extend temporary protection to additional categories of displaced persons beyond those to whom the Decision applies,²⁴ including those persons who fled Ukraine not long before 24 February 2022 as tensions increased or who found themselves in the territory of the EU just before that date and who, as a result of the armed conflict, cannot return to Ukraine. Despite this possibility, in the Republic of Slovenia only persons fulfilling the condition of leaving Ukraine on or after 24 February 2022 are considered eligible for temporary protection. Persons that are not eligible for temporary protection can however apply for international protection.²⁵

In practice PIC observed that the definition of persons to whom temporary protection applies in accordance with the Government Decision has been interpreted very narrowly by the competent authorities in Slovenia. Therefore, individuals who otherwise fall into one of the listed categories but were not physically located on the territory of Ukraine at the time of the outbreak of the war on 24 February 2022, despite residing in Ukraine before the date, are not entitled to temporary protection. Strictly conditioning eligibility for temporary protection on the date a person left Ukraine has shown to be problematic, despite such persons being able to apply for international protection as an alternative.²⁶

¹⁹ Article 1(1) Government Decision.

²⁰ Article 1(2) Government Decision.

²¹ Family Code, Official Gazette of the Republic of Slovenia, no. 15/17 and subsequent amendments.

²² The notion of 'obligation to support' in family relations is regulated in the Family Code, which stipulates that parents are obliged to support their minor children, *i.e.*, until they reach the age of 18, or until the age of 26, as long as they are enrolled into school as regular students.

²³ *Ibid.*

²⁴ Where those persons are displaced for the same reasons and from the same country or region of origin as referred to in the Decision.

²⁵ Information provided by the Ministry of the Interior, February 2024.

²⁶ See for example: N1info, *Ukrajinski kolesarji v Kočevju: raje turistični vizum kot pridobivanje azila*, 2 April 2022, available in Slovenian at: <http://bit.ly/31FUcHg>, regarding Ukrainian cyclists, members of the youth Ukrainian mountain biking team, who intended to apply for temporary protection in Slovenia, however they were considered ineligible as they left Ukraine in January, *i.e.*, before the start of the war, to compete abroad. They estimated that obtaining international protection would have some disadvantages for them, especially as applicants for international protection are not allowed to leave the municipality in which they have an address of temporary residence while waiting for their application to be approved (except in certain cases decided by an authorised official). Applicants for temporary protection, on the other hand, can move freely around Slovenia and it is also, in principle, not prohibited by law for them to leave the country. As reported,

Namely, per PIC's staff direct practical experience, multiple Ukrainians that were not eligible for temporary protection had certain reservations regarding applying for international protection, mainly due to not being able to visit Ukraine to maintain properties, visit family members and to assess the current situation, while under international protection, as in accordance with the International Protection Act,²⁷ a person's voluntary return to the home country is one of the grounds for cessation of their international protection status, while visiting Ukraine does not affect temporary protection status. Nevertheless, in 2023 we observed that in practice there was less hesitation in this regard than in 2022, as it became apparent that the war in Ukraine would last longer than initially anticipated and no post-TPD plan for persons who fled Ukraine and are residing in Slovenia has been announced by the Government yet.

Third country nationals and stateless persons

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

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

In accordance with the Temporary Protection of Displaced Persons Act, temporary protection is also granted to a new-born whose parent or parents enjoy temporary protection.²⁸

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

this would have been a problem for the members of the Ukrainian national mountain biking team, as they had competitions abroad.

²⁷ Article 67(1) International Protection Act, Official Gazette of RS, No. 16/17 and subsequent amendments.

²⁸ Article 19(4) Temporary Protection of Displaced Persons Act.

the municipality in which they have an address of temporary residence while waiting for their application to be approved. Furthermore, as soon as the positive decision on their asylum applications becomes enforceable,²⁹ *i.e.*, within 15 days of being granted status, international protection holders are also obliged to leave the accommodation centres.³⁰ Meanwhile, in line with the current legislation, no such limitation with respect to accommodation in accommodation centres is in force for TP holders. The procedure for international protection is generally also much longer than the procedure for temporary protection, which consequently leads to family members that are entitled to TP enjoying the related rights (such as financial aid, the right to work etc.) much sooner than those that apply for and are granted international protection.

Extension of TPD

In accordance with the Government Decision establishing temporary protection, the duration of temporary protection, activated in March 2022, was initially determined to be for one year, until 4 March 2023, reflecting the Council Implementing Decision (EU) 2022/382, with the possibility of being extended for a maximum of two times for periods of six months each.

On 4 March 2023, temporary protection for displaced persons from Ukraine in Slovenia was automatically extended until 4 March 2024 in accordance with the decision of the European Commission. Further, temporary protection was extended until 4 March 2025 following the Council Implementing Decision (EU) 2023/2409 of 19 October 2023. To allow for extension of temporary protection in Slovenia for an additional year, on 18 January 2024 the Decision establishing temporary protection for displaced persons from Ukraine was amended.³¹

The same way as for the first extension of temporary protection in 2023, in the case of persons who have already been granted temporary protection, the administrative units will *ex officio* issue a new identity card valid until 4 March 2025, which will replace their current identity card valid until 4 March 2024. In all procedures for the granting of temporary protection in which a decision has not yet been made, in the event of a positive decision, the administrative units will issue a temporary protection identity card valid until 4 March 2025.³²

C. Access to temporary protection and registration

1. Admission to territory

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

It was also reported to PIC by the General Police Directorate in February 2024 that no displaced persons from Ukraine were refused entry at the border in 2023 due to the exceptions to the entry requirements for such persons.

Further, there have been no officially reported cases or any evidence of issues for people who returned to Ukraine and sought to re-enter Slovenia in 2023. In comparison to 2022, there have also been fewer mentions made to PIC lawyers of temporary protection holders who had issues at the Hungarian and other borders when travelling abroad and returning to Slovenia.

For citizens of Ukraine, entry into Slovenia is lawful on several bases. Firstly, based on Regulation (EU) 2018/1806 of the European Parliament and Council that established which third country nationals must be in possession of a visa when crossing the external borders of the EU and which are exempt from that

²⁹ Article 78(2) IPA.

³⁰ Article 70 (1) IPA.

³¹ Government of the Republic of Slovenia, *Podaljšanje začasne zaščite za razseljene osebe iz Ukrajine še za eno leto*, 19 January 2024, available at: <https://bit.ly/48PhRkm>.

³² *Ibid.*

requirement, Ukraine is one of the third countries whose nationals are exempt from the requirement to be in possession of a visa when crossing the external borders of the member states for stays of no more than 90 days in any 180-day period. The exemption from the visa requirement is limited to the holders of biometric passports issued by Ukraine.³³ In line with this, Ukrainian nationals do not require a visa to enter Slovenia and are legally able to stay in the country for up to 90 days in any period of 180 days, the same as for any other foreigners who, on the basis of the legal system of the European Union or an international treaty or a decision of the Government of the Republic of Slovenia, does not need a visa to enter and stay in the Republic of Slovenia.³⁴

After the expiration of the allowed short-term residence, their stay in the country is illegal unless they obtain another basis for residence in Slovenia.³⁵

Some flexibility on entry conditions was established on humanitarian grounds according to information from the Government of the Republic of Slovenia.³⁶ Illustratively, according to the latter, if residents of Ukraine enter the Republic of Slovenia without proper documents, e.g., only with internal documents (Ukrainian passports) that are not biometric and without a visa, the Police will take into account the individual circumstances and the situation in Ukraine, and merely issue a warning to the individual without a fine. In other circumstances, such entry into the territory would be considered an offense under the Foreigners Act. Regardless, such persons then do have to promptly obtain a legal basis for residence in Slovenia.

People fleeing from Ukraine can also apply for temporary or international protection in Slovenia after their other legal basis for residence in Slovenia (e.g., short-term visa-free stay) expires or immediately when crossing the border. A person who expresses their intention to seek temporary protection in the Republic of Slovenia should be treated as an applicant under the Temporary Protection of Displaced Persons Act and shall therefore be permitted to enter the country.³⁷ As aforementioned, persons fleeing from Ukraine also have the option to express an intention to apply for international protection in which case, they cannot be deported from the country from the moment they have expressed the intention, in accordance with the IPA.³⁸

In accordance with Article 7 of the Temporary Protection of Displaced Persons Act, a displaced person as referred to in the Act who, during the period of temporary protection and until the quota determined by the Government has been filled, illegally enters the territory may seek temporary protection from the competent authority as long as they do so within three days. A displaced person who enters the Republic of Slovenia outside a border crossing point and who seeks temporary protection from the competent authority within the mentioned time limit in accordance with the Article 7 shall not be deemed to have committed a minor offence pursuant to the Act governing state border control.³⁹

Moreover, with regard to the waiving of customs duties and measures to facilitate the entry of pet animals travelling with their owners from Ukraine, the Providing operational guidelines for external border management to facilitate border crossings at the EU-Ukraine borders, published by the Slovenian Administration for Food Safety, Veterinary Sector and Plant Protection (AFSVSPP) on 28 February 2022 foresees the provisional authorisation of entry for pet animals on the basis of a completed application and under the conditions set out in the application to ensure that the entry of these animals into the EU does

³³ Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (codification), OJ L 303/39, available at: <http://bit.ly/47GkvYI>.

³⁴ Article 14(2) Foreigners Act.

³⁵ Article 60 Foreigners Act.

³⁶ The official Government website: Republic of Slovenia, *Support for Ukrainian Nationals in Slovenia*, available at: <https://bit.ly/3HvxxNh>.

³⁷ Article 16(1) Temporary Protection of Displaced Persons Act.

³⁸ Article 36(1) IPA.

³⁹ State Border Control Act, Official Gazette of RS, no. 35/10 and subsequent changes.

not pose a risk of rabies introduction/transmission.⁴⁰ A contact point has been established at the headquarters of AFSVSPP to accept applications. However, as of 1 March 2023, based on Article 32 of Regulation (EU) 576/2013 on the non-commercial movement of pet animals, the AFSVSPP no longer allows the entry of pet animals from Ukraine under the simplified procedure, which means that dogs, cats and ferrets must comply with the conditions set in the Regulation.⁴¹

2. Freedom of movement

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

Entry into the national territory and moving within the country was also facilitated for persons fleeing Ukraine. Moreover, vehicles with a maximum permissible weight of up to 3.5 tonnes (most passenger cars and light combination vehicles) with Ukrainian number plates are, until further notice, exempt from tolls on toll roads (purchasing the e-vignette), but only for the purpose of entering or crossing the Republic of Slovenia in transit. If the drivers of these vehicles stay in the Republic of Slovenia and use toll roads during their stay in the country, they must obtain an appropriate e-vignette for their vehicles.⁴²

3. Registration under temporary protection

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

As stipulated in Article 16 of the Temporary Protection of Displaced Persons Act,⁴³ upon entry into the Republic of Slovenia, an applicant shall complete an application for temporary protection with the authority responsible for border crossing control, *i.e.*, the Police, and shall present all the evidence at their disposal which is relevant for the decision on granting temporary protection. The Police shall then immediately submit the application and supporting documents to the competent authority for processing and deciding on granting temporary protection, which is the administrative unit in the territory where the applicant is staying.

Displaced persons illegally entering into the Republic of Slovenia and those already present in the territory shall, without delay and within three days at the latest, complete an application for temporary protection and submit it to the local police office located in the area where the person in question is staying or to the administrative unit in the area where the person is staying together with all documents held by them that are relevant to deciding on the granting of temporary protection.⁴⁴ If in these two cases the application is submitted to the Police, the Police shall forward it without delay to the administrative unit where an applicant for temporary protection is staying.

Administrative units then process and decide on whether an applicant fulfils the conditions to be granted temporary protection determined by this Act in a summary fact-finding procedure⁴⁵ and must therefore issue and serve the decision as soon as possible or at the latest within one month from the day of receiving a complete application for initiating an administrative procedure in accordance with Article 222, paragraph 1, of the General Administrative Procedure Act.⁴⁶ If the administrative unit fails to issue a decision and

⁴⁰ Government of the Republic of Slovenia, *Derogation for non-commercial movements of pets due to the exceptional situation in Ukraine*, available at: <https://bit.ly/317SJl6>.

⁴¹ Government of the Republic of Slovenia, *Termination of simplified procedure for non-commercial movements of pets due to the exceptional situation in Ukraine*, available at: <https://bit.ly/3FKrMv9>.

⁴² DARS, *Obrazec za oprostitev cestnine zaradi humanitarne pomoči*, 3 March 2022, available in Slovenian at: <https://bit.ly/48ImU63>.

⁴³ Article 16(3)-(4) Temporary Protection of Displaced Persons Act.

⁴⁴ Article 16(5) Temporary Protection of Displaced Persons Act.

⁴⁵ Article 19(2) Temporary Protection of Displaced Persons Act.

⁴⁶ General Administrative Procedure Act Official Gazette of RS, No. 24/06 and subsequent amendments.

serve it to the applicant in due time, the applicant has the right to appeal it as if their claim had been refused in accordance with the General Administrative Procedure Act.⁴⁷

An appeal may be filed against a decision of an administrative unit deciding on the granting of temporary protection within 15 days of the date of service. An appeal stays the execution of the decision and is decided on by the Ministry.⁴⁸

In case of a positive decision, the applicant receives an identity card, which also serves as a permit for temporary residence in the Republic of Slovenia.⁴⁹ In case of a decision dismissing or withdrawing temporary protection or rejection order rejecting the application, the applicant receives a written decision which indicates the time limit by which they must have left the country. A person failing to leave the Republic of Slovenia by the determined time limit is subject to the provisions on the removal of foreigners of the Foreigners Act.⁵⁰

With the proposed legislative changes in 2022, which were not yet adopted at the time of writing the report, the procedure for applying for temporary protection would be simplified by referring only to the administrative units as the responsible authority to accept an application for temporary protection and no longer also the Police.⁵¹ There may be an issue with such provision in practice, as in most cases the first authority that persons entering Slovenia come in contact with is the Police, and from this point of view it is easiest and most reasonable to file an application for temporary protection, together with any supporting documents, with the Police, which the latter then forward to the competent administrative unit. It is also important to point out that persons who have just entered the Republic of Slovenia are not familiar with its state bodies and their powers (e.g., the concept of administrative units), they lack information, as seen in practice by PIC and, as a result, the implementation of such a provision may lead to uncertainties.

Time limit for application

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

A time limit that also needs to be considered is that of the allowed short-term stay (visa-free regime) for citizens of Ukraine. Under this regime, Ukrainian citizens may reside in Slovenia for up to 90 days within a 180-day period, after which they need to obtain another legal basis for residence in Slovenia.⁵²

Evidence

When applying for temporary protection, applicants are required to provide evidence at their disposal in order to prove they fall under the scope of this protection regime.⁵³ However, the law regulating temporary protection does not further define said evidence. Based on the experience of temporary protection beneficiaries shared with PIC, it was noted that, in general, the relevant documentation in the procedure for the granting of temporary protection is considered to include documentary evidence that can help establish the identity, residence of the person and the moment at which the person left Ukraine, which are determining factors for being eligible for temporary protection, and documentation attesting family relationship or family unity and dependency with close relatives when relevant.

⁴⁷ Article 222(4) General Administrative Procedure Act.

⁴⁸ Article 20(1)-(2) Temporary Protection of Displaced Persons Act.

⁴⁹ Article 19(1)-(3) Temporary Protection of Displaced Persons Act.

⁵⁰ Article 19(5) Temporary Protection of Displaced Persons Act.

⁵¹ Article 18(2) of the proposed Temporary Protection of Displaced Persons Act (ZZRO-1), 12 June 2023, available in Slovenian at: <http://bit.ly/3jwlkie>.

⁵² Article 14(2) Foreigners Act.

⁵³ Article 16(3) Temporary Protection of Displaced Persons Act.

The authority that receives the application and supporting documents issues a written acknowledgement of receipt of application to the applicant.⁵⁴

Issues in registration for TPD

In 2022, in the context of PIC's project of providing information and legal counselling to refugees, supported by the United Nations High Commissioner for Refugees (UNHCR), a Mobile Blue Dot, consisting of lawyers and an interpreter, was activated specifically to provide information and counselling to Temporary Protection seekers/holders.⁵⁵ The Mobile Blue Dot, operated by PIC and still running in 2024 through regular visits to reception/accommodation centres and individual counselling,⁵⁶ was initially (in the first few months of TP activation in 2022) informed by applicants and beneficiaries of temporary protection that some had been waiting for the decision on granting temporary protection to be issued by the administrative units well over the determined time limit for issuing and serving a decision. This issue has since then improved and the average number of days from the receipt of an application to the issuance of a decision in most administrative units in 2023 was reported to be less than 30 days, while in certain administrative units the legislative time limit was still exceeded (with the longest time in administrative unit Škofja Loka, which was on average 147,94 days, while the shortest time of just 3 days on average has been documented in Ormož).⁵⁷

The reasons for the backlogs can mostly be attributed to administrative units being overloaded with applications that they were not able to process in time as they were not fully prepared from an organisational standpoint, especially in the first few months of activating temporary protection in Slovenia, as observed by PIC. Administrative units are also unequal both in terms of size and workload, which can affect how long applicants are waiting to be granted temporary protection depending on which administrative unit is processing their applications, and consequently their ability to enjoy the rights as temporary protection beneficiaries, including the right to work, financial assistance, etc.

The duration of the procedures for obtaining temporary protection (and thus related rights) in certain administrative units was expressed as concerning also by the Human Rights Ombudsman of the Republic of Slovenia in his latest available annual report (for 2022), the reason for which the Ombudsman attributed to staff shortage based on collected information and his observations.⁵⁸ However, in 2023 there were fewer such reports made to PIC and some of them were also found to be related to incomplete applications.

Another issue observed by PIC was that, until June 2022, written administrative decisions were issued instead of identity cards, which caused some beneficiaries of temporary protection to have issues at foreign borders when traveling to Ukraine and back to Slovenia. The authorities responsible for border crossing control reportedly did not recognise the document, *i.e.*, the written administrative decision, as it was not in the form of an identity card, despite the decision granting the person the status of temporary protection in Slovenia and all the related rights and obligations. However, the procedure is simpler and faster since identity cards are being issued instead of the written administrative decisions, which also facilitated travelling to other countries and returning to Slovenia. Nonetheless, some issues with regard to the temporary protection identity cards being recognised by the foreign border crossing control were still mentioned in 2023, reportedly mainly relating to the material used for the TP cards issued in Slovenia, as they are simply laminated,⁵⁹ instead of being made with a more secure and durable material.

⁵⁴ Article 16(8) Temporary Protection of Displaced Persons Act.

⁵⁵ UNHCR, *Slovenia fact sheet: February 2023*, available at: <https://bit.ly/3vPOnV4>.

⁵⁶ For individual legal counselling, one can apply for an appointment through e-mail or by filling out an online form provided on PIC's website: <https://bit.ly/4b8INON>.

⁵⁷ Official statistics provided by the Ministry of the Interior, February 2024.

⁵⁸ Human Rights Ombudsman of the Republic of Slovenia, *The 28th Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2022*, available in Slovenian at: <https://bit.ly/3TXu4Pf>, 483-484.

⁵⁹ Article 4(2) Rules on the application for granting temporary protection and on the identity card of persons enjoying temporary protection.

4. Legal assistance

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

As free legal aid is foreseen only for persons that have already been granted temporary protection, the law does not provide free legal aid for applicants for temporary protection (neither in first nor in second instance procedures, for example to appeal a decision on granting temporary protection) that would be funded through the State budget. Free legal aid is however provided by non-governmental organisations, such as PIC, which in 2024 continues to provide legal assistance to applicants as well as to persons granted temporary protection, which includes familiarising applicants for temporary protection with their rights and obligations in Slovenia, representing applicants at application submissions, providing relevant information and offering legal advice, all within the project funded by the UNHCR-Counselling and representing asylum applicants in Slovenia. Legal assistance by PIC is provided through regular visits to reception/accommodation centres, organised with a permission from the UOIM, according to a set schedule (for example every two weeks in **Logatec**, once a month in **Debeli Rtič**, *etc.*, with the frequency adjusted based on the needs and the approximate number of inquiries). In 2023, PIC lawyers provided legal counselling in large part through individual legal counselling in person at PIC's office and online.

The Faculty of Law of the University of Ljubljana has also been offering free legal assistance to Ukrainian citizens who apply for protection in Slovenia. Legal information is provided within the Legal Clinic for Refugees and Foreigners, in which students of the Faculty of Law participate, sometimes consulting with other individuals and institutions involved in the provision of assistance to refugees. Consulting is mainly provided via e-mail.⁶⁰

As for persons enjoying temporary protection, free legal aid is available in accordance with the Legal Aid Act, as aforementioned.⁶¹ It can be granted for legal advice, legal representation and other legal services specified by law, for all forms of legal protection before all courts of general jurisdiction and specialised courts in the Republic of Slovenia, before the Constitutional Court of the Republic of Slovenia and before all authorities, institutions or persons in the Republic of Slovenia, which are responsible for the out-of-court settlement of disputes and as an exemption from paying the costs of court proceedings. Free legal aid is also granted for proceedings before international courts or arbitrations, if the right to free legal aid is not regulated by the rules of the international court or arbitration, or if the individual is not entitled to it according to the rules on free legal aid.

A person is entitled to free legal aid if, given their material situation and the material situation of their family, they would not be able to afford the costs of court proceedings or the costs of obtaining legal aid without jeopardising their social situation and that of their family.⁶²

As PIC observed, one of the issues for persons entitled to temporary protection to accessing free legal assistance continues to be the lack of information on how to do so, *i.e.*, to fill out the form at the competent court. For PIC's legal assistance, one practical obstacle has been reaching applicants and beneficiaries of temporary protection that have settled in private accommodations since entering Slovenia, meanwhile legal information and counselling sessions for persons in reception/accommodation centres and other state facilities has not been an issue, as all the needed information was provided by the UOIM and the frequent, regular visits are still arranged in cooperation with said accommodations.

5. Information provision and access to NGOs

Article 15 of the Temporary Protection of Displaced Persons Act, which foresees procedural rights, stipulates that an applicant for temporary protection shall be provided all information concerning the

⁶⁰ University of Ljubljana, *Brezplačni pravni nasveti in pomoč ukrajinskim državljanom*, available in Slovenian at: <https://bit.ly/3Um6ydg>.

⁶¹ Legal Aid Act, Official Gazette of RS, No. 96/04 and subsequent amendments.

⁶² Article 13(1) Legal Aid Act.

procedure for the granting of temporary protection in a language that they understand and shall have the right to follow the procedure and participate therein in a language that they understand. An applicant may, at any time, contact non-governmental, international and other organisations assisting refugees. By law, the UOIM shall provide applicants this information through information booklets and by establishing an information service.⁶³

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

In practice, this has been realised by the UOIM setting up a government call centre, through which information is provided about the assistance that Slovenia provides to displaced persons from Ukraine, about entry and residence in Slovenia, about the procedure for recognising temporary protection and information on how individuals or organisations can provide financial or material assistance, in a language they understand. The call centre works every day of the week from 8 a.m. to 4 p.m. The UOIM has also established a special email address for any inquiries. Current information and contact numbers are also published on the official website in Slovenian and Ukrainian language and are being duly updated.⁶⁴ As pointed out to PIC by users of the website, some had issues finding the needed information, especially the forms that need to be filled out to apply for financial support. On the UOIM's website, a brochure in Ukrainian language, containing information on temporary protection, has also been available since 2022. Per the latest information by the General Police Directorate,⁶⁵ physical brochures are also being distributed by the Police (without further clarification on whether the brochures are provided and funded by the State) to potential applicants for temporary protection in order to familiarize them with their rights, however, as PIC was informed by the UOIM,⁶⁶ no such physical information booklets/brochures were issued by the UOIM so far and the only version remains in electronic form. Consequently, some have reported to PIC lawyers that they were not sufficiently informed especially about the difference between different forms of protection, *i.e.*, temporary and international protection (which led some to regret submitting applications for international protection or to submit applications for both forms of protection at the same time at the Police). The main issue with the lack of information was also that, as some reported to PIC, the Police already indicated to persons entering Slovenia to which form of protection they are supposedly entitled and directed them to applying for that form of protection without providing full information. This is despite the fact that there is no limitation set by law based on which the persons fleeing Ukraine would be able to apply only for temporary protection and not for international protection and it is therefore within the rights of a person announcing they are in need of protection to decide which procedure to start in this regard and for the competent authority to then decide on the eligibility of the person on the basis of the provided relevant documentation.

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

A significant part of providing important information was taken upon by several non-governmental organisations, such as PIC. In 2023, PIC continued to provide key information related to the temporary protection in Slovenia, as well as with regard to further integration into Slovenian society, including more

⁶³ Article 15(1)-(3) Temporary Protection of Displaced Persons Act.

⁶⁴ The official Government website: Republic of Slovenia, *Support for Ukrainian Nationals in Slovenia*, available at: <https://bit.ly/3HvxxNh>.

⁶⁵ Information provided by the General Police Directorate, February 2024.

⁶⁶ Information provided by the UOIM, February 2024.

detailed information on the Slovenian healthcare system, working in Slovenia (different types of contracts under which a person can work, workers' rights in Slovenian labour law etc.), on legal bases for residing in Slovenia after temporary protection ceases (e.g., how to obtain a single residence and work permit and family reunification), acquisition of citizenship and return to the country of origin. It was noted by PIC that, in 2023, the vast majority of inquires related to the uncertainty regarding the options for transitioning from temporary protection to other legal statuses once TPD ceases to apply, mostly on the basis of employment or studies, as under the current law such transition is not possible. Concerns were expressed by TP holders also in relation to the current lack of legal basis for obtaining residence permit in Slovenia specifically for persons with health issues and the elderly that would not be able to return to Ukraine, while they would also not be able to obtain work or other type of permit as provided in the Foreigners Act.

In 2023, several programmes were carried out in accommodation centres, namely UNHCR-funded programmes in the field of legal consultancy and general informing (as provided by PIC) and in the field of informing on human trafficking (with the aim to inform applicants for international and temporary protection about the pitfalls of human trafficking, gender-based violence, and to offer possible forms of support within the existing system of assistance to potential and actual victims of human trafficking and victims of various forms of violence in Slovenia),⁶⁷ with the latter provided by [Society Ključ – Centre for Fight against Trafficking in Human Beings](#). Moreover, in March 2023, on the basis of public procurement, a contract was concluded with the contractor [Projekt Ambient](#), namely on the implementation of basic integration support for displaced persons from Ukraine with temporary protection in the Republic of Slovenia. The subject of the contract was the implementation of assistance to persons with the status of temporary protection within the framework of the project of the Norway Grants and EEA Grants - psychosocial assistance to people from Ukraine. The project ended on June 30, 2023.⁶⁸

Within the project implemented by PIC, in 2023, 1,044 displaced persons from Ukraine were assisted (those staying in accommodation centres and those in private accommodation altogether). Other non-governmental organisations have also been providing information in several fields, among them for example [Slovene Philanthropy](#), which has been offering key information and certain legal help, related to the stay in the Republic of Slovenia and regarding other rights under temporary protection.⁶⁹ In 2022, assistance by Slovene Philanthropy included also providing information on the rights and duties of persons with temporary protection and a 12-hour orientation program, which took place online and in person, namely under a project financed from the Fund for Bilateral Relations, which lasted until the end of December 2022.⁷⁰ Information has also been provided by Slovene Philanthropy in the form of informative videos with Ukrainian subtitles to help persons with temporary protection familiarize themselves with their rights and obligations, which are still accessible.⁷¹ According to public information, Slovene Philanthropy was also chosen to carry out part of the project for basic integration support for displaced persons from Ukraine in Slovenia in 2023, financed by the Fund for Bilateral Relations, which would include providing informing after the adoption of the amendment to the Temporary Protection of Displaced Persons Act. However, since no amendments to the aforementioned law were adopted during the duration of the project, this part of the project was thus not implemented.⁷² In 2023, [Slovenian Red Cross](#) also continued to provide useful information to people fleeing Ukraine and carried out various activities for applicants for international protection and persons with temporary protection in asylum centres and accommodation centres, while also offering interpretation in Ukrainian language in order to facilitate access to services for people fleeing Ukraine, as well as providing humanitarian aid.⁷³ In 2023, psycho-social counselling and support was provided by [Institute EMMA](#).⁷⁴

⁶⁷ Society Ključ, *PATS*, available in Slovenian at: <https://bit.ly/4ap1kUW>.

⁶⁸ Information provided by the UOIM, March 2024.

⁶⁹ Slovene Philanthropy, *REFUGEES FROM UKRAINE*, available at: <https://bit.ly/3Y7hkox>.

⁷⁰ UOIM, *Osnovna podpora pri integraciji za razseljene osebe iz Ukrajine z začasno zaščito v Sloveniji*, available in Slovenian at: <https://bit.ly/3jEXn9J>.

⁷¹ Slovene Philanthropy, *POMEMBNE INFORMACIJE ZA TISTE, KI NUDITE POMOČ BEGUNCEM IZ UKRAJINE*, available at: <https://bit.ly/3IM0XYI>.

⁷² UOIM, *Osnovna podpora pri integraciji za razseljene osebe iz Ukrajine z začasno zaščito v Sloveniji*, available at: <https://bit.ly/3jEXn9J>.

⁷³ Slovenian Red Cross, *Pomoč Ukrajini in informacije za begunce ter njihove svojce*, available in Slovenian at: <https://bit.ly/3FU0YZu>.

⁷⁴ Information provided by the UOIM, February 2024.

Moreover, in December 2022 the European Union Agency for Asylum (EUAA) has signed an Operational Plan with the Republic of Slovenia for the provision of technical and operational assistance by EUAA to Slovenia. The Operational Plan, with the implementation period from the date of signing by the last of parties until 30 June 2023, came at the request of the Slovenian Ministry of Interior with the aim to support the national authorities in achieving three main objectives, including: implementing quality preliminary and asylum procedures, enhancing national capacity to provide adequate reception conditions and implementing Temporary Protection Directive, by helping with the provision of agreed-upon information to people fleeing Ukraine, as well as helping to manage the reception facilities where Temporary Protection beneficiaries reside.⁷⁵

Risks of exploitation and human trafficking

The Government has placed a special emphasis on persons fleeing the war in Ukraine being at risk of becoming victims of trafficking or other forms of exploitation. The authorities warn that many people are offering to help Ukrainian nationals, including with offering private accommodation, work and transportation to other countries but some of these may in fact be traps in which persons can fall victims to traffickers. It is also emphasized that women and children are a particularly vulnerable group in terms of human trafficking and anybody that detects any suspicious circumstances or believes they could be a victim of trafficking, is encouraged to call the police, or get in touch with anti-trafficking non-governmental or humanitarian organisations at the listed contact telephone numbers or e-mail addresses ([Caritas Slovenia](#), [Society Ključ – Centre for Fight against Trafficking in Human Beings](#), [Slovene Philanthropy](#), which also provide some information regarding risks for displaced persons from Ukraine).⁷⁶ Some NGOs also participate in the Interdepartmental Working Group for the fight against human trafficking, which brings together ministries and government departments as well as non-governmental organisations.⁷⁷

Upon the arrival of refugees from Ukraine, the National Working Group on Combating Trafficking in Human Beings warned about the risks posed by the crisis in Ukraine in relation to human trafficking.⁷⁸ As published on the Government website in 2022, in the accommodation facilities in **Logatec** and **Debeli Rtič**, cases were detected where individuals were looking for or attempting to establish contacts with women refugees from Ukraine, offering marriage arrangements and accommodation in private apartments in exchange for providing sexual services and performing various household chores. A suspicious ad for a job in the fashion industry was also detected.⁷⁹

This issue was also addressed by the Human Rights Ombudsman of the Republic of Slovenia, who in relation to the risks of human trafficking inquired the UOIM, Ministry of the Interior and Ministry of Labour, Family, Social Affairs and Equal Opportunities about any taken action in this respect. In response, in November 2022, the Ministry informed the Ombudsman that the Police had detected and dealt with five cases in which suspicions of a criminal offence of human trafficking in which citizens of Ukraine were allegedly exploited as victims.⁸⁰

Further, the US department of State also mentioned in its 2023 Trafficking in Persons Report on Slovenia, that Slovenian authorities reported sex traffickers targeted Ukrainian refugee women at a government-run accommodation facility. It was also reported that Slovenes as well as foreign workers and undocumented migrants are vulnerable to labour trafficking, including forced begging or domestic

⁷⁵ European Union Agency for Asylum, *EUAA deploys to Slovenia to support with asylum and reception, as the number of applications in Europe rise*, 20 December 2022, available at: <https://bit.ly/444qDK0>.

⁷⁶ Government of the Republic of Slovenia, *Combating trafficking in human beings*, available at: <https://bit.ly/3x1tzHC>.

⁷⁷ Government of the Republic of Slovenia, *The National Working Group for Combating Trafficking in Human Beings*, available at: <https://bit.ly/3Hyevq1>.

⁷⁸ Government of the Republic of Slovenia, *Combating trafficking in human beings*, available at: <https://bit.ly/3x1tzHC>.

⁷⁹ See for example articles explaining several examples of potential abuses people fleeing Ukraine are exposed to: N1, *“Na mejo po novo ženo”: vojna odpira prostor za izkoriščanje ljudi v stiski*, 15 March 2022, available in Slovenian at: <https://bit.ly/3XjHAe5> and N1, *Zloraba begunk? Oglas v Logatcu v ruščini ponuja manekensko delo*, 12 April 2022, available in Slovenian at: <https://bit.ly/3RJuaar>.

⁸⁰ Human Rights Ombudsman of the Republic of Slovenia, *The 28th Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2022*, available in Slovenian at: <https://bit.ly/3TXu4Pf>, 484.

servitude in a variety of sectors including construction, transportation, hospitality, and domestic service. Specifically Ukrainian refugees, predominantly women and children, fleeing Russia's full-scale invasion of Ukraine, are pointed out as vulnerable to trafficking.⁸¹

Moreover, it was also stated in the report that the Government of Slovenia in September 2022 participated in a joint operation with 19 countries to target criminal networks using online platforms to recruit victims for sexual exploitation and trafficking, with particular emphasis on refugees from Ukraine, which resulted in 45 potential victims identified, 25 of whom were Ukrainian. The government thus also increased prevention efforts, with the Ministry of Interior's (MOI) national coordinator for counter trafficking in persons continuing to head the Interdepartmental Working Group (IWG), which included NGO, police, and MOI representatives. IWG met seven times during the reporting period to organize and coordinate awareness efforts, including two extraordinary sessions to strengthen public information campaigns and coordination in response to the influx of Ukrainian refugees. The government also adopted a new anti-trafficking NAP for 2023-2024 focused on trainings, awareness activities, safe accommodation, and assistance, while continuing to issue warnings to refugees fleeing Ukraine regarding their vulnerability to human trafficking; increasing public awareness campaigns, in coordination with NGOs; publishing materials in Ukrainian; and strengthening its police presence in the field.⁸²

In 2023 no new such cases have been detected by the UOIM.⁸³

Information provision at the border

The Police, as the authority responsible for border crossing control, orally provide information on the procedure for temporary protection (basic information on the process and the rights and obligations of applicants and beneficiaries). Individuals can directly fill out an application for temporary protection and submit the relevant documents to the Police upon entry into the Republic of Slovenia. In practice, in 2023 PIC has continued to notice that many applicants were lacking basic information regarding the continuation of the temporary protection procedure (e.g., deadline for issuing a decision) and relating to their rights as temporary protection beneficiaries or applicants. We have, however, detected that in general, persons that were younger and more digitally savvy were more familiar with the relevant information, considering it is provided on the Government's website, while especially those who are older had certain issues.

D. Guarantees for vulnerable groups

Categories of people considered to be vulnerable are defined in the Temporary Protection of Displaced Persons Act as persons with special needs, in particular unaccompanied minors, persons with disabilities, elderly persons, pregnant women, unaccompanied women, single parents with minor children, victims of sexual abuse and victims of torture or organised violence.⁸⁴

Concerning any implemented procedure for conducting a vulnerability assessment of applicants for temporary protection, General Police Directorate explained that all applicants for temporary protection are treated individually with regard to their potential vulnerability.⁸⁵ The types of vulnerabilities that the Police systematically identify include especially unaccompanied minors, women, disabled people, elderly people, pregnant women, single parents, a person exposed to psychological, physical or sexual violence, a person with a confirmed infection with a contagious disease or a person in need of medical assistance and a stateless person. In any case, minors are inherently considered a vulnerable category of persons and special attention is paid to them. The mentioned vulnerabilities are not exclusive and other categories of persons who need special care or special assistance that go beyond basic migrant care can also be

⁸¹ U.S. Department of State, *2023 Trafficking in Persons Report: Slovenia*, available at: <https://bit.ly/3TluWHc>.

⁸² *Ibid.*

⁸³ Official statistics provided by the UOIM, February 2024.

⁸⁴ Article 3 Temporary Protection of Displaced Persons Act.

⁸⁵ Information provided by the General Police Directorate, February 2024.

included. The procedures for vulnerability assessment are not specified as such, since the aim is to ensure the personal integrity and care case-by-case, meaning dealing with each case on its own merits. No statistical data concerning applicants for temporary protection and TP beneficiaries was collected by the General Police Directorate and provided to PIC in this regard. However, as stated by the Ministry of the Interior, vulnerability assessment is in fact not carried out as part of the application process for temporary protection, as the competent authority for identifying vulnerabilities in the context of ensuring the rights and adequate care of applicants for temporary protection is the UOIM.⁸⁶

Further, as described by the UOIM,⁸⁷ help and support in case of vulnerability is available to all applicants, regardless of whether they are applying for temporary or international protection. Throughout the entire process, it is possible to evaluate or detect/recognise potential vulnerability. The first option is a medical examination at the reception centre; another possibility is when persons apply for a temporary protection or international protection, and they have a conversation/interview with an official during the process of obtaining the protection. In addition, it is possible to confide in social workers who are available in the accommodation centres and branches. Psychosocial support (psychologist and psychotherapist) is available for vulnerable people, a psychiatrist also regularly comes to the Asylum Home. As observed by PIC, the same remained throughout 2023. Additionally, concerning vulnerability assessment, the UOIM explained,⁸⁸ that the social service within accommodation centres regularly monitored each person from the first day of placement and in certain cases Social Work Centre also got involved. No statistical data of such persons has been provided for 2023.

It is especially worth mentioning that in 2022 the vast majority of people fleeing Ukraine and applying for temporary protection in Slovenia were women with children, as in the period from 10 March 2022 until 31 December 2022, a total of 8,445 persons applied for temporary protection in the Republic of Slovenia, of which 5,615 were women,⁸⁹ who are very vulnerable to potential abuses. In 2023, the difference in numbers based on gender was less significant, as 765 men and 996 women applied for temporary protection.⁹⁰

Therefore, effective informing, systematic vulnerability assessment and an accessible and effective system of assistance that would prevent them from becoming victims of various forms of abuse is necessary.

In practice, there has been a difference between persons residing in accommodation centres and those in private accommodations, as the former can turn to social workers who are available in the centres and who then liaise with the competent authorities or organisations.

Unaccompanied minors

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

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

- ❖ with adult relatives;
- ❖ with a foster family;

⁸⁶ Information provided by the Ministry of the Interior, February 2024.

⁸⁷ Information provided by the UOIM, February 2023.

⁸⁸ Information provided by the UOIM, February 2024.

⁸⁹ Official statistics provided by the Ministry of the Interior, March 2023.

⁹⁰ Official statistics provided by the Ministry of the Interior, February 2024.

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

The Social Work Centre with territorial jurisdiction shall be the centre located in the area where the unaccompanied minor is accommodated. When accommodating an unaccompanied minor, the competent Social Work Centre shall take into consideration the minor's opinion, in accordance with their age and degree of maturity.⁹¹

No special measures have been implemented so far that would be adapted specifically to the needs of non-accompanied minors who are entitled to temporary protection.⁹²

Persons suffering from mental health problems

Concerning the needs of applicants for temporary protection and TP beneficiaries suffering from mental health problems, including torture survivors and other traumatised persons, the UOIM explained that in 2023 such persons were entitled to psychiatric examinations and assistance provided at the headquarters of the UOIM. The aforementioned Projekt Ambient also addressed such problems through their programme.⁹³

As observed by PIC, some psychosocial support has also been available in accommodation centres based on the recognised need of accommodated persons by the social workers.

⁹¹ Article 41(3) Temporary Protection of Displaced Persons Act.

⁹² Information provided by the UOIM, February 2024.

⁹³ *Ibid.*

Content of Temporary Protection

A. Status and residence

1. Residence permit

Indicators: Residence permit

1. What is the duration of residence permits granted to beneficiaries of temporary protection?
Same as duration of the temporary protection, i.e., initially one year and then as extended.
2. How many residence permits were issued to beneficiaries from the activation of the Temporary Protection Directive until 31 December 2023?
9,337 (1,671 in 2023)

A person enjoying temporary protection is issued an identity card by the competent administrative unit that also serves as a permit for temporary residence in the Republic of Slovenia and which is valid for the period of the temporary protection.⁹⁴ The decision/identity card must be issued within one month at the latest from the day of receiving a complete application for initiating the procedure in accordance with the Article 222, paragraph 1, of the General Administrative Procedure Act.

The duration of temporary residence permits is the same as that of temporary protection, i.e., initially one year and then as extended.⁹⁵ The permit is automatically prolonged, and beneficiaries are issued new identity cards by the administrative units ex officio.⁹⁶

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

The residence permit granted to temporary protection beneficiaries is a *temporary* residence permit. In general, in accordance with the Foreigners Act, after five years of uninterrupted legal stay in Slovenia on the basis of a temporary residence permit, foreigners may obtain a permanent residence permit. However, the law provides that the period of residence of a foreigner in the Republic of Slovenia as a person with temporary protection cannot be counted towards the required five-year period for issuing a permanent residence permit, which is important for the persons that would decide to stay in Slovenia on a different basis (such as, e.g., single residence permit and work permit) after temporary protection ceases and would plan on eventually obtaining permanent residence permit.⁹⁷

A person who decides to renounce temporary protection because they wish to return to Ukraine or move to another country must unequivocally notify, in any way, including by e-mail, the competent administrative unit which granted them temporary protection. If a person has already been issued the abovementioned identity card, they must return it to the administrative unit that issued it (which can also be done by post). The administrative unit issues a decision on termination of temporary protection, which also specifies the deadline by which the person must leave the country.⁹⁸ As explained by the Ministry of the Interior,⁹⁹ in accordance with the guidelines of the European Commission a person already enjoying temporary protection in one of the member states has the right to travel to another member state for 90 days in a 180-day period, however if such a person moves to another member state (in this case to Slovenia), where they receive a second temporary protection residence permit, the member state that issued the first temporary protection residence permit must revoke it, and the rights derived from temporary protection in said member state cease.

⁹⁴ Article 42(2) Temporary Protection of Displaced Persons Act.

⁹⁵ Article 42(3) Temporary Protection of Displaced Persons Act.

⁹⁶ Government of the Republic of Slovenia, *Podaljšanje začasne zaščite za razseljene osebe iz Ukrajine še za eno leto*, 19 January 2024, available in Slovenian at: <https://bit.ly/48PhRkm>.

⁹⁷ Article 52(1) Foreigners Act.

⁹⁸ The official Government website: Republic of Slovenia, *Support for Ukrainian Nationals in Slovenia*, available at: <https://bit.ly/3HvxxNh>.

⁹⁹ Information provided by the Ministry of the Interior, February 2024.

To date, Slovenia still does not have legal basis for data exchange and therefore cannot participate in the EU platform for registration in view of personal data protection,¹⁰⁰ therefore it is advisable for persons that were enjoying temporary protection in another member state themselves submit proof of said renouncement to Slovenian authorities.

So far PIC has not detected any cases where a person that has renounced temporary protection in Slovenia and moved to another member state or returned to Ukraine would be prevented from applying for temporary protection again upon returning to Slovenia.

2. Access to asylum

Persons enjoying temporary protection may seek asylum during the period of temporary protection or after the termination thereof. In case the examination of an asylum application is not processed before the end of temporary protection, it shall be completed after the protection ends. Until a final decision on the asylum application is reached, such persons are subject to the regulations governing asylum.¹⁰¹ However, temporary protection beneficiaries that apply for international protection when temporary protection is still active continue to enjoy the rights under temporary protection until a positive decision on international protection has been issued.¹⁰²

Being able to apply for asylum is not conditioned on whether a person eligible to temporary protection has first started the registration process for temporary protection and the asylum application is examined the same as other applications in accordance with the International Protection Act.

However, as reported to PIC in several cases, Police immediately directed persons to apply either for temporary or for international protection based on their evaluation of the person's circumstances with respect to eligibility for being granted temporary or international protection, even though the Police is not the competent authority in the decision-making process on eligibility for either protection. Such example was detected in 2023 by PIC in the case of a person born in Crimea and with a Crimean permanent residence permit, that was, the same as the majority of other Ukrainian residents of Crimea, given Russian citizenship after the illegal annexation of the Crimean Peninsula in March 2014 and was therefore in possession only of a Russian international passport. Based on the person's identity documents, Police insisted the person was a Russian citizen, coming from a Russian territory and thus not eligible for Temporary Protection, deterring them from applying for temporary protection, with complete disregard for the international community's position and Slovenia's foreign policy of not recognising the Russian annexation of Crimea and regarding the act as a violation of international law. Therefore, as by law third-country nationals who are not citizens of Ukraine and who resided in Ukraine on the basis of a valid permanent residence permit and who are unable to return to their country or region of origin in a safe and sustainable or lasting manner are also eligible for temporary protection in Slovenia, the person decided to apply for temporary protection, once fully informed, and was in fact granted the status.

B. Family reunification

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

- ❖ a spouse or a person who had lived with the person who was granted temporary protection before their arrival in the Republic of Slovenia, for at least one year, in a domestic community that is equal in legal consequences to a marriage pursuant to the Family Code;¹⁰³

¹⁰⁰ *Ibid.*

¹⁰¹ Article 8(1)-(2) Temporary Protection of Displaced Persons Act.

¹⁰² Information provided by the Ministry of the Interior, February 2024.

¹⁰³ Family Code, Official Gazette of the Republic of Slovenia, no. 15/17 and subsequent amendments.

- ❖ the children of the person granted temporary protection, as long as the person is obliged to support them;¹⁰⁴
- ❖ stepchildren if they support their stepfather or stepmother, and a stepmother or stepfather if they support their stepchildren;¹⁰⁵
- ❖ grandchildren and nephews of the person granted temporary protection, in so far as that person is supporting the grandchildren or nephews who are without parents;
- ❖ other close relatives of the person granted temporary protection, if they had lived together as a family before their arrival in the Republic of Slovenia and were supported by the person who has obtained temporary protection.

The Temporary Protection of Displaced Persons Act therefore does provide ground for family reunification, however further regulation of the subject, i.e., Article 23 of the Decree on the methods for ensuring the rights of persons enjoying temporary protection stipulates that in the process of exercising the right to family reunification, provisions of the Rules on the procedure concerning the transfer of persons enjoying temporary protection shall be applied *mutatis mutandis*.¹⁰⁶

In accordance with the Rules, which regulate the procedure of transferring a person with temporary protection from one EUMS to another as provided with provision of the Article 26 of Temporary Protection Directive, family reunification can therefore be applied only through the system of relocation, which begins on the basis of a case-by-case agreement between Slovenia and another EUMS. In the process of transfer from another Member State to Slovenia, the Ministry, based on data provided by the competent authority of the other Member State, determines whether a person enjoying temporary protection in another Member State has any of the reasons for ineligibility to temporary protection in accordance with Article 5 of the Temporary Protection of Displaced Persons Act (*i.e.*, there are reasonable grounds for suspecting that the person has committed a criminal offence against humanity and international law as determined by the Criminal Code; has committed a serious non-political criminal offence elsewhere than in the Republic of Slovenia before they were admitted to the country as an applicant for temporary protection; has committed a criminal offence contrary to the purposes and principles of the United Nations and other binding international treaties implementing these purposes and principles; poses a threat to the constitutional order of the Republic of Slovenia or has been convicted by final decision of a criminal offence in the Republic of Slovenia and imposed an unsuspended sentence of imprisonment longer than one year and whose conviction has not been expunged), and thus cannot obtain temporary protection in Slovenia.¹⁰⁷

The understanding of the author is that in this sense the TPD is transposed through the possibility provided for by Article 15 (2) of the TPD, which allows family reunification in cases where the separate family members enjoy temporary protection in different Member States.

However, as the general system of relocation has not been put in place thus far, the right to family reunification for temporary protection beneficiaries is *de facto* not exercised and they cannot benefit from the rules on family reunification applicable to beneficiaries of international protection (see [General Report – Family Reunification](#)). Furthermore, no procedure has been put in place for persons to request family reunification through the TPD.

¹⁰⁴ The notion of 'obligation to support' in family relations is regulated in the Family Code, which stipulates that parents are obliged to support their minor children, i.e., until they reach the age of 18, or until the age of 26, as long as they are enrolled into school as regular students.

¹⁰⁵ *Ibid.*

¹⁰⁶ Rules on the procedure concerning transfer of persons enjoying temporary protection, Official Gazette of RS, No. 110/05.

¹⁰⁷ Articles 2(1) and 7(1) Rules on the procedure concerning transfer of persons enjoying temporary protection.

C. Movement and mobility

Restriction of movement of applicants for temporary protection may only be applied to those whose identity is not known or if there is doubt as to their identity. In such case, applicants may be required to stay, for a limited period of time, within an accommodation centre. Such restriction of movement shall be decided on by the Ministry by a procedural decision. The restriction may last for as long as the reasons exist, but for no longer than one month. If the reasons for the restriction persist thereafter, the restriction may be extended by another month. An appeal may be filed against a procedural decision restricting an applicant's movement before the Administrative Court of the Republic of Slovenia within three days of its service; the court shall decide on the case within three days of a preliminary oral hearing.¹⁰⁸

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

Beneficiaries of temporary protection also have freedom of movement to other EU Member States once they are registered.

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

D. Housing

Indicators: Housing

1. For how long are temporary protection beneficiaries entitled to stay in reception centres?	Unlimited
2. Number of beneficiaries staying in State provided accommodation as of 12/2023	467
3. Number of beneficiaries staying in private accommodation as of 12/2023	Not available

In accordance with the Temporary Protection of Displaced Persons Act, the Government Office for the Support and Integration of Migrants (Urad za oskrbo in integracijo migrantov, UOIM) is responsible for ensuring that persons with temporary protection are properly accommodated. The UOIM is obliged to organise the transfer of applicants to the nearest reception centre, where identification, collection of information relevant to the granting of temporary protection and a medical examination take place. Applicants may be placed in accommodation centres pending the final decision on their application. The centres are established by the Government and managed by the UOIM.¹⁰⁹ Further, the Decree on the methods for ensuring the rights of persons enjoying temporary protection provides in Article 2 that until the final decision on an application for temporary protection is made, the applicant for temporary protection may stay in accommodation centres where they are provided with adequate food. The UOIM organises transport of the applicant for temporary protection to the nearest reception centre, but if they have their own transportation or are provided with transportation in another way, the applicant for temporary protection can take themselves to the nearest reception centre.

¹⁰⁸ Article 21 Temporary Protection of Displaced Persons Act.

¹⁰⁹ Article 17(1)-(3) Temporary Protection of Displaced Persons Act.

Moreover, the law also provides that persons have the right to be provided accommodation and meals at accommodation centres after being granted temporary protection.¹¹⁰

In line with the Decree, vulnerable groups of persons as referred to in the act governing temporary protection are accommodated in accommodation centres separately from other persons with temporary protection, where their special needs are taken into account based on an individual assessment.¹¹¹

In practice, the reception of applicants for temporary protection is carried out in the Asylum Home Branch Facility in **Logatec**, which serves also as an accommodation centre for asylum seekers, applicants for temporary protection and temporary protection holders, with an accommodation capacity of 400 persons.¹¹² However, later on, usually only after receiving temporary protection, they are accommodated in other available accommodation centres or other State-provided accommodations. As also described in the Human Rights Ombudsman of the Republic of Slovenia's latest available annual report (for 2022), in the accommodation centre in **Logatec**, all categories of Ukrainian citizens - both families and single women as well as single men - are accommodated, while among the seekers of international protection, only families, couples, single women and unaccompanied minors are accommodated in the centre. As reported, the persons are accommodated in three buildings and in living containers, in which up to six single persons or up to eight family members are accommodated.¹¹³ Based on PIC's observation individuals can freely move on the premises of the centre and are allowed to leave the premises after informing the social workers. Where they are accommodated in **Logatec**, in buildings or in containers, and where and when they are moved next is decided by the social workers based on the individual circumstances (e.g., family, unaccompanied minor, single woman, other detected vulnerabilities etc.) as well as depending on the status of the person (temporary or international protection) and availability. Special attention is afforded to individuals assessed as vulnerable, for example women with children are put in separate rooms from men and the containers host mostly single men.

Applicants and beneficiaries of temporary protection are also housed in the accommodation centres in **Debeli Rtič** and in **Postojna**.¹¹⁴ Additionally, due to the lack of capacity in accommodation centres, the UOIM also began accommodating persons into student dormitories (e.g., in **Kranj**, **Nova Gorica**, **Radenci**) and other suitable state-owned and other facilities (such as apartments of the Ministry of Defence, apartments of the Public Housing Fund, Integration Houses, accommodations obtained through a public call, that met the necessary conditions, etc.). In the future, the UOIM is also planning to use the facilities in **Jelšane**, **Gornja Radgona** and **Velenje**.¹¹⁵ Orphans, aged one to seven years, that were relocated from the Luhansk orphanage in Ukraine in 2022, were placed in the village of Slavina near Postojna in a house that is owned by the municipality of Postojna.¹¹⁶ In 2023, Deputy Ombudsman visited the orphans accommodated in the Postojna student dormitory and in the accommodation facility in Slavina to examine the social and living conditions and assessed that the children have adequate care.¹¹⁷ However, Ukrainian orphans who found shelter from the war almost two years ago in the village of Slavina will apparently soon return to their homeland, as decided by the authorities in Ukraine who have been calling on all Ukrainians displaced in Europe to return. The coordinator of their accommodation expressed concerns in this respect, stating it is not in the children's interest to be moved to such a turbulent environment.¹¹⁸

¹¹⁰ Article 25(1) Temporary Protection of Displaced Persons Act.

¹¹¹ Article 4 Decree on the methods for ensuring rights of persons enjoying temporary protection.

¹¹² Official statistics provided by the UOIM, March 2024.

¹¹³ Human Rights Ombudsman of the Republic of Slovenia, *The 28th Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2022*, available in Slovenian at: <https://bit.ly/3TXu4Pf>.

¹¹⁴ Republic of Slovenia, *Z nastanitvenim centrom v Postojni pridobili 120 novih namestitev*, 8 July 2022, available in Slovenian at: <https://bit.ly/3InSwdL>.

¹¹⁵ Republic of Slovenia, *Support for Ukrainian Nationals in Slovenia*, available at: <https://bit.ly/3HvxxNh>.

¹¹⁶ Republic of Slovenia, *Otroci iz ukrajinske sirotišnice Lugansk so prispeli v Slavino pri Postojni*, 3 May 2022, available in Slovenian at: <https://bit.ly/42urpzb>.

¹¹⁷ MMC RTV Slovenija (G.K.), *Varuh: Za ukrajinske sirote je v Postojni dobro poskrbljeno*, 16 June 2023, available in Slovenian at: <https://bit.ly/3TQdgtc>.

¹¹⁸ 24ur.com (Tjaša Dugulin), *Ukrajinske sirote se vračajo v domovino: 'Selitev v nemirno okolje ni v korist otrok'*, 2 March 2024, available in Slovenian at: <https://bit.ly/498mtBG>.

With regard to housing, applicants for temporary protection and temporary protection holders are entitled to accommodation and meals in accommodation centres and, after being granted TP, a person is also entitled to monthly allowance (see [Social Welfare](#)) or, if they do not reside in accommodation centres, financial assistance for private accommodation, that are granted only to those beneficiaries that are not receiving any income or cash benefits and who are unable to rely on a person who is obligated to and capable of supporting them in accordance with the regulations of the Republic of Slovenia.¹¹⁹

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

In comparison with the International Protection Act, which clearly provides that asylum seekers have the right to the following material reception conditions: accommodation in the Asylum Home or its branch facilities; material support (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,¹²⁰ material reception conditions as such are not explicitly defined for applicants for temporary protection and TP beneficiaries by law. Thus, the law also does not specify any procedure for such rights to be reduced or withdrawn.

Nonetheless, PIC has observed that material support has been available to applicants for temporary protection and to TP holders, accommodated in accommodation centres, considering their needs, despite TP holders receiving an allowance that should supposedly cover such costs.

There is also no specific provision on how long beneficiaries of temporary protection are entitled to stay in reception centres. In general, they stay in the reception/accommodation centre in **Logatec** for a shorter period and are then moved to other accommodation centres and state facilities if they do not decide to reside in a private accommodation. Though, if a person is absent from the reception/accommodation centre for a longer period of time (for example in case of a visit to Ukraine), it is not guaranteed that they will be able to return to the same accommodation as previously, as this depends on free capacities.¹²¹

In 2023, there were 830 available places in State-provided accommodations for applicants for temporary protection and beneficiaries of temporary protection in total and as of 31 December 2023, 467 TP applicants and holders were residing in reception/accommodation centres and other facilities, as follows: 83 persons in student dormitories, 69 in accommodation centre Postojna, 85 in accommodation centre Debeli Rtič, 47 in Asylum Home Branch Facility in Logatec, 5 in Integration House Maribor, 40 in apartments of the Public Housing Fund of the Republic of Slovenia and of City of Ljubljana's Public Housing Fund and 138 in facilities provided by the Ministries and through private individuals that concluded a contract with the UOIM.¹²²

Applicants for temporary protection and temporary protection holders can also reside in private accommodation without requesting the authorisation to do so from the competent authority as the law on temporary protection does not provide for such requirement as is needed for applicants for international protection in line with the International Protection Act.¹²³ Applicants can secure private accommodation by themselves or with help from non-governmental and humanitarian organisations (Slovene Philanthropy, Red Cross/Caritas and some others), as well as with assistance of some local communities. Since the beginning of the war, applications from private individuals as well as companies offering accommodation to persons fleeing the war in Ukraine have also been collected at the UOIM, which then matched them with applicants for temporary protection and temporary protection holders looking for private accommodation, considering any specific needs. However, as reported to PIC, the conditions in the offered private accommodations had not been personally checked by the UOIM and the only

¹¹⁹ Article 23 and Article 35(1) Temporary Protection of Displaced Persons Act.

¹²⁰ Article 78(1) and 79 IPA.

¹²¹ Information provided by the UOIM, February 2023.

¹²² Official statistics provided by the UOIM, February 2024.

¹²³ Article 83(1) IPA.

safeguard has been largely based solely on the assessment of the employees at the UOIM (in communication through the telephone or via an e-mail) as to whether the offered accommodations were inappropriate or could possibly pose even a risk, having in mind vulnerability of the refugees. Another issue with private accommodation that has eventually become apparent is also that initially there was a lot of interest to help accommodate Ukrainian refugees, which gradually subsided and it has become quite challenging for them to be able to find an appropriate private accommodation, especially long-term (for a year or more). In cases of free of charge hosting by private individuals, no financial compensation or financial support for private households housing persons fleeing Ukraine has been introduced by the State. Financial aid is only provided to TP beneficiaries. However, financial assistance for private accommodation, which is granted for paying rent and/or utility costs (when there is a signed rental agreement or agreement on the use of the real estate property) can also be submitted directly to the account of the landlord with a written consent by both, the landlord and the TP beneficiary as a tenant. In this respect, some issues with landlords were also reported to PIC regarding temporary protection beneficiaries not being able to immediately pay the rent, as they were waiting for the financial assistance for private accommodation that is provided by the UOIM (sometimes past the time limit for issuing a decision on granting financial aid due to limited capacities for processing a large number of applications). Many temporary protection beneficiaries have also found accommodation with their friends or relatives. Slovenia did not collect statistics on the use of accommodation in private households in 2023.

So far PIC did not detect any issues with temporary protection beneficiaries being able to access reception conditions provided by the State. However, in general, in 2022 the main challenges in relation to housing and accommodation were uncertainty in case of private hosting (when referring to charitable support from private individuals, free of charge) as they were mostly provided for a short period of time and the persons had to move to a reception/accommodation centre when the accommodation became unavailable. In 2023 there were even less cases of private (free of charge) hosting, as detected by PIC, and shortage of affordable private accommodations and their temporary nature, meeting the specific needs of vulnerable groups and the risk of exploitation in private accommodation continued to be an issue in 2023 as well. In 2023, the UOIM helped only a few people to find private accommodation. In all these cases, the UOIM spoke with providers of private accommodation (landlords) and reminded them of their legal obligations related to renting. No special safeguards have been put in place in relation to private housing to prevent risks such as inappropriate conditions or exploitation risk.¹²⁴

The Slovenian Ombudsman visited accommodation centre in Logatec in 2022 due to reports of overcrowding and poor living conditions. During the visit, asylum seekers, TP holders and people waiting to lodge an application were accommodated in rooms and containers. Regarding the rooms in the built facilities, the Ombudsman noted that they are in line with the accommodation standards set in EASO/EUAA guidelines. People had a lot of outdoor activities; the rooms could be locked and the whole centre was properly cleaned. However, the Ombudsman concluded that accommodation conditions in the containers do not reach the minimal standards set out by the EASO/EUAA guidelines when overcrowded. The area of the container is 14.4 m² (6 x 2.4 m²) and up to six single persons or up to eight family members are accommodated in one container. If more than three people live in the container, they are therefore guaranteed less than 4 m² of personal space. The Ombudsman also noted that the situation is especially concerning regarding the right to personal dignity, the right to privacy and the right to personal security. In the opinion of the Ombudsman, the conditions to a certain extent contributed to the high absconding rate. Therefore, the conditions also violated the right to asylum enshrined in Article 18 of the Charter. The Ombudsman concluded that the conditions were the consequence of lack of capacity. He recommended that additional capacity be guaranteed together with additional staff. The Ombudsman also recommended that the containers should not be used.¹²⁵

The Ombudsman also visited accommodation centres in 2023, namely accommodation centre in Debeli Rtič and in Logatec. During the visit in Debeli Rtič, the ombudsman inspected the living conditions and discussed the challenges in finding new capacities for refugees and the cooperation of the Municipality of

¹²⁴ Information provided by the UOIM, February 2024.

¹²⁵ Human Rights Ombudsman of the Republic of Slovenia, *The 28th Annual Report of the Human Rights Ombudsman of the Republic of Slovenia for 2022*, available in Slovenian at: <https://bit.ly/3TXu4Pf>, 225-226.

Ankaran with the director of the UOIM, as an example of good practice.¹²⁶ In April 2023, the Ombudsman also visited the accommodation centre in Logatec, with the purpose of inspecting the centre and living conditions and to talk to the management of the UOIM about the challenges they face in their work. During the visit, the Ombudsman also pointed out the recent recommendations that the institution of the Ombudsman gave to the UOIM upon the last unannounced visit to the centre in Logatec in September 2022, emphasizing that it is the state's obligation to ensure adequate reception conditions for refugees by providing them with an adequate standard of living and guaranteeing their existence and protecting their physical and mental health. He also reminded of the proposals of the institution of the Ombudsman from 2022 for the state to provide adequate additional spatial resources for the accommodation of people seeking protection as soon as possible, thus eliminating the use of living containers.¹²⁷

E. Employment and education

1. Access to the labour market

Persons enjoying temporary protection enjoy the right to work to the same degree as refugees, in accordance with the regulations governing the employment and work of foreigners (see [General Report – Access to the labour market](#)). Persons enjoying temporary protection may participate in training programmes or enter into a traineeship in accordance with regulations. Costs incurred as a result of exercising these rights are borne by the employer. Persons enjoying temporary protection may exercise said rights only during the period of temporary protection.¹²⁸

Displaced persons from Ukraine who have been granted temporary protection have free access to the labour market, which means that they are employed in Slovenia under the same conditions as Slovenian nationals and their employers are not required to obtain work permits in order to be able to employ them. When entering the labour market, Ukrainian nationals and other TP beneficiaries are entitled to the same range of statutory employment rights and obligations as other active job seekers and employees. It is important to point out that, because of their lack of knowledge of Slovenian language and of familiarity with the system itself and their rights under labour law and other relevant legislation, foreigners are a particularly vulnerable group in and around the labour market. The Employment Service of the Republic of Slovenia provides foreigners with tailored career counselling and programmes to speed up their labour market integration. TP beneficiaries are encouraged to register with the Employment Service, as each unemployed person is assigned a career counsellor with whom they draw up an employment plan and plan how to take further steps to speed up their labour market integration. The Employment Service also provides assistance to the unemployed by enrolling them in active employment policy programmes which may help them acquire the necessary knowledge, skills and competences to improve their employment opportunities. Foreigners who do not speak Slovenian and have no experience with the Slovenian labour market are provided with special tailor-made programmes organised by the Employment Service. In addition to Slovenian language courses, these programmes include on-the-job trainings for beneficiaries of international and temporary protection and foreigners, as well as workshops on "Labour market integration" and "Supporting vulnerable groups in the labour market". Another benefit of registering is that the Employment Service is responsible for monitoring and verifying employers whose job vacancies have been publicly advertised.¹²⁹

To the best of the knowledge of the author, no exemptions from qualification recognition regarding specific professions that would be specifically related to facilitated employment of persons with temporary protection have been implemented in 2023 despite serious shortage of staff in certain professions, such as healthcare workers.¹³⁰

¹²⁶ UOIM, *Varuh človekovih pravic obiskal nastanitveni center na Debelem rtiču*, available at: <https://bit.ly/4csJAth>.

¹²⁷ Human Rights Ombudsman, *Human Rights Ombudsman Visits the Accommodation Centre in Logatec*, 4 June 2023, available at: <https://bit.ly/4as2Cyu>.

¹²⁸ Article 28(1)-(4) Temporary Protection of Displaced Persons Act.

¹²⁹ Republic of Slovenia, *Employment of Ukrainian nationals living in Slovenia*, available at: <https://bit.ly/3Yz1dAa>.

¹³⁰ However, even though this is not relevant to temporary protection beneficiaries, as they already enjoy free access to the labor market, it is worth mentioning the Employment, Self-employment and Work of Foreigners

In 2023, on average around 638 citizens of Ukraine were registered in the registry of unemployed persons at the Employment Service of Slovenia (ESS), meaning they were actively seeking and were willing to take up employment.¹³¹

2. Access to education

In accordance with the Temporary Protection of Displaced Persons Act,¹³² persons under the age of 18 enjoying temporary protection are entitled to enjoy the same rights under the same terms as citizens of the Republic of Slovenia as regards:

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

The costs of education for TP beneficiaries under the age of 18 are to be covered by the ministry responsible for education, to the same degree and under the same terms as applicable to citizens of the Republic of Slovenia,¹³³ which means that their education is free of charge.

Persons enjoying temporary protection who are older than 18 years of age may participate in education as described for persons under the age of 18 under the same conditions that apply to participants in adult education, in terms of tuition fees; they may also take part in higher vocational and higher or university-level education in accordance with the regulations governing these education programmes.¹³⁴

The inclusion of persons enjoying temporary protection in education programs is arranged by the UOIM in cooperation with the Ministry of Education.¹³⁵

The National Education Institute Slovenia (ZRŠŠ) has prepared Guidelines for the integration of children and adolescents with temporary protection in educational institutions,¹³⁶ which are intended for those working in kindergartens, primary and secondary schools and serve to support the integration and work with children and adolescents, who come from war zones and need help to integrate, and to create an inclusive environment in which children and young people learn to respect diversity.¹³⁷

Kindergartens are open to children from the age of 11 months until they start primary school,¹³⁸ however, before enrolling their child into kindergarten, parents must provide a certificate issued by a paediatrician stating that the child has been vaccinated against measles, mumps and rubella, otherwise the inclusion is refused.¹³⁹ This may represent issues to some, who did not bring the necessary documentation with them when fleeing Ukraine to be able to prove whether the child has had all the necessary vaccinations.

Act (Official Gazette of RS, No. 91/21 and 42/23) was amended in 2023 in order to simplify employment of foreigners. With the amendment, foreign nationals who are employed in the public sector, where there is a serious shortage of suitable staff, especially in health and social services (such as health centres, nursing homes etc.), will no longer be subject to the provisions of the amended law. Therefore, foreign nationals who will be employed in the public sector do not need to be granted consent for such employment from the Employment Service of Slovenia (ESS) anymore, making the process faster, as ESS needs to determine the education, language skills and qualifications of foreign nationals before granting consent.

¹³¹ Official statistics provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, February 2024.

¹³² Article 29(1) Temporary Protection of Displaced Persons Act.

¹³³ Article 29(3) Temporary Protection of Displaced Persons Act.

¹³⁴ Article 29(2) Temporary Protection of Displaced Persons Act.

¹³⁵ Article 29(5) Temporary Protection of Displaced Persons Act.

¹³⁶ National Education Institute Slovenia, Smernice za vključevanje otrok in mladostnikov z začasno zaščito v vzgojno-izobraževalne zavode, available at: <https://bit.ly/3JuGUOC>.

¹³⁷ Information provided by the Ministry of Education, March 2024.

¹³⁸ Article 20(2) Kindergartens Act, Official Gazette of RS, No. 100/05 and subsequent amendments.

¹³⁹ Article 51.a Communicable Diseases Act, Official Gazette of RS, No. 33/06 and subsequent amendments.

In Slovenia, in accordance with the Basic School Act, primary education lasts nine years and is compulsory.¹⁴⁰ No information provided by the competent authority (the Ministry of Education) indicates an obligation for those attending online Ukrainian school to also attend Slovenian school and PIC did not observe any issues related to the children with temporary protection that are fulfilling their obligation to attend elementary education only through continuing to attend Ukrainian school online. The Ministry of Education has, however, explained that at the end of 2023, the Ministry forwarded to all primary and secondary schools a circular with a letter from the Ukrainian Ministry responsible for education addressed to parents and legal representatives of Ukrainian children, recommending that children attending Slovenian schools follow the Slovenian education system. Despite the war, education in Ukraine is still available as well as the option of a combined system with online education provided by the Ukrainian authorities. Students who are already enrolled in primary school education in the Republic of Slovenia are obliged by law to attend classes in all subjects according to the compulsory programme of primary school. Those students who decide for parallel education according to the Ukrainian programme are able to attend online education after daily scheduled programme of the Slovenian primary school. Schools and children's parents report that it is challenging for students to coordinate attending a Slovenian primary school and the Ukrainian distance education model simultaneously.¹⁴¹

In accordance with the regulations on the basic education programme, children are usually enrolled in the school located in the school district where they reside. The first days of primary school are dedicated to getting to know the school environment and learning Slovenian. Pupils benefiting from temporary protection can also take part in the extended curriculum and in the extra-curricular activities provided by the school. Moreover, pupils with temporary protection are entitled to have extra Slovenian language lessons. As the language barrier is one of the main issues, in the first year of their schooling, the emphasis is placed on language empowerment and a condensed approach to beginner Slovenian language lessons. Pupils shall also be offered various forms of support, including supplementary teaching, individual and group assistance, adaptations to teaching methods and approaches, and they are entitled to have the option of adjusting their assessment during the school year.¹⁴²

In order to enrol in elementary school and upper secondary schools (general education, vocational education, and technical education), candidates must meet the entry requirements, which together with the enrolment process, are the same as the for candidates who have previously studied abroad, *i.e.*, through a process of recognising foreign education with a view to continue their studies. Applicants must submit appropriate documentation of their studies abroad. Completion of primary school is the basic entry requirement for enrolment in the initial year of secondary school, while admission to higher secondary-school year(s) is decided by the selected secondary school after reviewing the candidate's previous certificates and comparing the subject curricula of both countries.¹⁴³ The selected school decides on the enrolment of a person with temporary protection who is unable to prove their previous education by submitting appropriate documents or certificates, following the guidelines of the National Education Institute Slovenia, which set out the elements of the initial interview that is to be carried out at the school as well as possible ways of assessing prior knowledge. Due to the enrolment of persons with temporary protection who apply for programmes with enrolment restrictions, additional places may be provided.¹⁴⁴

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

In comparison with beneficiaries of international protection for which it is provided in the International Protection Act that they are entitled to state scholarships,¹⁴⁵ in the act regulating temporary protection no provision determines entitlement to state scholarships for persons with temporary protection, therefore

¹⁴⁰ Article 3 Basic School Act, Official Gazette of RS, No. 23/05.

¹⁴¹ Information provided by the Ministry of Education, March 2024.

¹⁴² Republic of Slovenia, *Providing education to Ukrainian children living in Slovenia*, available at: <https://bit.ly/3Xi1rup>.

¹⁴³ Republic of Slovenia, *Providing education to Ukrainian children living in Slovenia*, available at: <https://bit.ly/3Xi1rup>.

¹⁴⁴ Article 17(1)-(2) and (4) Decree on the methods for ensuring rights of persons enjoying temporary protection.

¹⁴⁵ Article 101(2) International Protection Act.

the Scholarship Act¹⁴⁶ alone applies in this regard. This act, that defines several forms of scholarships that are awarded in the Republic of Slovenia besides state scholarships, foresees in Article 12 that, in principle, a scholarship is awarded to citizens of the Republic of Slovenia, to third-country nationals who have acquired long-term resident status or to those with another relevant status under this article. As not being entitled to state scholarships represents an issue to many TP beneficiaries, there was also a public call in 2022 by the School Student Organisation of Slovenia and Slovenian Student Union for the Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia to hold an extraordinary tender for pupils and students from Ukraine, the costs of which would be covered by the competent ministry,¹⁴⁷ however, no action has been made in this direction so far.

While in general tuition fees for studies according to officially recognised study programmes are charged to foreigners (citizens of non-EU countries) in accordance with the Regulations on tuition fees and accommodation in public students' dormitories for Slovene nationals without Slovene citizenship and foreigners in the Republic of Slovenia, the Regulations were amended on 31 March 2022 (in force since 23 April 2022) to include persons with temporary protection under the categories of foreigners that do not need to pay tuition fees at public higher education institutions, or they pay the same amount as is determined for citizens of the Republic of Slovenia.¹⁴⁸ As the new law on temporary protection has not been adopted yet, gaps of this kind that have arisen in practice (e.g. the issue of tuition fees for TP holders) due to the lack of a legal basis are thus corrected by sectoral laws and regulations. The Ministry of Education¹⁴⁹ has, however, pointed out that a provision, which would explicitly allow access to post-secondary and higher education under the conditions that apply to citizens of the Republic of Slovenia, is included in the proposal of the new Temporary Protection of Displaced Persons Act (ZZZRO-1).¹⁵⁰

The right to accommodation in student dormitories for students with temporary protection is also not regulated in the Temporary Protection of Displaced Persons Act, however, the Rules on Subsidized Student Accommodation stipulate that the subsidy for accommodation in student dormitories is also awarded to students who have the status of a person with international protection or the status of a person with temporary protection and who fulfil the general conditions set in the Rules.¹⁵¹ To cover the cost, they can also apply for financial assistance for private accommodation.

As of 2 October 2023,¹⁵² a total of 227 children were enrolled in 92 kindergartens, 862 in 220 elementary schools; 5 in elementary schools with an adapted programme; 4 in institutions for education of children and youth with special needs and 126 Ukrainian students with temporary protection were enrolled in 45 secondary schools.¹⁵³ As for Ukrainian students that were enrolled in higher education, in academic year 2022/2023 there were 225 students with Ukrainian citizenship (this data is collected based on citizenship and not based on status such as temporary protection) and 241 students in academic year 2023/2024.¹⁵⁴

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

¹⁴⁶ Scholarship Act, Official Gazette of RS, No. 56/13 and subsequent amendments.

¹⁴⁷ Študentska organizacija Slovenije, *Javni poziv k zagotovitvi sredstev in izvedbi izrednega razpisa za štipendije dijakom in študentom, prizadetih zaradi ukrajinske krize*, 24 March 2022, available at: <https://bit.ly/3L8BDOy>.

¹⁴⁸ Article 4(1) Regulations on tuition fees and accommodation in public students' dormitories for Slovene nationals without Slovene citizenship and foreigners in the Republic of Slovenia, Official Gazette of RS, No. 77/16 and subsequent amendments.

¹⁴⁹ Information provided by the Ministry of Education, March 2024.

¹⁵⁰ The proposed act is available in Slovenian at: <http://bit.ly/3jwkjie>.

¹⁵¹ Article 12 (6) Rules on Subsidized Student Accommodation, Official Gazette of RS, No. 22/01 and subsequent amendments.

¹⁵² As explained to PIC by the Ministry of Education, data is collected on several dates and is based on the information provided by the individual institutes; information from 2 October is the most recent from 2023.

¹⁵³ Official statistics provided by the Ministry of Education, March 2024.

¹⁵⁴ Official statistics provided by the Ministry of Higher Education, Science and Innovation, February 2024.

F. Social welfare

The law provides for access to social welfare for temporary protection beneficiaries in various forms, *i.e.*, monthly allowances in the amount of 30 percent of the basic minimum monthly income for TP holders that are staying in accommodation centres.¹⁵⁵ In 2023, the monthly allowance was in amount of EUR 126,57 until increase of the basic minimum monthly income from 1 April 2023 to the amount of EUR 465,34, when allowance was increased accordingly to EUR 139.60 per month.¹⁵⁶ Allowance is provided based on a person's signed statement that they are without their own means of subsistence.¹⁵⁷

Those who stay in places other than accommodation centres and who do not receive any income or cash benefits and who are unable to rely on a person who is obligated to and capable of supporting them in accordance with the regulations of the Republic of Slovenia can obtain two forms of financial aid, *i.e.* financial assistance (for everyday expenses) and financial assistance for private accommodation (as payment for rent and/or utility costs). Applications for financial assistance and financial assistance for private accommodation must be sent by post or submitted in person during office hours at the UOIM, using the prescribed form. The amount of financial assistance and financial assistance for private accommodation depends on the number of family members and their incomes and is calculated in relation to the basic amount of the minimum income, which is determined by the regulations governing social assistance payments. In 2023, the same as in 2022, these benefits were financed by the Government Office for the Support and Integration of Migrants (UOIM). Other potentials forms of social assistance, including subsidies and reduced payments, can be claimed at local Social Work Centres, such as first social aid, personal social aid, child benefit, kindergarten subsidy,¹⁵⁸ parental allowance, childbirth grant, allowance for a large family, partial payment for lost income.

The amount of financial assistance is determined in relation to the basic amount of the minimum income according to the following criteria: for the first adult person or claimant 100% of the basic amount of the minimum income, 70% for every additional adult person in the family; 30% for every child under the age of 18; 100% for an unaccompanied minor and for minors staying in the Republic of Slovenia with only one parent, the financial assistance is increased by 30% of the basic amount of the minimum income.¹⁵⁹ In 2023, the basic amount of the minimum income was EUR 421.89, until it was increased to EUR 465,34 from 1 April 2023.¹⁶⁰

As for the financial assistance for private accommodation, the amount is determined according to the number of family members of the person with temporary protection, as follows: for one person 100%, for two people 130%, three people 160%, *etc.*¹⁶¹ The amount was increased to EUR 465,34 (100%) from 1 April 2023 based on increase of the basic amount of minimum income. If a lower amount of rent and utility costs altogether is specified in the rental agreement, the contractual amount is considered instead of the stated amounts.¹⁶² The decision to grant financial assistance for private accommodation was first issued for a period of three months which was extended to six months with the amendment (in force since 3 December 2022) to the Decree on the methods for ensuring rights of persons enjoying temporary protection.¹⁶³ Financial assistance is also provided for six months.¹⁶⁴ If beneficiaries want to continue to receive funds, they must submit a new request before the expiry of the valid decision.¹⁶⁵

¹⁵⁵ Article 35(2) Temporary Protection of Displaced Persons Act.

¹⁵⁶ The official Government website, *Denarna socialna pomoč*, available at: <https://bit.ly/3TPoaze>.

¹⁵⁷ Article 22(1) Decree on the methods for ensuring rights of persons enjoying temporary protection.

¹⁵⁸ Kindergarten is free of charge for TP beneficiaries who are receiving the allowance or financial assistance, while employed persons can apply for the kindergarten subsidy, as provided with Article 16(1-2) Decree on the methods for ensuring rights of persons enjoying temporary protection.

¹⁵⁹ Article 32 Temporary Protection of Displaced Persons Act.

¹⁶⁰ The official Government website, *Denarna socialna pomoč*, available at: <https://bit.ly/3TPoaze>.

¹⁶¹ Article 9(1) Decree on the methods for ensuring rights of persons enjoying temporary protection

¹⁶² Article 10 Decree on the methods for ensuring rights of persons enjoying temporary protection.

¹⁶³ Article 5(5) Decree on the methods for ensuring rights of persons enjoying temporary protection.

¹⁶⁴ Article 34(2) Temporary Protection of Displaced Persons Act.

¹⁶⁵ Article 5(4) Decree on the methods for ensuring rights of persons enjoying temporary protection.

The main difference in access to social welfare for temporary protection beneficiaries in comparison to nationals is the competent authority for granting social assistance, however the conditions that need to be fulfilled in order to be entitled different forms are the same as for nationals, *i.e.*, as regulated with general legislation governing social assistance. With the most recent legislative proposal, authority to grant financial assistance would be transferred from the UOIM to the Centre for Social Work (as locally competent), which is the main authority for granting social assistance under the national social security system. There are also some differences in the percentages for financial assistance that TP beneficiaries are entitled to in comparison with financial social assistance (social assistance benefit) for the nationals. For a person enjoying temporary protection, the amount of financial assistance is determined in amounts as stated above, while financial social assistance for the nationals is determined in relation to the basic amount of the minimum income as follows: 100% for the first adult person or claimant; 57% for every additional adult person in the family; 59% for every child under the age of 18; 18% increase for each child in a single-parent family.¹⁶⁶

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

Temporary protection beneficiaries are given a *temporary* residence permit. The type of residence (temporary or permanent) is important in order to obtain rights to social security; for example, dependence allowance, allowance for foreign care and help, home care assistant, funeral payment and death grant etc. are connected to permanent residence. Moreover, in case a person does not meet the conditions to be included in compulsory (health, pension and disability) insurance, *i.e.*, when they are unemployed and are therefore not registered in compulsory social security by an employer, they can only be included in insurance voluntarily (paying contributions themselves) in accordance with the Health Care and Health Insurance Act¹⁶⁷ and Pension and Disability Insurance Act¹⁶⁸ under the condition that they have a permanent residence in Slovenia.¹⁶⁹

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

As explained by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, the right to family benefits and allowances is based on permanent or temporary residence in the Republic of Slovenia and actual residence in the Republic of Slovenia, therefore the statuses of beneficiaries (legal basis for their residence) are not monitored in the Social Work Centres' records. Recipients of child benefits are monitored according to citizenship, while for recipients of parental allowance, childbirth grant, allowance for a large family, childcare allowance, the record does not include citizenship. Based on the number of citizens of Ukraine who have temporary or permanent residence, conclusions can be drawn about the number of persons with temporary protection, who are recipients of child benefits.¹⁷⁰ In 2023, on average, 1595 children with Ukrainian citizenship were entitled to child benefits.

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

¹⁶⁶ Article 26 Social Assistance Payments Act, Official Gazette of RS, No. 61/10 and subsequent amendments.

¹⁶⁷ Health Care and Health Insurance Act, Official Gazette of RS, No. 72/06 and subsequent amendments.

¹⁶⁸ Pension and Disability Insurance Act, Official Gazette of RS, No. 48/22.

¹⁶⁹ European Commission, *Employment, Social Affairs & Inclusion: Slovenia - Habitual residence*, available at: <https://bit.ly/3LX2eNP>.

¹⁷⁰ Information provided by the Ministry of Labour, Family, Social Affairs and Equal Opportunities, February 2023.

G. Health care

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

- ❖ emergency medical care and emergency transport and the right to emergency dental care;
- ❖ emergency treatment upon a decision of the attending physician,
- ❖ specialist and clinical health care emergencies;
- ❖ health care for women encompassing contraception; abortion and health care during pregnancy and while giving birth;
- ❖ compulsory medical examinations before inclusion in education and during the period of education while attending primary or secondary school, to the same degree as citizens of the Republic of Slovenia.¹⁷¹

In addition to the above, a medical committee appointed by the Head of the Government Office for the Support and Integration of Migrants (UOIM) may, in justified cases, approve a larger scope of health services based on an application from the TP beneficiary,¹⁷² along with any supporting documents required. In 2023, a total of 120 requests for a larger scope of health services were considered, of which 117 requests were granted and 1 was granted only partially.¹⁷³

Healthcare costs are covered by the UOIM.¹⁷⁴

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

Minors from Ukraine enjoy the same full medical care as children that are Slovenian citizens as approved by the Health Commission for children, in accordance with the Decree on the methods for ensuring rights of persons enjoying temporary protection.¹⁷⁵

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

¹⁷¹ Article 27(1) Temporary Protection of Displaced Persons Act.

¹⁷² Article 27(2) Temporary Protection of Displaced Persons Act.

¹⁷³ Official statistics provided by the UOIM, February 2024.

¹⁷⁴ Article 27(3) Temporary Protection of Displaced Persons Act.

¹⁷⁵ Article 13(5) Decree on the methods for ensuring rights of persons enjoying temporary protection.