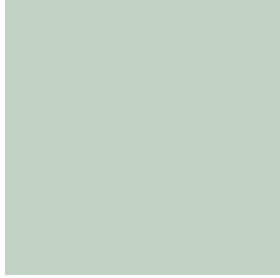


2023 UPDATE

SLOVENIA



COUNTRY REPORT

Acknowledgements & Methodology

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

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

The information in this report is up to date as of 31 December 2023, unless otherwise stated.

The Asylum Information Database (AIDA)

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



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



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Glossary & List of Abbreviations

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

Statistics

Overview of statistical practice

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

Applications and granting of protection status at first instance: figures for 2023

The numbers in the table refer to the number of individuals not number of decisions.

	Applicants in 2023 (1)	Pending at end of 2023	Total decisions in 2023 (2)	Total in merit decisions	In merit rejection (3)	Refugee status	Subsidiary protection	Humanitarian protection (4)
Total	7,261	1,147	4,389*	294	165	74	55	N/A
Breakdown by countries of origin of the total numbers								
Morocco	5,760	820	3,303	109	109	0	0	
Algeria	437	38	264	21	21	0	0	
Pakistan	131	7	85	2	2	0	0	
Russia	118	34	138	18	5	10	3	
India	111	0	74	1	1	0	0	
Afghanistan	106	25	58	4	0	4	0	
Ukraine	92	47	52	52	0	0	52	
Tunisia	78	8	43	3	3	0	0	
Cuba	70	4	52	2	0	2	0	
Syria	48	9	38	28	0	28	0	

Source: Ministry of Interior, March 2024.

* Out of 4,389 decisions, 4,096 were Dublin decisions. In practice the majority of Dublin decisions are issued after the applicant has already absconded.

- (1) "Applicants in 2023" refers to the total number of applicants, and not only to first-time applicants.
- (2) Statistics on decisions cover the decisions taken throughout the year, regardless of whether they concern applications lodged that year or in previous years.
- (3) "In-merit rejection" only cover negative decisions on the merit of the application. It does *not* cover inadmissibility decisions.
- (4) Slovenia does not have a system for granting humanitarian protection in place.

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

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

Applications and granting of protection status at first instance: rates for 2023³ (1)

	In merit rejection rate	In merit protection rate* (1)	Refugee rate	Subsidiary protection rate
Total	56%	43%	25%	19%
Morocco	100%	0%	0%	0%
Algeria	100%	0%	0%	0%
Pakistan	100%	0%	0%	0%
Russia	27%	72%	55%	17%
India	100%	0%	0%	0%
Afghanistan	0%	100%	100%	0%
Ukraine	0%	100%	0%	100%
Tunisia	100%	0%	0%	0%
Cuba	0%	100%	100%	0%
Syria	0%	100%	100%	0%

Source of the percentages: Ministry of the Interior, March 2024.

(1) These rates are calculated based on total decisions.

³ The data contained in this table only refer to in-merit decisions.

Gender/age breakdown of the total number of applicants: 2023

	Men	Women
Number	7,092	169
Percentage	98%	2%

	Adults	Children	
		Accompanied	Unaccompanied
Number	7,106	109	46
Percentage	98%	1.5%	0.5%

Source: Ministry of Interior, March 2024.

First instance and appeal decision rates: figures for 2023

It should be noted that, during the same year, the first instance and appeal authorities handle different caseloads. Thus, the decisions below do not concern the same applicants.

	First instance		Appeal	
	Number	Percentage	Number	Percentage
Total number of decisions	294	100%	185	100%
Positive decisions (appeal granted, case returned to the Ministry for a new decision)			41	22 %
• Refugee status	74	25 %	0	0%
• Subsidiary protection	55	18 %	0	0%
Negative decisions	165 (in merits)	56 %	128 (all rejections)	69 %

Source: Official statistics provided by the Migration directorate, March 2024 and Administrative court, March 2024.

Overview of the legal framework

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

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

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

Title (EN)	Original Title (SI)	Abbreviation	Web Link
Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection Official Gazette of RS, No. 173/21 and 131/22	Pravilnik o postopku s tujcem, ki izrazi namen podati prošnjo za mednarodno zaščito v Republiki Sloveniji, ter postopku sprejema prošnje za mednarodno zaščito Uradni list RS, št. 173/21 in 131/22		https://bit.ly/3yMuSMj (SI)
Decree on the implementation of the statutory representation of unaccompanied minors and the method of ensuring adequate accommodation, care and treatment of unaccompanied minors Official Gazette of RS, No. 163/21 and 106/23	Uredba o načinu izvajanja zakonitega zastopanja mladoletnikov brez spremstva ter načinu zagotavljanja ustrezne nastanitve, oskrbe in obravnave mladoletnikov brez spremstva, Uradni list RS, št. 163/21 and 106/23		https://bit.ly/38EbSVF (SI)
Decree on providing appropriate accommodation, care and treatment of unaccompanied minors Official Gazette of RS, No. 106/23	Uredba o načinu zagotavljanja ustrezne nastanitve, oskrbe in obravnave mladoletnikov brez spremstva,, Uradni list RS, št. 163/21		http://bit.ly/48cKBTj (SI)
Rules on the access to refugee counsellors, remuneration and reimbursement of the expenses of refugee counsellors, and criteria for calculation the reimbursement of the expenses from the person with sufficient own means Official Gazette of RS, No. 162/21	Pravilnik o načinu dostopa prosilcev za mednarodno zaščito do svetovalcev za begunce, nagrajevanju in povračilu stroškov svetovalcem za begunce ter merilih za izračun povrnitve stroškov od osebe, ki ima zadostna lastna sredstva Uradni list RS, št. 162/21		https://bit.ly/3lsxzel (SI)
Decree on the methods and conditions for ensuring the rights of applicants for international protection Official Gazette of RS, No. 173/21	Uredba o načinih in pogojih za zagotavljanje pravic prosilcem za mednarodno zaščito Uradni list RS, št. 173/21		https://bit.ly/3Pw8ZH1 (SI)
Decree on the methods and conditions for ensuring the rights of persons with international protection Official Gazette of RS, No. 173/21	Uredba o načinih in pogojih za zagotavljanje pravic osebam z mednarodno zaščito Uradni list RS, št. 173/21		https://bit.ly/39AMEYI (SI)

Decree on the relocation of persons admitted to the Republic of Slovenia on the basis of a quota and burden sharing among Member States of the European Union Official Gazette of RS, No. 24/17 and 167/21	Uredba o načinu izvedbe preselitve oseb, ki so v Republiko Slovenijo sprejete na podlagi kvote in delitve bremen med državami članicami Evropske unije Uradni list RS, št. 24/17 in 167/21		https://bit.ly/3wsBYEs (SI)
Ordinance determining the list of safe countries of origin Official Gazette of RS, No. 47/22	Odlok o določitvi seznama varnih izvornih držav Uradni list RS, št. 47/22.		https://bit.ly/3G2jyK (SI)
Decree on Asylum Centre House Rules Official Gazette of RS, No. 173/21	Uredba o hišnem redu azilnega doma Uradni list RS, št. 173/21		https://bit.ly/3Lnac0I (SI)
Rules on residing in the Aliens Centre, depositing own financial resources and on the form and content of the card stating permission to remain in the Republic of Slovenia Official Gazette of RS, No. 11/15	Pravilnik o bivanju v Centru za tujce, deponiranju lastnih sredstev ter obliki in vsebini izkaznice o dovolitvi zadrževanja na območju Republike Slovenije Uradni list RS, št. 11/15		http://bit.ly/2zbeMeg (SI)
Rules on the content, format and method of issuing passports to refugees Official Gazette of RS, No. 79/16	Pravilnik o vsebini, obliki in načinu izdaje potnega lista za begunca Uradni list RS, št. 79/16		http://bit.ly/2hZjFCV (SI)
Decree on the House Rules of the Integration House Official Gazette of RS, No. 173/21	Uredba o hišnem redu integracijske hiše Uradni list RS, št. 173/21		https://bit.ly/37Y0y6y (SI)
Decree on ways of providing support for integration of third country nationals Official Gazette of RS, No. 109/23	Uredba o zagotavljanju pomoči pri vključevanju tujcev, ki niso državljani Evropske unije Uradni list RS, št. 109/23.		https://bit.ly/3SjjMXw (SI)
Rules on the remuneration and reimbursement of the expenses of statutory representatives of unaccompanied minors Official Gazette of RS, No. 167/21	Pravilnik o nagradi in povračilu stroškov zakonitim zastopnikom mladoletnikov brez spremstva Uradni list RS, št. 167/21		https://bit.ly/3Pzd6Cf (SI)

Rules on knowledge testing of candidates for refugee counsellors and on the training of refugee counsellors at the Judicial Training Centre Official Gazette of RS, No. 73/16	Pravilnik o preverjanju znanj kandidatov za svetovalce za begunce in o usposabljanju svetovalcev za begunce v okviru Centra za izobraževanje v pravosodju Uradni list RS, št. 73/16		http://bit.ly/2CUKpdF (SI)
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Overview of the main changes since the previous report update

The previous report update was published in **May 2023**.

International protection

- ❖ **Key asylum statistics:** In 2023, the police recorded 60,587 irregular entries. 58,757 persons expressed their intention to apply for international protection but only 7,261 applications for international protection were lodged. 129 applicants were granted international protection, including 74 refugee status and 55 subsidiary protection. Out of 55 applications granted subsidiary protection, 52 were Ukrainian. With 294 rejections, this makes for a 43% protection rate at first instance. In 2023, the Administrative Court did not grant any applicant international protection.
- ❖ **General developments:** A new Minister of the Interior was appointed in February 2023. During the year, EUAA was deployed in Slovenia to support with asylum, reception and temporary protection activities. In September, a new Integration strategy was adopted by the Government. This is the first Integration strategy that was adopted as an independent document, separate from the Immigration strategy. The Immigration strategy was adopted in March 2024. In December new legislative proposals for amendments of the International Protection Act and the Foreigners Act were put up for public discussion. In October, the Government reintroduced border controls with Croatia, Italy and Hungary.

Asylum procedure

- ❖ **Access to the procedure:** Violations regarding access to the asylum procedure were not detected by NGOs in 2023. According to official statistics only 257 people were readmitted to neighbouring countries during the year. Out of 257, 176 were readmitted to Croatia. Although no longer locked in Slovenian facilities, asylum seekers continued to be *de facto* detained before lodging the application throughout the year. In case they left the facilities, they could be detained after lodging their application. The Ombudsman reiterated that the inadequate and inappropriate reception conditions deter individuals from asylum in Slovenia and therefore infringe on the right to asylum.
- ❖ **Constitutional review of law denying access to the asylum procedure:** The provisions of the Foreigners Act which allow the authorities to deny asylum seekers the possibility lodge an application in case of a complex migration crisis were submitted for review before the Constitutional Court in 2022, however no decision was made by the end of 2023.
- ❖ **Dublin procedure:** In 2023 Slovenia sent the largest number of Dublin requests to date – 4.776 out of which 3.489 were made to Croatia. During the year asylum seekers and different civil society organisations organised several protests against Dublin returns to Croatia. Due to the lengthiness of the procedure several asylum seekers were employed and integrated by the time the Dublin return would take place.
- ❖ **Length of procedure:** The lengthiness of the procedure continued to be one of the biggest shortcomings of the asylum procedure. Ukrainian asylum seekers were prioritized and were granted subsidiary protection in a few months but the procedure prolonged for other groups of asylum seekers.
- ❖ **Legal assistance at first instance:** Asylum seekers do not receive information on grounds for asylum before lodging the application. Free legal counselling and representation during the first instance procedure was provided by the PIC, albeit not to all asylum seekers.
In 2022, the Advocate for the Principle of Equality reviewed the provisions of the IPA as per which the principle of confidentiality does not apply to refugee counsellors or legal guardians of asylum seekers. In the decision, the Advocate noted that the provisions are discriminatory and issued a recommendation that the provisions should be changed. No legislative changes were made by the end of the year.

- ❖ **Legal assistance at second instance:** Access to free legal help and representation before the Administrative Court continued to be a challenge for most asylum seekers. Due to difficulties to access refugee counsellors (unclear information provided by the Migration directorate, language barriers, etc.), and short time limits for the judicial review, some asylum seekers were unable to exercise their right to legal remedies. Regarding the 3-day time limit for judicial review, the CJEU issued the preliminary ruling stating that it restricts access to judicial review.⁴ The court procedures were also prolonged at the second instance due to the backlog of cases. In practice, asylum seekers can wait for more than 2 years to get a decision from the Administrative Court if their application was rejected in a regular procedure. In case of appeal to the Supreme Court the court procedure can last for several years depending on the case.

Reception conditions

Reception capacity and conditions: Lack of sufficient accommodation capacity continued to be a shortcoming in 2023. The facilities were often overcrowded due to the large number of arrivals. The reception conditions changed based on the number of arrivals. Although the official capacity of the Asylum home in Ljubljana is 350, from 1000 to 1800 people were accommodated at one point. As a result, the reception conditions worsened significantly during that period. Due to lack of capacity, containers were installed at the premises of the Asylum home as additional accommodation spaces for asylum seekers. During the year, GOAIM was unable to establish new reception facilities due to opposition from local communities. In the beginning of 2024 the Government made the decision to establish 2 additional temporary reception centres on governmental ground. It is not clear when and how they will operate.

Accommodation of unaccompanied minors: The legal ground for systematic separate accommodation for unaccompanied minors was adopted during the year however the systematic solution for accommodation of unaccompanied minors was not established in 2023. As a result, unaccompanied minors continued to be accommodated in the same facilities as other asylum seekers during the year. Crisis centres for children refused to accommodate unaccompanied minors during 2023 meaning that the most vulnerable unaccompanied minors were also accommodated in the Asylum Home VIČ (before lodging the application) and its branch Logatec. They were not properly separated from adult asylum seekers in Logatec or the Asylum Home Vič. The pilot project with the Student Dormitory Postojna was prolonged but it could only host up to 22 unaccompanied minors at a given time. In the second half of the year UOIM issued a call for additional accommodation capacities for unaccompanied minors. The reception centre for unaccompanied minors became operational in April 2024.

- ❖ **Financial assistance:** Since the legislative changes in 2021, asylum seekers cannot receive financial support for moving into a private accommodation. During the asylum procedure they are entitled to 18 EUR of monthly allowance.

Detention of asylum seekers

- ❖ **Detention:** Both the Migration directorate and the UOIM detained asylum seekers during the year. Regarding *de facto* detention before lodging the application, the Administrative court issued a decision that it amounts to deprivation of liberty not freedom of movement.⁵
- ❖ **Legal assistance:** Detained asylum seekers faced difficulties to access the help of refugee counsellors in order to apply for judicial review by the Administrative Court. In practice the help of the MOI, social workers or NGOs is needed in order to access refugee counsellors. 22 asylum seekers, 3 individuals who lodged the request for a subsequent application and 2 people waiting to lodge the application were detained during the year, 27 administrative disputes regarding detention were lodged before the Administrative court.

⁴ Preliminary ruling, CJEU C-58/23, available at: <https://bit.ly/42jeeka>.

⁵ Administrative court decision, III 62/2022, 19, May 2023.

- ❖ **Alternatives to detention:** Alternatives to detention are still not available in Slovenia.

Content of international protection

- ❖ **Family reunification:** Ukrainians are granted subsidiary protection for one year, which means that they can only apply for family reunification after their status is prolonged. Refugee status holders and individuals granted subsidiary protection for more than one year can apply for family reunification after they obtain their status.
- ❖ **Integration contract:** While all beneficiaries of international protection are entitled to basic rights (health care, access to labour market, education, *etc.*), they have to sign an integration contract if they want to access the full scope of the rights (accommodation in the integration house, social support for accommodation, *etc.*). In practice, the majority of beneficiaries sign the integration contract.
- ❖ **Housing:** Due to a small number of beneficiaries of international protection in Slovenia, beneficiaries do not report about systematic issues that would prevent them access to their rights. However, beneficiaries often face difficulties when finding accommodation.

Temporary protection

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

- ❖ **Key temporary protection statistics:** According to the Ministry of the Interior, between 1 January 2023 and 31 December 2023, 1,761 persons applied for temporary protection in the Republic of Slovenia. Among them, 1,714 were Ukrainian citizens. In the same time period, Ukrainian citizens submitted 92 applications for international protection. In 2023, temporary protection was granted altogether to 1,671 persons, out of which 1,638 were citizens of Ukraine, while subsidiary protection was granted to 52 citizens of Ukraine. In the same time period, 31 applications for temporary protection were dismissed, 10 were rejected and 59 procedures were stopped.

Temporary protection procedure

- ❖ **Procedure:** Upon entry into the Republic of Slovenia, an applicant completes an application for temporary protection with the Police and presents all the evidence at their disposal which is relevant for the decision on granting temporary protection. The Police then 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. Persons can also apply for temporary protection directly at the administrative unit. Displaced persons making an illegal entry into the Republic of Slovenia and those already present in the Republic of Slovenia need to, without delay and within three days at the latest, complete an application for temporary protection and submit it to the local police office or the administrative unit in the area where the person is staying. If, in these two cases, the application is submitted to the Police, the latter then forward it without delay to the competent administrative unit. Administrative units then process the application and decide whether an applicant fulfils the conditions to be granted temporary protection.
- ❖ **Backlog:** In the first few months of activating temporary protection in 2022, the administrative units faced backlogs, the reasons for which may have been incomplete applications in some cases, however they can mostly be attributed to administrative units being overloaded with applications that they were not able to process in time. Administrative units are also unequal both in terms of size and workload, which affected how long applicants were waiting to be granted temporary protection and consequently to be able to enjoy the rights that are granted under temporary protection such as the right to work, financial assistance *etc.* 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, however in

certain administrative units the legislative time limit was still exceeded (with the longest time 147,94 days on average in one of the administrative units).

Content of temporary protection

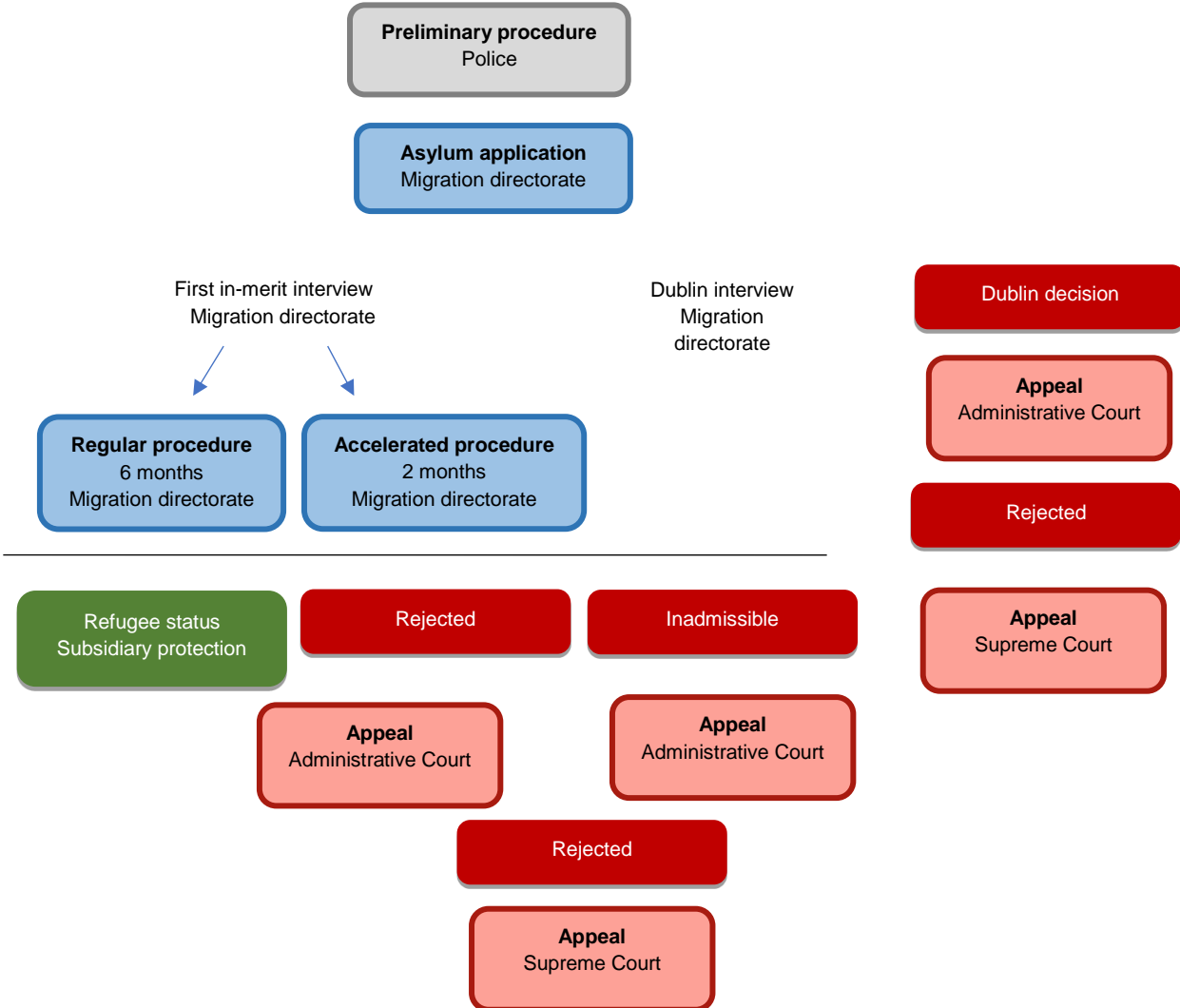
- ❖ **Rights enjoyed:** Upon receiving a positive decision, the beneficiary is provided with an identity card, which also serves as a permit for temporary residence in the Republic of Slovenia. By law, persons enjoying temporary protection have the right to: temporary residence in the Republic of Slovenia; accommodation and meals in accommodation centres, as well as an allowance (when staying in accommodation centre) or financial assistance for private accommodation (as payment for rent and utility costs) and financial assistance (for everyday expenses) for those in a private accommodation; health care; work; education; family reunification; free legal aid; to be informed of their rights and obligations and to receive support in exercising their legal rights.

- ❖ **Main issues:** In 2023, the main issues faced by persons fleeing Ukraine continued to be the lack of information related to temporary protection, as well as being exposed to risks of exploitation and human trafficking. One of the issues also remained access to health care, as persons enjoying temporary protection only have the right to limited medical care and treatment (mostly emergencies), unless they are employed, in which case they are included in compulsory health insurance. Finding appropriate private accommodation also continued to be a challenge due to shortage of affordable private accommodations and their temporary nature, meeting the specific needs of vulnerable groups and the risk of exploitation, while accommodation in containers at the accommodation centre in Logatec remained an issue as well. Other concerns were mostly related to uncertainty with respect to transitioning out of the temporary protection regime, as current Slovenian legislation does not regulate direct transition from residence permit based on temporary protection to other types of permits, such as work-based permit. Temporary protection beneficiaries are also still not able to exercise the right to family reunification in practice.

Asylum Procedure

A. General

1. Flow chart



2. Types of procedures

Indicators: Types of Procedures

Which types of procedures exist in your country?

- | | | |
|---|---|--|
| ❖ Regular procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Prioritised examination: ⁶ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Fast-track processing: ⁷ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Dublin procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Admissibility procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Border procedure: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Accelerated procedure: ⁸ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ❖ Other: | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

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

Although regulated in Article 43 of the International Protection Act (IPA),⁹ the procedure at the border, airport or port is not used in practice. People who apply for international protection at the border, airport or port are therefore first processed by the Police in the preliminary procedure and then transferred to the Asylum Home in **Ljubljana** or its branch in **Logatec** as part of the ordinary procedure.

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

Stage of the procedure	Competent authority (EN)	Competent authority (SI)
Intention to apply for asylum	Any state authority or authority of self-governing local community	Katerikoli državni organ ali organ samoupravne lokalne skupnosti
Preliminary procedure	Police	Policija
Application <ul style="list-style-type: none"> ❖ At the border ❖ On the territory 	Migration directorate ¹⁰	Direktorat za migracije
Dublin	Migration directorate	Direktorat za migracije
Refugee status determination	Migration directorate	Direktorat za migracije
Judicial review	Administrative Court and Supreme Court	Upravno sodišče RS In Vrhovno sodišče RS
Subsequent application	Migration directorate	Direktorat za migracije

⁶ For applications likely to be well-founded or made by vulnerable applicants.

⁷ Accelerating the processing of specific caseloads as part of the regular procedure.

⁸ Labelled as “accelerated procedure” in national law.

⁹ International Protection Act, Official Gazette of RS, No. 16/17 and subsequent amendments.

¹⁰ The Migration directorate is part of the Ministry of the Interior.

4. Determining authority

Name in English	Number of staff	Ministry responsible	Is there any political interference possible by the responsible Minister with the decision making in individual cases by the determining authority?
Migration directorate	65	Ministry of the Interior	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Source: Migration directorate, March 2024.

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

Out of 65 employees at the Migration directorate, 39 work in the International Protection Procedures division, 11 of which make decisions on asylum applications. This means that the caseworker conducting the interview is not necessarily responsible for deciding on the asylum application. The separation of tasks between an interviewer and a decision-maker was introduced in June 2016 with the aim of speeding up and improving the efficiency of the asylum procedure. The lodging of the application is short and requires that the applicant states their reasons for asylum in few sentences. After an application for international protection is lodged, a “first interview on the merits” is conducted, during which the applicant provides detailed grounds for applying for asylum. The case is then referred to a “decision maker”, who can either issue a decision on the asylum application or decide to conduct a second interview on the merits. There is no official communication between the first interviewer and the decision-maker.

Regarding quality assurance, the Migration directorate has established a mechanism whereby each decision has to be authorised by a responsible official of the International Protection Procedures Division before it is issued. A review is thus conducted on the case files, the documentation, country of origin information (COI) and the decision made in the individual case. The authorised official can approve the decision, change it or give additional instructions regarding the procedure.¹¹

In the absence of a specific unit responsible for applications from vulnerable persons, staff of the International Protection Procedures division of the Migration directorate receive specific training from the European Union Agency for Asylum (EUAA, the Agency) on three modules: interviewing vulnerable groups, interviewing children, gender identity and sexual orientation.¹²

During 2023, EUAA was deployed in Slovenia to provide support with asylum and reception. The EUAA provided support to the Ministry of the Interior with the aim to improve the quality and processing of asylum applications.¹³ In 2023, two officials were trained on the following modules by the EUAA: Asylum seekers with different sexual orientations, gender identities and expression of gender characteristics, Victims of gender-based violence, Introduction to coaching and Relocation. In addition, the EUAA conducted several trainings for the Migration directorate as part of the EUAA operational plan. In line with the EUAA operational plan four officials became national trainers for the Trafficking of Human Beings module, one became a national trainer on Dublin

¹¹ Information provided by the Migration directorate, March 2023.

¹² ECRE, *Asylum authorities: an overview of internal structures and available resources*, October 2019, available at: <https://bit.ly/46VycDn>, p. 45.

¹³ EUAA: *Operational plan 2022 agreed by the European Union Agency for Asylum and the Republic of Slovenia*, available at: <https://bit.ly/48AsXJh>.

procedures, two on Interviewing vulnerable persons and 3 on Interviewing children. In addition, 21 officials attended the training on Introduction to vulnerability and Working with the translator, 6 attended the training on Interviewing children, 1 attended the Training in communication with children in reception and 3 attended the module on Communication with children.¹⁴

5. Short overview of the asylum procedure

In Slovenia, the procedure for international protection is initiated in two phases. First, the individual expresses the intention to apply for international protection. Third-country nationals can express their intention before any state or local authority, which has the duty to inform the Police. From the moment someone has expressed an intention to apply for international protection, they cannot be deported from the country.¹⁵ The Police conduct the “preliminary procedure”, during which they establish the identity and travel route of the individual and complete the registration form.¹⁶ In line with the new amendments of the IPA, the police also establish ‘other circumstances’ that could affect the asylum procedure. The Police also have to inform the individual of the consequences of leaving the pre-reception area before lodging the application.¹⁷ Throughout the procedure, the police must provide an interpreter, but this is often not the case due to a lack of available interpreters. The Police also take a short statement on the reasons for applying for international protection. The individual is then transferred to the Asylum Home, or its Logatec branch, where they start the second phase of the procedure by formally lodging their application for international protection.

Prior to lodging the application, the personnel at the Asylum Home or its Logatec branch conduct a medical examination and the staff of the Migration directorate take the person’s photograph and fingerprints, which are run through the Eurodac database after the asylum application is lodged.¹⁸ Then, asylum seekers are shown an information video on the asylum procedure in Slovenia. The video contains information on the structure of the procedure, their rights and obligations as asylum seekers, the Dublin procedure, the right to appeal and representation by refugee counsellors. However, it does not provide information on the grounds on which international protection may be granted. It also does not include information about the NGOs working in the field of asylum, although this is required by the IPA.¹⁹ The version of the informational video for unaccompanied minors also contains information on legal guardians. The informational video is not adapted for unaccompanied minors as it is the same in all other aspects as the version intended for adults.

The IPA does not provide free legal representation for applicants in the first instance procedure. This was provided by the PIC – Legal Centre for the Protection of Human Rights and the Environment,²⁰ and financed through the Asylum, Migration and Integration Fund (AMIF) to all asylum seekers until the end of April 2020. The AMIF project enabled PIC lawyers to represent all asylum seekers during the asylum procedure. Since then, PIC continues to provide free legal help and representation, albeit on a smaller scale. In 2023, the PIC assisted more than 776 asylum seekers. PIC lawyers provide legal information on asylum, represent asylum seekers during the application process and throughout the first instance procedure. A legal guardian is appointed to unaccompanied minors before the procedure begins and represents them in relation to the asylum procedure, reception, health protection, education and protection of property rights and interests, from the beginning of the application and throughout the entire procedure.²¹

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

¹⁴ Official statistics provided by the Migration directorate, March 2024.

¹⁵ Article 36(1) IPA.

¹⁶ Articles 42(1)-(2) IPA.

¹⁷ Article 42(2) IPA.

¹⁸ Articles 42(4)-(5) IPA.

¹⁹ Article 5(1) IPA.

²⁰ The website of PIC can be accessed at: <http://pic.si/>.

²¹ Articles 16(1) and (3) IPA.

representative or legal guardian, they are also present during the procedure. By signing the minutes, the applicant officially obtains the status of an applicant for international protection in the Republic of Slovenia.

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

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

Following the first interview on the merits, the case is referred to a “decision-maker”, who organises another interview on the merits if needed, and takes an in-merit decision on the case. For applicants who lodged their application after November 2021, when the amendments of the IPA came into force, negative decisions also contain a return decision. Applicants are given 10 days for voluntary return by law,²² counting from the moment the decision becomes enforceable,²³ and are subjected to a one-year entry ban,²⁴ that comes into force only if the person does not leave Slovenia within the timeframe for voluntary return.²⁵ The decision also mentions that, should the applicant not leave Slovenia voluntarily, they will be removed from the territory.

An **accelerated procedure** is also possible pursuant to the IPA.²⁶ There are only a few minor differences compared to the regular procedure, such as the deadline for judicial review. In addition, in the accelerated procedure, the application can only be rejected as manifestly unfounded.²⁷ The first instance decision in the accelerated procedure should be issued within two months of the lodging of the application.²⁸

Pursuant to the law, an application can also be dismissed based on the “safe third country” or “European safe third country” concepts.²⁹ However, Slovenia does not currently implement such mechanism, and no country is designated as a safe third country.

An application lodged by an unaccompanied minor can only be processed in the accelerated procedure if it is rejected as manifestly unfounded on grounds of “safe country of origin” or “if there are good reasons to believe that the applicant poses a threat to public order, public safety or national security of the Republic of Slovenia or has been removed from the country due to good reasons of endangering public order, public safety or national security.”³⁰

As in the regular procedure the decision rejecting the application as manifestly unfounded in an accelerated procedure also contains the return order. Applicants are given 10 days for voluntary return by law,³¹ counting from the moment the decision becomes enforceable,³² and are subjected to a one-year entry ban,³³ that comes into force only if the person does not leave Slovenia within the timeframe for voluntary return.³⁴ The decision also mentions that, should the applicant not leave Slovenia voluntarily, they will be removed from the territory.

²² Article 49(10) IPA.

²³ Article 49(11) IPA

²⁴ Article 49(13) IPA.

²⁵ Article 67(2) Foreigners Act.

²⁶ Article 49(1) IPA.

²⁷ *Ibid.*

²⁸ Article 47(1) IPA.

²⁹ Articles 53-60 IPA.

³⁰ IPA 49(2).

³¹ Article 49(10) IPA.

³² Article 49(11) IPA

³³ Article 49(13) IPA.

³⁴ Article 67(2) Foreigners Act.

Prioritised examination of claims is possible pursuant to the IPA, if the applicant is a vulnerable person with special needs and/or if the applicant is detained in the Asylum Home or the Foreigners Centre. However, in line with the amended IPA, this will only take place if their application is substantiated.³⁵ In practice, prioritised examination is not often used and individuals usually have to wait from 6 months to 2 years for a decision.³⁶

Appeal: Applicants cannot appeal decisions issued in the international protection procedure, but they can file an administrative dispute.³⁷ This is a judicial review of an administrative action, which is initiated by filing a lawsuit against the Ministry of the Interior. In the court proceedings that follow, the applicant for international protection acts as plaintiff and the Ministry of the Interior as defendant. The Administrative Court of the Republic of Slovenia, with headquarters in Ljubljana, decides on judicial review requests.³⁸

The amendments to the IPA shortened the timeframe within which an individual can apply for judicial review. The applicant still has 15 days to apply for judicial review of a decision taken in the regular procedure but the timeframe in the accelerated procedure was shortened from eight to three calendar days.³⁹ The appeal deadline for all other decisions was also shortened from eight days to three.⁴⁰ Judicial reviews have suspensive effect in the case of rejected applications, rejected requests for extension of subsidiary protection, revocations of international protection status, cessation of the status based on withdrawal, safe third country decision, or dismissed subsequent application. In all other cases, the appeal does not have suspensive effect,⁴¹ but the applicant can prevent enforcement, especially of return or removal, by adding a request to this effect in their application for judicial review.

Since the amendments to the IPA, decisions of the Administrative Court can be challenged by way of appeals to the Supreme Court.⁴² However, the Administrative Court's decisions taken on applications lodged **before** the entry into force of the new amendments⁴³ remain final and can only be challenged with extraordinary legal remedies.

In both cases, an appeal to the Constitutional Court is also possible.⁴⁴

The **lengthiness of the procedure** depends of the type of decision issued and the possibility to appeal to the Supreme Court. According to the law, first instance regular procedures need to be concluded within six months,⁴⁵ however this is often not respected. In the regular procedure, individuals usually have to wait from 6 months to 2 years for the first instance decision. If the first instance decision was made in the regular procedure the law prescribes that the decisions of the Administrative and the Supreme Court need to be made in 30 days.⁴⁶ In practice this is also not respected, which leads to excessively long procedures. The procedure before the Administrative Court can take up to 2 years while the procedure before the Supreme Court can take several months, making the lengthiness of the procedure one of the most significant shortcomings of the Slovenian asylum system.⁴⁷

35 Article 48 IPA.

36 Observation by the PIC, March 2024.

37 Article 70(1) IPA.

38 Article 9(6) Administrative Dispute Act.

39 *Ibid.*

40 Article 70(2) IPA.

41 Article 70(3) IPA.

42 Article 70(4) IPA.

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

44 Article 72 IPA.

45 Article 47(1) IPA.

46 Article 71(1)(4) IPA.

47 Observation by the PIC,

B. Access to the procedure and registration

1. Access to the territory and push backs

Indicators: Access to the Territory

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

In early 2017, Slovenia adopted amendments to the Foreigners Act which allowed for future restrictions on access to the asylum procedure. Pursuant to the amendments, the National Assembly (Parliament) could vote on suspending the right to asylum and the Police would be able to reject all intentions to apply for international protection as inadmissible as well as remove the individuals concerned to the country from which they entered Slovenia.⁴⁸ The adopted amendments were reviewed by the Constitutional Court at the initiative of the Slovenian Human Rights Ombudsperson, prepared with support from civil society organisations.⁴⁹ The Constitutional Court ruled that the amendments were in breach of Article 18 of the Constitution (prohibition of torture).⁵⁰

Nevertheless, in 2021, the National Assembly accepted the amendments to the Foreigners Act that established the concept of a “complex crisis in the field of migration”. In line with the new provisions, the Ministry of the Interior regularly monitors the situation in the field of migration in Slovenia. If it detects that the situation regarding migration in Slovenia has changed, creating a “complex crisis”, the Ministry can propose that the government activates the articles of the Foreigners Act that allow the National Assembly to close the border for six months and restrict access to the asylum procedure. The proposal to activate the articles must involve an assessment of the situation and the effects of the “complex crisis” on the security threat level for the protection of fundamental constitutional social values, especially regarding the effective functioning of the legal and welfare state, the protection of public order and peace, the efficient functioning of the economy, the protection of health and the life of the population, and the level of security.⁵¹

Upon activation of the articles the police would have the authority to determine whether a person can apply for international protection after they express the intention to do so. If the police determine that an individual can be returned to another country, they can return the individual regardless of the provisions of the IPA. Exceptions would apply to unaccompanied minors and individuals whose health conditions prevent a return. The assessment of whether someone is an unaccompanied minor would be made by the police based on the person’s appearance, behaviour and other circumstances. An appeal against the police order would not have a suspensive effect.⁵² In 2023, the amended provisions of the Foreigners Act were not yet activated.

The Slovenian Human Rights Ombudsperson notified the European Commission of the newly adopted provisions and his position regarding the provisions. The Ombudsperson emphasized that the Government proceeded with the adoption of the amended provisions in disregard of the decision of the Constitutional Court, thereby casting

⁴⁸ For more on the amendments see AIDA, *Country Report Slovenia – 2021 Update: Access to territory and pushbacks*, May 2022, available at: <https://bit.ly/3kCs3cg>.

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

⁵⁰ Constitutional Court, Application No U-I-59/17, 18 September 2019, available at: <https://bit.ly/2TUCkz5>. For more information on the Constitutional Court decision, see AIDA, *Country Report: Slovenia, 2021 Update*, May 2022, available at: <https://bit.ly/3kCs3cg>.

⁵¹ Article 10a Foreigners Act.

⁵² Article 10a and 10b of the Foreigners Act.

doubt as to the effectiveness of potential other procedures before the latter.⁵³ The Directorate-General for Migration and Home Affairs of the European Commission (DG HOME) informed the Ombudsperson that it was conducting a careful preliminary analysis of the situation, which was raising complex questions regarding border control, police powers, asylum and return in case of a potential migration crisis. DG HOME also noted that it would ask national authorities for further explanation and, if needed, propose the initiation of a procedure to establish human rights violations.⁵⁴

In February 2022, opposition parliamentarians submitted again the provisions to the Constitutional Court for constitutional review.⁵⁵ In July 2023, the new Government approved the opinion of the Ministry of the Interior regarding the legality of the amendments and lodged the opinion before the Constitutional Court. In the opinion, the Ministry argued that the amendments of the Foreigners act are in line with the Constitution.⁵⁶ The opinion and the procedure in which the opinion was approved by the Government was heavily criticized by the NGOs and the parliamentarians that lodged the Constitutional review and called on the minister to resign.⁵⁷ The decision on constitutional review was not taken in 2023. In its fourth periodic review, the U.N. Committee against Torture also recommended that the authorities consider amending or repealing the provisions. The Committee also noted that Slovenia should ensure that effective and appropriate measures based on individualized consideration and vulnerability screening are in place for properly trained immigration officials to identify, as early as possible, all victims of torture, ill-treatment, gender-based violence and trafficking among asylum-seekers and other persons in need of international protection during border procedures, and provide such persons with access to treatment for urgent conditions and with appropriate support.⁵⁸

In June 2022, the Ministry of the Interior announced that Slovenia would remove its border fence with Croatia.⁵⁹ The works began in July 2022, however only 4,142 metres of the fence were removed by the middle of September.⁶⁰ By the end of 2023, 81 km of wire fence was removed.⁶¹ In October, the Government introduced the border patrols with Italy, Hungary and Croatia,⁶² however this did not result in an increased number of readmissions,⁶³ meaning that the majority of apprehended individuals were processed in the asylum procedure.

Pushbacks, illegal police practices and other incidents at the border

In 2023, the police detected 60,587 irregular crossings of the Slovenian border. This is a 90% increase in comparison to the previous year.

The most common countries of origin of people who were apprehended for irregular border crossing were: **Afghanistan** (17,825), **Morocco** (8,859), **Pakistan** (5,176), **Russia** (3,631), **Bangladesh** (3,551), **Syria** (3,490), **Türkiye** (3,191), **India** (1,912), **Nepal** (1,637), **Cuba** (1,316) followed by other nationalities.⁶⁴ In practice

⁵³ Varuh človekovih pravic, *Varuh Evropsko komisijo seznanil s svojimi pogledi na novelirano tujsko zakonodajo*, 16 August 2021, available in Slovenian at: <https://bit.ly/3wEsAwk>.

⁵⁴ Information provided by the Ombudsperson, March 2023.

⁵⁵ N1, 'Stranke KUL zahtevajo presojo ustavnosti določb zakona o tujcih', available in Slovenian at: <https://bit.ly/39ACEP9>.

⁵⁶ The lodged opinion is available in Slovene at: <https://bit.ly/42rJ0Yw>.

⁵⁷ MMC: *Vlada potrdila Poklukarjevo mnenje, da sta Janševa zakona ustavna. Pozivi k odstopu ministra*, 20 July 2023, available at: <https://bit.ly/3HJRUXv>.

⁵⁸ U.N. Committee against Torture: *Concluding observations on the fourth periodic report of Slovenia*; 7 December 2023, available at: <https://bit.ly/3OY4B5k>.

⁵⁹ Infomigrants, *Slovenia to dismantle border fence with Croatia*, 10 June 2022, available at: <https://bit.ly/49LVhtz>.

⁶⁰ Ptujinfo, 'Vse manj žične ograje na meji s Hrvaško, skupaj odstranili okoli štiri kilometre žice', 18 September 2022, available in Slovenian at: <http://bit.ly/3y2Bm8q>.

⁶¹ Information provided by the Police, March 2024.

⁶² MNZ, *Slovenija v soboto ponovno uvaja nadzor na meji s Hrvaško in Madžarsko*, 19. 10. 2023, available in Slovenian at: <https://bit.ly/3SJCjxm>.

⁶³ Official police statistics, available in Slovenian at: <https://bit.ly/3WvTZfz>.

⁶⁴ Official police statistics available in Slovenian at: <http://bit.ly/3WvTZfz>.

Ukrainians are allowed entry and are not processed for irregular border crossing even if they do not fulfil the entry requirements e.g., a valid passport, which is evident from the statistics.

According to the statistics, 58,757 individuals expressed their intention to apply for international protection. This is an 86,8 % increase from the 31,456 individuals who applied in 2022.⁶⁵ In previous years, there was a huge discrepancy between the number of irregular crossings and the number of expressed intentions to apply for international protection due to systematic denial of access to the asylum procedure by the police and subsequent readmission of people to the neighbouring countries from which they entered, mainly Croatia.⁶⁶

Readmission to neighbouring countries was conducted based on readmission agreements Slovenia has with its neighbouring countries - Croatia, Italy, Austria and Hungary. Readmission agreements form a system outside EU law and the CEAS provisions, and do not uphold the standards that these require. The readmission agreements allow the return of migrants in informal procedures in which individuals are not issued a return decision, do not have the right to appeal and do not have the right to free legal aid or representation.⁶⁷ The Ombudsperson observed that no assessment of whether the principle of *non-refoulement* could be violated by a return from Slovenia is conducted.⁶⁸ Therefore, there is no possibility for individuals channelled through readmission procedures to argue that they face a risk of violation of the *non-refoulement* principle, or to challenge the decisions of the police. It is also not evident from the police records if individuals expressed an intention to apply for international protection, and if so, whether the police informed the individual of the right to asylum and how the person responded.⁶⁹

In February 2022, the practice changed and the number of individuals readmitted dropped in comparison with the previous year. Although individuals continued to be readmitted on a monthly basis the number of readmissions continued to drop in comparison with 2021. In 2022, 2,361 individuals were readmitted which is a 41% decrease in comparison to 2021. In 2021, 39% of individuals who irregularly crossed the border were readmitted to a neighbouring country while in 2022, 7.4% of individuals who irregularly entered were readmitted.⁷⁰ This decrease can be mainly attributed to the change of practice of the Croatian authorities who in the beginning of 2022 started to refuse to accept readmitted people back to Croatia. In 2023, only 257 individuals were readmitted to another country.⁷¹

Out of 257 readmitted individuals, 29 were from Albania, 27 were from China, 19 were from Türkiye, 17 were from Syria, 16 were from Kosovo, 15 were from Afghanistan, 15 were from Nepal, 15 were from Serbia, 10 were from Bangladesh and 9 were from Bosnia and Hercegovina. Out of 257, 176 individuals were readmitted to Croatia.⁷²

In 2023, Slovenia also readmitted 377 individuals to its territory under readmission agreements. This is a decrease from the 427 individuals it readmitted in 2022. 203 were readmitted through the airport, 96 from Italy, 62 from Austria, 9 from Croatia and 7 from Hungary. Out of 377 individuals, 65 were from Afghanistan, 44 from Algeria, 30 from Morocco, 29 from Slovenia, 22 from Türkiye, 21 from Azerbaijan, 17 from Bangladesh, 15 from Syria, 11 from Nepal and 11 from Iran.⁷³

⁶⁵ *Ibid.*

⁶⁶ For more on pushbacks see AIDA, *Country Report: Slovenia, 2021 Update*, May 2022, available at: <https://bit.ly/3kCs3cg>.

⁶⁷ See for example: Agreement between the Government of RS and the Government of RC on delivery and reception of persons, whose entry or residence is illegal. – International agreements, Official Gazette of RS, no. 8/06., available in English at: <https://bit.ly/3vVpHWT>.

⁶⁸ Ombudsperson, *Poročilo Varuha človekovih pravic RS o izvajanju nalog državnega preventivnega mehanizma po Opcijskem protokolu h Konvenciji OZN proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju za leto 2019*, available in Slovenian at: <https://bit.ly/3SrxVSA>

⁶⁹ *Ibid.*

⁷⁰ Official statistics available at: <http://bit.ly/3WvTZfq>.

⁷¹ *Ibid.*

⁷² Official police statistics available in Slovenian at: <http://bit.ly/3WvTZfq>.

⁷³ Official police statistics, available in Slovenian at: <https://bit.ly/3WvTZfq>.

In January 2021, the **Italian** Court of Rome ruled that the 1996 readmission agreement with Slovenia breached Italian and EU law and, therefore, could not form a legal basis for returns to Slovenia.⁷⁴ Whereas most readmissions from Italy stopped following this ruling, 65 readmissions took place nonetheless in 2022 according to the official statistics.⁷⁵ Reportedly, at the end of 2022, the Italian authorities had started to strongly urge Slovenia to resume the use of readmission agreements between the countries.⁷⁶ The pressure from Italian authorities to resume the use of the readmission agreement continued during 2023.⁷⁷ In 2023, Slovenia readmitted 96 persons from Italy.⁷⁸

In August 2020, individuals started to report collective expulsions from the Austrian border to Slovenia. The number of people returned based on the readmission agreement⁷⁹ between Slovenia and **Austria** increased from 23 people being returned by the end of July to 98 people being returned by the end of August. A total of 176 people were returned from Austria to Slovenia in 2020.⁸⁰ In 2021, 70 persons were readmitted from Austria on the basis of the readmission agreement.⁸¹ Individuals' testimonies show that some were returned to Croatia by the Slovenian authorities after being readmitted from **Italy** or **Austria**.⁸² In 2022, 58 individuals were readmitted from Austria to Slovenia.⁸³ In 2023, 62 were readmitted from Austria to Slovenia.⁸⁴

At the beginning of 2022, the PIC and other organisations in Slovenia regularly detected pushbacks at the Slovenian border.⁸⁵ While lodging the application before the Ministry, asylum seekers stated that they have reached and tried to ask for asylum in Slovenia several times before being able to lodge the application for international protection. In February, the practice changed as the Croatian police refused to accept people based on the readmission agreements. Since then, reports on pushbacks and the use of readmission agreements have dropped significantly.

In the second half of 2022, ECCHR together with CRIN filed a complaint in the case of *U.F. against Croatia and Slovenia* with the Committee on the Rights of the Child. U.F is a Rohingya child who was a victim of a chain pushback from Slovenia to Bosnia.⁸⁶

During the year 2023, the Slovenian Ombudsperson received 7 complaints regarding asylum and migration. The Ombudsperson finished 5 investigations in 2023. The complaints were lodged regarding the short timeframes for judicial review in the return procedure, lengthiness of the asylum procedure, Dublin returns to Croatia and police conduct in the Foreigners centre in Postojna. Regarding the police conduct in the Foreigners centre in Postojna the Ombudsperson did not detect any violations in one case while the other is still pending.⁸⁷

⁷⁴ Decision of Ordinary Court of Rome, N.R.G.56420/2020, 18 January 2021, available at: <https://bit.ly/3MatUiY>.

⁷⁵ Official police statistics available at: <http://bit.ly/3WvTZfq>.

⁷⁶ Nuova Europa, *Migrants: Prisco, in force readmissions with Slovenia*, 6 December 2022, available at: <https://bit.ly/41zZA6C>.

⁷⁷ N1, *Italija zaradi migracij razglasila izredne razmere, Salvini žuga Sloveniji*, 11 April 2023, available at: <https://bit.ly/48WcolxDelo>; *V Italiji izredne razmere, Salvini bi begunce vračal v Slovenijo*, 11 April 2023, available at: <https://bit.ly/3SYsB9h>. Dnevnik: *Italija za okrepitev sodelovanja s Slovenijo pri reševanju množičnih migracij*, 14 January 2023, available at: <https://bit.ly/4c5X52a>.

⁷⁸ Official police statistics available at: <http://bit.ly/3WvTZfq>.

⁷⁹ Readmission agreement between Slovenia and Austria available at: <https://bit.ly/3f69msn>.

⁸⁰ Official police statistics available at: <https://bit.ly/3vMFX0T>.

⁸¹ Official police statistics available at: <https://bit.ly/3vMFX0T>.

⁸² BVMN, individual testimonies and reports available at: <https://bit.ly/3vOZf0M>. See also, ECRE, *Austria: Chain pushbacks to Bosnia Amid Growing Evidence of Widespread Abuse in the Balkans*, 20 November 2020, available at: <https://bit.ly/3lyAD7W>.

⁸³ Official police statistics available at: <http://bit.ly/3WvTZfq>.

⁸⁴ *Ibid.*

⁸⁵ Border Violence Monitoring Network, *Testimonies*, available at: <https://bit.ly/3KGLMk0>.

⁸⁶ ECCHR, *Rohingya child challenges Croatia and Slovenia over violent pushbacks*, available at: <https://bit.ly/3SURUJx>.

CRIN, *The story of U.F. and the campaign to end child pushbacks at EU borders*, available at: <https://bit.ly/49Oebzx>.

⁸⁷ Information provided by the Ombudsperson, March 2024.

Border monitoring

There is no systematic border monitoring in Slovenia. Border monitoring is conducted by UNHCR. In 2023 UNHCR conducted 11 visits to police stations and 1 visit to the airport where they checked police records and conducted talks with the police.⁸⁸ In order to conduct border monitoring, UNHCR must notify the police station prior to the visit. UNHCR can only check police documentation regarding individuals who applied for international protection.

Border monitoring is also conducted by the Slovenian Ombudsperson within the National Preventive Mechanism framework.⁸⁹ The Ombudsperson can make unannounced visits to police stations and has the authority to check all the police records regarding migrants in the police procedures. Based on these visits, observations and recommendations are given to the Ministry of the Interior and the police station. In 2023, the Ombudsperson visited 17 police stations. In 2023, the Ombudsman highlighted the extremely poor reception conditions at the Police station for Compensatory Measures Novo mesto, where the majority of individuals irregularly crossing the border is processed. The Ombudsman noted that the hall in which individuals are processed and accommodated, before being transferred to the asylum home, is dysfunctional and extremely inappropriate considering that a large number of foreigners is processed there and that they stay there for a long period of time (from 5-6 hours). The Ombudsman noted that the structure of the hall does not guarantee respect for personal safety and human dignity, especially for vulnerable groups, families with small children and unaccompanied children. The premises are also not adapted to the needs of people with mobility impairments. During the visit the premises were not sufficiently cleaned or regularly disinfected. The hall is equipped with air conditioning but does not ensure adequate ventilation as the air in the room when a large number of people is accommodated is very poor. There is also a risk of the spread of infectious diseases. Unaccompanied children are accommodated together with other foreigners.⁹⁰ In January 2023, the Government adopted the decision to install additional temporary facilities on the premises for the purpose of processing foreigners. The additional facilities will be installed for maximum 3 years. In the first phase, the fence and 2 sanitary containers will be built. In addition, 3 containers for accommodation and 3 tents will be installed. In the second and third phase, additional 2 tents will be built while additional sanitary containers will be installed if needed.⁹¹ According to the police, 3 containers that are already installed but were not yet operating during the Ombudsman's visit will be used for accommodating vulnerable groups, including unaccompanied children. The Ombudsman noted that such accommodation is inappropriate for vulnerable groups and recommended that suitable facilities for processing vulnerable groups are established.⁹²

Litigation and case-law on incidents occurring at the border

In 2019, the Administrative Court of Slovenia issued its judgement in the case of a Moroccan citizen who applied for international protection in Slovenia and was rejected. Upon completion of the asylum procedure, he was returned to **Croatia** under a bilateral readmission agreement, and subsequently to **Bosnia and Herzegovina**. The applicant started a subsidiary judicial procedure by filing a complaint before the Slovenian Administrative Court alleging a violation of his human rights. The Administrative Court ruled that the applicant had not been able to object to his return based on the prohibition of *non-refoulement*, and did not have an effective legal remedy, since he was not issued a written decision.⁹³ The Ministry of the Interior appealed against this decision to the Supreme Court,⁹⁴ which found that the fact that a written decision was not issued was not unlawful. The case

⁸⁸ Information provided by UNHCR, February 2024.

⁸⁹ The National Preventive Mechanism operates based on the Optional Protocol to the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment.

⁹⁰ National Preventive Mechanism, *Priporočila iz obiskov (preglednice)*, available at: <https://bit.ly/3l6Xhs0>.

⁹¹ Dnevnik, *Vlada sklenila na območju Obrežja postaviti začasne objekte za obravnavo tujcev*, 18 January 2024. available in Slovenian at: <https://bit.ly/3uDpfR1>.

⁹² National Preventive Mechanism, *Priporočila iz obiskov (preglednice)*, available at: <https://bit.ly/3l6Xhs0>.

⁹³ Administrative Court, Decision I U 1412/2019, 18 December 2019, available at <https://bit.ly/3SN9LSy>.

⁹⁴ Supreme Court Decision, I Up 21/2020, 8 July 2020, available at: <https://bit.ly/49lgZUQ>.

was referred to the Constitutional Court on the initiative of the Ombudsperson. The case was dismissed in December 2021 because the time limit for constitutional review had expired.⁹⁵

In 2020, the Administrative Court confirmed its position in a case concerning a Cameroonian national who had crossed the Slovenian border in August 2019 with the intention of applying for asylum in Slovenia. The applicant claimed that he had expressed his intention to apply for international protection several times during the police procedure. The police did not register his intention and did not refer him to the preliminary procedure. Instead, he was taken to the Croatian border and returned to Croatia on the basis of the readmission agreement. The Croatian police then returned him to Bosnia and Herzegovina. The Administrative Court found that the police had violated the prohibition of *non-refoulement*, the prohibition of collective expulsion, and the right to access the asylum procedure by returning the applicant to Croatia on the basis of the readmission agreement. It also decided that Slovenia should allow the applicant to enter the territory and apply for international protection, and that the applicant should be awarded €5,000 in compensation.⁹⁶ The decision was annulled by the Supreme Court and returned to the Administrative Court.⁹⁷ The Administrative Court decided again that the Slovenian authorities had violated the prohibition of *non-refoulement*, the prohibition of collective expulsion and the applicant's right to access the asylum procedure, however it did not award any compensation, in line with the instructions of the Supreme Court, as this would significantly prolong the procedure. Instead, it referred the plaintiff to litigation before the civil court.⁹⁸ The Ministry of the Interior appealed the decision to the Supreme Court, which eventually confirmed the decision of the Administrative Court, which thus became final.⁹⁹

In July 2021, a case concerning three Moroccan nationals came before the Administrative Court. The applicants had crossed the Slovenian border in July 2021, after which they were apprehended by the police for irregular border crossing. During the police procedure they repeatedly asked for asylum in Slovenia. The police did not register their intention to apply for international protection and did not refer them to the preliminary procedure. Instead, they were taken to the Croatian border and returned to Croatia on the basis of the readmission agreement. The Croatian police took them to the border with Bosnia and Herzegovina and forced them to cross the border on their own. By the end of 2023, a decision had not yet been made by the Administrative Court.¹⁰⁰

In August 2023, the Administrative Court made the decision in a case of a Syrian national who entered Slovenia, for the second time, in October 2019. He entered Slovenia in a group of 12 persons and expressed the intention to apply for asylum in Slovenia. The next day, Slovenian authorities readmitted the applicant, together with other members of the group, to Croatia. Croatian authorities took the applicant to the border with Bosnia and Herzegovina and ordered him to cross the border. The court found that during the procedure the applicant managed to prove that he indeed expressed the intention for asylum in Slovenia. The Ministry of the Interior failed to prove that the intention was not overheard by the police as the procedure was not properly documented, a translator was not present during the procedure and the reports from several NGOs and the Slovenian Ombudsperson stated that, at the time, access to asylum was systematically denied to individuals during the police procedure. The Administrative Court found that, by readmitting the applicant to Croatia and preventing him to apply for asylum in Slovenia, the authorities violated the principle of *non-refoulement*, right to asylum, prohibition of collective expulsion, right to judicial review and the right to be heard.¹⁰¹

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

⁹⁵ Constitutional Court Decision, Up-1114/20, 13 December 2021, available at: <https://bit.ly/3uD7126>.

⁹⁶ Administrative Court, Decision, 1490/2019, 22 June 2020, available at <https://bit.ly/48ooWaP>.

⁹⁷ Supreme Court Decision, I Up 128/2020, 28 October 2020, available at: <https://bit.ly/3uCn1BA>.

⁹⁸ Administrative Court Decision, I U 1686/2020, 7 December 2020, available at <https://bit.ly/42HyBrJ>.

⁹⁹ Supreme Court Decision, I U 1686/2020, 9. April 2021, available at <https://bit.ly/4bEKCCf>.

¹⁰⁰ Administrative Court, case run under the number I U 1167/2021. A decision was not made at the time of the writing of the report.

¹⁰¹ Administrative Court Decision, I U 1834/2019, 26 July 2023.

Legal access to the territory

The Slovenian legislation does not foresee any legal pathways, apart from family reunification, for access to the territory of persons in need of protection (for example as humanitarian visas.) Strengthening the system of complementary pathways is set as one of the objectives of the new Immigration strategy adopted by the Government in March 2024.¹⁰²

In October 2022 the Slovenian Government made the decision to resettle 50 persons from Türkiye. People from Afghanistan and Syria were eligible for resettlement according to the decision of the Government.¹⁰³ Based on the decision 23 persons resettled in Slovenia in 2023 and, 27 persons resettled in Slovenia in January 2024.¹⁰⁴ Relocation has not been carried out since 2021.

2. Registration of the asylum application

Indicators: Registration

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

Foreigners can express their intention to apply for asylum before any state or local authority, which has the duty to inform the police.¹⁰⁵ From the moment someone has expressed an intention to apply for international protection, they cannot be deported from the country in accordance with the IPA.¹⁰⁶

According to Article 35 IPA, an individual who has entered Slovenia illegally must express their intention to apply for international protection within the shortest time possible. Failure to do so is one of the grounds that can lead to a rejection of the asylum application as manifestly unfounded in the **Accelerated Procedure**.¹⁰⁷ The application cannot be considered as manifestly unfounded solely on this ground. Whether the individual applied in the shortest time possible must be decided based on the individual case.¹⁰⁸ Individuals who express an intention to apply for international protection in due time are exempt from any penalties regarding illegal entry.¹⁰⁹

2.1. The “preliminary procedure”

The Police conduct the so-called “preliminary procedure”, in which they establish the identity and travel route of the individual and complete the registration form. In line with the IPA, the police also have to inform the asylum

¹⁰² Immigration strategy of the Government of the Republic of Slovenia, March 2024, available at: <https://bit.ly/4ayyqlc>.

¹⁰³ Government of the Republic of Slovenia (2022), *Resettlement of 50 citizens of Syria or Afghanistan, eligible for refugee status, from Turkey to Slovenia*, 19 October 2022, available in Slovenian at: <https://bit.ly/49FVs9f>.

¹⁰⁴ Official statistics of Ministry of Interior, available in Slovenian at: <https://bit.ly/3ksiZGh>.

¹⁰⁵ Article 42(1) IPA.

¹⁰⁶ Article 36(1) IPA.

¹⁰⁷ Article 52, seventh indent IPA.

¹⁰⁸ See for example: Administrative Court Decision, I U 1894/2011, 17 November 2011, available in Slovenian at: <https://bit.ly/48p4iav>.

¹⁰⁹ Article 35 IPA.

seekers in a language they understand about the consequences of leaving the Asylum Home or its branch before lodging their application, namely that they would be processed under the Foreigners Act.¹¹⁰ The registration form includes a paragraph notifying the applicant of the aforementioned and information on the consequences: that the application will be considered as withdrawn and that the person can be detained in line with the IPA. This information is listed on the registration form in Slovenian and in a language that the person understands.

The applicant signs the registration form to confirm they have received this information.

While the registration form now includes the information in the language the person understands individuals often claim, during the asylum procedure, that they were not aware of the provisions as they were not given the opportunity to read the registration forms before signing them. In practice, individuals can wait for up to 20 days to lodge the application. The provision instructing asylum seekers to stay in the asylum home until lodging the application is therefore extremely problematic since it means that asylum seekers are *de facto* detained until they lodge the application. The fact that they left the premises of the Asylum home before lodging the application can also be used to justify the risk of absconding and detain the individual after they lodge the application.

In accordance with the amended IPA, the police can also establish other circumstances that are relevant for the asylum procedure.¹¹¹ It is not clear what those circumstances are and what is the extent of the police's authority in this regard. The police make a report about the procedure, together with any circumstances identified, and forwards it to the Migration directorate as part of the registration form.¹¹² During the procedure, the police also take a short statement regarding the reasons for applying for international protection. The documentation of the police procedure is part of the asylum procedure, and statements made during the preliminary procedure are used in practice to identify inconsistencies between the applicant's statements, and form part of the credibility assessment of the applicant. This is problematic considering that the police procedure often takes place without an interpreter and is not conducted individually, which means that individuals do not have the opportunity to make individual statements at this stage.¹¹³

In accordance with the IPA, applicants must be provided with interpretation and translation in a language that they understand throughout the preliminary procedure.¹¹⁴ This is not necessarily the individual's mother tongue, and it is up to the police to judge whether an individual understands the language. Interpreters for some languages are not available in Slovenia, or may not be available at the given time, or the provided interpretation is of poor quality, which may lead to problems with accessing the asylum procedure. Interpreters are selected based on a public call. During the selection, interpreters are not subject to a test to determine their level of knowledge of the Slovenian language or the language they interpret. The decisive factor in the public call is the price of the interpreter's services. Those with the lowest prices are prioritised on the list of interpreters that the police can use in the procedures. In practice, the police also sign separate contracts with interpreters who do not have any proof of obtaining formal education in their countries of origin.¹¹⁵

Proper interpretation is therefore one of the main systemic challenges individuals face in the preliminary procedure. As a result, the applicant's statements taken in the preliminary procedure are often inconsistent with the those made later in the process, notably when they formally lodge the application. Asylum seekers often claim that the statements they made in the preliminary procedure were not read back to them or were incorrectly

¹¹⁰ Articles 42(1)-(2) IPA.

¹¹¹ Article 42(2) IPA.

¹¹² Article 2(5) and 3(2) of Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection.

¹¹³ Ombudsman, *Poročilo Varuha človekovih pravic RS o izvajanju nalog državnega preventivnega mehanizma po Opcijskem protokolu h Konvenciji OZN proti mučenju in drugim krutim, nečloveškim ali poniževalnim kaznim ali ravnanju za leto 2019*, available at: <https://bit.ly/3c9H26y>, Ombudsman, *Končno poročilo o obravnavi policijskih postopkov s tujci na območju Policijske postaje Ilirska Bistrica*, 19 July 2019, available in Slovenian at: <https://bit.ly/3r3nG7j>.

¹¹⁴ Articles 4 and 6(1) IPA.

¹¹⁵ PIC observations regarding the quality of translation and the Ministry's selection procedure for translators.

translated. Inconsistencies between the statements made during the preliminary procedure and those made while lodging the applications also form part of the credibility assessment of the asylum seeker. Since there is no systematic monitoring of the conduct of the preliminary procedure, recording should be introduced to allow for comprehensive supervision. Such monitoring would enable to quickly dispel any potential doubts concerning the conduct of the police during the procedure, while making it easier to detect any possible violations of standards.¹¹⁶

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

2.2. Lodging of the application

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

There is no time limit prescribed for the authorities between the expression of intention to apply for asylum and the lodging of the application. The average time for registration of the application has increased steadily. In 2023, due to a large number of arrivals, asylum seekers continued to wait for up to 20 days to lodge the application. The waiting period varied during the year, depending on the number of new arrivals, but people usually had to wait 3–20 days.¹¹⁷

While waiting to lodge the application, asylum seekers are *de facto* detained (see [Detention: General](#)). They are not issued a detention order with respect to their detention in the **Asylum Home** or its branch. While they are no longer locked in the reception area, they are informed that if they leave the premises before lodging the application they will be processed as foreigners¹¹⁸, meaning they can subsequently be detained in the **Foreigners Centre** and processed in the return procedure based on the bilateral readmission agreements or the Foreigners Act. They are not given any document that would allow them to move freely within the territory. They also do not have the right to free legal advice or representation regarding their detention. Until they lodge their application, individuals are not considered to be asylum seekers and, hence, do not enjoy the rights thereof.

The capacity of the pre-reception area of the Asylum home is small – up to 40 persons can be accommodated there. Due to a large increase of arrivals the whole Asylum home served as a reception centre and accommodation centre during the year, meaning that people waiting to lodge the application were accommodated together with asylum seekers. Unaccompanied minors and other vulnerable groups waiting to lodge the application were not separated from the general public. Due to lack of capacities the problem with overcrowding continues in 2023. The conditions worsened and became unbearable as 600 to up to 1800 people were accommodated in the Asylum home during the year. Do to overcrowding there was not enough beds for all asylum seekers and some even slept outside the Asylum home. Additional containers and tents were put on the premises of the Asylum home, as no new reception capacities were established in 2023.¹¹⁹

Since asylum seekers are no longer locked in the reception area, a large number of asylum seekers absconded before lodging the application. During the year, 58,757 individuals expressed the intention to lodge the

¹¹⁶ National Preventive Mechanism, *Priporočila iz obiskov (preglednice)*, available at: <https://bit.ly/3Lo1zSZ>.

¹¹⁷ Observation by the PIC.

¹¹⁸ Article 42(2) IPA.

¹¹⁹ Siol, *Azilni dom na Viču poka po šivih, migranti spijo po hodnikih in na prostem*, 14 September 2023, available in Slovenian at: <https://bit.ly/3T9HOGc>.

application¹²⁰ however only 7,261 applications were lodged.¹²¹ The Ombudsperson previously noted that the conditions in the Asylum home and Logatec are so severe that they infringe access to asylum.¹²²

Prior to lodging the application, the medical staff at the Asylum Home or its branch conduct a medical examination. During the medical examination, an assessment as to the person's vulnerability should also be conducted.¹²³ Subsequently, the staff of the Migration directorate will photograph and fingerprint applicants older than 15 years old and run these fingerprints through the Eurodac database.¹²⁴ Applicants are then shown a video presentation on the asylum procedure in Slovenia.¹²⁵ The video contains the procedural steps, the rights and obligations of asylum seekers in the procedure, information about the Dublin procedure, refugee counsellors and judicial review. Although the IPA requires that individuals are also informed about NGOs working on the field of asylum and migration,¹²⁶ the video does not include such information and it is not provided to individuals by the Ministry in any other manner. The video also does not contain any explanation regarding the reasons for granting asylum. In 2021, the video was adapted for unaccompanied minors – it contained additional information regarding the procedure for unaccompanied minors but no information on reasons for granting asylum or NGOs working on the field of asylum and migration. According to the IPA, unaccompanied minors have to be informed about their rights and obligations before they lodge an application, and this must be done in a manner that is adjusted to their age and development.¹²⁷ Excluding the additional information, the video for unaccompanied minors does not differ from the video presentation intended for adult asylum seekers. The video presentation is the same for all unaccompanied minors and is not adjusted for younger unaccompanied minors. Unaccompanied minors are shown the video in the presence of the interpreter and their legal guardian.

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

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

According to the amendments of the IPA, the competent authority can only process the application in the border procedure if the application is inadmissible, in which case it will be processed in the accelerated procedure, or if the applicant has lodged a request for a subsequent application. During the border procedure, the applicant is accommodated at the border, airport or port. The timeframe for the Ministry to take a decision is three weeks. If the Migration directorate does not issue a decision within three weeks, or the applicant's application is processed in the regular procedure, the applicant is allowed entry into the territory. The fiction of pre-entry is also a novelty.¹²⁸ In practice, due to a lack of infrastructure, this procedure at the border, airport and port is not used. Applicants who submit their application in such places are subject to the regular procedure.

The general rule is that an application is lodged orally. The IPA also allows the Migration directorate to instruct the asylum seeker to lodge the application in writing or electronically under exceptional circumstances, which are

¹²⁰ Official police statistics, available at: <https://bit.ly/3WvTZfq>.

¹²¹ Official statistics of Ministry of the Interior, available at: <https://bit.ly/3ksiZGh>.

¹²² The Ombudsperson, *Sporočilo javnosti o ugotovitvah Varuha glede razmer v azilnem domu v Ljubljani*, 13 September 2023, available at: <https://bit.ly/4bU0LnB> and *Poročilo z obiska nastanitvenega centra v Logatcu*, 7.0-4/2022-4-NAB.

¹²³ Article 13(1) IPA.

¹²⁴ Articles 42(4)-(5) IPA.

¹²⁵ Videos available at: <https://bit.ly/42P6bfd>.

¹²⁶ Article 5(1) IPA.

¹²⁷ Article 16(5) IPA.

¹²⁸ Article 43(1)-(2) IPA.

however not defined.¹²⁹ There is no system in place under which the applicant could lodge the application electronically. The oral application consists of a special form which is filled in by the applicant, with the assistance of the Migration directorate officials that should be available in order for the applicant to do so.¹³⁰ In practice, written applications are lodged at the Migration directorate in group settings – foreigners speaking the same language are put in one room where they receive the video information session after which they fill out the application forms. The groups are normally comprised of 5 – 20 foreigners filling out the form simultaneously. Foreigners are given a form in their language. The forms are then filled out by the asylum seekers in the presence of a translator who helps them fill out the form. Officials of the Migration directorate are present while foreigners fill out their applications. After they fill out the form, the translator translates the form and fills out another form in Slovenian language. The translator then gives both forms, the one filled out by the applicant and the translated one, to the official of the Migration directorate. The applicants can obtain the copy of the application if they wish, no special request is needed.

This practice does not allow asylum seekers any privacy during the lodging of the application. In addition, the interpreters are often *de facto* leading the procedure, answering the questions and helping foreigners although they are not qualified and do not have the official authorisation to do so. Furthermore, for reasons including illiteracy, lack of information and guidance, applicants are not able to list all the reasons for which they seek asylum on the forms. Nevertheless, their statements made in the written application are used in the credibility assessment. Due to the increase of asylum seekers the majority of applications were lodged in writing in 2023. Out of 7,261 applications lodged in 2023, 5,434 applications (75%) were lodged in writing, and none was lodged electronically.¹³¹

C. Procedures

1. Regular procedure

1.1 General (scope, time limits)

Indicators: Regular Procedure: General

- | | |
|--|---|
| 1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: | 6 months |
| 2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Backlog of pending cases at first instance as of 31 December 2023: | 1,147 |
| 4. Average length of the first instance procedure in 2023: | 45/111* days |

*45 days from lodging the application to the decision, 111 days in case of in-merit decisions.¹³²

The regular procedure is regulated in the International Protection Act. The determining authority must take a decision in the shortest time possible, and no later than six months from lodging the application. If it cannot issue a decision within six months, it needs to inform the applicant in writing about the delay, the reasons for the delay and the timeframe within which they can expect a decision. If it cannot make a decision in the estimated timeframe, it can again inform the applicant in writing about the reason for the delay and set a new timeframe

¹²⁹ Article 45(1) IPA.

¹³⁰ Article 10(4) Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection.

¹³¹ Official statistics provided by the Migration directorate, March 2024.

¹³² Information provided by the Migration directorate, March 2024.

within which they can expect the decision.¹³³ In practice, the reasons in writing are only given in very broad terms, e.g., “the authority is working on pending cases that were submitted earlier and on priority cases of vulnerable persons.”¹³⁴

The determining authority can extend the 6-month time limit for no longer than 9 months: (a) if the applicant does not fulfil their obligations regarding the asylum procedure; (b) if the authority is faced with complex legal and factual questions; or (c) in case of a large number of applications for international protection.¹³⁵ According to the amended IPA, if the Migration directorate is to extend the time limit due to a large number of applicants for international protection, it has to notify the European Commission about this decision at least once per year and as soon as the reasons for the extension no longer exist.¹³⁶ It is evident from the proposal of the amendments¹³⁷ that the purpose of the provision is to implement article 49, paragraph 3 of the Asylum Procedures Directive. However, the IPA does not contain any objective criteria regarding the number of asylum seekers or other circumstances that would prompt the use of the provision.

The Ministry can further extend the additional 9-month time limit by no more than 3 months, under justified circumstances and in order to ensure a proper and comprehensive examination of the application.¹³⁸

In addition, the determining authority may suspend the procedure if, due to an uncertain situation in the country of origin, which is expected to be of temporary nature, it cannot be expected from the determining authority to decide in any of the abovementioned timeframes. In this case, the determining authority needs to review the situation in the country of origin every 6 months, inform the applicant about the reasons for suspending his application and inform the European Commission about the suspension of all procedures regarding this country of origin. The maximum time period in which the application needs to be examined in this case is 21 months.¹³⁹ In practice, this provision has not been implemented.

If the application of the asylum seeker is processed in the Dublin procedure, the time limit for making a decision starts when it is established, in accordance with the Dublin regulation, that Slovenia is responsible for the examination of the application and the applicant is on its territory.¹⁴⁰

There are no consequences set out in law for not respecting the time limit. In practice the time limits are not respected, and duration of the procedure is one of the biggest shortcomings of the Slovenian asylum system. In 2023, 7,261 applications for international protection were lodged and 1,147 asylum applications were pending by the end of the year. According to the official statistics, the average duration of the procedure in 2023 was 45 days¹⁴¹ from lodging the application to the decision. In case of an in-merit decision the average duration of the procedure was 111 days.¹⁴² Out of 129 positive decisions issued by the Migration directorate, 82 were issued in less than 6 months. Out of 55 decisions granting subsidiary protection, 52 were issued to Ukrainian citizens¹⁴³ whose claims were in practice prioritised.¹⁴⁴ Other asylum seekers had to wait longer for first instance decisions as 25 positive decisions were issued 6 -12 months after the lodging the application and 22 were issued one year after the lodging the application. In 2023, 165 negative in-merit decisions were issued, out of which 136 were issued in less than 6 months, 10 were issued 6-12 months after lodging the application and 15 were issued 1 year after lodging the application.¹⁴⁵

¹³³ Article 47(1)-(2) IPA.

¹³⁴ Observation by the PIC.

¹³⁵ Article 47(3) IPA.

¹³⁶ *Ibid.*

¹³⁷ Državni zbor: *Besedilo Predloga zakona o spremembah in dopolnitvah Zakona o mednarodni zaščiti*, 10 December 2020, available in Slovenian at: <https://bit.ly/3G3xBD0>.

¹³⁸ Article 47(4) IPA.

¹³⁹ Article 47(5)-(6) IPA.

¹⁴⁰ Article 47(8) IPA.

¹⁴¹ This includes procedures that were stopped due to the high absconding rate of applicants, and Dublin procedures.

¹⁴² Official statistics provided by the Migration directorate, March 2024.

¹⁴³ *Ibid.*

¹⁴⁴ Observation by the PIC.

¹⁴⁵ Official statistics provided by the Migration directorate, March 2024.

In 2023, the refugee recognition rate was 25%, however it should be noted this refers to a limited number of persons (74 applicants were granted refugee status). The percentage of people obtaining subsidiary protection was 19% as 55 persons were granted subsidiary protection. Out of 55 persons, 52 were from Ukraine.¹⁴⁶

For applicants who lodged their application after November 2021, when the amendments of the IPA came into force, negative decisions also contain a return decision. Applicants are given 10 days for voluntary return by law,¹⁴⁷ counting from the moment the decision becomes enforceable,¹⁴⁸ and are subjected to a one-year entry ban,¹⁴⁹ that comes into force only if the person does not leave Slovenia within the timeframe for voluntary return.¹⁵⁰ The decision also mentions that, should the applicant not leave Slovenia voluntarily, they will be removed from the territory.

1.2 Prioritised examination and fast-track processing

According to Article 48 of the IPA, the Migration directorate must prioritise cases of vulnerable persons with special needs or cases in which the applicant has been detained in the **Asylum Home** or the **Foreigners Centre**. However, in accordance with the amended IPA, only applications which are likely to be substantiated can be prioritised. However, this is often not respected in practice.¹⁵¹ Official statistics on the number of prioritised applications are not gathered by the Migration directorate. In practice, Ukrainian applications for asylum were prioritised during 2023 as the majority of applicants were granted subsidiary protection in under 6 months.¹⁵²

According to Article 49/1 of the IPA, in a fast-track procedure, the application can only be rejected as manifestly unfounded. 129 applications were processed in the fast-track procedure in 2023.¹⁵³ All applications processed in the fast-track procedure were rejected as manifestly unfounded. In 2023, 5 applications of unaccompanied minors were processed in a fast-track procedure and were rejected as manifestly unfounded.¹⁵⁴

1.3 Personal interview

Indicators: Regular Procedure: Personal Interview

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

The law provides that the Migration directorate has to conduct the personal interview before taking a decision both in the regular and accelerated procedure, in the inadmissibility procedure and in the Dublin procedure.¹⁵⁵ The personal interview can be omitted if:¹⁵⁶

¹⁴⁶ Official statistics provided by the Migration directorate, March 2024.

¹⁴⁷ Article 49(10) IPA.

¹⁴⁸ Article 49(11) IPA.

¹⁴⁹ Article 49(13) IPA.

¹⁵⁰ Article 67(2) Foreigners Act.

¹⁵¹ Observation by the PIC.

¹⁵² *Ibid.*.

¹⁵³ Official statistics provided by the Migration directorate, March 2024.

¹⁵⁴ *Ibid.*

¹⁵⁵ Article 46(1) IPA.

¹⁵⁶ Article 38(1) IPA.

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

Upon lodging their application, asylum seekers are given the date and time of the personal interview. In practice the personal interview is normally conducted within one month after the lodging of the application. Interpretation is provided by the Migration directorate. The personal interview is conducted with each adult asylum seeker individually. Children are not present during the parents' personal interview. In case of a minor who is 15 years old or older and in case of an unaccompanied minor the legal guardian is present during the personal interview.¹⁵⁷ The personal interview with a minor under 15 years old can only be conducted in exceptional cases.¹⁵⁸ This is normally done in cases of unaccompanied minors in order to obtain the information needed for status determination.

In 2023 officials of the Migration directorate attended different trainings on vulnerability and work with unaccompanied minors. (see: Determining authority) While there is no special division for processing applications of vulnerable groups all decision makers attended the EUAA training on working with vulnerable groups and one official attended the training on working with unaccompanied minors.¹⁵⁹

If the applicant has legal representation, their representative is also present. With the applicants' consent, the official of the Migration directorate can also allow the presence of a UNHCR representative, another official or employee of the Ministry of the Interior (MOI), a researcher, a student or another public official if their presence is important for scientific work or their institution.¹⁶⁰ Since the September 2021 amendment of the IPA, applicants can no longer be accompanied by a person of their own choosing for emotional support during the interview.

The personal interview is carried out by the officials of the Migration directorate who have previously carried out the application procedure. During this interview ("first in-merit interview"), the officials of the Migration directorate aim to establish the identity of the applicant and accompanying family members, the applicant's reasons for seeking asylum and all other facts and circumstances that are important for the decision.¹⁶¹ During the personal interview, the applicant is expected to provide detailed grounds for asylum as well as to provide documents and other evidence.¹⁶² Until June 2016, the first in-merit interview regarding grounds for asylum was conducted together with the lodging of the asylum application. Since then, the practice changed and this has been separated into two distinct phases in an attempt to make procedures more efficient, considering that more than half of the applicants abscond soon after the lodging of the application and a high percentage of applications is dismissed in Dublin procedures, meaning that many lengthy interviews regarding grounds for asylum were conducted in vain. It also enables the Migration directorate to lodge a higher number of applications daily. Nonetheless, delays in individuals being able to lodge an application are increasing each year, and this continues to be one of the bigger shortcomings of the asylum system in Slovenia. (See also: [Lodging of the application](#))

Under the provisions of the IPA, the date of the personal interview is determined during the lodging of the application. The personal interview can be conducted immediately after the application is lodged only if: the application is processed in the border procedure; or if is evident from the information, given at the lodging of the application, that the grounds for processing the application as inadmissible or manifestly unfounded are met.¹⁶³ Notwithstanding the provisions of the IPA, the Ministry conducted personal interviews with Ukrainian asylum

¹⁵⁷ Article 37(2) IPA.

¹⁵⁸ Article 37(3) IPA.

¹⁵⁹ Information provided by the Migration directorate, March 2024.

¹⁶⁰ Article 37(4) IPA.

¹⁶¹ Article 46(2) IPA.

¹⁶² Article 21(2) IPA.

¹⁶³ Article 45(5) IPA.

seekers immediately after they lodged the application for international protection in 2023. Their applications were not processed as inadmissible or manifestly unfounded as they were granted subsidiary protection.

The personal interview is completed after the minutes are read to the asylum seeker and signed by everyone present during the interview. The personal interview can also be recorded using electronic audio or video recording devices. In this case, the Migration directorate has to ensure that the recording is attached to the mentioning that the interview was recorded,¹⁶⁴ and the asylum seeker does not have to confirm the content of the minutes.¹⁶⁵ Electronic audio and video recording of personal interviews is not used in practice.¹⁶⁶ The IPA also allows in exceptional circumstances for the personal interview to be conducted through modern electronic media under the condition that secure data transmission is ensured.¹⁶⁷ This provision is also not used in practice.¹⁶⁸

In line with the IPA, the official of the Migration directorate has to conduct the personal interview in a way that enables the applicant to fully present their reasons for seeking asylum and their personal circumstances, such as their cultural background, gender, sexual orientation and identity or vulnerability. While conducting the personal interview the official also has to take the abovementioned personal circumstances of the applicant into account.¹⁶⁹ The applicant can request that the interview be conducted and interpreted by, respectively, an official and an interpreter of the same gender.¹⁷⁰ The manner in which the personal interview is conducted depends on the official that conducts it. Due to the lack of female translators, translation by a person of the same gender is not often provided to female asylum seekers in practice while the Migration directorate arranges the caseload in a way that female officials conduct the majority of personal interviews with female asylum seekers.¹⁷¹

Following this first in-merit interview, the case is referred to a “decision-maker”, who decides if another in-merit interview is needed before an in-merit asylum decision is taken on the case. In some cases, this interview is omitted when the decision-maker can grant the applicant international protection on the basis of evidence at their disposal or reject the application. Before the final decision is issued, it has to be authorised by a responsible official of the sector for international protection procedures.¹⁷²

Official statistics on the number of personal interviews is not gathered by the authorities.¹⁷³

1.3.1. Interpretation

The IPA states that the assistance of an interpreter must be provided to a person who does not understand the official language during the lodging of the application and during the personal interview. In other justified cases, the assistance of an interpreter can be approved by the competent authority.¹⁷⁴

The amendments to the IPA also foresee that applicants and refugee counsellors are entitled to the assistance of an interpreter during the procedure before the Administrative and Supreme Court. They are entitled to 2 hours or four translation pages per case, irrespective of the lengthiness of the procedure.¹⁷⁵ This provision was included in the amendments to the IPA as a result of a Supreme Court decision, stating that applicants are entitled to an interpreter if required for communication with their counsellors in preparation of the legal remedy.¹⁷⁶

¹⁶⁴ Article 37(7) IPA.

¹⁶⁵ Article 37(9) IPA.

¹⁶⁶ Observation by the PIC.

¹⁶⁷ Article 37(8) IPA.

¹⁶⁸ According to the PIC's experience.

¹⁶⁹ Article 37(1).

¹⁷⁰ Article 37(6) IPA and Article 6(6) IPA.

¹⁷¹ Observation by the PIC.

¹⁷² Information provided by the Migration directorate March 2024.

¹⁷³ Information provided by the Migration directorate, March 2024.

¹⁷⁴ Article 6(1)-(2) IPA.

¹⁷⁵ Article 11(1) IPA.

¹⁷⁶ Supreme Court, Decision I Up 226/2017, 22. November 2017, available in Slovenian at: <https://bit.ly/48rDrKM>.

According to the IPA, the interpreter is bound to respect the rules of the Code of Conduct for interpreters and translators in the international protection procedures which is adopted by the Minister of the Interior. The Ministry also needs to inform the interpreters on the rules and specifics of interpreting in the international protection procedures and on their role in such procedures.¹⁷⁷ In 2023 the Ministry of the Interior did not organise any training on interpretation in the asylum procedures.¹⁷⁸

Lack of qualified interpreters for certain languages is a systematic problem in Slovenia. The quality of interpretation varies considerably and, in some cases, does not meet required standards. Interpreters are selected based on a public call. During the selection, interpreters are not subject to a test to determine their level of knowledge of the Slovenian language or the language they interpret. Although interpreters have to submit proof of language, education and references, the decisive factor in the public call is the price of the interpreter's services. Those with the lowest prices are prioritised on the list of interpreters that the Migration directorate can use in the procedures.¹⁷⁹ In practice, Migration directorate does not monitor the quality of the translation. Often, interpreters operate in languages in which they are not fluent, but which are used in their countries of origin. As some cannot adequately write in these languages, decisions on asylum are often wrongly translated by interpreters. There were also cases where the translation stated that the person does not have the right to appeal the asylum decision. The lack of proper interpretation affects the credibility assessment of asylum seekers. Systematic changes in the selection of interpreters should be made in order to provide asylum seekers with proper interpretation in the asylum procedure and guarantee their ability to obtain international protection in Slovenia.¹⁸⁰

The IPA foresees that, where possible, asylum seekers can request the presence of an interpreter of the same sex.¹⁸¹ In practice, however, this is often not respected due to the lack of available female interpreters (See: Personal interview).¹⁸²

Interpreting can be conducted through video conferencing if secure data transfer is guaranteed.¹⁸³ In practice this is used only for the interpretation of languages for which an interpreter cannot be provided in Slovenia. In this regard, the Ministry of the Interior can ask for help with interpretation from another Member State, EU institutions or other international organisation.¹⁸⁴ In 2023 the Migration directorate had contracts with 52 interpreters for different languages. In 2023, because of the lack of available interpreters for certain languages, interpretation through videoconference was used 20 times and, in all cases, provided by the EUAA online.¹⁸⁵

1.3.2. Recording and report

Minutes are taken during the lodging of the application and during personal interviews. According to the law, the interview can also be recorded with audio/video electronic devices. In this case, the competent authority needs to ensure that the recording is attached to the official record which needs to contain a note that the recording has been made.¹⁸⁶ In practice, the audio/video recordings are not used. (See: Personal interview)

In practice the applicant's statements are not written down *verbatim*; the interpreters often only summarize the applicants' statements, and the interviewer rephrases the translated answers so as to include their important elements. Upon completion of the lodging of the application or of the personal interview, the interpreter has to

¹⁷⁷ Article 6(10)-(11) IPA.

¹⁷⁸ Official statistics provided by the Migration directorate, March 2024.

¹⁷⁹ Example of the Ministry's public call: <https://bit.ly/3IbUFRM>.

¹⁸⁰ Observation by the PIC.

¹⁸¹ Article 6(6) IPA.

¹⁸² Observation by the PIC.

¹⁸³ Article 6(13) IPA.

¹⁸⁴ Article 6(12) IPA.

¹⁸⁵ Official statistics provided by the Migration directorate, March 2024.

¹⁸⁶ Article 37(7) IPA.

translate orally the contents of the report to the applicant, who can then add comments. When the applicant signs the minutes after lodging the application, they officially obtain the status of an applicant for international protection in Slovenia. Others who are also present at the lodging (e.g., the official of the Migration directorate, interpreter, legal guardian, legal representative) also have to sign the minutes. Further changes cannot be made to the official minutes at a later time. The copy of the minutes is given to the applicants' legal representative and to the applicant if they want, no specially request is needed.¹⁸⁷

In practice, asylum seekers often complain upon second reading after the personal interview that their statements were wrongly interpreted, and that their statements were not properly read to them by the interpreter, meaning that they were not aware of the content of the minutes made during the interview.¹⁸⁸

1.4 Appeal

Indicators: Regular Procedure: Appeal

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

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

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

1.4.1. First appeal

The legal remedy available to rejected asylum applicants is a judicial review, which is initiated by filing a lawsuit against the Ministry of the Interior.¹⁸⁹ In the proceedings that follow, the applicant for international protection acts as the plaintiff and the Ministry as the defendant. The Administrative Court of the Republic of Slovenia, with headquarters in **Ljubljana**, decides on the application for judicial review. The general rules of procedure are set out in the Administrative Dispute Act, while specific provisions particular to judicial review in international protection procedures are included in the IPA.

If the application was rejected in the regular procedure, the deadline for lodging the judicial review is 15 days. The Administrative Court has to decide on it within 30 days,¹⁹⁰ yet court proceedings are usually much longer in practice, sometimes taking up to one year or longer. The length of the procedure mostly depends on the complexity of the case. This practice continued in 2023.¹⁹¹

An application for judicial review against the rejection of an application in the regular procedure has automatic suspensive effect.¹⁹² The review includes an assessment of both facts and points of law. Because a negative decision issued in the regular procedure also includes a return order the applicant must present arguments regarding asylum and return when lodging the judicial review. As no other separate legal remedy is prescribed for the return decision the applicant cannot lodge a separate judicial review after the court decision becomes final.

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

¹⁸⁷ Observation by the PIC.

¹⁸⁸ *Ibid.*

¹⁸⁹ Article 70(1) IPA.

¹⁹⁰ Articles 70(1) and 71(1) IPA.

¹⁹¹ Information provided by the refugee counsellors, March 2024.

¹⁹² Article 70(3) IPA.

In 2023, 165 negative decisions, 4,096 Dublin decisions, 45 detention orders and 11 inadmissibility decisions were issued. However, 278 appeals on asylum cases were lodged at the Administrative Court. 168 were lodged against negative asylum decisions and 27 against detention orders. In 2023, the Administrative Court issued 260 asylum-related decisions. In 218 of these cases, the Administrative Court conducted a hearing before making the decision.¹⁹³

In 2021, the practice of the Administrative Court changed and oral hearings became more frequent due to the decision of the Supreme Court in *X Ips 22/2020*,¹⁹⁴ in which the court noted that an oral hearing has to be conducted if the facts of the case are disputed, and that the court has to make a decision regarding the suggested evidence at the oral hearing.¹⁹⁵ However, the fact that the oral hearing is conducted does not necessarily mean that the applicant will be questioned. Therefore, the oral hearings in some cases last less than 20 minutes. The practice of conducting oral hearings differs between judges based on their interpretation of the Supreme Court's decision. In 2023, the Administrative Court carried out 218 oral hearings. In 47 cases, the Administrative Court made decisions without an oral hearing.¹⁹⁶

Oral hearings are public. Decisions of the Administrative Court are published, with information on the applicant's identity removed.¹⁹⁷

In the vast majority of the cases where the Administrative Court finds faults in the first instance decision, it annuls the decision and returns the case to the first instance. The Migration directorate is then obliged to issue a new decision within 30 days.¹⁹⁸ However, this is not respected in practice. Instead, the repeated procedure in front of the Migration directorate again takes an excessively long time, which can bring the duration of the entire asylum procedure, from the time of lodging the application to the final decision, to several years. In addition, the Migration directorate often does not respect the decision or the instructions of the Administrative Court, which can further prolong the procedure.¹⁹⁹ In 2023, the Administrative Court did not grant international protection in any case.²⁰⁰

1.4.2. Onward appeal

The amendments to the IPA foresees the right of appeal to the Supreme Court against a decision of the Administrative Court,²⁰¹ as was already the case under the former IPA into force until 24 April 2016. The Supreme Court has to issue its decision within 30 days of receiving the appeal.²⁰² This right of appeal applies only to those asylum seekers who lodged their application after the amendments came into force. To be noted that applicants who lodged their application before the 24 April 2016 amendment of the former IPA can also appeal to the Supreme Court against a decision of the Administrative Court. In 2023, appeals to the Supreme Court were made in 72 cases.²⁰³

Asylum seekers who lodged their application between 24 April 2016 and 09 November 2021 cannot appeal against a decision of the Administrative Court. They can, however, challenge the decision by way of extraordinary legal remedies.

¹⁹³ Official statistics provided by the Administrative Court, March 2024.

¹⁹⁴ Supreme Court decision, *X Ips 22/2020*, 26. 8. 2020, available in Slovenian at: <https://bit.ly/3NqdKA8>.

¹⁹⁵ The decision of the Supreme Court follows the decision of the Constitution Court Up 360/16-22, 18.6.2020 and the decisions of the ECtHR, Application No 32303/13, Judgment of 13 March 2018, *Mirovni inštitut v. Slovenia*, available at: <http://bit.ly/3KKqNyk> and ECtHR, Application No 58512/16, Judgment of 30 June 2020, *Cimperšek v. Slovenia*, available at: <http://bit.ly/3mhzFS0>.

¹⁹⁶ Official statistics provided by the Administrative Court, March 2024.

¹⁹⁷ Decisions can be found at: <http://bit.ly/41xuspd>.

¹⁹⁸ Article 64(4) Administrative Dispute Act.

¹⁹⁹ Observation by the PIC.

²⁰⁰ Official statistics provided by the Administrative court, March 2024.

²⁰¹ Article 70(4) IPA.

²⁰² Article 71(4) IPA.

²⁰³ Official statistics provided by the Migration directorate, March 2024.

Decisions of the Supreme Court are published, with identifying information of applicants anonymised.²⁰⁴

In any case, applicants can appeal to the Constitutional Court. The appeal needs to be lodged within 15 calendar days of the applicant being served the decision of the Administrative Court or the Supreme Court.²⁰⁵ Decisions of the Constitutional Court are published, with identifying information of applicants anonymised.²⁰⁶ One constitutional appeal was lodged by a refugee counsellor in 2023.²⁰⁷

1.5 Legal assistance

Indicators: Regular Procedure: Legal assistance

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

1.5.1. Legal assistance at first instance

The IPA does not provide free legal representation for applicants in the first instance procedure. This was provided by a non-governmental organisation PIC – Legal Center for the Protection of human Rights and the Environment²⁰⁸ financed by AMIF, under which most funding was provided by the European Commission and a smaller part by the Republic of Slovenia. In line with the project, PIC provided free legal help and representation to all asylum seekers during the project implementation. At the end of April 2020, the AMIF program concluded. This coincided with the formation of a new government in Slovenia that was less inclined to NGOs and therefore decided that they will not open a new call for the NGOs. Since then, legal advice and representation is no longer provided to all asylum seekers in Slovenia, however the NGO PIC continues to provide legal representation during the first instance. The PIC provides legal representation throughout the whole first instance procedure, which includes the lodging of the application and all subsequent personal interviews, legal assistance throughout the asylum procedure, preparation of country of origin information and help with accessing refugee counsellors when requests for judicial review need to be filed. In 2023, PIC assisted more than 776 individuals in the asylum procedure. PIC remains the only NGO providing legal assistance to asylum applicants.

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

In 2021, the Ministry of the Interior published a new AMIF call that excluded NGOs and was intended for individuals, particularly refugee counsellors, to provide free legal help and representation to asylum seekers during the first instance procedure. The program, however, did not foresee free legal help and representation to all asylum seekers: vulnerable and detained asylum seekers would be provided with free legal help and representation for lodging the application, while others could be provided with legal services during the personal

²⁰⁴ Available in Slovenian at: <https://bit.ly/38vowWZ>.

²⁰⁵ Article 72 IPA.

²⁰⁶ Available in Slovenian at: <https://bit.ly/3sxUORc>.

²⁰⁷ Official statistics provided by the Migration directorate, March 2024.

²⁰⁸ PIC – Legal Center for the Protection of Human Rights and the Environment, available at: <https://pic.si/>.

interview, if they asked for representation. Non-governmental organisations were not able to apply for the call. The call was not public and was, instead, sent to a limited number of refugee counsellors that were selected by the Ministry of the Interior. Out of the applications made, six refugee counsellors were selected for the call based on the offered price and their references. The project lasted from 1 April 2022 to 30 November 2022. The project implementation was very inconsistent and discriminatory against vulnerable individuals. The PIC estimates that, throughout the project implementation, only 135 asylum seekers were provided with free legal help and representation, more than 60% being unaccompanied minors. During that period, 4,282 asylum seekers lodged an application for international protection, which means that less than 3% were provided with free legal under the AMIF project. Vulnerability assessment is not conducted before or during the lodging of the application and, therefore, access to free legal aid under this pilot project was not provided to the majority of eligible individuals. The project did not continue after 2022. The PIC therefore continues to be the only entity to provide free legal help and representation.

1.5.2. Legal assistance on appeal

Legal assistance in the appeal procedure is provided to applicants by refugee counsellors.²⁰⁹ The latter are graduate lawyers, selected by public tender and appointed by the Ministry of the Justice for a term of 5 years. Before they can start undertaking cases, prospective refugee counsellors have to participate in a seminar on law of international protection for a minimum duration of 10 hours. If they do not have the required one year experience on refugee and asylum law or have not previously represented asylum seekers at least 3 times before the national courts, they also have to pass an exam before participating in the seminar.²¹⁰ In line with the amended IPA, they also have to pass a security check and obtain permission to access classified information.²¹¹ Since refugee counsellors selected in the last call in 2023 were appointed based on the provisions of the former IPA, passing the security check and obtaining the permission was not needed at the last appointment. The provision has therefore not been used in practice.

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

Applicants therefore have access to refugee counsellors who initiate judicial review on their behalf and represent them in court, free of charge. In January 2023, the list included 36 refugee counsellors.²¹² A new public call was published in October 2021; the procedure of appointing new refugee counsellors was finalised by in March 2023. In January 2024 the list contained 43 refugee counsellors.²¹³

The amendments of the IPA include several novelties regarding the work of refugee counsellors. According to the new provisions, refugee counsellors have to pass a security check and obtain permission to access classified information.²¹⁴ Both new provisions were heavily criticised by NGOs and lawyers as refugee counsellors are the only legal professionals in Slovenia required to do so in order to be able to represent their clients. As other legal representatives refugee counsellors are bound by confidentiality. In addition, they should have access to all the relevant information pertaining the case in order to be able to represent their clients. Since refugee counsellors are bound by the same legal standards as other legal representatives the provision is not necessary for the function of the refugee counsellors. In practice, the provisions have not been used as refugee counsellors have not been appointed based on the new provisions yet.

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

²⁰⁹ Article 9(1) IPA.

²¹⁰ Article 12 Rules on knowledge testing of candidates for refugee counsellors and on the training of refugee counsellors at the Judicial Training Centre.

²¹¹ Article 9(4), indent 7 IPA.

²¹² Ministry of the Interior, *Imenik svetovalcev za azil / begunce*, available in Slovenian at: <https://bit.ly/3UuRaLT>.

²¹³ *Ibid.*

²¹⁴ Article 9(4), indentant 7 IPA.

- are aware of the true identity of the asylum seeker;
- have the identity documents of the asylum seeker;
- are aware of the asylum seeker's actual age, in case the asylum seeker claims they are underage; or
- are aware of facts based on which the asylum seeker is not eligible for refugee status or subsidiary protection and does not disclose these facts to the Migration directorate.²¹⁵

According to the Administrative Court's case law, the activities of refugee counsellors, as established by the IPA, are identical to the activities of attorneys.²¹⁶ As refugee counsellors carry out the same activities as attorneys, they share the same rights and obligations in relation to their clients;²¹⁷ including the obligation to respect attorney-client privilege under which the communication between the attorney and client is protected as confidential.²¹⁸ Breach of this obligation is considered a severe violation of the attorney's duties according to the Constitutional Court.²¹⁹ In addition, the duty to protect attorney-client privilege is not the privilege of the attorney but his/her obligation, together with the protection of his/her clients' constitutionally protected human rights, mainly the protection of privacy and personal rights, protection of secrecy of letters and other media and protection of personal data. This ensures the respect of the right to judicial review and the right to appeal.²²⁰

The provision that allows the refugee counsellor to be dismissed from the function is therefore in direct violation of the Slovenian Constitution. To date, the Slovenian Ombudsperson has not submitted the provisions to the Constitutional Court for review, despite NGOs' repeated urge to do so. In addition, refugee counsellors submitted the provisions for review to the Advocate of the Principle of Equality. The Advocate of the Principle of Equality stated in his decision that asylum seekers have the right to an effective legal remedy and judicial review and that the provision of the IPA renders that right void and null. He noted that confidentiality between the asylum seeker and the refugee counsellor is the basis for exercising the right to an official legal remedy. The Advocate of the principle of Equality also issued a recommendation to the Ministry of the Interior to change the discriminatory provisions relating to the lawyer-client privilege of asylum seekers and refugee counsellors.²²¹ In February 2022, opposition parliamentarians submitted the provision to the Constitutional Court for constitutional review however the decision was not taken by the end of the year.²²²

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

²¹⁵ Article 9(10) intendat 6 IPA.

²¹⁶ Administrative Court decision, U 2135/2004, 14. November 2005, available in Slovenian at: <https://bit.ly/3yQq8W7>; Administrative Court decision, I U 1858/2015, 16. November 2016, available in Slovenian at: <https://bit.ly/39xHcpi>.

²¹⁷ *Ibid.*

²¹⁸ Zagovornik načela enakosti, *Ocena diskriminatornosti zakona ali drugega predpisa po 38. členu ZVARD*, 10 June 2022, available at: <http://bit.ly/3HgWEEP>.

²¹⁹ Constitutional Court decision, Up-2530/06, 14. April 2010, available in Slovenian at: <https://bit.ly/3yKzPFy>; Constitutional Court decision, U I 115/14, 21. January 2016, available in Slovenian at: <https://bit.ly/3Mvi7dj>.

²²⁰ *Ibid.*

²²¹ Zagovornik načela enakosti, *Ocena diskriminatornosti zakona ali drugega predpisa po 38. členu ZVARD*, 10 June 2022, available in Slovenian at: <http://bit.ly/3HgWEEP>.

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

Court against the decision of an asylum seeker in cases when the same asylum seeker would obtain the help of more than one refugee counsellor. In 2023 the Ministry of the Interior provided asylum seekers with refugee counsellors in 41 cases. In 12 cases refugee counsellors were appointed for representation against negative decisions, in 28 cases against inadmissibility decisions (including Dublin) and in 1 case against the rejection of the request for a subsequent application. In all other cases applicants obtained the help of refugee counsellors on their own. According to the official statistics 165 in merit negative decisions, 4,096 Dublin decisions, 11 inadmissibility decisions and 45 detention orders were issued in 2023.²²³ However only 278 judicial reviews were lodged before the Administrative court during the year,²²⁴ out of which only 98 were lodged against a negative decision.²²⁵ Although both the UOIM and the Ministry provided information that judicial review was lodged against all detention orders issued, according to the official statistics only 27 judicial reviews against the detention order were received by the Administrative court.²²⁶ Although the majority of Dublin decisions are issued to applicants who have already absconded and are no longer present in Slovenia and therefore cannot lodge the judicial review statistics shows that judicial review is not lodged in a high number of cases.²²⁷

Refugee counsellors are entitled to the assistance of a translator for the amount of 2 hours or 4 translated pages per case.²²⁸ They are not entitled to reimbursement for extraordinary legal remedies,²²⁹ however they are entitled to reimbursement for the appeal procedure before the Supreme Court.²³⁰ They are still not entitled to reimbursement for representation before the Constitutional Court, the ECtHR or the CJEU.²³¹

The financial compensation of the refugee counsellors is half the amount of the official attorney's fee, same as for free legal aid.²³² In 2022, the law on Attorney's Tariff changed. Since then, the fee for the free legal aid is the full attorney's fee,²³³ and refugee counsellors' services are the only services compensated at half the tariff. According to informally obtained data at least two refugee counsellors initiated an administrative dispute, claiming discrimination, before the Administrative Court. By the end of the year the decisions have not been made.²³⁴

The remuneration and reimbursement of expenses for their work are granted by the Ministry of the Interior.²³⁵ The refugee counsellor is not entitled to financial compensation in the following instances:

- ❖ if the applicant has left the premises of the Asylum Home or its branch (and not returned) three days before the appeal was lodged before the Administrative Court;
- ❖ the applicant retracts the power of attorney before the legal remedy is lodged;
- ❖ the refugee counsellor does not lodge the legal remedy in time; or
- ❖ another refugee counsellor has already lodged the legal remedy.²³⁶

In practice, refugee counsellors are often not fully reimbursed for their representation, as the Ministry does not approve the reimbursement claims in full or in the same manner as reimbursement claims are approved by the court in other proceedings.²³⁷ In addition, refugee counsellors can only issue a reimbursement claim after the

²²³ Official statistics provided by the Migration directorate, March 2024.

²²⁴ Official statistics provided by the Administrative court, March 2024. The statistics includes all judicial reviews lodged in 2023.

²²⁵ Official statistics provided by the Migration directorate, March 2024.

²²⁶ Information provided by the UOIM, Migration directorate and the Administrative court, March 2024.

²²⁷ Observation by the PIC.

²²⁸ Article 11(1) IPA.

²²⁹ Article 11(4) IPA.

²³⁰ Article 11(1) IPA.

²³¹ *Ibid.*

²³² Article 5(1) Rules on the access of applicants for international protection to refugee counsellors and on the remuneration and reimbursement of the expenses of refugee counsellors, Official Gazette of RS, No. 22/17.

²³³ Amendments to the Attorney's Tariff, available in Slovenian at: <https://bit.ly/49PcPEN>.

²³⁴ Informally obtained data by refugee counsellors – cases are run under the numbers I U 1735/2023 and I U 1348/2023.

²³⁵ Article 11(1) IPA.

²³⁶ Article 11(2) IPA.

²³⁷ Observation made by refugee counsellors.

decision in the procedure becomes final.²³⁸ This means that in practice, refugee counsellors can issue the reimbursement claims after several months or even years due to the lengthiness of the procedures.

In accordance with the new amendments, legal remedies before the Administrative and the Supreme Courts can no longer be free for all asylum seekers. The new provisions state that the Ministry of the Interior can demand reimbursement of costs, or a proportionate part of the costs, for refugee counsellors from asylum seekers with sufficient means of subsistence.²³⁹ To this end, the Ministry can demand that asylum seekers submit documentation regarding their financial situation (e.g., bank statements). The following revenue can count as means of subsistence: revenue from employment contracts; unemployment benefits; revenue from other forms of work contracts; pension; revenue from self-employment; annuity, rent or lease; benefits rewarded by a court decision, with the exception of maintenance.²⁴⁰ In 2023, the Ministry did not enforce the provision.²⁴¹

2. Dublin

2.1. General

The Dublin procedure is regulated in the International Protection Act. In 2023, Slovenia made 4,776 outgoing requests. During the year 7,261 applications for international protection were lodged meaning that requests were made for 65% of applicants for international protection. This is a high increase in comparison with 2022 when 2,606 requests were made while 6,787 applications were lodged. In 2023, 17 outgoing transfers and 181 incoming transfers were carried out during the year.²⁴²

Dublin statistics: 1 January – 31 December of 2023

	Outgoing procedure				Incoming procedure		
	Requests	Accepted	Transfers		Requests	Accepted	Transfers
Total	4776	4290	17	Total	1657	1021	181
Croatia	3489	3352	10	Germany	406	280	54
Germany	28	8	4	Switzerland	309	180	42
France	12	4	2	France	452	193	29
Austria	23	5	1	Austria	54	24	14
				Netherlands	97	69	12
				Belgium	71	35	8
				Sweden	4	4	8
				Norway	5	4	8
				Poland	1	1	2
				Czech Republic	3	2	1
				Luxemburg	7	3	1
				Malta	0	0	1
				Finland	3	3	1

²³⁸ Article 11(4) IPA.

²³⁹ Article 11(5) in relation to Article 11(1) if the IPA.

²⁴⁰ Article 8(2)-(3) Rules on the access to refugee counsellors, remuneration and reimbursement of the expenses of refugee counsellors, and criteria for calculating the reimbursement of the expenses from the person with sufficient own means.

²⁴¹ Official statistics provided by the Migration directorate, March 2024.

²⁴² Official statistics provided by the Migration directorate, March 2024.

Source: Migration directorate, March 2024.

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

Outgoing Dublin requests by criterion: 2023		
Dublin III Regulation criterion	Requests sent	Requests accepted
“Take charge”: Articles 8-15:	175	121
Article 8 (minors)	0	0
Article 9 (family members granted protection)	0	0
Article 10 (family members pending determination)	0	0
Article 11 (family procedure)	0	0
Article 12 (visas and residence permits)	19	10
Article 13 (entry and/or remain)	156	111
Article 14 (visa free entry)	0	0
“Take charge”: Article 16	0	0
“Take charge” humanitarian clause: Article 17(2)	0	0
“Take back”: Article 18	4,601	4,169
Article 18 (1) (b)	4,601	320
Article 18 (1) (c)	0	0
Article 18 (1) (d)	0	730
Article 20(5)	0	3,119

Source: Migration directorate, March 2024.

Incoming Dublin requests by criterion: 2023		
Dublin III Regulation criterion	Requests received	Requests accepted
“Take charge”: Articles 8-15	232	200
Article 8 (minors)	0	0
Article 9 (family members granted protection)	0	0
Article 10 (family members pending determination)	4	0

Article 11 (family procedure)	4	2
Article 12 (visas and residence permits)	212	179
Article 13 (entry and/or remain)	8	0
Article 14 (visa free entry)	0	0
“Take charge”: Article 16	0	0
“Take charge” humanitarian clause: Article 17(2)	0	0
“Take back”: Articles 18 and 20(5)	1521	821
Article 18 (1) (b)	1521	821
Article 18 (1) (c)	0	0
Article 18 (1) (d)	0	0
Article 20(5)	0	0

Source: Migration directorate, March 2024.

2.1.1. Application of the Dublin criteria

In practice, the most frequently used criteria for outgoing Dublin requests are irregular entry,²⁴³ and first country of application.²⁴⁴ The most frequently used criterion for incoming requests is the first country of application.²⁴⁵

In 2023, the most frequently used basis for outgoing requests was Article 18 of the Dublin Regulation, while the majority of incoming requests were based on Article 18(1)(b) of the Regulation. Out of 4,776 outgoing requests made in 2023, 480 were rejected by other Member States. The most common reason for rejecting the outgoing request was that the Member State deemed it was no longer responsible based on the criteria either because the applicant was outside of the territory of Member States for more than 3 months or because the applicant left the country in line with the return decision or expulsion order issued after the rejection or withdrawal of the asylum application. In 2023, Slovenia received 1,753 requests and rejected 713. The most common reason for rejecting the request was that Slovenia deemed it is no longer responsible based on the Dublin criteria.²⁴⁶

As seen from the statistics the family unity criteria under Articles 8-11 of the Regulation are really applied in practice. Originals or at least copies of documents showing family links (birth certificates, family books) are required by authorities, while DNA analysis was used for the first time in 2019 because the applicant could not provide a copy of his documents. DNA analysis has not been needed and used since.²⁴⁷ In practice, the application of the family provisions is not refused, even if the asylum seeker fails to indicate the existence of family members in another Member State from the outset of the asylum application. The asylum seeker can invoke the application of family unity criteria within the timeframe for sending the Dublin request to another Member State, *i.e.*, three months from the asylum application. Due to the high absconding rate and the long duration of the Dublin procedure the procedure is usually stopped before it can be completed and transfer to

²⁴³ Article 13(1) Dublin III Regulation.

²⁴⁴ Article 3(2) Dublin III Regulation.

²⁴⁵ *Ibid.*

²⁴⁶ Official statistics provided by the Migration directorate, March 2024.

²⁴⁷ *Ibid.*

another Member State implemented.²⁴⁸ Since 2019 none of the unaccompanied children were reunited under Article 8 with a relative in another Member State through the Dublin procedure. The last case of reuniting family members based on Article 9 and 10 of the Regulation was registered in 2017.²⁴⁹

2.1.2. The dependent persons and discretionary clauses

The use of the “sovereignty” clause under Article 17(1) of the Dublin Regulation is not done through a formal procedure and no decision is taken on it; applicants are simply not processed in the Dublin procedure and their case is instead referred by the authorities to the regular procedure.²⁵⁰ The sovereignty clause was first used in 2014. The sovereignty clause was not used from 2018 up to 2022. In 2023, it was used in 2 cases.²⁵¹

Transfers under the “dependent persons” and “humanitarian” clauses have not been implemented in practice so far.²⁵²

2.2. Procedure

Indicators: Dublin Procedure

1. Is the Dublin procedure applied by the authority responsible for examining asylum applications?
 Yes No
2. On average, how long does a transfer take after the responsible Member State has accepted responsibility?
4 months²⁵³

The Dublin procedure is regulated by the provisions of the IPA. After the applicant lodges the application, the case is first examined for a possible application of the Dublin Regulation. While lodging the application the applicant is informed about the use of fingerprints in line with the Eurodac Regulation, possibility of sending the request to another Member state and applying the Dublin procedure. In the event that another EU Member State is determined as responsible in accordance with the Dublin Regulation, the Ministry of the Interior conducts a Dublin interview during which they inform the applicant of the sent request, legal grounds and the evidence used for the request and the reply of the responsible state. After the Dublin interview, the Ministry issues a Dublin decision which, once final, terminates the procedure in Slovenia, and the person is transferred to the state responsible. If the transfer is not carried out, the Migration directorate annuls the Dublin decision and starts processing the application for international protection.²⁵⁴

The fingerprints of each applicant are obtained before they apply for international protection. Once the applicant lodges the application their fingerprints are entered into the Eurodac database. If the person refuses to be fingerprinted, the application can be rejected as manifestly unfounded.²⁵⁵ However, no cases of this happening in practice have been documented.

The information about the Dublin procedure and legal representation during the procedure can also be provided by the PIC.²⁵⁶

²⁴⁸ Observation by the PIC.

²⁴⁹ *Ibid.*

²⁵⁰ Observation by the PIC.

²⁵¹ Official statistics provided by the Migration directorate, March 2024.

²⁵² Official statistics provided by the Migration directorate, March 2024.

²⁵³ *Ibid.*

²⁵⁴ Article 51(2) IPA.

²⁵⁵ Article 52, eighth indent IPA.

²⁵⁶ PIC – Legal Center for the Protection of Human Rights and the Environment, available at: <https://pic.si/>.

2.2.1 Individualised guarantees

Individual guarantees are sought together with the “take charge” / “take back” request. Based on the recommendations from the Commission and EUAA, individualised guarantees are sought only in case of transfers to **Greece**.²⁵⁷

2.2.2 Transfers

A pending Dublin procedure constitutes the main **Grounds for Detention** in Slovenia. The amendments to the IPA, which came into force on 9 November 2021, include new provisions on detention, and the definition of the risk of absconding, which was previously absent.²⁵⁸ (see **Grounds for detention**). This enabled the Migration directorate to start detaining asylum seekers in the Dublin procedure again. In 2023 the Migration directorate detained 4 asylum seekers, however only one was detained due to a pending Dublin procedure.²⁵⁹

If applicants have their own financial resources, the transfer can be carried out on a voluntary basis. In most cases, however, the transfer is carried out through supervised departure or under escort. Due to the demands of airline companies and the necessity of transferring flights, applicants are escorted by two officials of the Migration directorate, responsible for Dublin procedures, until the handover to the authorities of the responsible Member State. Depending on the requirements of the case, the applicant may also be escorted by other staff – medical staff, in case of medical and other psycho-physical requirements, or the police, if risk of resistance or violent behaviour exists. Past behaviour of the applicants, such as absconding and other obstruction of prior transfer attempts, are considered.²⁶⁰

Applicants are issued a *laissez-passer* document for travel.²⁶¹

In the majority of cases when Dublin decisions are issued and become final, outgoing transfers are nevertheless not carried out, mostly due to the absconding of the applicants. In 2023, all applicants were transferred through supervised departure. Out of 4,776 outgoing requests only 17 transfers were carried out.²⁶²

In 2023, several protests against Dublin transfers to Croatia were conducted by asylum seekers, NGOs and activists. The protesters noted that due to the lengthiness of the procedure, several asylum seekers in the Dublin procedure were employed and well-integrated by the time the transfer should take place.²⁶³ Asylum seekers also reiterated that Croatia is not safe for them as several of them were victims of police violence.²⁶⁴ Protests were also organised in January²⁶⁵ and February 2024.²⁶⁶ In addition the applicants and the civil society opposed the new practice of the Ministry of the Interior that deemed that the 6 month period for the transfer was reinstated by lodging the judicial review and the requests for an interim measure even if the latter was not granted. The Administrative Court confirmed the interpretation of the Ministry,²⁶⁷ while the Constitutional Court noted that the 6-month timeframe continues to pass if the interim measure was not granted by the court.²⁶⁸ (see: [Appeal](#))

²⁵⁷ Official statistics provided by the Migration directorate, March 2023.

²⁵⁸ See also AIDA, *Country Report: Slovenia: 2021 Update*, May 2022, available at: <https://bit.ly/3kCs3cg>.

²⁵⁹ Official statistics provided by the Migration directorate, March 2024.

²⁶⁰ Information provided by the Migration directorate.

²⁶¹ Information provided by the Migration directorate.

²⁶² Official statistics provided by the Migration directorate, March 2024.

²⁶³ Delo: *Deportacija prosilcev za azil na Hrvaško začasno preprečena*, 19 May 2023, available in Slovenian, at: <https://bit.ly/48uBRaZ>.

²⁶⁴ Dnevnik: *Nevladniki z vnovičnim apelom vladi za ustavitev vračanj prosilcev za azil*, 7 June 2023, available in Slovenian at: <https://bit.ly/3uRiQBW>.

²⁶⁵ Delo: *Zaposlene prosilce za azil izganjajo na Hrvaško*, 11 January 2024. available in Slovenian at: <https://bit.ly/3TjvOly>.

²⁶⁶ Delo: *Lani obnavljali Slovenijo, letos jih deportirajo na Hrvaško*, 15 February 2024, available in Slovenian at: <https://bit.ly/3lfMDXV>.

²⁶⁷ Administrative Court Decision, I U 891/2923, 10 November 2023.

²⁶⁸ Constitutional Court Decision, Up-689/2023, 14 July 2023, available in Slovenian at: <https://bit.ly/4apfAgO>.

2.3. Personal interview

Indicators: Dublin: Personal Interview

Same as regular procedure

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

Are interviews conducted through video conferencing? Frequently Rarely Never

According to Article 46(1) IPA, the Migration directorate conducts a Dublin interview before taking a decision on the Dublin procedure. During the interview, the Ministry informs the applicant of the sent request, the evidence used for the request, the legal basis for the request and the reply of the responsible Member state. The Ministry then proceeds to interview the applicant regarding their stay in the responsible Member state and reasons against the Dublin return.

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

The interview can be omitted if the applicant has already submitted the relevant information for determining the responsible country and has been given the opportunity by the authorities to submit all such information.²⁶⁹ In an Administrative Court judgment from 2019, the Court ruled that the applicant has the right to a hearing even if Slovenia decides to annul the transfer decision to the responsible state and take responsibility for processing the asylum seeker's application.²⁷⁰ In practice, the Ministry issues the annulling decision without the interview.²⁷¹

2.4. Appeal

Indicators: Dublin: Appeal

Same as regular procedure

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

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

In line with the amended IPA, the time limit for judicial review was shortened from 8 to 3 calendar days.²⁷² As per a 2015 Constitutional Court's decision,²⁷³ preclusive time limits have to be reasonably long or they can disproportionately limit the right to judicial review. The time limit imposed by the amendments infringes the right to effective remedy and the right to judicial review. In practice, refugee counsellors have difficulties lodging the request for judicial review within the time limit, since they have to obtain a power of attorney and the case file beforehand. In addition, refugee counsellors rarely apply for the help of an interpreter while preparing the judicial review due to the time limit.

The application has no automatic suspensive effect.²⁷⁴ However, at the applicant's request, the court can postpone the execution of the contested decision until a final decision has been issued, if its execution could

²⁶⁹ Article 38(1) IPA.

²⁷⁰ Administrative Court Judgment, I U 1174/2019/11, 25 July 2019, available in Slovenian at: <https://bit.ly/3s7msym>.

²⁷¹ Observation by the PIC.

²⁷² Article 70(2) IPA.

²⁷³ Constitutional Court decision, I U 203/14, 3 December 2015, available in Slovenian at: <https://bit.ly/3Pv0UCF>.

²⁷⁴ Article 70(3) IPA.

cause the applicant to suffer damage which would be difficult to repair.²⁷⁵ In practice, the determining authority does not enforce the decision before the Administrative Court decides on the request for suspensive effect.²⁷⁶ As long as such practice remains, the situation is not much different from an automatic suspensive effect being prescribed by law. Since the entry into force of the amendments to the IPA, applicants can lodge an appeal against a decision of the Administrative Court to the Supreme Court.²⁷⁷ However, if the applicant's request to postpone the execution of the Dublin decision is not granted by the Administrative Court, the applicant can be transferred before the Supreme Court issues a decision on a potential appeal. In practice the Migration directorate waits for the decision of the Supreme Court for a couple of months- usually two months, and then proceeds with the transfer. In the majority of cases, applicants abscond in order to not be transferred. In 2023, the Slovenian Ombudsperson issued a position that in all cases the Ministry of the Interior should not transfer asylum seekers before the decision is made by the Administrative Court or, in case of appeal, by the Supreme Court. The Ombudsperson noted that the applicants could also lodge the request for the interim measure before the Supreme Court and that the Ministry should not transfer the person before the decision on the interim measure is made. As the decision on the interim measure is normally issued together with the appeal decision this means that the applicant should not be transferred until the appeal procedure is finished. The Ombudsperson reiterated that although Article 29(3) of the Dublin regulation states that the Member State should accept the applicant back in case the appeal is successful, transferring the applicant before the decision on the appeal renders the remedy as ineffective.²⁷⁸

The IPA does not limit the grounds on which an applicant can challenge the Dublin decision and in principle they can challenge it on all grounds of incorrect determination of facts and application of law. This was in contention in case C-490/16 A.S., where the Slovenian Supreme Court made a preliminary reference to the Court of Justice of the European Union (CJEU), asking *inter alia* whether a judicial review also extends to the application of the irregular entry criterion under Article 13 of the Dublin Regulation. The CJEU judgment confirmed that it does.²⁷⁹

In 2023 the Ministry of the Interior took the position that the 6-month period for the transfer is reinstated by lodging the judicial review and the requests for an interim measure even if the latter was not granted. This meant that in practice, just by lodging the judicial review the Dublin procedure of the applicant was prolonged for additional 6 months, not only regarding the possible transfer but also the continuation of the asylum procedure. In cases when the 6-month timeframe would soon be expired applicants had to choose between lodging the judicial review and risking being transferred before the expiration.²⁸⁰ The new position was challenged before the courts. Administrative Court confirmed the interpretation of the Ministry while²⁸¹ the Constitutional Court noted that the 6-month timeframe continues to pass if the interim measure was not granted by the court.²⁸²

²⁷⁵ Article 32(2) Administrative Dispute Act.

²⁷⁶ Observation by the PIC.

²⁷⁷ Article 70(4) IPA.

²⁷⁸ Slovenian Ombudsperson, *Ministrstvo naj s predajo prosilcev za mednarodno zaščito počaka do pravnomočne odločitve o začasni odredbi*, 18 5 2023, available at: <https://bit.ly/3vG0dRM>.

²⁷⁹ CJEU, Case C-490/16, *A.S. v Republic of Slovenia*, Judgment of 26 July 2017, available at: <http://bit.ly/3KPHQiu>.

²⁸⁰ Observation by the PIC.

²⁸¹ Administrative Court Decision, I U 891/2923, 10 November 2023.

²⁸² Constitutional Court Decision, Up-689/2023, 14 July 2023, available at: <https://bit.ly/4apfAgO>.

2.5. Legal assistance

Indicators: Dublin: Legal assistance

Same as regular procedure

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

The law does not contain any special provisions regarding legal representation of asylum seekers during the Dublin procedure. Legal assistance in the Dublin procedure is provided in the same way as in the [Regular Procedure: Legal Assistance](#). In the first instance, legal representation can be provided by the PIC. During the judicial review before the Administrative and Supreme Court, applicants have to be represented by a refugee counsellor. In practice, due to the 3 calendar-day time limit for judicial review, language barriers and other difficulties, applicants often cannot obtain the help of a refugee counsellor in time. Whether the applicant will obtain the help of a refugee counsellor depends heavily on the help of social workers, the PIC and other NGOs. Applicants therefore often abscond without lodging a judicial review request. In any case, the short deadlines prevent refugee counsellors from securing the help of translators, obtaining the relevant documentation, reviewing the case and preparing the judicial review in time.

2.6. Suspension of transfers

Indicators: Dublin: Suspension of transfers

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

Dublin transfers to **Greece** were systematically suspended and have not been implemented since the European Court of Human Rights (ECtHR) judgment in *M.S.S. v. Belgium and Greece*.²⁸³ However, in 2018, the Dublin Unit started issuing requests to Greece, although no transfers were carried out. In 2023 the Dublin Unit issued 22 “take charge” requests and 165 “take back” requests, which were all rejected by Greece and therefore no transfers were carried out.²⁸⁴

The Constitutional Court has clarified that the authorities are obliged to examine all circumstances relevant from the perspective of the principle of *non-refoulement*. Due to the absolute nature of the protection afforded by the principle of *non-refoulement*, the assessment must consider all the circumstances of the particular case, including the applicant's personal situation in the transferring country. In this context, it should also be assessed whether the mere removal of an individual to another country in view of their health status is contrary to the principle of *non-refoulement*.²⁸⁵

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

²⁸³ ECtHR, *M.S.S. v. Belgium and Greece*, Application No 30696/09, Judgment of 21 January 2011, available at: <http://bit.ly/3YdcC85>.

²⁸⁴ Official statistics provided by the Migration directorate, March 2024.

²⁸⁵ Constitutional Court, Decision Up-613/16, 28 September 2016, available at: <http://bit.ly/2F04oba>.

2.7. The situation of Dublin returnees

There are no obstacles for asylum seekers transferred from another Member State with regard to access to the asylum procedure. As confirmed by the Constitutional Court, Dublin returnees are considered asylum applicants from the moment of their return to Slovenia.²⁸⁶

Applicants who abscond from Slovenia while their asylum procedure is still pending at first instance and are returned through a Dublin transfer are allowed to lodge a new asylum application that is not considered a subsequent application. On the other hand, if an applicant absconds upon receiving a rejection decision, it becomes final after the 15-day deadline for lodging a legal remedy, or 3-day deadline in the case of an accelerated procedure. In such cases, if the applicant is returned, the only option to access the asylum procedure is to lodge a subsequent application. The same goes if the rejection decision is issued in the applicant's absence upon absconding.²⁸⁷ If the applicant absconds after filing for judicial review, the court stops the procedure due to lack of legal interest, the rejection decision becomes final and, if returned, the applicant is again only left with a subsequent application procedure.

Similarly to other asylum seekers, Dublin returnees have to wait from 3-20 days to lodge the application due to the backlog of applications. Once their application is lodged, they have the same rights as other asylum seekers and are accommodated in the Asylum home or its branch.

3. Admissibility procedure

3.1. General (scope, criteria, time limits)

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

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

The time limits for deciding on admissibility are the same as in the regular procedure. The authority responsible for the admissibility procedure is the Ministry of the Interior.

Apart from Dublin decisions, inadmissibility grounds are rarely applied in practice. In 2023 applications were dismissed in 10 cases on the ground of protection in another Member State and 4,096 applications on the ground that another country is responsible for examining the claim under the Dublin Regulation and 1 on the ground of first country of asylum.²⁸⁸

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

²⁸⁶ Constitutional Court, Decision Up-21/11, 10 October 2012, available in Slovenian at: <http://bit.ly/2HisQFR>.

²⁸⁷ This is possible under Article 49(7) IPA if a personal interview has already been carried out and the asylum authority has sufficient information to issue a decision.

²⁸⁸ Official statistics provided by the Migration directorate, March 2024.

3.2. Personal interview

Indicators: Admissibility Procedure: Personal Interview

Same as regular procedure

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

According to the IPA, the Migration directorate conducts the personal interview before reaching a decision in the admissibility procedure.²⁸⁹ The interview is conducted in the same way as described under [Regular Procedure: Personal Interview](#).

3.3. Appeal

Indicators: Admissibility Procedure: Appeal

Same as regular procedure

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

In line with the amended IPA, the time limit for judicial review was shortened from 8 to 3 calendar days.²⁹⁰ The time limit is not in line with the decision of the Constitutional Court,²⁹¹ stating that preclusive time limits have to be reasonably long or they can disproportionately limit the right to judicial review, consequently depriving the individual of their rights. The time limit imposed by the amendments therefore infringes the applicant's right to an effective remedy and the right to judicial review. This was also confirmed by CJEU preliminary ruling stating that the 3-calendar day time limit constitutes a restriction of the right to legal assistance.²⁹²

In practice, refugee counsellors have trouble in lodging the judicial review within the time limit, since they have to obtain the power of attorney, study the case file and then lodge the judicial review. Due to the short time limit refugee counsellors also do not obtain the help of translators while preparing the judicial review.

The judicial review does not have automatic suspensive effect, except where the application was rejected as inadmissible on "safe third country" grounds.²⁹³ If the application is rejected as inadmissible for other reasons, applicants can suspend enforcement until a final decision has been reached by adding a request to this effect to their application for judicial review.²⁹⁴

In practice, the determining authority does not enforce the decision before the Administrative Court decides on the request for suspensive effect.²⁹⁵ As long as this practice remains, the situation is not significantly different, in practical terms, from an automatic suspensive effect being prescribed by law.

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

²⁸⁹ Article 46(1) IPA.

²⁹⁰ Article 70(2) IPA.

²⁹¹ Constitutional Court decision, I U 203/14, 3. December 2015, available in Slovenian at: <https://bit.ly/3Pv0UCF>.

²⁹² CJEU, *Y.N. v Republika Slovenija* (C-58/23), 27. September 2023, available at: <https://bit.ly/3laIWmp>.

²⁹³ Article 70(3) IPA, citing Article 51, third indent IPA.

²⁹⁴ Article 32(2) Administrative Dispute Act.

²⁹⁵ Observation by the PIC.

3.4. Legal assistance

Indicators: Admissibility Procedure: Legal Assistance

Same as regular procedure

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

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

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

3.5. Suspension of returns for beneficiaries of protection in another Member State

In practice, cases of applicants being granted international protection in another Member State and therefore their applications being dismissed as inadmissible are rare. In 2023, 10 applications for international protection were dismissed as inadmissible because the applicants had international protection in another Member state. They were not returned to the Member State. 1 application was dismissed based on the first country of asylum concept.²⁹⁶ Following the personal interview the Ministry of Interior makes the decision on inadmissibility on a case by case basis. In case the application is dismissed the applicant can lodge the judicial review before the Administrative Court. The judicial review does not have an automatic suspensive effect in case the application is dismissed as inadmissible because the applicant has international protection in another Member State.²⁹⁷

In line with the jurisprudence of the Administrative court the Ministry of Interior has to take the applicant's personal circumstances into account when deciding on the inadmissibility based on the fact that the applicant has international protection in another Member State. The Ministry of the Interior has to conduct the assessment if the applicants return would violate article 4 of the Charter.²⁹⁸ The Ministry of the Interior cannot dismiss the application in case the applicant would be, due to foreseeable living conditions, exposed to a serious risk of inhuman or degrading treatment upon return.²⁹⁹

²⁹⁶ Official statistics provided by the Migration directorate, March 2024.

²⁹⁷ Article 70(3) IPA.

²⁹⁸ Administrative Court Decision, I U 1121/2023, 4 August 2023, available in Slovenian at: <https://bit.ly/4amBMrQ>.

²⁹⁹ Administrative Court Decision, I Up 238/2023, 23 November 2023, available in Slovenian at: <https://bit.ly/3U7TZUp>.

4. Border procedure (border and transit zones)

4.1. General (scope, time limits)

Indicators: Border Procedure: General

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

The possibility of border procedures was added to the existing legal provisions on airport and port procedures in the IPA in 2016.³⁰⁰

Although regulated in law, the procedure at the border, airport or port is not used in practice. There is one border transit zone in Slovenia at the Jože Pučnik Airport in **Ljubljana** where up to 18 persons can be detained. Persons can be detained in the transit zone for up to 48 hours in accordance with the State Border Control Act. In the case that a person is detained for more than 6 hours, a detention order has to be issued by the police. The person has the right to appeal against the detention order, and the right to free legal representation for that purpose.³⁰¹ In 2023, 69 foreigners were detained in the transit zone at the Jože Pučnik Airport.³⁰²

Although detention occurs in the transit zones, it is not for the purposes of the border procedure (see [Detention conditions](#)). If a person expresses the intent to apply for international protection, detention is stopped, and the person is processed in the preliminary procedure. People who apply for international protection at the border, airport or port are, therefore, first processed by the Police in the preliminary procedure and then transferred to the Asylum Home in **Ljubljana** or its branch in Logatec as soon as possible as part of the [Regular Procedure](#). Difficulties in accessing the asylum procedure by individuals arriving at the border, airports and sea ports have not been registered since the change of police practice regarding access to territory. (see [Access to territory and pushbacks and the “preliminary procedure”](#)).

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

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

- (a) in the admissibility procedure;
 - (b) in the accelerated procedure if there are grounds for rejecting the application as manifestly unfounded,
- or

³⁰⁰ Article 43 IPA.

³⁰¹ Article 32 of the State Border Control Act, Official Gazette of RS, no. 35/10 and subsequent changes.

³⁰² Official statistics provided by the Police, March 2024.

(c) if the person lodged the request for a subsequent application and has not submitted any new evidence or listed any new circumstances that significantly increase their chance to be granted international protection.³⁰³

The decision in the border, airport or port procedure has to be taken within three weeks. If the decision is not taken within three weeks or if the application needs to be examined in a regular procedure, the applicant is allowed entry in Slovenia.³⁰⁴ This is also a novelty introduced by the amendments to the IPA. It is not clear from the wording of the provisions which authority – the Migration directorate or the Police - would make the decision regarding entry onto the territory. In practice this is made by the Police, since the Police are normally the first to process the individual in the preliminary procedure. The general rule that an individual cannot be deported from the country from the moment they have expressed the intention to apply for international protection, still applies in the border procedure.³⁰⁵

In case of a large number of applicants who express the intention to apply for international protection at the border, airport or port, they can be accommodated near the border under the condition that material reception conditions are guaranteed.³⁰⁶

Another novel provision introduced by the amendments relates to the treatment of vulnerable persons with special needs. The provision states that if a vulnerable person with special needs lodges an application in the border procedure, the Migration directorate should give priority to the protection of the person's health, including their mental health, and has to ensure that they are regularly monitored and have adequate assistance, taking into account their special position.³⁰⁷

4.2. Personal interview

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

4.3. Appeal

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

4.4. Legal assistance

The law does not contain any special provisions regarding legal representation of asylum seekers during the border procedure. Free legal representation during the first instance procedure is not guaranteed by the IPA, while support and legal assistance in the appeal procedure is provided to applicants by refugee counsellors.³⁰⁸

5. Accelerated procedure

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

The IPA provides in Article 49(1) that an application for international protection can be rejected as manifestly unfounded in an accelerated procedure if the applicant clearly does not qualify for international protection and

³⁰³ Article 43(1) IPA.

³⁰⁴ Article 43(1) IPA.

³⁰⁵ Article 36(1) IPA.

³⁰⁶ Article 43(2) IPA.

³⁰⁷ Article 43(4) IPA.

³⁰⁸ Article 9(1) IPA.

the legally defined reasons for such a decision exist. Vulnerable groups are not exempt from the provision. However, the application of an unaccompanied minor can be rejected as manifestly unfounded only in case the safe country of origin concept is used or if the unaccompanied minor poses a threat to public order, public security, national security or has previously been removed from the territory for those reasons.³⁰⁹

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

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

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

Pursuant to the case law of the Administrative Court, in order to reject an application as manifestly unfounded, it is not sufficient to establish the applicability of one of these grounds. The authorities must also cumulatively conclude that the applicant clearly does not fulfil the requirements for international protection.³¹⁰

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

The accelerated procedure can also be applied at the border, airport or port. In this case, the decision has to be taken as soon as possible, but no later than within 3 weeks. If the decision is not taken in this time limit, the applicant is allowed entry in Slovenia.³¹¹

In case the application is rejected as manifestly unfounded in the accelerated procedure the decision also contains a return order. Applicants are given 10 days for voluntary return by law,³¹² counting from the moment

³⁰⁹ Article 49(2) IPA.

³¹⁰ See: Administrative Court, Decision I U 1544/2017, 31 July 2017, available in Slovenian at: <http://bit.ly/2oU9EY7> and I U 859/2018, 25 April 2018, available in Slovenian at: <http://bit.ly/3Hk50LQ>.

³¹¹ Article 43(1) IPA.

³¹² Article 49(10) IPA.

the decision becomes enforceable,³¹³ and are subjected to a one-year entry ban,³¹⁴ that comes into force only if the person does not leave Slovenia within the timeframe for voluntary return.³¹⁵ The decision also mentions that, should the applicant not leave Slovenia voluntarily, they will be removed from the territory.

In 2023, 129 applications were processed in the accelerated procedure and rejected as manifestly unfounded. The majority of asylum seekers whose applications were rejected as manifestly unfounded in the accelerated procedure were from **Morocco** (106), **Algeria** (16) and **Kosovo** (3). 5 applications processed in the accelerated procedure and rejected as manifestly unfounded were lodged by unaccompanied minors.³¹⁶

5.2. Personal interview

Indicators: Accelerated Procedure: Personal Interview

Same as regular procedure

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

According to the IPA, the Migration directorate conducts a personal interview before making the decision in the accelerated procedure.³¹⁷ The law does not stipulate any circumstances in which the personal interview can be omitted. The personal interviews are conducted in the same way as described under **Regular Procedure: Personal Interview**.

5.3. Appeal

Indicators: Accelerated Procedure: Appeal

Same as regular procedure

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

The appeal against a decision taken in the accelerated procedure has to be lodged within 3 days of notification.³¹⁸ The time limit for judicial review was shortened by the amendments to the IPA from 8 days to 3 days. The suspensive effect of the appeal is automatic,³¹⁹ and the Administrative Court has to take a decision within 7 days,³²⁰ although court procedures are usually longer than that in practice.³²¹

Due to the short time limits, refugee counsellors have difficulties preparing the judicial review (see **Accelerated procedure: Legal assistance**). In line with the Constitutional Courts case law, the time limits for judicial review should not be excessively short, as otherwise they may equal to deprivation of rights.³²²

³¹³ Article 49(11) IPA

³¹⁴ Article 49(13) IPA.

³¹⁵ Article 67(2) Foreigners Act.

³¹⁶ Official statistics provided by the Migration directorate, March 2024.

³¹⁷ Article 46(1) IPA.

³¹⁸ Article 70(1) IPA.

³¹⁹ Article 70(3) IPA.

³²⁰ Article 71(1) IPA.

³²¹ Observation made by the refugee counsellors.

³²² Constitutional Court decision, U I 203/14, 3 December 2015, available in Slovenian at: <https://bit.ly/444pf9N>.

When lodging the judicial reviews, refugee counsellors argued that the time limits for judicial review hinder the right to an effective remedy. In 2022, the Administrative Court referred a preliminary question to the CJEU on whether a 3-day time limit is in line with the Procedures directive.³²³ The CJEU found that the short time limit prevents the exercising of the right to free legal assistance, access to information and effective remedy and that such short time limits are not in line with EU law.³²⁴ The time limits set in the IPA have not been changed since the ruling.

Because a negative decision issued in the accelerated procedure also includes a return order the applicant must present arguments regarding asylum and return when lodging the judicial review. As no other separate legal remedy is prescribed for the return decision the applicant does not have another legal remedy after the court decision becomes final.

5.4. Legal assistance

Indicators: Accelerated Procedure: Legal Assistance

Same as regular procedure

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

Yes With difficulty No

❖ Does free legal assistance cover:

Representation in interview

Legal advice

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

Yes With difficulty No

❖ Does free legal assistance cover

Representation in courts

Legal advice

The law does not contain any special provisions regarding legal representation of asylum seekers during the accelerated procedure. The same rules and practice as in the [Regular Procedure: Legal Assistance](#) apply. Together with the decision, applicants are provided with a list of refugee counsellors and instructions about how to obtain one. In case they are not able to do so on their own, they have to come to the offices of the Migration directorate, where an official will appoint a refugee counsellor to their case. In practice, due to the short 3-day time limit for lodging the judicial review, language barriers and other obstacles (telephone access etc.), applicants have difficulties obtaining the help of refugee counsellors in time and rely heavily on the help of social workers, the PIC and other NGOs in order to do so.

Due to the short time limits refugee counsellors have difficulties in lodging the judicial review. In the 3-day time limit (weekends and holidays included) refugee counsellors have to obtain a power of attorney from the applicant, obtain and review the documentation and prepare the judicial review. In practice refugee counsellors often do not have the time to obtain the help of the translators in order to prepare the judicial review although the law allow for this possibility. The short time limits are not in line with the Slovene Constitution and EU law (see: Accelerated procedure: appeal). This was also confirmed by CJEU preliminary ruling stating that the 3-calendar day time limit constitutes a restriction of the right to legal assistance.³²⁵

³²³ Administrative Court, 31 January 2023, No I U 47/2023, available in Slovenian at: <https://bit.ly/3Ms2UMF>.
³²⁴ CJEU, *Y.N. v Republika Slovenija* (C-58/23), 27 September 2023, available at: <https://bit.ly/3IaIWmp>.
³²⁵ *Ibid.*

D. Guarantees for vulnerable groups

1. Identification

Indicators: Special Procedural Guarantees

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

Categories of people considered to be vulnerable are similar to those listed in Article 21 of the recast Reception Conditions Directive, the only difference being that the IPA definition does not explicitly include persons with serious illness, although the definition is open to categories not listed.³²⁶

1.1 Screening of vulnerability

According to the law, vulnerability is assessed during a medical examination, which is conducted before the lodging of the asylum application.³²⁷ Vulnerability can also be identified during the lodging of the application or at any later time during the asylum procedure.³²⁸

In practice, physical vulnerability is assessed during the medical examination.³²⁹ In order to ensure that proper support is given to vulnerable asylum seekers, the Migration directorate and the UOIM have to share information regarding the existence and nature of identified special needs of asylum seekers.³³⁰ During the lodging of the application, the Migration directorate states the detected vulnerability or identified special needs of the applicant on a form that is later sent to UOIM when the applicant is accommodated. The Migration directorate mainly collects basic information on the form such as medical needs of the applicant. The form is normally filled out before the application is lodged and the information included in the form depends on the official of the Migration directorate. The practice is not consistent and information on vulnerability that does not require medical needs is often not added. The form is then checked by the responsible social worker of the UOIM in order to ensure that proper support regarding accommodation is provided to the applicant.

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

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

The Migration directorate does not collect statistics on vulnerable asylum seekers.³³¹ In practice, the vulnerability assessment is also not part of the final decision on asylum and vulnerability of the applicants is often not considered as a factor in the final decision. All officials receive training on conducting interviews with vulnerable

³²⁶ Article 2(22) IPA.

³²⁷ Article 13(1) IPA.

³²⁸ Article 13(2) IPA.

³²⁹ Observation by the PIC.

³³⁰ Article 13 (1) Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection.

³³¹ Official statistics provided by Migration directorate, March 2024.

applicants.³³² In practice, since the vulnerability assessment is not made, other decision-makers also make decisions on applications of vulnerable applicants.

If it is established that the asylum seeker is not able to participate in the asylum procedure, the Migration directorate is obliged to notify the social services.³³³ Based on the recommendation of the Migration directorate and a medical examination, social services have to immediately appoint a legal guardian to the asylum seeker.³³⁴ In practice the Migration directorate will order an expert opinion before making the recommendation to the social services. In line with a decision of the Administrative Court, the Ministry of the Interior is obliged to make sure that the person acting as a party in the procedure has the legal capacity to understand the procedure. In case they do not, the applicant has to be represented by an appointed legal guardian. The procedure conducted with a person without the legal capacity to be a party in the procedure and without the representation of a legal guardian renders the decision made in the procedure unlawful.³³⁵

In 2023, one asylum seeker was found to be unable to participate in the procedure independently and in need of a legal guardian.³³⁶ Due to the position of the Migration directorate that a legal guardian can be paid only if they represent an unaccompanied minor and not if they represent an adult that is not able to independently participate in the procedure, legal guardians are not generally willing to represent such adults. In addition, legal guardians are only trained to represent unaccompanied minors, and not adults.³³⁷

Vulnerability can also be detected by the UOIM social workers where the applicant is accommodated. Information on detected vulnerability is not shared with the Migration directorate unless the Standard operative procedure for the prevention and action in cases of sexual and gender-based violence (SOPS)³³⁸ is conducted and the Migration directorate attends the meeting. The information gathered in the SOPS is not automatically submitted in the asylum procedure.

In 2023, due to a large increase of arrivals identification of unaccompanied minors in mixed migration flows posed a serious systematic issue.³³⁹ According to the official statistics only 46 unaccompanied minors lodged the application for international protection in 2023.³⁴⁰ Statistics on the number of unaccompanied children who expressed the intention for asylum and are processed in the preliminary procedure is not gathered. Statistics of the number of unaccompanied children accommodated in the Asylum home or its branch before they lodge the application is also not gathered.³⁴¹ Lack of statistics on the number of unaccompanied children who are processed by the police but abscond before lodging the application hinders the possibility to thoroughly assess the scope of the issue.

In practice, unaccompanied minors were often not identified as such during the preliminary procedure. If a child stated during the police procedure that they are of age, they were processed as an adult. During the year, children as young as 14 would be processed as adults by the Police and were only identified as unaccompanied minors in the Asylum Home or its branch. In addition, children were often not processed by the Police as unaccompanied but as traveling with an adult family member such as a cousin or uncle. This meant that before lodging the application children were often accommodated in the Asylum Home, which is inappropriate for accommodating children (see: Reception conditions) instead of its branches Logatec or Student Dormitory Postojna that are a little bit more suitable for children.³⁴²

³³² Official statistics provided by the Migration directorate, March 2024.

³³³ Article 13(2) Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection.

³³⁴ Article 19(1)-(2) IPA.

³³⁵ Administrative Court Decision, I U 194/2021, 6 September 2021, available in Slovenian at: <http://bit.ly/3D8moki>.

³³⁶ Official statistics provided by the Migration directorate, March 2024.

³³⁷ Observation by the PIC.

³³⁸ The SOPS protocol is available in Slovenian at: <https://bit.ly/39AXpdb>.

³³⁹ Observation by the PIC.

³⁴⁰ Official statistics provided by the Migration directorate, March 2024.

³⁴¹ Information provided by the Ministry of the Interior and the UOIM, March 2024.

³⁴² Observation by the PIC.

The issue of unidentified unaccompanied minors was also addressed by the Ombudsperson. The Police Directorate Novo mesto operates with 6 police stations and one for Compensatory Measures.³⁴³ The Police Directorate Novo mesto processed 78,5% irregular crossings of the border in 2023 (47.543 irregular crossings).³⁴⁴ During the visit of the police station for Compensatory Measures in 2023 the Ombudsperson noted that the Police observed that unaccompanied children often claim to be of age in order to not be separated from the group they are traveling with. While they can obtain the help of 3 officers from the Specialized unit for border control they aim to train 5 more police officers for vulnerability identification who would be permanently stationed at the police station.³⁴⁵

The National Working Group for Combating Trafficking in Human beings prepared a two-year Action plan for combating trafficking in human beings,³⁴⁶ which foresees preventative measures, detection, investigation and prosecution and a call for systemic solutions and legislative changes. In practice, applicants who are victims of trafficking in human beings are rarely identified or recognized as such. In practice, the Police does not identify asylum seekers as victims of trafficking as it is their position that the criminal act was committed before entering Slovenia therefore the victim ceased to be a victim as the criminal act has already been committed. Due to this position, traffickers are often processed for smuggling instead of trafficking while the risk of being a victim of trafficking in the future is not assessed. Issues regarding the identification of victims of trafficking were also highlighted in the 2023 GRETA report.³⁴⁷ The report highlighted the need for additional training of relevant stakeholders, engaging a sufficient number of trained interpreters, providing information to asylum seekers as well as adequate and safe living conditions. Lack of effective identification of victims of trafficking was also addressed by the Committee against Torture during the 2023 fourth periodic review. The Committee recommended that authorities should intensify its efforts to prevent and combat trafficking in persons, including by strengthening the procedure for early identification and referral of victims among persons in vulnerable circumstances, such as asylum-seekers and migrants, including unaccompanied minors, and by providing specialized assistance to children who are victims of trafficking, including adequate accommodation in facilities adapted to their specific needs. It should also enhance its efforts to investigate and prosecute all cases of trafficking and provide adequate redress to the victims.³⁴⁸

In order to ensure that people are informed about the dangers of human trafficking, the UOIM started a project through which special information sessions (called PATS³⁴⁹) following the asylum application should be conducted with unaccompanied children and other potential victims of trafficking. Until 2022, the project was implemented both by the NGO Institute for African Studies and UOIM staff. In 2023, this information sessions were conducted by Društvo Ključ³⁵⁰ an NGO specialised in human trafficking. The aim of the sessions was informing potential victims of the dangers of trafficking, and to identify potential victims.

If someone is identified as a victim of trafficking, the SOPs are conducted, during which a plan for further action and support is made and the victim is offered additional support. In 2023, Društvo Ključ provided information to 2,981 applicants. Individual PATS informational sessions were carried out with 457 individuals, out of which 59 were women and 394 were men. Out of 2,981 applicants who received the information 465 were minors.³⁵¹ SOPs were not conducted in 2023.³⁵²

³⁴³ Police, *List of police stations and their contacts*, available at: <https://bit.ly/3uGHPYN>.

³⁴⁴ Official police statistics, available at: <https://bit.ly/3WvTZfq>.

³⁴⁵ National Preventive Mechanism, *Priporočila iz obiskov (preglednice)*, available at: <https://bit.ly/3l6Xhs0>.

³⁴⁶ Government of Slovenia, *Action plan for combating trafficking in human beings for the period 2023 - 2024*, 18 December 2023, available at: <https://bit.ly/444ZeHP>.

³⁴⁷ GRETA, *Third evaluation round: Access to justice and effective remedies for victims of trafficking in human beings*, 15 June 2023, available at: <https://bit.ly/3wrKvtN>.

³⁴⁸ UN Committee against Torture: *Concluding observations on the fourth periodic report of Slovenia*; 7 December 2023, available at: <https://bit.ly/3OY4B5k>.

³⁴⁹ PATS is short for Identification, Assistance and Protection of victims of trafficking and/or SGBV.

³⁵⁰ Društvo Ključ, available at: <https://bit.ly/49KgZHZ>.

³⁵¹ Information provided by Društvo Ključ, April 2024.

³⁵² Official statistics provided by UOIM, March 2024.

Lack of vulnerability screening is one of the biggest shortcomings of the asylum system. Since a vulnerability assessment is not conducted, vulnerability is also not taken into account in the decision.³⁵³ In addition, there is no separate accommodation facilities for vulnerable groups (LGBTQI+, single women, single women with children) available in Slovenia. In April 2024 the separate accommodation centre for systemic accommodation of unaccompanied children was opened in Postojna.

1.2 Age assessment of unaccompanied children

If doubts about the age of an unaccompanied minor arise during the examination of the application for international protection, a medical examination of the applicant can be ordered by the competent authority.³⁵⁴ In the course of preparation of the opinion, the medical expert can also consult with experts of other fields.³⁵⁵

The medical examination for the purpose of age assessment can only be conducted if both the unaccompanied minor and their legal representative give their written consent. If they refuse without stating a valid reason, the applicant is considered to be an adult. However, the decision to reject their application cannot be based solely on that refusal.³⁵⁶

If after obtaining the expert opinion, a doubt still exists as to the applicant's age, they are considered a minor.³⁵⁷

In 2018, the Ministry of the Interior concluded negotiations with medical institutions that are to perform age assessment examinations. Before the agreement, the age assessment procedure was not used in practice. Age assessment is conducted by the Institute for Forensic medicine that is part of the Medical Faculty of the University of Ljubljana. Age assessment includes a physical examination, an MRI of the applicant's wrists and collar bones, and a dental X-ray. Members of civil society are concerned that conducting such age assessment is unethical and unsafe. An opinion is then issued based on the results of the assessment.

In practice, due to the large cost of medical examinations and the logistical problems owing to the remote locations where MRI can be conducted, the Migration directorate only conducts age assessments in exceptional cases.³⁵⁸ In 2023, identification of unaccompanied minors in mixed migration flows posed a serious systematic issue. In practice, young children would identify as adults and adults would identify as unaccompanied minors. In both cases, they would be processed by the Police based on their statements even in cases when it was evident that the statements were false.³⁵⁹ Some were then identified as unaccompanied minors in the Asylum Home or during the asylum procedure (see: Screening for vulnerability). In 2023 an age assessment procedure (MRI and dental X-ray) was not conducted.³⁶⁰

In practice, doubts as to the child's age usually arise based on the person's appearance or when the child's statements do not match the submitted identity documents. In case the doubt arises based on the child statements, the Migration directorate sometimes conducts an interview in order to clear the inconsistencies before ordering the age assessment. The law stipulates that age assessment can only be conducted in case there are doubts as to whether the child is underage and not in cases when there is doubt about a child claiming to be of age.³⁶¹ Therefore, in practice, adults claiming to be minors can be accommodated together with unaccompanied children until the assessment is made. Due to the lengthiness of the procedure this could happen for up to a couple of months. In addition, children claiming to be of age can be accommodated with adults since age assessment cannot be made in their case.

³⁵³ Observation by the PIC.

³⁵⁴ Article 17(2) IPA.

³⁵⁵ Article 17(3) IPA.

³⁵⁶ Article 17(4), (5) and (7) IPA.

³⁵⁷ Article 17(6) IPA.

³⁵⁸ Observation by the PIC also evident from the official statistics.

³⁵⁹ Observation by the PIC.

³⁶⁰ Official statistics provided by the Migration directorate, March 2024.

³⁶¹ Article 17(2) IPA.

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

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

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

2.1 Adequate support during the interview

The IPA is not very specific about the special procedural guarantees available to vulnerable groups. The law provides that special support is provided in the asylum procedure to persons with vulnerabilities,³⁶² and that the interviews have to be conducted accordingly, having regard to the personal and other circumstances of the individual, including their vulnerability.³⁶³ If needed the personal interview can be conducted in shorter intervals spread over several days.³⁶⁴ A child's asylum application can be postponed for up to 48 hours if there are justified reasons to do so.³⁶⁵

If a person is not able to understand the meaning of the international protection procedure due to a temporary or permanent mental disorder or illness or for other reasons, they must be assigned a legal guardian.³⁶⁶ As mentioned above (see [Screening of vulnerability](#)), legal guardians are reluctant to represent adults who are unable to participate in the procedure independently, due to the position of the Migration directorate that a legal guardian can be paid only if they represent an unaccompanied minor. In addition, legal guardians are only trained to represent unaccompanied minors and not adults.

Apart from these rules, no special measures exist in law for the support of persons with vulnerabilities in terms of their participation in asylum procedures. Moreover, these provisions are rarely used in practice. Whether an individual's vulnerabilities are taken into account during the interview depends on the person conducting the interview. Female asylum seekers often face difficulties when requesting female interpreters during their interviews. Interviews with children are not adjusted to children's needs, and often not conducted in a child-friendly manner. The psychological state of children is not taken into consideration during the interview and during the procedure.³⁶⁷

In addition, the IPA no longer allows applicants to be accompanied by a person of their own choosing for support during the personal interview.

The Migration directorate does not have a specific unit dealing with vulnerable groups. The Ministry of the Interior does not have specific guidelines on interviewing vulnerable applicants instead officials should follow the EUAA guidelines. According to the Migration directorate, in 2023 EUAA organized a two-day training on Interviewing children and Identifying vulnerability. In addition, two officials were trained on the following modules by the EUAA: Asylum seekers with different sexual orientations, gender identities and expression of gender characteristics, Victims of gender-based violence, Introduction to coaching and Relocation. In addition, the EUAA conducted several trainings for the Migration directorate as part of the EUAA operational plan. In line with the EUAA operational plan four officials became national trainers for the Trafficking of Human Beings module, one became a national trainer on Dublin procedures, two on Interviewing vulnerable persons and 3 on Interviewing children.

³⁶² Article 14(2) IPA.

³⁶³ Article 37(1) IPA.

³⁶⁴ Article 13(3) IPA Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection.

³⁶⁵ Article 9(2) Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection.

³⁶⁶ Article 19(1) IPA.

³⁶⁷ Observation by the PIC.

In addition, 21 officials attended the training on Introduction to vulnerability and Working with the translator, 6 attended the training on Interviewing children, 1 attended the Training in communication with children in reception and 3 attended the module on Communication with children.³⁶⁸

Although all officials receive training on conducting interviews with vulnerable applicants, in practice, the way vulnerability is taken into account during the interview differs based on the official conducting the interview.³⁶⁹

The lack of stricter protocols often results in asylum seekers not being identified early enough and not receiving proper arrangement despite their entitlement to special procedural guarantees.

2.2 Exemption from special procedures

The **Accelerated Procedure** and the Border procedure (border and transit zones) may also be used in the case of applicants belonging to vulnerable groups. Unaccompanied children's applications can only be rejected in the accelerated procedure as manifestly unfounded in two cases: on grounds of **Safe Country of Origin**; and where the child presents a threat to national security or public order.³⁷⁰

3. Use of medical reports

Indicators: Use of Medical Reports

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

The law provides that the applicant has to submit all documentation and evidence at their disposal which support their statements made in the application.³⁷¹ In practice this can also include medical reports regarding their past persecution or serious harm.

The preparation of a medical opinion, or any other type of expert opinion, can also be ordered by the Migration directorate, in which case the costs are covered by the State.³⁷² There are no criteria set in the law or administrative practice to indicate when a medical examination for the purpose of drafting a medical report should be carried out. No guidelines are in place to guarantee the use of the methodology laid down in the Istanbul Protocol.

In practice, psychiatric and other medical evaluations have been successfully used to influence the decision on applicant's credibility in some cases.³⁷³

In 2023, the medical evaluation was made in two cases. In both cases the medical examination was conducted in order to determine if the person is capable of participating in the procedure. In 1 case, it was established that the applicant is not capable to independently participate in the procedure. Age assessment was not conducted in 2023.³⁷⁴

³⁶⁸ Official statistics provided by the Ministry of the Interior, March 2024.

³⁶⁹ Observation by the PIC.

³⁷⁰ Administrative Court, Decision I U 1544/2017, 31 July 2017, available at: <http://bit.ly/2oU9EY7>.

³⁷¹ Article 21(2) IPA.

³⁷² Article 39 IPA.

³⁷³ Observation by the PIC.

³⁷⁴ Official statistics provided by the Migration directorate, March 2024.

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

1. Does the law provide for the appointment of a representative to all unaccompanied children?

Yes No

Unaccompanied minors are subject to different kind of guardianship regimes based on their legal status in Slovenia. Upon arrival in Slovenia, they are appointed a legal guardian for a special case according to the provisions of the Family Code.³⁷⁵ After the border procedure is completed, the minor is accompanied to the Foreigners Centre or another institution. This means that a new legal guardian for a special case is appointed based on the new geographical location. In both cases, the legal guardian for a special case is normally the Centre for social services. If the unaccompanied minor applies for international protection, then a new legal guardian (for asylum-seeking unaccompanied minor) is appointed in line with the provisions of the International Protection Act.³⁷⁶ The responsibility of the legal guardian ends when the child becomes of age or when the international procedure is completed. After the international procedure is completed and the minor either obtained international protection or is in the return procedure, a legal guardian for a special case is again appointed in accordance with the Family Code.³⁷⁷ This means that, in practice; unaccompanied children can be appointed at least three legal guardians throughout their stay in Slovenia.

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

A legal guardian is not appointed if the child is married and older than 15 years old.³⁷⁸

The legal guardian must accompany the unaccompanied child from the beginning of the application and throughout the entire procedure. They are responsible for representing the minor in relation to the asylum procedure, health care, education, protection of property rights and rights related to reception.³⁷⁹ The legal guardian is present during the child's asylum application and all subsequent personal interviews and can ask additional questions beside those asked by the official and legal representative.³⁸⁰ The legal guardian also has to consent, together with the applicant, to the age assessment procedure.³⁸¹

The child can also be assisted by a PIC lawyer, as is the case for any other asylum applicant (see [Regular Procedure: Legal Assistance](#)). Because legal help and representation is not automatically provided to all asylum seekers, legal guardians may be the only representatives of the child, responsible for their international protection claim. This means that they have to ask relevant questions during the lodging of the application and subsequent personal interviews, prepare COI and perform other relevant acts during the procedure, although they have not been trained to do so. Legal guardians therefore rely heavily on the help of NGOs. In 2022, the PIC assisted 102 children in the procedure out of which 56 were unaccompanied minors.

³⁷⁵ Article 267 of the Family Code.

³⁷⁶ Article 6(1) IPA.

³⁷⁷ Article 261(1) Family Code.

³⁷⁸ Article 16(9) IPA.

³⁷⁹ Article 16(1) and (3) IPA.

³⁸⁰ Article 14 Rules on the procedure for aliens who wish to apply for international protection in the Republic of Slovenia and on the procedure for accepting applications for international protection.

³⁸¹ Article 17(4) IPA.

Candidates for legal guardians of unaccompanied children are appointed to the list of legal guardians upon applying to a public tender. One cannot be appointed as legal guardian if they have been deprived of parental rights, if they do not have capacity to contract, if their interests are in conflict with the interests of the child or if, due to their personal characteristics or relationship with the child or their parents, it cannot be expected that they will correctly perform their duties as legal guardians.³⁸² In practice, the fitness of guardians to perform their duties with a view to a positive involvement in the child's procedure and care has raised questions in some cases. In one case, the social services removed a legal guardian from the list. In 2020, the UOIM sent negative reports about three legal guardians to social services, which prompted the social services to initiate the procedure of objection to the work of the three guardians. The procedures were completed in 2021 and no legal guardian was suspended from the list. No such procedures were initiated in 2022 and 2023.

According to the 2021 amended IPA, legal guardians can be removed from the list in case they do not inform the Ministry of the Interior about the real identity of the child, do not submit the child's documents into the procedure, do not disclose the real age of the child that claims to be a minor or do not disclose any other information that can be relevant to the status determination procedure.³⁸³ The relevant amendment was submitted to the Advocate for the Principle of Equality, who found that the provision was discriminatory and recommended that the provision be removed. The Advocate concluded that the provision is in contradiction with the main purpose of legal guardianship, which is the establishment of a confidential relationship between the child and the legal guardian.³⁸⁴ No legislative changes were made by the end of the year. However, the provision was submitted to the Constitutional Court for review by parliamentarians.³⁸⁵ The decision was not made by the end of the year.

Legal guardians are compensated for their work if it relates to the asylum procedure, health care, education, protection of property rights and rights related to reception.³⁸⁶ They are not compensated for visiting the child or performing any other activity, irrespective of their necessity. Although legal guardians are compensated for their work, legal guardianship is not a regular form of employment, which means that legal guardians can only perform their duties outside of their regular employment, if they are self-employed or retired. In practice, most of the duties of legal guardians have to be performed during working hours. As a result, only a few legal guardians are actually able to perform their duties and are willing to represent children. Thus, the fluctuation in legal guardians is high and the authorities have trouble finding persons eligible and willing to become legal guardians.³⁸⁷

Before being appointed as legal guardians, candidates also have to attend a special training organised by the Faculty of Social Work of the University of Ljubljana, which includes family law, social work, psychology, protection of children's rights, protection of human rights and asylum law.³⁸⁸ They receive 40 hours of training (16 hours of theory and 24 hours of practice). The training does not include an in-depth training on international protection and the procedure in Slovenia. In practice, this means that they face difficulties when representing children in the international procedure. In addition, legal guardians have to attend training every 3 years.³⁸⁹

The absconding rate of unaccompanied children in Slovenia is very high, which seems to be mostly due to children having family in other Member States or, more generally, Slovenia not being their destination country. In 2023, the number of unaccompanied minors lodging the application was extremely low with only 46 unaccompanied minors lodging the application. The majority of unaccompanied minors were not identified as

³⁸² Article 18(2) IPA and article 181 Marriage and Family Relations Act, Official Gazette of RS, No. 69/04 and subsequent amendments.

³⁸³ Article 18(8) IPA.

³⁸⁴ Advocate for the Principle of Equality, *Mladoletni prosilci za mednarodno zaščito brez spremstva potencialno obravnavani diskriminatorno*, 6 July 2022, available at: <https://bit.ly/3nDaYR6>.

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

³⁸⁶ Article 2(2) Rules on the remuneration and reimbursement of the expenses of statutory representatives of unaccompanied minors.

³⁸⁷ Observation by the PIC.

³⁸⁸ Article 18(3) IPA.

³⁸⁹ Article 6(2) Decree on the implementation of the statutory representation of unaccompanied minors and the method of ensuring adequate accommodation, care and treatment of unaccompanied minors.

such or absconded before lodging the application. The statistics on the number of unaccompanied minors expressing the intent for international protection is not available. Lack of statistics on the number of unaccompanied children who are processed by the Police but abscond before lodging the application hinders the possibility to thoroughly assess the scope of the issue. (see: Screening for vulnerability) Out of 46 unaccompanied minors that lodged the application, 37 absconded before the first instance decision. The absconding rate was therefore 80% in 2023. Unaccompanied minors represented 0,5% of asylum seekers in 2023.³⁹⁰

E. Subsequent applications

Indicators: Subsequent Applications

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

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

- ❖ Their previous asylum application was finally rejected;
- ❖ Their previous asylum application was explicitly withdrawn or
- ❖ Their previous asylum application was implicitly withdrawn and more than nine months have passed; or;
- ❖ Their procedure for extending the subsidiary protection was stopped;
- ❖ Their request for extending subsidiary protection status has been finally rejected;
- ❖ The beneficiary has not applied for extension of subsidiary protection in time.³⁹¹

A person returned to Slovenia under the Dublin Regulation whose procedure was stopped due to implicit withdrawal of their asylum application, *i.e.*, because they absconded, has the right to lodge a new asylum application which is not examined as a request for subsequent application.³⁹² However, if the procedure was finally concluded in their absence, they have to undergo the subsequent application procedure (see [Dublin: Situation of Dublin Returnees](#)).

New evidence or facts have to arise either after the issuance of the prior decision or existing at the time of the first procedure but not presented by the applicant for justified reasons in order for the new asylum application to be allowed.³⁹³ The lodging of a new application is also allowed if it is proven that explicit withdrawal of the previous application was made under threat or compulsion.³⁹⁴

An applicant cannot be removed from the country until the decision regarding the request for the subsequent application is final.³⁹⁵ Individuals lodging the second or subsequent application do not have asylum seekers' rights (e.g. accommodation ect.) and fall under the scope of the Foreigners Act,³⁹⁶ meaning that they can be detained in the Foreigners centre.

³⁹⁰ Official statistics provided by the Migration directorate, March 2024.

³⁹¹ Article 64(1) IPA.

³⁹² Article 65(6) IPA.

³⁹³ Article 64(3) IPA.

³⁹⁴ Article 64(2) IPA.

³⁹⁵ Article 70(3) IPA.

³⁹⁶ Article 34(3) IPA.

The responsible authority in the subsequent application procedure is the Migration directorate of the Ministry of the Interior. If it establishes that the aforementioned conditions are met, it allows the person to lodge a new asylum application. If not, it dismisses the request for the subsequent application as inadmissible.³⁹⁷

The procedure for lodging a subsequent application is not defined in law. However, in practice, this is done orally through an interview which is conducted in the same way as in the regular procedure. This includes assistance by legal guardians in case of unaccompanied children and possible representation by the PIC.³⁹⁸

The dismissal of a first request for a subsequent application can be challenged by way of judicial review before the Administrative Court, which is the same legal remedy as in the regular procedure. The time limit for lodging the application for judicial review was shortened from 8 to 3 calendar days. An application for judicial review has suspensive effect.³⁹⁹ The procedure is the same as that described under [Admissibility Procedure: Appeal](#). Free legal assistance by refugee counsellors can be provided by law, as in all other cases of judicial review under the IPA. In practice free legal assistance of refugee counsellors is difficult to access (see: [Regular Procedure: Legal Assistance](#)). In case a judicial review is requested against the decision to dismiss the second or third subsequent application, the application for judicial review does not have automatic suspensive effect.⁴⁰⁰ In practice, this is problematic as the person can be removed from the territory before lodging the judicial review as the decision becomes enforceable when it is served to the applicant.

In 2023, 43 requests for a subsequent application were lodged. 32 individuals lodged a first request for a subsequent application and 9 persons lodged their second or third request for a subsequent application. One subsequent application was lodged in 2023. By the end of the year, 3 requests for a subsequent application and the subsequent application remained pending.⁴⁰¹

F. The safe country concepts

Indicators: Safe Country Concepts

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

1. Safe country of origin

The concept of the safe country of origin is defined in Article 61 IPA. A third country is designated as safe in case it can be concluded, based on the legal situation, the application of the law within the democratic system and the general political circumstances, that there is no general and consistent persecution, torture, inhuman or degrading treatment or punishment in the country and no threat of indiscriminate violence in situations of international or internal armed conflict.⁴⁰²

According to the law, a country is declared a safe country of origin by the Government of the Republic of Slovenia based on a proposal of the Ministry of the Interior, which regularly monitors the situation in relevant countries of

³⁹⁷ Article 65(4) IPA.

³⁹⁸ Observation by the PIC.

³⁹⁹ Article 70(2)-(3) IPA.

⁴⁰⁰ Article 70(3) and 65(5) IPA.

⁴⁰¹ Official statistics provided by the Migration directorate, March 2024.

⁴⁰² Article 61(1) IPA.

origin through the information gathered by other EU Member States, EU institutions and other relevant international organisations.⁴⁰³

If the Ministry deems that conditions regarding the human rights situation have deteriorated considerably, or if it doubts that the country is still fulfilling the abovementioned conditions relating to safety, it can re-examine whether the country can still be considered safe. If it is concluded that the country can no longer be considered a safe country of origin, the Ministry of the Interior can make a proposal to the Government to remove it from the list of safe countries of origin.⁴⁰⁴

The Government notifies the European Commission about the declaration of a country as a safe country of origin and about potential subsequent changes in that regards.⁴⁰⁵

A third country can be considered a safe country of origin in an individual case if the applicant has citizenship or, in case the applicant is a stateless person, they had habitual residence in the country and failed to prove that it cannot be considered a safe country of origin due to their own specific circumstances. In this case, the competent authority can reject the applicant's claim for international protection as manifestly unfounded under an [Accelerated Procedure](#).⁴⁰⁶

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

The Government issued its first List of Safe Countries of Origin in February 2016.⁴⁰⁷ In April 2022, the Government amended the Ordinance and again added **Türkiye** to the safe country of origin list together with **Ghana** and **Gambia**. Therefore **Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Montenegro, Egypt, Ghana, Gambia, Georgia, Kosovo, Morocco, Nepal, Senegal, North Macedonia, Serbia, Tunisia** and **Türkiye** were determined as safe countries of origin by the Government.⁴⁰⁸

In 2023 a total 6,433 nationals of countries designated as safe countries of origin applied for asylum in Slovenia:

Asylum seekers from "safe countries of origin": 2023	
Country of origin	Number of applicants
Albania	4
Algeria	437
Bangladesh	43
Bosnia and Herzegovina	1
Monte Negro	1
Egypt	17

⁴⁰³ Article 61(3) IPA.

⁴⁰⁴ *Ibid.*

⁴⁰⁵ Article 61(4) IPA.

⁴⁰⁶ Article 62(1)-(2) IPA.

⁴⁰⁷ Article 1 of the Ordinance determining the list of safe countries of origin, Official Gazette of RS, No. 13/16.

⁴⁰⁸ Ordinance determining the list of safe countries of origin, Official Gazette of RS, No. 47/22.

Gambia	7
Ghana	24
Kosovo	7
Morocco	5,760
Nepal	18
Senegal	5
North Macedonia	1
Serbia	2
Tunisia	78
Türkiye	28
Total	6,433

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

In comparison to 2022, when 2,052 applications from applicants from a 'safe country of origin' were lodged, the number of these applications increased significantly in 2023. This is mostly due to the increase of applicants from **Morocco**.

In 2023, the concept of a 'safe country of origin' was used. If the concept is used, the application can only be rejected in the accelerated procedure as manifestly unfounded.⁴⁰⁹ In practice, applications are not rejected solely based on a 'safe country of origin' concept but together with other reasons for rejecting the application as manifestly unfounded.⁴¹⁰

2. Safe third country

According to Article 53 IPA, a safe third country is a country in which the applicant was present before arriving to the Republic of Slovenia and in which they had a real opportunity to apply for international protection but failed to do so without a justified reason. Based on the safe third country concept, the competent authority can dismiss the application for international protection as inadmissible.⁴¹¹

According to the law, a country is declared a safe third country by the government based on a proposal of the Ministry of the Interior, which regularly monitors the situation in relevant countries through information gathered by other EU Member States, EU institutions and other relevant international organisations.⁴¹²

In case the Ministry of the Interior deems that the conditions regarding the human rights situation in a given country have deteriorated considerably or if it doubts that the latter still fulfils the conditions for being considered as a safe third country, it can re-examine the safety of the country. In case the country can no longer be

⁴⁰⁹ Article 63(4) IPA.

⁴¹⁰ Observation by the PIC.

⁴¹¹ Article 51 IPA.

⁴¹² Article 54(2) IPA.

considered a safe third country, the Ministry of the Interior can make a proposal to the Government to remove it from the list of safe third countries.⁴¹³

The Government notifies the European Commission of the declaration of a country as a safe third country and of changes relating thereto.⁴¹⁴

On 15 May 2008, the government adopted an Ordinance to declare **Croatia** a safe third country.⁴¹⁵ This is the only country to have been declared as such by Slovenian authorities and the safe third country principle has not been used since the accession of Croatia to the EU in July 2013.

In 2023 the Migration directorate did not apply the safe third country concept.⁴¹⁶

2.1 Safety criteria

A country must meet the following requirements in order to be considered a safe third country:⁴¹⁷

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

When faced with a safe third country argument, asylum applicants can provide facts and evidence showing that the country in question is not a safe third country for them personally and that justified reasons exist preventing them from applying for international protection there.⁴¹⁸ In a 2013 case concerning the safe third country provisions in force prior to the adoption of IPA, the Supreme Court had stressed that the burden of proving that a country does not meet the safe third country criteria is on the applicant.⁴¹⁹

2.2 Connection criteria

The law does not specify when the criteria of – “a real opportunity to apply for international protection”⁴²⁰ and when it is established.

It should be noted that, in 2013, when reviewing the legal provision in force prior to the adoption of the IPA, the Constitutional Court had found that the ambiguity with respect to the requisite degree of connection between an applicant and a third country did not allow a clear conclusion as to whether mere transit through a country is sufficient or whether the applicant needs to benefit from legal residence there. On that basis, the Constitutional Court had declared that provision unconstitutional.⁴²¹

In an earlier case, the Supreme Court had found that it is not necessary for direct or indirect contact to have taken place between the applicant and the authorities or institutions within the concerned third country; it is

⁴¹³ *Ibid.*

⁴¹⁴ Article 54(3) IPA.

⁴¹⁵ Ordinance on the proclamation of the Republic of Croatia as safe third country, Official Gazette of RS, No. 50/2008.

⁴¹⁶ Official statistics provided by the Migration directorate, March 2024.

⁴¹⁷ Article 54(1) IPA.

⁴¹⁸ Article 55(1) IPA.

⁴¹⁹ Supreme Court, Decision I Up 39/2013, 14 February 2013, available at: <http://bit.ly/2mXKMwX>.

⁴²⁰ Article 53 IPA.

⁴²¹ Constitutional Court, Decision U-I-155/11, 18 December 2013, available at: <http://bit.ly/2DVfl8w>.

enough that the circumstances of the individual case reveal that the applicant had objective and subjective possibilities to establish contact with the authorities of the safe third country.⁴²²

According to the law, applicants whose claims are rejected as inadmissible on the ground of a safe third country concept are to be given a document in the language of the safe third country stating that their claim was not examined on the merits.⁴²³

If a safe third country refuses the entry of the applicant to its territory, the Migration directorate revokes the inadmissibility decision and proceeds to the examination of the asylum application.⁴²⁴

3. First country of asylum

The concept of the first country of asylum is a ground for inadmissibility of the application for international protection.⁴²⁵ According to Article 63 IPA, a first country of asylum is either the country in which the applicant was granted a refugee status which is still valid, or a country in which the applicant enjoys sufficient protection, including from *refoulement*.

When applying the first country of asylum concept, the criteria for its application are not the same as those of the **Safe Third Country** concept. The criteria listed in Article 38(1) of the recast Asylum Procedures Directive do not explicitly apply as the Ministry only has to establish that the applicant is granted refugee status in the first country of asylum or enjoys sufficient protection there.

The concept is used in practice, but so far only in a few cases per year. It was used in 1 case in 2023.⁴²⁶

Applicants can challenge the application of the first country of asylum concept by referring to the specific circumstances of their case.⁴²⁷ If a first country of asylum refuses the entry of the applicant to its territory, the Migration directorate revokes the inadmissibility decision and proceeds to the examination of the asylum application.⁴²⁸

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

1. Provision of information on the procedure

Indicators: Information on the Procedure

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice?

Yes

With difficulty

No

❖ Is tailored information provided to unaccompanied children? Yes No

The IPA provides that, before applying for international protection, applicants must be provided with information, in a language they understand, about the procedure, their rights and obligations, possible consequences of failure to comply with the obligations and failure to cooperate with the competent authorities, the timeframes for legal remedies and information about refugee counsellors and NGOs working in the field of international protection.⁴²⁹

⁴²² Supreme Court, Decision I Up 39/2013, 14 February 2013, available at: <http://bit.ly/2mXKMwX>.

⁴²³ Article 59 IPA.

⁴²⁴ Article 60 IPA.

⁴²⁵ Article 51(1) IPA.

⁴²⁶ Official statistics provided by the Migration directorate, March 2024.

⁴²⁷ Article 63(3) IPA.

⁴²⁸ Article 63(4) IPA.

⁴²⁹ Article 5(1)-(2) IPA.

At the request of the applicant, all information relating to their individual asylum procedure also needs to be provided free of charge throughout the procedure.⁴³⁰

The law does not specify in what form the information is to be provided. After the applicants have undergone their medical examination and before they lodge their asylum application, information is provided through a video that was made in 2020. The duration of the information video is approximately seven minutes. The video contains information about the procedure, the rights and obligations of asylum seekers, and the right to appeal.⁴³¹ It does not contain information concerning the reasons for seeking asylum, nor about the NGOs working in the field of international protection.

In 2020, there was no available information video tailored to unaccompanied minors. In 2021, the information video was made for use by unaccompanied minors.⁴³² However, the only difference with that for adults is that it contains additional information on the procedure of unaccompanied minors. The video does not include grounds for asylum and is not adapted to minors in any other way (e.g., the content is not presented in a child-friendly manner). Legal guardians of unaccompanied minors are usually present during the video presentation and can participate to the provision of information; this is usually the first opportunity for them to meet with the child and introduce themselves after being appointed. The information is also not tailored for the specific needs of certain categories asylum seekers, such as potential victims of trafficking.

All asylum applicants are entitled to the information session, regardless of the type of procedure that may ensue.⁴³³ Applicants who lodge a request for a subsequent application are not entitled to the information session, however they often receive it in practice, especially if they have lodged their first request for a subsequent application. As the information is provided through the video, not all of the aspects of the asylum system in Slovenia are addressed and adequately presented. For example, applicants are informed about their rights and obligations during the Dublin procedure – consequences of travelling on to another EU Member State, absconding from a transfer – but it remains difficult to guarantee a full understanding of the functioning of the Dublin system and its consequences for their individual case in practice.⁴³⁴

Throughout the asylum procedure, PIC lawyers are available to asylum seekers for any questions regarding procedures as well as their rights and obligations. In 2023 PIC lawyers assisted 776 individuals during the asylum procedure and the family reunification procedure.

Upon request of the applicant or their legal representative, information may also be provided by Migration directorate officials in individual cases during the official interviews or separately.⁴³⁵

In the past, during the asylum application process, people were also given a brochure in their language, prepared by the Migration directorate, which described the asylum system in Slovenia. The brochure was updated in 2020. However, asylum seekers do not automatically receive it upon lodging the application. In practice, asylum seekers can read the brochure in the lobby while waiting to lodge the application, but they cannot keep it for future reference unless they explicitly express their wish to do so.⁴³⁶ The brochures are also available online.⁴³⁷ Information about the brochures and a QR code to access them is available on posters on the premises of the Ministry where the procedures take place.⁴³⁸

430 Article 5(3) IPA.

431 Videos are available at: <https://bit.ly/42P6bfd>.

432 *Ibid.*

433 Article 5(1) IPA.

434 Observation by the PIC.

435 Article 5(3) IPA.

436 Observation by the PIC.

437 Brochures are available at: <https://bit.ly/42P6bfd>.

438 Observation by the PIC.

In the police procedure, the information on the right to asylum is in practice provided through brochures, posters and the police officers conducting the procedure. Access to the brochures and posters with information on the right to asylum is also monitored by the Ombudsperson during the National Preventive Visits to the police stations.⁴³⁹

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice?

<input type="checkbox"/> Yes	<input type="checkbox"/> With difficulty	<input checked="" type="checkbox"/> No ⁴⁴⁰
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2. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> With difficulty	<input type="checkbox"/> No
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3. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> With difficulty	<input type="checkbox"/> No
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Border procedures have so far not been used in Slovenia. Irregular migrants are only present at the border police stations for a short time before they are either referred to the asylum procedure or returned to the country of arrival. During that time, they very rarely contact NGOs and the UNHCR. In PIC's experience, asylum seekers face difficulties in accessing NGOs or UNHCR during the police procedure for practical reasons – their phones are often taken during the procedure, they do not have the contact information, language barrier etc.

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

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

UNHCR does not have an office in Slovenia however it carries out numerous activities and supports several NGOs programmes.⁴⁴¹

In 2023 UNHCR supported the following organisations:

- ❖ PIC in providing information, counselling and representation to asylum seekers during the asylum procedure, beneficiaries of international protection during the family reunification procedure and a mobile blue dot providing information and counselling to people fleeing Ukraine;
- ❖ Društvo Ključ in conducting preventive workshops regarding trafficking;
- ❖ KD Gmajna/Info Kolpa in their community outreach programme.
- ❖ Institute EMMA was providing psycho-social counselling and support to asylum seekers, refugees and people fleeing Ukraine, focusing on victims of gender-based violence.

⁴³⁹ National Preventive Mechanism, *Priporočila iz obiskov (preglednice)*, available at: https://bit.ly/3l6Xhs0_

⁴⁴⁰ Border procedures are not implemented in practice in Slovenia, however applicants do not have access to NGOs if they are apprehended.

⁴⁴¹ For more information, see UNHCR, Slovenija, available at: <https://www.unhcr.org/si/> and <https://help.unhcr.org/slovenia/>.

H. Differential treatment of specific nationalities in the procedure

Indicators: Treatment of Specific Nationalities

1. Are applications from specific nationalities considered manifestly well-founded? Yes No
❖ If yes, specify which:
2. Are applications from specific nationalities considered manifestly unfounded?⁴⁴² Yes No
❖ If yes, specify which:

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

With the exception of the first period of relocation from Italy and Greece in 2015-2017, when some **Iraqi** nationals were issued negative decisions, all relocated applicants, mostly **Syrians** and **Eritreans**, have since been granted international protection. Other Syrian nationals whose asylum applications have been examined in Slovenia have also been granted international protection, as have the few Eritrean citizens who have not arrived through relocation. The practice changed, however, in December 2019, when the first Eritreans were issued negative decisions. These were the first decisions issued to Eritreans since the end of the relocation scheme, and, as such, were not part of the relocation scheme.⁴⁴³

In 2020, the Administrative Court made first decisions on the rejected applications of **Eritrean** applicants. The Administrative Court ruled that these decisions were lawful and that the applicants did not meet the conditions for international protection. In one case, the Court stated that there are systematic deficiencies regarding obligatory army service in Eritrea, since individuals are subjected to unlimited army service and forced labour. However, in the opinion of the Court, this obligatory army service does not amount to persecution, since all Eritreans are subjected to such treatment and therefore the applicant does not meet the definition allowing them to be granted international protection, as they are not a member of a particular social group.⁴⁴⁴ The Administrative Court stated in another case that general inhumane and degrading treatment was applied to all prisoners in **Eritrea**, and therefore the applicant does not meet the definition that would allow them to be granted subsidiary protection, since the discriminatory nature of the treatment of certain groups of prisoners could not be established.⁴⁴⁵ Since then different case law was not established due to lack of Eritrean applicants.

Applications from **Syrian** asylum seekers are generally considered to be well-founded, and Syrian applicants are granted international protection (in most cases, refugee status).⁴⁴⁶

Applications from **Palestinian** asylum seekers are also generally considered to be well-founded, and in most cases, they are granted refugee status.⁴⁴⁷

Applications from **Ukrainians** are considered to be well-founded since the start of the conflict. Ukrainian asylum seekers are granted subsidiary protection for one year. In addition, applications of Ukrainian asylum seekers are prioritised and they receive a decision within 1 – 3 months.⁴⁴⁸

⁴⁴² Whether under the “safe country of origin” concept or otherwise.

⁴⁴³ Observation by the PIC.

⁴⁴⁴ Administrative Court Decision, I U 7/2020, 10. June 2020, available in Slovenian at <https://bit.ly/3T8MZWK>.

⁴⁴⁵ Administrative Court Decision, I U 117/2020, 15. May 2020, available in Slovenian at <https://bit.ly/49E26Nk>.

⁴⁴⁶ Observation by the PIC.

⁴⁴⁷ *Ibid.*

⁴⁴⁸ *Ibid.*

Reception Conditions

Short overview of the reception system

The Government Office for the Support and Integration of Migrants (UOIM) is responsible for the reception and accommodation of asylum seekers in Slovenia. After the preliminary procedure, applicants are brought to the Asylum Home or its branch in Logatec where they must wait to lodge their application for international protection. In the meantime, individuals are accommodated in the Asylum Home or its branch in Logatec. Although, since 2022, they are no longer locked in the Asylum Home or the houses in Logatec and nothing prevents them from absconding, applicants are not allowed to leave premises of the Asylum Home or Logatec and are therefore *de facto* detained. In case they leave the premises of the Asylum Home or its branch before lodging their application, they can be processed as foreigners under the Foreigners Act, which means that they can be returned or readmitted to another country. Considering that individuals are not considered asylum seekers until their application is formally lodged, there is a lapse of time in which they do not have access to all of the services while accommodated at the Asylum Home or in Logatec. Before lodging the application, due to lack of proper identification procedure (see: [Screening for vulnerability](#)) unaccompanied minors were often placed in the Asylum Home, which is not an appropriate facility for vulnerable groups, as they were not identified as unaccompanied minors during the police procedure.

Individuals can move freely on the premises of the Asylum Home or its branch. Food is provided to them in the dining area.

In 2023, due to a large increase of arrivals, the reception conditions in the Asylum Home worsened significantly. Due to lack of capacity, separate accommodation of vulnerable groups such as unaccompanied minors, single women, families, or victims of torture was not possible. (See: [Reception conditions](#))

During 2023, the EUAA was deployed in Slovenia in order to provide support in improvement of Reception conditions.⁴⁴⁹

Since 2022, the centre in Logatec is reorganised in order to accommodate applicants for temporary protection and temporary protection holders. Nonetheless, due to lack of capacity, asylum seekers and individuals waiting to lodge the application for international protection were accommodated there during the year, including unaccompanied minors, single women and families. Individuals were also accommodated in containers. In the beginning of 2024, the decision was made to move temporary protection holders from Logatec to other UOIM capacities for temporary protection holders around the country in order to free up capacity for asylum seekers.

After individuals lodge their application, they are accommodated in the Asylum Home or its branch in Logatec. The decision is made by social workers of the Asylum Home based on the individual circumstances of the applicant (e.g., family, unaccompanied minor, single woman, other detected vulnerabilities, etc.) as well as availability. In practice, single men are accommodated in the **Asylum Home** or its branch in **Kotnikova**. Women and families are accommodated in **Logatec**. Unaccompanied minors can be accommodated in the Asylum Home, Logatec or the Student Dormitory in **Postojna**. The practice changed during 2023 and depended heavily on the number of new arrivals of both asylum seekers and temporary protection holders. After lodging the application, the UOIM must obtain the opinion of the social services regarding the suitability of the centre, before the unaccompanied minor is accommodated in one of the centres.⁴⁵⁰

Large-scale centres are used for the accommodation of asylum seekers in Slovenia. The Student Dormitory **Postojna**, where unaccompanied minors can be accommodated, is an institutional care arrangement where a special part of the student dormitory is used for unaccompanied minors. Up to 22 unaccompanied minors can be

⁴⁴⁹ EUAA: *Operational plan 2022 agreed by the European Union Agency for Asylum and the Republic of Slovenia*, December 2022, available at: <https://bit.ly/48AsXJh>.

⁴⁵⁰ Article 16(7) IPA.

accommodated at the same time. An accommodation centre for unaccompanied minors was not established in 2023, meaning that during the year unaccompanied minors were accommodated in the Asylum Home and its branch Logatec where they could not be separated from adults and individuals waiting to lodge the application. The new reception and accommodation centre for systemic accommodation of unaccompanied minors was opened in April 2024.

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

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

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

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

2. Is there a requirement in the law that only asylum seekers who lack resources are entitled to material reception conditions?

Yes No

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

In accordance with the IPA, applicants for international protection are entitled to material reception conditions at the **Asylum Home** or its branch facilities upon lodging of their application for international protection, irrespective and throughout the procedure they are in,⁴⁵¹ until a final decision on their application becomes enforceable.⁴⁵² Applicants who lodge their first request for subsequent application also have the right to material reception conditions until a final decision in the procedure becomes enforceable.⁴⁵³ Applicants who lodge a second request for a subsequent application do not have the right to material conditions.⁴⁵⁴

Since a Supreme Court decision in 2018,⁴⁵⁵ the IPA was amended to confirm that applicants in the Dublin procedure have the same rights as asylum seekers until their actual transfer to another Member State.⁴⁵⁶

⁴⁵¹ Article 78(1) IPA.

⁴⁵² Article 78(2) IPA.

⁴⁵³ Article 78(3) IPA.

⁴⁵⁴ Article 34(3) IPA.

⁴⁵⁵ Supreme Court, Decision I Up 10/2018, 4 April 2018, available in Slovenian at: <https://bit.ly/49KEy9u>.

⁴⁵⁶ Article 78(2) IPA.

Applicants are entitled to material reception conditions by lodging their asylum application; the law makes no distinction between “making” and “lodging” an application in this regard.⁴⁵⁷ In practice, from the moment they express the intention to apply and until they have formally lodged their application, asylum seekers are held in the Asylum Home or its branch Logatec (see [Detention of Asylum Seekers](#)).

Applicants also receive an identification card which certifies their status as applicants for international protection in the Republic of Slovenia.⁴⁵⁸ Applicants are not allowed to move freely on the territory. Their freedom of movement is limited to the municipality in which they are accommodated.⁴⁵⁹ They are informed about this limitation of movement by the Migration directorate upon lodging their application. The limitation does not apply for unaccompanied minors.⁴⁶⁰ According to Article 32 of the Slovenian Constitution everyone has the right to freedom of movement. The provisions were submitted to the Constitutional Court for review by parliamentarians in 2022.⁴⁶¹ The decision was not made by the end of the year.

The law provides that applicants who have their own means of subsistence (amounting to the basic minimum monthly income of 465,34€ per person) have to bear all or a proportional share of the cost for their material care,⁴⁶² which includes reception or accommodation. They are also not entitled to food, clothes, shoes⁴⁶³ or a monthly allowance.⁴⁶⁴ Asylum seekers must declare their financial resources before they are accommodated in the Asylum Home or its branch. The form of their financial resources is part of their accommodation documentation and is filled by the officials of the Migration directorate with the help of an interpreter. The content and the purpose of the form are explained to the asylum seeker and both the official of the Migration directorate and the interpreter have to sign the form together with the asylum seeker.⁴⁶⁵ In practice, individuals do not have to bear all, or a proportional share, of the costs.⁴⁶⁶

Accommodated persons are obliged to move out of the reception centre when the decision on their application becomes enforceable.⁴⁶⁷ Applicants who are granted international protection are given 15 days from the receipt of the decision (see [Content of International Protection: Housing](#)), whereas applicants whose application is rejected nevertheless retain all of their reception rights, including the right to live in the reception facility during the appeal (judicial review) procedure. If the negative decision is confirmed by a court, the rejected applicant must move out of the facility as the decision became final. In practice, individuals can stay for a couple days if they wait for the police to come and initiate the return procedure. The return procedure is started if they do not have the right to stay in Slovenia. As most individuals do not have the right to stay after the asylum procedure is completed and the national legislation does not allow them to obtain any other residence permit in Slovenia, the majority of people abscond when they receive the negative court decision. If the person stays and waits for the police, the return procedure is started in the vast majority of cases. However, since only a small number of individuals is successfully returned each year and the majority of individuals in the return procedure have no other legal options, in practice most rejected asylum seekers abscond after receiving the final decision. One of the objectives of the new Immigration strategy⁴⁶⁸ adopted in March 2024 is to put forward legislative changes that would, in exceptional cases, allow rejected asylum seekers to obtain a residence permit after their negative decision becomes final.

⁴⁵⁷ Article 78(2) IPA.

⁴⁵⁸ Article 107 IPA.

⁴⁵⁹ Article 78(1), first indent IPA.

⁴⁶⁰ Article 78(7) IPA.

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

⁴⁶² Article 82(3) IPA.

⁴⁶³ *Ibid.*

⁴⁶⁴ Article 85(1) IPA.

⁴⁶⁵ Observation by the PIC.

⁴⁶⁶ Information provided by the UOIM, March 2024.

⁴⁶⁷ Article 78(2) IPA.

⁴⁶⁸ Immigration strategy of the Government of the Republic of Slovenia, March 2024, available in Slovenian at <https://bit.ly/4ayyqlc>.

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum seekers as of 31 December 2023 (in original currency and in €): EUR 18

Asylum Seekers have the right to the following material reception conditions: accommodation in the **Asylum Home** or its branch facilities; food; clothing, footwear and hygiene supplies; emergency medical care (and full medical care in case of children); access to education; access to the labour market; humanitarian aid and an allowance of 18€ per month.⁴⁶⁹ Applicants who lodged a request for a subsequent application do not have the right to a monthly allowance.⁴⁷⁰

If the applicant's identity is not disputed and they have already undergone a personal interview, they may request to reside in private accommodation instead of the Asylum Home or one of the branch facilities, in which case they are not entitled to material reception conditions. The living conditions in private accommodation have to be suitable.⁴⁷¹ Therefore, before granting the request to reside in private accommodation, the UOIM will conduct an inspection of the living conditions. In case of exceptional personal circumstances, the UOIM can accommodate an applicant in another suitable institution (e.g. home for elderly) even if their identity is not confirmed and a personal interview has not yet been conducted, if they cannot provide a suitable accommodation in the Asylum Home or its branch.⁴⁷² The question of whether there are exceptional circumstances is considered by a special committee.⁴⁷³ If the applicant does not have his or her own means of subsistence, or is unable to cover all or a proportional share of the accommodation cost of another suitable institution, the accommodation costs are covered by the UOIM.⁴⁷⁴ In 2023 no applicant was accommodated in another suitable institution.⁴⁷⁵

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

3. Reduction or withdrawal of reception conditions

Indicators: Reduction or Withdrawal of Reception Conditions

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

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

- leaves the municipality in which he/she is accommodated without informing the authorities;
- fails to fulfil the obligation to provide information to the authorities;
- does not attend their personal interview; or
- commits a serious violation of the house rules.⁴⁷⁶

In 2019, the withdrawal or reduction of the monthly allowance to asylum seekers became a regular practice. In 2023, 290 decisions on withdrawal of the monthly allowance were issued because the person did not return to

⁴⁶⁹ Article 78(1) and 79 IPA.

⁴⁷⁰ Article 85(1) IPA.

⁴⁷¹ Article 83(1) and (3) IPA.

⁴⁷² Article 83(2) IPA.

⁴⁷³ Article 83(3) IPA.

⁴⁷⁴ Article 83(4) IPA.

⁴⁷⁵ Official statistics provided by UOIM, March 2024.

⁴⁷⁶ Article 85(2) IPA.

the premises of the Asylum Home. In addition, UOIM issued 19 decisions to applicants who lodged a request for a subsequent application and do not have the right to monthly allowance.⁴⁷⁷

The decision to reduce or withdraw the monthly allowance is made by the authorized person of UOIM. When making the decision, the latter must take into account the special individual circumstances of the asylum seeker and the principle of proportionality.⁴⁷⁸ The IPA does not regulate the assessment of the asylum seekers' risk of destitution or ability to provide for their own basic needs, nor does it define "destitution" or "basic needs". Similarly, and in practice, the decision to reduce or withdraw the monthly allowance does not contain the assessment of the asylum seekers' risk of destitution or ability to provide for their basic needs but only the legal grounds and the reason for the decision.⁴⁷⁹

The applicant can submit an appeal against the decision on withdrawal of monthly allowance within three days to the head of UOIM; in such case free legal assistance by the PIC is available to asylum applicants in practice, though not guaranteed by law. In 2023, UOIM made a decision on 6 appeals against the decision to withdraw the monthly allowance.⁴⁸⁰

In addition, the new amendments to the IPA allow the UOIM to resettle an asylum seeker to another accommodation centre, if the latter committed certain serious violations of the house rules.⁴⁸¹ In 2023, one person was resettled to another accommodation centre due to serious violations of house rules.⁴⁸²

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

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

The amendments allow the UOIM to 'accommodate' the asylum seeker in another, special, separate room in the pre-reception area of the Asylum Home for up to 3 days or less, if the measure has reached its purpose.⁴⁸³ It should be noted that the measure itself amounts to solitary confinement and *de facto* detention, although it is not defined as such in the IPA, and the procedural provisions for detention do not apply. Applicants who are 'accommodated' in the separate room are notified about the detention orally and given a written decision within 24 hours. The applicant can lodge an objection to the UOIM against the decision within 3 days of receiving the written decision.⁴⁸⁴ As the measure imposed is no longer in place by the time the applicant is in a position to lodge the objection, the legal remedy is not effective. Applicants also do not have free legal help or representation provided by law in the first instance or before the court. This measure was not used in 2023 according to the UOIM.⁴⁸⁵

⁴⁷⁷ Official statistics provided by UOIM, March 2024.

⁴⁷⁸ Article 85(3) IPA.

⁴⁷⁹ Observation by the PIC.

⁴⁸⁰ Official statistics provided by UOIM, March 2024.

⁴⁸¹ Article 82.b IPA.

⁴⁸² Official statistics provided by UOIM, March 2024.

⁴⁸³ Article 82.b(2) IPA.

⁴⁸⁴ Article 82.b (4) IPA.

⁴⁸⁵ Official statistics provided by UOIM, March 2024.

4. Freedom of movement

Indicators: Freedom of Movement

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

Since the amendments to the IPA came into force on 09 November 2021, asylum seekers are no longer allowed to move freely on the territory. Their freedom of movement is limited to the municipality in which they are accommodated⁴⁸⁶ They are informed about this limitation of movement by the Migration directorate upon lodging their application. Applicants can only leave the municipality if it is necessary for them to exercise their rights relating to health, work and education, if they have to participate in a procedural act, or for other substantiated reasons. In order to be able to live in the municipality, they have to lodge a request with the UOIM. They can lodge an objection against a negative decision with the head of the UOIM within 3 days of receiving it.⁴⁸⁷ In practice this poses a challenge. The majority of municipalities in Slovenia are small. Asylum seekers accommodated in Logatec cannot access all of the services, shops, sport activities, *etc.*, in the municipality. In addition, some asylum seekers live in private accommodation in smaller municipalities. Asylum seekers often work outside of Ljubljana. In addition, since the asylum procedure can last for years, asylum seekers form ties outside of Ljubljana and regularly visit other parts of Slovenia with NGOs, friends, *etc.* The provisions therefore pose a logistical obstacle. In case applicants leave the municipality without the authorisation of the UOIM and are apprehended by the police, they are ordered to return and their monthly allowance can be withdrawn.⁴⁸⁸ The limitation does not apply to unaccompanied minors.⁴⁸⁹

According to Article 32 of the Slovenian Constitution everyone has the right to freedom of movement. The provisions were submitted to the Constitutional Court for review by parliamentarians in 2022.⁴⁹⁰ The decision was not made by the end of the year.⁴⁹¹

In 2023, 403 requests to leave the municipality were submitted.⁴⁹²

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

After lodging their asylum application, they are accommodated in the Asylum Home or one of its branch facilities, depending on their personal circumstances. Single men are normally accommodated in the **Asylum Home** or its branch facility **Kotnikova** in Ljubljana, families in **Logatec**, and unaccompanied children in the student dormitory in **Postojna, Logatec** and sometimes in the **Asylum home**. The practice changes frequently depending on the number of arrivals. The Asylum Home is divided into separate units for single men, families and children. In practice mostly single man are accommodated in the Asylum home, however due to overcrowding separation between the groups is not be possible. Individuals are free to move in different parts of the Asylum Home and its

⁴⁸⁶ Article 78(1), first indent IPA.

⁴⁸⁷ Article 78(5)-(6) IPA.

⁴⁸⁸ Article 85(2) IPA.

⁴⁸⁹ Article 78(7) IPA.

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

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

⁴⁹² Official statistics provided by the UOIM, March 2024.

premises. In addition, due to a large increase of arrivals, the Asylum Home was mostly used for reception of individuals waiting to lodge the application throughout 2023.⁴⁹³ (See: [Reception conditions](#))

During the day, applicants can leave their place of accommodation as they wish. However, at night they have to respect the Asylum Home house rules, which state that absence from the facility is allowed during the following hours:⁴⁹⁴

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

If they wish to leave the accommodation facility outside the prescribed hours, applicants have to obtain permission in advance. Permission cannot be issued for more than 7 days and the total amount of permissions issued cannot exceed 60 days in one year.⁴⁹⁵ In 2023, the UOIM issued 230 permissions.⁴⁹⁶

Arbitrary departure from the appointed premises of accommodation can also have consequences on the asylum procedure itself. If the applicant leaves the premises of the Asylum Home or its branch facility and does not return after 3 days, their application is considered to be implicitly withdrawn. The asylum application can also be considered to be implicitly withdrawn if the applicant sleeps outside the accommodation centre without permission and does not provide substantiated reasons for doing so.⁴⁹⁷ If more than nine months have passed since this implicit withdrawal, the applicant can only reapply for asylum if they meet the admissibility conditions for a [Subsequent Application](#).⁴⁹⁸

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation	
1. Number of reception centres:	4
2. Total number of places in the reception system:	1,222
3. Total persons living in private accommodation:	15
4. Type of accommodation most frequently used in a regular procedure:	
<input checked="" type="checkbox"/> Reception centre <input type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input type="checkbox"/> Private housing <input type="checkbox"/> Other	
5. Type of accommodation most frequently used in an urgent procedure:	
<input checked="" type="checkbox"/> Reception centre <input type="checkbox"/> Hotel or hostel <input type="checkbox"/> Emergency shelter <input type="checkbox"/> Private housing <input type="checkbox"/> Other	

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

⁴⁹³ Observation by the PIC.

⁴⁹⁴ Article 6(1) Decree on Asylum Centre House Rules.

⁴⁹⁵ Article 82(6) IPA.

⁴⁹⁶ Official statistics provided by UOIM, March 2024.

⁴⁹⁷ Article 50(2) IPA.

⁴⁹⁸ Article 50(3) IPA.

Capacity and occupancy of the Asylum Home and branch facilities		
Centre	Capacity	Occupancy at 31 December 2023
Asylum Home	710	940
Branch Facility Kotnikova	90	91
Branch Facility Logatec	400	328 (including Temporary Protection Beneficiary)
Student Dormitory Postojna	22	8
Total	1,222	1,367

Source: Official statistics provided by UOIM, March 2024.

The main reception facility is the Asylum Home in **Ljubljana**, which accommodates up to 710 persons. Until 2015, this was the only reception centre in Slovenia. In 2023, **the Asylum Home** accommodated mostly single men, the **Kotnikova** Branch Facility in Ljubljana exclusively hosted single men and the **Logatec** Branch Facility served as a reception/accommodation centre for asylum seekers, applicants for temporary protection and temporary protection holders, especially women, families and children. In the beginning of 2024, the decision was made to move temporary protection holders in other UOIM facilities in order to get additional capacity for asylum seekers.⁴⁹⁹ The **Student Dormitory Postojna** can accommodate up to 22 unaccompanied children.

Applicants can also request to reside in private accommodation (see [Forms and Levels of Material Reception Conditions](#)). 15 asylum seekers were living in private accommodation at the end of 2023.⁵⁰⁰

In the case of the [Border Procedure](#), yet to be applied, persons expressing the intention to seek asylum can also be accommodated “close to the border”, if the requisite material reception conditions are guaranteed.⁵⁰¹ Other types of accommodation are not used in practice.

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

- Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? Yes No
- What is the average length of stay of asylum seekers in the reception centres? 24 days
- Are unaccompanied children ever accommodated with adults in practice? Yes No
- Are single women and men accommodated separately? Yes No

⁴⁹⁹ Observation by the PIC.

⁵⁰⁰ Official statistics provided by UOIM, March 2024.

⁵⁰¹ Article 43(2) IPA.

2.1 Overall conditions

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

Applicants are provided three meals per day. Children up to the age of 15 are entitled to two additional intermediate meals.⁵⁰² The menu is adapted to special medical or other needs on the basis of a doctor's certificate or other proof. Religious and other dietary customs are taken into consideration, whenever possible.⁵⁰³ Asylum seekers in the **Asylum Home** as well as in all branch facilities also have common kitchens at their disposal in which they can cook for themselves.

The **Asylum Home** employs social workers, one nurse and 4 contractual doctors who are present in the facility on a daily basis. A psychiatrist visits the Asylum Home on a weekly schedule and is also available to applicants from branch facilities upon appointment. Social workers are available in the branch facilities as well. Medical assistance is mostly organised through appointments at regular clinics and hospitals. Security is provided by personnel of a security company⁵⁰⁴. Legal counselling is provided by the PIC and various other assistance and activities by other NGOs.

The facilities could benefit from more regular employment of cultural mediators and interpreters to help with reception issues and activities, so far only available inconsistently through projects. The number of staff in the facilities is otherwise generally considered sufficient, although it may be lacking during certain periods of time (e.g., due to gaps in implementation of projects, higher number of arrivals). During 2023, some of the needed support was provided by EUAA which was deployed in Slovenia in order to support the improvement of Reception conditions. As part of the operational support, the EUAA provided interpretation services during the year.⁵⁰⁵ Operational support was provided by 24 EUAA staff members – 2 coordinators, 7 experts and 15 translators. The staff was supporting UOIM by providing information, accommodating asylum seekers, conducting vulnerability assessments and providing assistance to unaccompanied minors.⁵⁰⁶

The average room surface in the **Asylum Home** is around 3.75 – 7.50 m² per applicant⁵⁰⁷ and of similar size to the rooms in the branch facilities. Applicants are normally accommodated in rooms for two to six persons. Bathrooms in all facilities are shared. Hygiene and other conditions in the Asylum Home and its branch facilities depend on the number of accommodated persons.

In 2023, overcrowding due to the large number of new arrivals continued and the reception conditions worsened significantly. Although the official capacity of the Asylum Home is around 350, more than 600 persons were accommodated there on a daily basis throughout the year. While the numbers varied through the year, they peaked in August when more than 1,000 people were accommodated on a daily basis. The highest number of applicants accommodated in the Asylum Home was 1,828. Due to lack of capacity, additional containers for accommodation were placed on the premises of the Asylum Home.⁵⁰⁸ During that time, people would sleep outside and on hallways.⁵⁰⁹ The Ombudsperson reiterated again that the conditions in the Asylum home are not in line with EUAA standards for reception and that they violate the right to personal dignity, privacy, and in some

⁵⁰² Article 14 Decree on the methods and conditions for ensuring the rights of applicants for international protection.

⁵⁰³ *Ibid.*

⁵⁰⁴ Information provided by the UOIM.

⁵⁰⁵ EUAA: *Operational plan 2022 agreed by the European Union Agency for Asylum and the Republic of Slovenia*, December 2022, available at: <https://bit.ly/48AsXJh>.

⁵⁰⁶ Information provided by the UOIM, March 2024.

⁵⁰⁷ European Migration Network (EMN), *Focused Study: The Organisation of Reception Facilities for Asylum Seekers in different Member states, Slovene national contribution*, 2013.

⁵⁰⁸ Information provided by the UOIM, March 2024.

⁵⁰⁹ MMC, *Ljubljanski azilni dom lahko sprejme največ 350 ljudi, trenutno jih je tam že 1200*, 14 September 2023, available in Slovenian at: <https://bit.ly/3OVMa0N>.

cases personal security as well as raise public health concerns. The Ombudsperson also noted that the conditions can discourage people from waiting for a decision on their application meaning that they infringe on the right to asylum under Art. 18 of the EU Charter. The Ombudsperson urged the Government and the Prime Minister to do everything necessary to ensure additional capacities for accommodation of asylum seekers.⁵¹⁰ Due to lack of capacity, separate accommodation of vulnerable groups such as unaccompanied minors, single women, families, or victims of torture was not possible. Unaccompanied minors, often not identified as such (see also: Screening for vulnerability), were often placed in the same room as adult men in the Asylum home. The Asylum Home was reorganised during the year. The majority of the Asylum Home was used as a reception centre for individuals waiting to lodge the application and only a small part was used for accommodation of asylum seekers. As both groups could move freely on the premises, asylum seekers were not separated from individuals waiting to lodge the application. Since individuals could wait several days to lodge the application and the medical examination is normally performed right before the lodging of the application, this also raised public health concerns. After they lodged their applications, asylum seekers were accommodated in the Asylum Home or one of its branches. After lodging the application vulnerable groups can be accommodated in separate rooms, however not in separate parts of the Asylum home as parts of the Asylum home designated for families and unaccompanied children are used for accommodation of all asylum seekers.⁵¹¹

Since 2022, the centre in Logatec is reorganised in order to accommodate applicants for temporary protection and temporary protection holders. Nonetheless, due to lack of capacity, asylum seekers and individuals waiting to lodge the application for international protection were accommodated there during the year, including unaccompanied minors, single women and families. In **Logatec**, some people were first accommodated in containers before being moved to one of the rooms in the separate buildings when they became available.

In 2022, the Ombudsperson visited the **Logatec** branch facility, where temporary protection beneficiaries and people waiting to lodge their application were accommodated in rooms and containers. Regarding the rooms, the Ombudsperson noted that they were in line with the accommodation standards set out in EASO/EUAA guidelines. People had a lot of outdoor activities; the rooms could be locked and the whole centre was properly cleaned. However, the Ombudsperson concluded that accommodation conditions in Logatec did not reach the minimal standards set out by the EASO/EUAA guidelines when overcrowded. Similar to the above, the situation was especially concerning regarding the right to personal dignity, the right to privacy and the right to personal security. Again, in the opinion of the Ombudsperson, to a certain extent, the conditions contributed to asylum seekers' high absconding rate. Therefore, the conditions also violated the right to asylum enshrined in Article 18 of the Charter. The Ombudsperson concluded that the conditions were the consequence of lack of capacity. He recommended that additional capacity be guaranteed together with additional staff. The Ombudsperson also recommended that the containers should not be used.⁵¹² The problem of overcrowding and insufficient reception capacities in Logatec continued during 2023. In the beginning of 2024, the decision was made to move temporary protection holders from Logatec to other UOIM capacities for temporary protection holders around the country in order to free up capacity for asylum seekers.⁵¹³

In Logatec, single women and unaccompanied minors can be accommodated in separate rooms after lodging the application however as asylum seekers and temporary protection holders can move freely on the premises the separation is not strict. Single women are sometimes accommodated in the same room as other families. Unaccompanied minors accommodated in the **Student Dormitory Postojna** are completely separated from adult asylum seekers.⁵¹⁴

⁵¹⁰ The Ombudsperson, *Sporočilo javnosti o ugotovitvah Varuha glede razmer v azilnem domu v Ljubljani*, 13 September 2023, available at: <https://bit.ly/4bU0LnB>.

⁵¹¹ Observation by the PIC.

⁵¹² Obmudsman, *Poročilo z obiska nastanitvenega centra v Logatcu*, 7.0-4/2022-4-NAB.

⁵¹³ Observation by the PIC.

⁵¹⁴ Observation by the PIC.

Lack of adequate reception conditions was also addressed during the 2023 Committee against Torture periodic review. The Committee recommended that the authorities intensify the efforts to reduce overcrowding and improve material conditions in the Asylum Home and Logatec, including by guaranteeing access to adequate social, educational, mental and physical health services. In addition, the Committee noted that the authorities should refrain from applying illegal restrictions on movement. (see: Detention)⁵¹⁵

In April 2024 the new reception and accommodation centre for unaccompanied minors was opened in Postojna and the pilot project in Student Dormitory Postojna was finished. (see: Reception of unaccompanied minors).

1.1 Activities in the centres

Many NGOs and humanitarian organisations provide support in the **Asylum Home and its branches** on a regular basis. PIC lawyers are available to asylum seekers for legal aid and assistance. ADRA carried out different activities and workshops. Slovene Philanthropy conducted different workshops on integration-related topics, provided support to vulnerable groups and conducted individual psycho-social support. Zavod Emma provided psycho-social counselling as well as workshops on sexual and gender-based violence (SGBV). Društvo Ključ carried out informational sessions (PATS), workshops and individual counselling on trafficking of human beings. Slovenian Red Cross carried out different activities including activities related to tracking family members.⁵¹⁶

Asylum seekers also have a room in the Asylum Home dedicated for prayer and practicing their religion.

In the branch **Logatec**, a private company Projekt Ambient, based on the public call, also offered free psycho-social support to temporary protection holders. The project was concluded in June 2023.⁵¹⁷

One shortcoming observed in the Slovenian system is that pre-school children do not have access to regular kindergartens and families can, in this regard, only rely on NGO activities, which may not always be available or sufficient. In 2021, the child day-care activities were suspended due to the COVID-19 pandemic and were not implemented again in 2022 or 2023 although other activities resumed.

In the Student Dormitory in **Postojna**, activities were mostly carried out by the staff of the facility; various educational, cultural and sports activities were organised by them in the dormitory and outside. Children also attended Slovenian and literacy classes organised by Zavod Znanje Postojna. Various other smaller activities and assistance were implemented by other organisations. PIC lawyers visited the facility to provide legal counselling upon prior appointment.

1.2 Average duration of stay

Considering that most persons applying for asylum in Slovenia abscond – 6,825 individuals absconded in 2023 out of a total of 7,261 applicants (*i.e.*, approximately 89%) – usually within a short time after lodging their application, the turnover in the reception facilities is high. Applicants in the regular procedure often wait for a decision for over six months, sometime over one year or longer. The duration of Dublin procedures varies considerably and may be quick or take several months or longer. The average duration of accommodation in 2023 per person was 24 days. The average duration of stay in the **Asylum Home** was 16 days, in **Kotnikova** 204 days, in **Logatec** 71 days, and 52 days in the Student Dormitory in **Postojna**.⁵¹⁸

⁵¹⁵ U.N. Committee against Torture: *Concluding observations on the fourth periodic report of Slovenia*, 7 December 2023, available at: <https://bit.ly/3OY4B5k>.

⁵¹⁶ Information provided by the UOIM, March 2024.

⁵¹⁷ *Ibid.*

⁵¹⁸ Information provided by UOIM, March 2024.

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

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

In 2023, the IPA was amended and the time frame for access to the labour market was shortened. Asylum seekers now acquire the right to free access to the labour market three months after they have lodged their application if the decision in their procedure has not yet been taken by the Migration directorate and the delay cannot be attributed to the asylum seeker.⁵¹⁹

Once asylum seekers have the right to free access to the labour market, they can access self-employment, employment and work without meeting other requirements such as consent of the Employment Service to the single residence permit and work permit or EU Blue Card or seasonal work permit. The Ministry of the Interior only issues them a notice stating that they meet the above-mentioned conditions.⁵²⁰

In practice, due to lack of work force, asylum seekers are able to obtain work in Slovenia especially in fields where physical work is required. However, they often face difficulties and are not able to obtain higher skilled employment for which they were trained, educated or have performed in their country of origin. In practice, asylum seekers face systematic and practical obstacles when searching for work and employment such as the language barrier, cultural differences, lack of certificates bringing evidence of education, lack of work experience, medical problems, discrimination, structural imbalances in the labour market and lack of employers' trust.⁵²¹ In addition, asylum seekers are often unable to open the bank accounts that will be necessary if they obtain employment, as Slovenian banks are reluctant to accept asylum seekers as clients. The statistics on the number of employed asylum seekers are not available.

When the UOIM was established in 2017, one of its responsibilities was integration of asylum seekers into the labour market. In practice, NGOs also help asylum seekers find employment. In order to improve their employment prospects, the Employment Services in **Ljubljana** and **Maribor** employ special staff who are responsible for assisting asylum seekers and other migrants. The Employment services provide assistance with entering the work force, finding employment, recognition of education, additional trainings and obtaining qualifications as well as accessing the rights arising from labour (e.g., unemployment benefits, etc.)

After three months, applicants are also allowed access to vocational trainings.⁵²² In practice asylum seekers prefer to find employment and enter vocational trainings after obtaining international protection.

⁵¹⁹ Article 87(1) IPA.

⁵²⁰ Article 6 Employment, Self-Employment and Work of Foreigners Act, Official Gazette of RS, No. 47/15 and 10/17.

⁵²¹ EMN, *Focused Study: Integration of beneficiaries of international/humanitarian protection into the labour market*, 2015, available at: <https://bit.ly/3Y914mf>.

⁵²² Article 87(2) IPA.

2. Access to education

Indicators: Access to Education

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

Asylum seekers do not have access to free kindergarten until they obtain international protection.⁵²³ As kindergarten is quite expensive asylum seekers do not attend it in practice.

The law provides that the right to elementary education has to be ensured to asylum seekers no more than three months after they lodge their application.⁵²⁴ There is no age limit attached to this provision.

Asylum-seeking children and adults are ensured access to education in vocational and secondary schools under the same conditions as Slovenian citizens. Asylum seekers are also allowed access to post-secondary and higher education programmes and to programmes designed for adults' education. The law expressly provides that, if necessary, preparatory educational assistance has to be provided to children in order to facilitate their access to the education system.⁵²⁵

In practice, all asylum-seeking children accommodated in **Logatec** enrol in elementary school within around one week's time from arrival. Problems with children accessing the elementary school are not reported. Most of them attend the two elementary schools in Logatec as the majority of families are accommodated in **Logatec** after the lodging of the application. Slovenian language classes are carried out by **Javni zavod Cene Štupar** in the Asylum home and its branches. In **Student Dormitory Postojna** Zavod Znanje Postojna carried out literacy and language classes for children.

Elementary school children that are accommodated together with their families in private apartments outside the Asylum Home go to various other elementary schools, where special educational assistance is also carried out.

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

Children do not face specific considerable obstacles accessing the education system. The same is true for adults accessing elementary school for adults. Adults wishing to enrol in high school have to pay a tuition fee, same as Slovenian citizens. Cases of asylum applicants accessing high school are rare, since asylum procedures are usually concluded before their command of Slovenian is sufficient. Universities are mostly free, same as for Slovenian citizens, but programmes carried out in English are rare. Asylum seekers have to carry the cost of proving their previously attained education. The cost can be covered by the state if they are registered as unemployed.⁵²⁶

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

⁵²³ 101(1) IPA.

⁵²⁴ Article 88(1) IPA.

⁵²⁵ Article 88(1)-(2) and (4) IPA.

⁵²⁶ Article 88(7) IPA.

D. Health care

Indicators: Health Care

1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?
 Yes No
2. Do asylum seekers have adequate access to health care in practice?
 Yes Limited No
3. Is specialised treatment for victims of torture or traumatised asylum seekers available in practice?
 Yes Limited No
4. If material conditions are reduced or withdrawn, are asylum seekers still given access to health care?
 Yes Limited No

Asylum seekers have the right to urgent medical care which includes emergency medical assistance and emergency rescue services based on the decision of a doctor, the right to emergency dental assistance, emergency treatment based on the decision of the treating physician and health care for women, which includes: contraception, abortion, health care during pregnancy and during labour.⁵²⁷ Asylum-seeking children and students up to the age of 26 are entitled to health care to the same extent as other children in Slovenia who are insured as family members,⁵²⁸ which means they enjoy full medical coverage.

Vulnerable persons with special needs are also entitled to additional health services, including psychotherapeutic assistance, following approval from a special committee comprised of a representative of the UOIM, a nurse or medical technician employed in the Asylum Home, a representative of NGOs working in the field of asylum and a representative of the Ministry of Health (see [Special Reception Needs](#)).⁵²⁹ Other asylum seekers can also be granted such additional health services by the committee in exceptional cases.⁵³⁰

The **Asylum Home** employs one nurse and ensures daily presence of a doctor through contracts with 4 different doctors. A psychiatrist visits the Asylum Home on a weekly basis. Asylum seekers accommodated in branch facilities can also make an appointment and visit the psychiatrist in the Asylum Home.

Applicants access health care through the regular Slovenian health care system (clinics and hospitals) under the conditions described above. Applicants who need assistance to access health care can be helped by the social workers. Unaccompanied children are escorted to the doctor by their legal guardians. The UOIM provides interpretation for health care-related services both in reception centres and in other medical facilities. Asylum seekers can access the services that are part of the urgent medical care under the same conditions as Slovenian citizens. Specific services for vulnerable groups such as victims of SGBV, trafficking, domestic violence, etc. are also provided by NGOs.

Asylum seekers obtain mandatory health insurance after they have been granted international protection (see [Content of Protection: Health Care](#)).⁵³¹

⁵²⁷ Article 86(1) IPA.

⁵²⁸ Article 86(3) IPA.

⁵²⁹ This is the same body which decides on requests to reside outside the Asylum Home, extended by an additional member – representative of the Ministry of Health (see Forms and Levels of Material Reception Conditions).

⁵³⁰ Article 86(2) IPA.

⁵³¹ Article 98(2) IPA.

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

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

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

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

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

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

After their asylum application is lodged, special information sessions are conducted with unaccompanied children and other potential victims of trafficking. The sessions were carried out by the NGO Društvo Ključ. In 2023, 457 individual sessions were conducted and 2,524 individuals were informed through group sessions. Out of 2,981 individuals who received information 465 were minors.⁵³²

When victims or potential SGBV victims are identified, they are processed in the system of Standard Operating Procedures. The system is based on a protocol that establishes a mechanism for prevention, and action in cases where asylum seekers or beneficiaries of international protection are identified as victims or potential victims of sexual or gender-based violence.⁵³³ The mechanism complements the existing national mechanism, and it aims to establish a fast and coordinated approach for offering support to victims. When a potential victim is identified, the authority, or the NGO that identified them, is obliged to report it and call for an immediate activation of the Standard Operating Procedures. A meeting of relevant actors is conducted and a plan of support is drafted based on the individual needs of the victim. Additional support can be offered to the victim regarding reception, health care, mental health care, international protection procedure or any other identified needs.⁵³⁴

In 2023 the expert group did not meet⁵³⁵ in line with the protocol on sexual and gender-based violence established in 2020.

As mentioned in [Health Care](#), individuals who are identified as vulnerable by a special multidisciplinary committee can receive additional health services.⁵³⁶ They can also be accommodated in special facilities such as medical

⁵³² Information provided by Društvo Ključ, April 2024.

⁵³³ The protocol is available in Slovenian at: <https://bit.ly/3HA3hBZ>.

⁵³⁴ UOIM: *Deležniki podpisali nov protokol o preprečevanju in ukrepanju v primerih spolnega nasilja ter nasilja na podlagi spola*, 25 February 2020, available in Slovenian at: <https://bit.ly/39AXpdb>.

⁵³⁵ Official statistics provided by the UOIM, March 2024.

⁵³⁶ Article 86(2) IPA.

facilities or nursing homes if appropriate accommodation for them cannot be provided in the Asylum Home.⁵³⁷ In practice, this is arranged on a case by case basis and depends on the availability of such facilities.

Statistics on vulnerable asylum seekers is not gathered systematically by the Police, Migration directorate or the UOIM. In 2023, 159 asylum seekers were recognised as vulnerable, out of which 111 were minors and 48 were unaccompanied minors.⁵³⁸ Information on other vulnerable groups is not available.

Lack of separate accommodation centres for members of particularly vulnerable groups (LGBTQI+, single women, single women with children, unaccompanied minors, victims of SGBV, victims of trafficking, victims of domestic violence) is another shortcoming of the asylum system. Due to limited accommodation capacities, vulnerable individuals are often not accommodated in a manner that would provide them with sufficient privacy and safety. The reception conditions worsened significantly in 2023. (See: Reception conditions). During the year vulnerable groups, including unaccompanied minors, were often accommodated together with other asylum seekers and not separated by gender in the Asylum Home. Unaccompanied minors accommodated in the Asylum home, especially before lodging their application, were not separated from adults.⁵³⁹

The new reception and accommodation facility for unaccompanied minors was opened in April 2024.

1. Reception of families

Families are mostly accommodated **Logatec**. Nuclear families are accommodated together during the asylum procedure while extended family members, mainly single men, can be accommodated in a separate unit of the Asylum Home or in a different accommodation centre. In practice, most families are accommodated in Logatec after lodging the application. While waiting to lodge the application they are accommodated in Logatec or the Asylum Home.

Due to a large increase of arrivals in 2023, families were often accommodated in inadequate reception conditions during the year⁵⁴⁰. (see: Reception conditions).

Since the amendments of the IPA asylum seekers can no longer obtain financial assistance for private accommodation, meaning that families can only move to private accommodation if they have their own means of subsistence. Due to high costs connected with private accommodation families often stay in the Asylum home during the procedure.⁵⁴¹

2. Reception of unaccompanied children

According to the provisions of the IPA, unaccompanied minors have to be accommodated in institutions that are intended for minors and provided with adequate support and care. The decision as to where the unaccompanied minor will be accommodated is made by the UOIM, in cooperation with the legal guardian, after obtaining the opinion of the social services.⁵⁴²

Separate reception centre for systematic accommodation of unaccompanied children in Slovenia was established in April 2024 meaning that in 2023 unaccompanied children could be accommodated either in the **Asylum Home** in Ljubljana, its branch **Logatec** or in the Student Dormitory in **Postojna** which operated as a pilot project from 2016 to April 2024. In accordance with an agreement between UOIM and the Student Dormitory Postojna, only

⁵³⁷ Article 83(2) IPA.

⁵³⁸ Official statistics provided by UOIM, February 2024.

⁵³⁹ Observation by the PIC.

⁵⁴⁰ *Ibid.*

⁵⁴¹ *Ibid.*

⁵⁴² Article 16(7) IPA.

up to 22 unaccompanied children could be accommodated in the dormitory. In the Asylum Home or its branch Logatec, unaccompanied children were not separated from other adults.

In practice, since the number of unaccompanied children was higher than the reception capacity of the Student Dormitory, only unaccompanied children under 16 were accommodated in **Postojna** while the rest were accommodated in the **Asylum Home** (especially before lodging the application) or its branch **Logatec**. Due to shortcomings in protection and care, the Asylum Home and **Logatec** do not provide suitable accommodation for unaccompanied children (see [Conditions in Reception Facilities](#)). At the end of the year, 8 were in Student Dormitory Postojna.⁵⁴³

The lack of appropriate accommodation for unaccompanied minors was also highlighted by the Committee against Torture.⁵⁴⁴ The Committee noted that there is a lack of individualized approach based on an assessment of the best interest of the child in asylum centres and student dormitory. In its concluding observations the Committee urged the Government to continue its efforts to provide appropriate accommodation for unaccompanied and separated children, develop a multidisciplinary system of care based on the best interest of the child and individualized needs assessments and provide sufficient protection safeguards.

During 2022, the interdepartmental working group for the establishment of a systematic form of accommodation for the treatment of unaccompanied minors was activated again. In 2023, the new Decree on providing appropriate accommodation, care and treatment of unaccompanied minors⁵⁴⁵ was adopted. The Decree forms the legal ground for establishing a systematic form of accommodation for unaccompanied minors. According to the Decree, three types of accommodation for unaccompanied minors will be established: a reception center for unaccompanied minors, accommodation units for unaccompanied minors and youth apartments.⁵⁴⁶ According to the Decree, the reception center can have the capacity for up to 50 children. Before accommodation in the reception center, the child has to go through a medical examination. The child can be accommodated in the reception center for up to 3 months. Children will be accommodated based on their age, gender and vulnerability and 24hour care will be provided.⁵⁴⁷ The accommodation units will be intended for longer accommodation of children. The maximum capacity of the accommodation unit can be up to 10 children. Children will be accommodated based on their age, gender and vulnerability and 24hour care will be provided.⁵⁴⁸ Children older than 16 can be accommodated in the youth apartments if the multidisciplinary team will assess that they are ready for independent living. In each youth apartment, up to 6 children can be accommodated. They will be guided and monitored by UOIM counsellors who will visit them on a daily basis. If, after a certain period, it is determined that this form of accommodation is not suitable for the minor, he/she can be returned to the accommodation units.⁵⁴⁹

Upon accommodation, each child will be assigned their own counsellors, responsible for monitoring the child's development. Each counsellor can be responsible for up to 5 children.⁵⁵⁰ Each child will have their personal file with all documentation relating to their accommodation and care.⁵⁵¹ In 5 days after arrival, the individual plan for care and treatment of the child should be prepared. The plan should also include the assessment of the best interest of the child, identified vulnerabilities, special needs or risks that can affect the accommodation process or security and benefits of the child. The plan is amended during the accommodation of the child and has to be adapted to the child's age, gender, needs, other circumstances and experiences of the child, the child's wishes

⁵⁴³ Official statistics provided by UOIM, March 2024.

⁵⁴⁴ U.N. Committee against Torture: *Concluding observation on the fourth periodic report for Slovenia*, 7 December 2023, available at: <https://bit.ly/3OY4B5k>.

⁵⁴⁵ Decree on providing appropriate accommodation, care and treatment of unaccompanied minors, October 2023, available in Slovenian at: <https://bit.ly/48cKBTj>.

⁵⁴⁶ Article 3 Decree on providing appropriate accommodation, care and treatment of unaccompanied minors.

⁵⁴⁷ Article 4 Decree on providing appropriate accommodation, care and treatment of unaccompanied minors.

⁵⁴⁸ Article 5 Decree on providing appropriate accommodation, care and treatment of unaccompanied minors.

⁵⁴⁹ Article 6 Decree on providing appropriate accommodation, care and treatment of unaccompanied minors.

⁵⁵⁰ Article 10(1) Decree on providing appropriate accommodation, care and treatment of unaccompanied minors.

⁵⁵¹ Article 8 Decree on providing appropriate accommodation, care and treatment of unaccompanied minors.

and interest. It also has to include all the relevant information regarding the provision of professional support, care planning, medical care, education, career path and his hobbies and interests. The individual plan also includes a plan for further accommodation and the definition of short-term, medium-term and long-term goals.⁵⁵² Cooperation of different stakeholders and individuals working with the child is foreseen. The cooperation will be coordinated by the UOIM that can also organize a multidisciplinary team for consultation on the future treatment of the child.⁵⁵³

In January 2024, UOIM opened a public call for additional capacities for unaccompanied children, namely the reception center, accommodation units and youth apartments.⁵⁵⁴ In December,⁵⁵⁵ January⁵⁵⁶ and February⁵⁵⁷ 2024, UOIM also published a public call for additional employment of social workers for unaccompanied minors.

A systemic solution for accommodation and care of unaccompanied children should have been established in January 2024, however it was pushed by the Government's decree first to February and then to April 2024 due to needed construction works on the future reception centre.⁵⁵⁸ Until then the unaccompanied minors stayed in existing accommodation centres including the Student Dormitory Postojna.⁵⁵⁹ In April 2024 the first reception and accommodation capacity for unaccompanied children was established therefore the pilot project in Student Dormitory Postojna finished and children were moved to the new capacity.

Identification of unaccompanied minors during the Police procedures was one of the major systematic shortcomings in 2023. (see: Screening for vulnerability). In addition, while an age assessment procedure is set out in law (see [Identification](#)), it is not carried out in practice, thereby raising the risk of adults falsely claiming to be children being accommodated together with actual children. (see [Age assessment of unaccompanied children](#)).⁵⁶⁰

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

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

According to Article 5 IPA, asylum seekers need to be informed about their rights and obligations in the procedure in a language they understand. This includes information about the material reception conditions, rights and obligations in reception accommodation, legal status and access to the labour market. General information on the house rules of the accommodation facility is provided by social workers as part of the accommodation process. Social workers also give asylum seekers a short version of the house rules in writing in the language they understand and open a personal file for them in which all documentation on their reception is gathered. Additional information is provided to them by the EUAA, other officials or the NGOs.

⁵⁵² Article 10 Decree on providing appropriate accommodation, care and treatment of unaccompanied minors.

⁵⁵³ Article 13 Decree on providing appropriate accommodation, care and treatment of unaccompanied minors.

⁵⁵⁴ UOIM, *Informativno javno zbiranje ponudb za najem opremljenih nastanitvenih objektov*, available at: <https://bit.ly/3OXtCxt>.

⁵⁵⁵ Available at: <https://bit.ly/3OWOAwE>.

⁵⁵⁶ Available at: <https://bit.ly/3lfjOuM>.

⁵⁵⁷ Available at: <https://bit.ly/3lgdkvW>.

⁵⁵⁸ GOV.SI, 89. *Regular session of the Government of the Republic of Slovenia*, 31 January 2024, available at: <https://bit.ly/3uQfFuo>.

⁵⁵⁹ MMC: *Vlada zamaknila selitev mladoletnikov brez spremstva na novo lokacijo*, 30 January 2024, available at: <https://bit.ly/48shWtf>.

⁵⁶⁰ Observation by the PIC.

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

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

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

Visits to reception centres are possible during official hours, after having obtained a visitor's permit, that can only be issued by social workers employed in the centres.⁵⁶¹ Visitors have to submit their identification document at the reception.⁵⁶² NGOs and their staff working in the **Asylum Home** and the branch facilities have to be approved by the Ministry of the Interior. Asylum seekers have access to NGOs working in the reception centres according to their schedule without any time limitations. Refugee counsellors can enter the premises without any limitations.

G. Differential treatment of specific nationalities in reception

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

⁵⁶¹ Article 10 Decree on Asylum Centre House Rules.

⁵⁶² Article 11 Decree on Asylum Centre House Rules.

Detention of Asylum Seekers

A. General

Indicators: General Information on Detention

1. Total number of asylum seekers detained in 2023:	22
2. Number of asylum seekers in detention at the end of 2023:	3
3. Number of detention centres:	1
4. Total capacity of detention centres:	180

The decision on detention of asylum applicants is taken by the Migration directorate or the UOIM. Asylum seekers can be detained in the **Foreigners Centre** or in the **Asylum Home**.⁵⁶³ Most asylum seekers are generally not formally detained.

Detention of asylum seekers 2017-2023							
	2017	2018	2019	2020	2021	2022	2023
Foreigners Centre	47	123	22	217	69	105	22
Asylum Home	1	0	1	0	20	0	0

Source: Official statistics provided by the Police, Migration directorate and the UOIM.

In March 2019, in accordance with the CJEU judgment in case C-538/15 *Al Chodor*, the Slovenian Supreme Court ruled that the provisions of the IPA on detention are not in accordance with the Dublin Regulation, because the IPA does not contain the definition of the “risk of absconding” and the objective criteria needed to establish the risk of absconding in an individual case.⁵⁶⁴ The Supreme Court therefore considered that detention in the Dublin procedure is not lawful as long as the IPA does not set the proper legal grounds for detention. Thus, asylum seekers in Slovenia could not be detained in the Dublin procedure or on any other ground that required the risk of absconding to be established. The only possible ground for detention, until the amendments to the IPA, were the prevention of security threats to the country or to the constitutional order of the Republic of Slovenia or protecting personal safety, property and other grounds related to public safety.⁵⁶⁵

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

The changes include a provision that allows the Migration directorate to detain asylum seekers and individuals who have expressed the intention to apply for international protection but have not yet lodged the application. According to the new amendments, asylum seekers detained in the Foreigners Centre can be subject to the same measures as foreigners if they violate the rules of the Foreigners Centre.⁵⁶⁶ This means that they can be subject to solitary confinement,⁵⁶⁷ prohibited to attend the activities in the centre, or have their rights limited (for example: they can lose their privileges regarding TV and radio, exists from the Foreigners centre etc).⁵⁶⁸ In 2023,

⁵⁶³ Article 84 IPA.

⁵⁶⁴ Supreme Court Decision, X Ips 1/2019 from 13 March 2019, available in Slovenian at: <https://bit.ly/2TSXCnr>.

⁵⁶⁵ Article 84(1) IPA.

⁵⁶⁶ Article 84(10)-(12) IPA.

⁵⁶⁷ Article 77 Foreigners Act.

⁵⁶⁸ Article 76.c(2) Foreigners Act.

5 asylum seekers were subjected to solitary confinement and 2 had their rights limited. In addition, the Police issued 60 warnings due to violations.⁵⁶⁹

In the past detained asylum seekers struggled to obtain legal help and representation from refugee counsellors.⁵⁷⁰ In 2023, 18 asylum seekers were detained by the UOIM and 4 by the Migration directorate.⁵⁷¹ In practice, detained asylum seekers can have trouble accessing the help of refugee counsellors in order to lodge the judicial review. (see: [Legal assistance for judicial review of detention](#)).

Apart from asylum applicants, the Foreigners Centre also detains aliens in return procedures, which is the main purpose of the institution. In 2023, 264 aliens were detained throughout the year. During the year 4 children and 10 unaccompanied children were detained. The highest number of detainees were nationals of **Albania, Afghanistan, Serbia, China** and **Kosovo**. At the end of the year, 11 individuals were detained in the Foreigners Centre.⁵⁷²

A regime of *de facto* detention is applied to all newly arrived asylum seekers. Upon arrival in the **Asylum Home**, applicants are informed they are not allowed to leave the premises until they lodge their application. In general, individuals had to wait from 3 to up to 20 days to lodge the application in 2023. If they leave the premises of the Asylum Home before lodging their application, they are considered as foreigners under the Foreigners act, which means that they can be channelled through the return procedure or readmitted to another country. They have to sign a statement according to which they were informed about the consequences of leaving the asylum home. In 2022, the UOIM stopped the practice of locking up the area where newly arrived applicants are accommodated.⁵⁷³ (see: Detention). In 2023, the decision was made in a case of an applicant that was *de facto* detained in the reception area of the Asylum Home in February 2023. After the police procedure, the applicant was *de facto* detained for 7 days in the Asylum Home until lodging the application. Upon lodging the application, the applicant was detained in line with the provisions of the IPA. The applicant was detained in the reception area of the Asylum Home which was locked so the applicant could not go to the courtyard without the approval of the security. The Administrative Court found that based on the intensity, the measure amounted to deprivation of personal liberty not freedom of movement. The Court also noted that there was no legal ground for the deprivation of liberty.⁵⁷⁴

Due to the change in practice, a large number of applicants absconded before lodging their application. In 2023, 60,587 individuals expressed the intention to lodge an application for international protection, but only 7,261 applications were lodged.⁵⁷⁵

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

In 2023, 71 individuals expressed their intention to apply for asylum in the Foreigners Centre.⁵⁷⁶

⁵⁶⁹ Official statistics provided by the Police, March 2024.

⁵⁷⁰ For further information on this practice, see AIDA, *Country Report Slovenia – 2021 Update*, May 2022, available at: <https://bit.ly/3kCs3cg>.

⁵⁷¹ *Ibid.*

⁵⁷² Official statistics provided by the Police, March 2024.

⁵⁷³ For further information on this practice, see AIDA, *Country Report Slovenia – 2021 Update, Detention: General*, May 2022, available at: <https://bit.ly/3kCs3cg>.

⁵⁷⁴ Administrative Court decision, III U 62/2022.

⁵⁷⁵ Official statistics provided by the Police and the Migration directorate, 2024.

⁵⁷⁶ Official statistics provided by the Police, March 2024.

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

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

According to the law, asylum seekers can be detained:⁵⁷⁷

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

The amendments to the IPA, which came into force in November 2021, also added several provisions relating to the detention of asylum seekers. Regarding the grounds for detention, the Migration directorate is now able to determine whether an applicant could have obtained identification documents in the country of origin. In addition, the definition of the risk of absconding was included in the IPA, which means that the Migration directorate no longer uses the definition from the Foreigners Act. (See: [Detention of asylum seekers: General](#))

Asylum seekers can be detained in the regular, accelerated or Dublin procedure. They can only be detained in the **Foreigners Centre** or the **Asylum Home**.⁵⁷⁸ In practice, most asylum seekers are detained in the Foreigners Centre.

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

Following a judgment of the Supreme Court,⁵⁷⁹ asylum seekers could not be detained on any ground that required to establish the risk of absconding, including in Dublin procedures, because such risk was not defined in the IPA. One could only be detained to prevent security threats to the country or to the constitutional order of the Republic of Slovenia, or if it was necessary to protect personal safety, property and other grounds related to public safety. The definition of risk of absconding was included in the 2021 amendments to the IPA and hence the Migration directorate can again detain on this basis since November 2021.

⁵⁷⁷ Article 84(1) IPA.

⁵⁷⁸ Article 84 IPA.

⁵⁷⁹ Supreme Court Decision, X Ips 1/2019 from 13 March 2019, available in Slovenian at: <https://bit.ly/3vVlfWH>.

As defined by the amended provisions of the IPA,⁵⁸⁰ the risk of absconding is established if the applicant:

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

In 2023, out of 22 asylum seekers 18 were detained because of public order offences.⁵⁸¹ All asylum seekers detained by the UOIM are detained due to public order offences.⁵⁸²

Individuals in return procedures are also detained in the Foreigners Centre, primarily designed for that purpose. If they express the intention to apply for asylum, they can be transferred to the Asylum Home or continue to be detained in the Foreigners Centre on the grounds of a new detention decision, if it is determined that they have expressed an intention to seek asylum only in order to frustrate the procedure of return.⁵⁸³ 71 asylum seekers expressed their intention to apply for international protection in the Foreigners Centre.⁵⁸⁴

2. Alternatives to detention

Indicators: Alternatives to Detention

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

The law does not foresee alternatives to detention. Asylum seekers can either be detained in the **Foreigners Centre**, which they are in the vast majority of cases, or in the **Asylum Home**, in rare cases. The IPA provides that asylum seekers can be detained in the Foreigners Centre only if the measure cannot be effectively applied in the Asylum Home or if the applicant has left the premises of the Asylum Home, despite the measure being applied.⁵⁸⁵ While the Foreigners Centre is a closed facility under the jurisdiction of the Police, the Asylum Home is an open centre guarded by security staff of a private company. Thus, applicants cannot be physically prevented from leaving the Asylum Home even if detention is imposed on them.⁵⁸⁶

⁵⁸⁰ Article 84.a IPA.

⁵⁸¹ Official statistics provided by the Migration directorate, March 2024.

⁵⁸² According to Article 84(10) IPA the UOIM can only detain asylum seekers due to offences connected to public safety.

⁵⁸³ Article 84(1) IPA.

⁵⁸⁴ Official statistics provided by the Police, March 2024.

⁵⁸⁵ Article 84(2) IPA.

⁵⁸⁶ Observation by the PIC.

The competent authorities usually consider detention in the Asylum Home as an alternative to detention. However, according to the case law of Administrative Court,⁵⁸⁷ the measure amounts to a deprivation of liberty, not a limitation on freedom of movement, and therefore represents detention, not an alternative.⁵⁸⁸

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

In practice, individual circumstances are often not properly justified in the detention decision and the necessity and proportionality test is not implemented sufficiently.⁵⁸⁹

In 2023, asylum seekers were not detained on the premises of the Asylum Home.⁵⁹⁰

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

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

According to Article 84(2) IPA, children and unaccompanied children asylum seekers cannot be detained in the **Foreigners Centre**. They can, however, be detained in the **Asylum Home**. In practice, unaccompanied children have also been *de facto* detained in the reception area of the Asylum Home or its branch in **Logatec** for periods reaching up to 20 days until the lodging of their asylum application.⁵⁹¹ (See: Detention: General)

Victims of torture and other vulnerable people can be detained in the Foreigners Centre, but according to the law, special attention has to be paid to their health, including their mental health, and regular monitoring and appropriate assistance guaranteed taking into account their specific circumstances.⁵⁹²

As mentioned above, unaccompanied minors who express their intention for international protection cannot be detained in the Foreigners centre⁵⁹³. However, unaccompanied children who are foreigners, not asylum seekers, can be detained in line with the Foreigners Act,⁵⁹⁴ meaning that unaccompanied children can be detained until they express the intention for international protection. In 2022, the Ombudsperson urged the Ministry of the Interior to find a systemic solution for accommodation of unaccompanied children, as detention should be used as a last resort.⁵⁹⁵ Detention of children, accompanied or unaccompanied was also highlighted by the Committee against Torture. In its concluding observations, the Committee noted that Slovenia should review its national legislation in order to ensure that children and families with children are not detained solely because of their immigration status and seek alternative accommodation for such individuals.⁵⁹⁶ In April 2024 a new facility for

⁵⁸⁷ Administrative court judgments: I U 62/2022, 19. January 2022, I U 59/2022, 19. January 2022, available at: I U 59/2022 and I U 1887/2021, 30. December 2021, available at I U 1887/2021.

⁵⁸⁸ Constitutional Court, Decision Up-1116/09, 3 March 2011, available in Slovenian at: <http://bit.ly/2DA8oSH>.

⁵⁸⁹ Observation by the PIC.

⁵⁹⁰ Official statistics provided by the Migration directorate and the UOIM, March 2024.

⁵⁹¹ Observation by the PIC.

⁵⁹² Article 84(9) IPA.

⁵⁹³ Article 84(2) IPA.

⁵⁹⁴ Article 76(4) Foreigners Act.

⁵⁹⁵ Varuh človekovih pravic, *Državni preventivni mehanizem, Priporočila iz obiskov (preglednice)*, available in Slovenian at: <http://bit.ly/3l6Xhs0>.

⁵⁹⁶ U.N. Committee against Torture: *Concluding observation on the fourth periodic report for Slovenia*, 7 December 2023, available at: <https://bit.ly/3OY4B5k>.

systemic accommodation of unaccompanied minors was established. According to the Decree⁵⁹⁷ foreign unaccompanied minors will also be accommodated there together with asylum seekers and unaccompanied minors waiting to lodge the application instead of the Foreigners centre. (see: Reception conditions for vulnerable groups)

In 2023, 4 children and 10 unaccompanied children were detained in the Foreigners Centre.⁵⁹⁸ Statistics on vulnerability is not systematically gathered and therefore not available for 2023. (see: Screening of vulnerability)

4. Duration of detention

Indicators: Duration of Detention	
1. What is the maximum detention period set in the law (incl. extensions):	4 months
2. In practice, how long in average are asylum seekers detained?	32 days.

Asylum seekers may be detained for a maximum of three months, with the possibility of extension for one additional month.⁵⁹⁹

According to the law, asylum seekers are to be released when the reasons for their detention cease to exist, after the maximum period for detention has been reached⁶⁰⁰ or after the detention decision has been annulled upon judicial review. The law also states that the president of the Administrative Court can decree a special supervision of the implementation of detention, which can result in termination of detention.⁶⁰¹ In 2023, one such supervision was conducted while in 1 additional case the Administrative Court issued a report regarding the implementation of detention.⁶⁰²

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

In 2023 the average duration of detention of all foreigners in the Foreigners Centre was 9 days. The average duration of detention of unaccompanied minors not registered as asylum seekers was 5 days. The average duration of detention for minors not registered as asylum seekers was 3 days.⁶⁰³ The average duration of detention of asylum seekers was 32 days.⁶⁰⁴

C. Detention conditions

1. Place of detention

Indicators: Place of Detention	
1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No
2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure?	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

⁵⁹⁷ Article 1 Decree on providing appropriate accommodation, care and treatment of unaccompanied minors.

⁵⁹⁸ Information provided by the Police, March 2024.

⁵⁹⁹ Article 84(6) IPA.

⁶⁰⁰ *Ibid.*

⁶⁰¹ *Ibid.*

⁶⁰² Official statistics provided by the Administrative Court, March 2024.

⁶⁰³ As explained above, unaccompanied minors who lodge the application for international protection cannot be detained in the Foreigners Centre. Official statistics provided by the Police, March 2024.

⁶⁰⁴ Official statistics provided by the Police, March 2024.

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

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

Currently, the Foreigners Centre has a maximum capacity of 180 places. By the end of 2023, only 11 foreigners were detained in the Foreigners Centre in the return procedure. In 2023, 264 individuals were detained in the Foreigners Centre.⁶⁰⁵

In practice, asylum seekers are not detained in police stations, except for a short time during the initial police procedure, which rarely exceeds 12 hours. Asylum applicants are not detained in prisons or in other regular detention facilities. Asylum seekers are also not detained in border or airport transit zones.⁶⁰⁶

In 2023, as in 2022, only one border transit zone was in use. The **Jože Pučnik Airport** in Ljubljana has the capacity to hold 18 people while in the transit zone. In 2023, 69 foreigners were detained in the transit zone in Ljubljana.⁶⁰⁷ Only foreigners can be detained in the transit zone, although not on the basis of the IPA. Once an individual expresses their intent for international protection, they are no longer detained in the transit zone, but brought to the Asylum home or its branch facilities. Asylum seekers are not detained in the transit zone and, if they do apply for asylum from a transit zone, their application is not processed there⁶⁰⁸ (see [Access to the territory and push backs](#)).

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

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

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

2.1 Overall conditions

Both facilities are subject to unannounced visits by the National Preventive Mechanism instituted under the Optional Protocol to the United Nations Convention against Torture and implemented by the Office of the Ombudsperson in cooperation with representatives of the civil society.⁶⁰⁹

The **Foreigners Centre** is visited by the Ombudsperson approximately once per year. The centre is also occasionally visited by international monitoring bodies, including the Council of Europe Committee for the Prevention of Torture (CPT), which last visited it between 28 March and 4 April 2017.⁶¹⁰ The CPT did not detect any ill-treatment by the police in the Foreigners Centre. They criticised the fact that unaccompanied minors and families with children in the return procedure are regularly detained and recommended that unaccompanied minors are accommodated in an open or semi-open specialised establishment for minors. They also noted that

⁶⁰⁵ Official statistics provided by the Police, March 2024.

⁶⁰⁶ Observation by the PIC.

⁶⁰⁷ Official statistics provided by the Police, March 2024.

⁶⁰⁸ Observation by the PIC.

⁶⁰⁹ For reports of monitoring visits, see Ombudsman, *Varuh kot Državni preventivni mehanizem*, available in Slovenian at: <http://bit.ly/2G2n8Z8>.

⁶¹⁰ Council of Europe, *Council of Europe anti-torture Committee visits Slovenia*, 6 April 2017, available at: <http://bit.ly/2DniGSM>.

detention of children with their parents should be a last resort.⁶¹¹ CPT announced that it will conduct visits in Slovenia in 2024.⁶¹²

In 2023, asylum seekers were not detained in large numbers. During the year, issues with detention conditions were not reported or detected by NGOs as in previous years⁶¹³. The Ombudsperson did not visit the Foreigners centre in 2023, however it received 2 complaints on mistreatment and abuse by the police in the centre. In one case the Ombudsperson did not find any violations by the Police while one case is still being reviewed.⁶¹⁴

2.2 Activities

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

In the **Foreigners Centre**, detainees can access the recreational facilities for 2 hours per day. The recreational facilities are considered inadequate and one of the main shortcomings in terms of conditions in the centre is that outdoor exercise is only available in a small closed-off courtyard of the centre. The centre also holds a bigger and better-equipped playground with a view over the surrounding nature, yet detainees are usually not allowed access as constant supervision would be required to prevent escapes. Apart from table tennis in the main accommodation area, other options for indoor exercise are not provided.⁶¹⁵ In this context, the Ombudsperson noted in his report following his 2022 visit that the Foreigners Centre should allow residents to engage in more outdoor activities as this would improve their overall well-being.⁶¹⁶

The centre has a small library, several television sets and an internet room which is available in accordance with a weekly schedule.⁶¹⁷

The Foreigners Centre employs five social workers who are available to detainees every day from morning to evening and also organise various activities such as language courses, trainings on hygiene and disease prevention, and sport activities.⁶¹⁸

During 2022, different activities were conducted by social workers including: sport activities, language classes, workshops, different courses, cultural events, etc. The Jesuit Refugee Service (JRS) visited the centre once every week and carried out different activities.⁶¹⁹

2.3 Health care and special needs in detention

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

⁶¹¹ Report to the Slovenian Government on the visit to Slovenia carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 28. March to 4. April 2017, available at: <http://bit.ly/3JweXHp>.

⁶¹² Council of Europe, *The Council of Europe anti-torture Committee announces periodic visits to eight countries in 2024*, 29 March 2023, available at: <https://bit.ly/43P000c>.

⁶¹³ See AIDA, *Country Report: Slovenia, 2022 Update, Conditions in the detention facilities*, available at: <https://bit.ly/3tfFvqf>.

⁶¹⁴ Information provided by the Ombudsperson, March 2024.

⁶¹⁵ Observation by the PIC.

⁶¹⁶ Varuh človekovih pravic, *Državni preventivni mehanizem, Priporočila iz obiskov (preglednice)*, available at: <http://bit.ly/3l6Xhs0>.

⁶¹⁷ Observation by the PIC.

⁶¹⁸ Information provided by the Police, March 2024.

⁶¹⁹ Information provided by the Police, March 2024.

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

Statistical information on vulnerability of detained foreigners is not gathered systematically.

3. Access to detention facilities

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

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

In the **Asylum Home** NGO's are present on a daily basis and available to the detained asylum seekers, who have the same rights as other accommodated individuals. They provide many services including legal assistance and representation, daily activities, Slovenian language lessons, leisure activities and activities for children. (see: Activities in the centres)

In the **Foreigners Centre**, NGOs are not present on a daily basis. JRS visits the centre to carry out different activities, and PIC staff visits the centre to provide legal assistance.

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

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

D. Procedural safeguards

1. Judicial review of the detention order

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

Asylum seekers are informed orally about the reasons for their detention in a language they understand by the officials of the Migration directorate and by their legal representatives, if they are represented. They are given legal instruction on reasons for detention, the procedure, the right to judicial review and information on the help of refugee counsellors. Then, the Migration directorate has to issue a written decision within 48 hours and serve it to the applicant within the next three working days. The decision states the reasons for detention, together with information about judicial review.⁶²⁰ The *dictum*, the essential reasons for the decision and the legal instruction are translated in a language the applicant understands.⁶²¹ In addition, a list of refugee counsellors, together with the instruction on how to contact them, is given to the applicant in a language he understands.

⁶²⁰ Article 84(5) IPA.

⁶²¹ Article 6(5) IPA.

Applicants have the right to challenge the detention order before the court. They can file for judicial review before the Administrative Court within three days of notification of the decision. The Court has to conduct an oral hearing and take a decision within three days.⁶²² In 2023, 45 detention orders were issued by the UOIM and the Ministry. According to the provided information by the UOIM and the Ministry all were challenged before the court.⁶²³ However, according to the statistics of the Administrative Court only 27 judicial reviews against a detention order were lodged. In 11 cases, the appeal was granted and the detention order was lifted.⁶²⁴

There is no automatic review of the lawfulness of detention. However, the President of the Administrative Court can decide that a supervision of the application of the measure in practice needs to be performed. The President of the Administrative Court then appoints one or more judges with instructions on the timeframes, places or specific asylum seekers placed under their supervision. If it is concluded that the reasons for detention of a certain asylum seeker no longer exist, the President of the Administrative Court can order the termination of the detention measure.⁶²⁵ In 2023, the Administrative Court carried out such supervision of detention of asylum seekers in 2 cases. In one case, they conducted a visit to the Foreigners centre and in 1 case they only issued a report on the implementation of the measure.⁶²⁶

While the duration of court procedures is a problem in other types of procedures, such as judicial review of rejection and Dublin decisions, the time limits set in law are generally respected in detention cases. Judicial review is considered effective considering that many detention orders are annulled by the court. However, the outcome of cases has been very unpredictable and often depends on the individual judge deciding on the case.⁶²⁷

In addition, the applicant has the possibility to appeal against the decision of the Administrative Court to the Supreme Court. According to the IPA, the Supreme Court has 30 days to decide on the appeal.⁶²⁸ In practice, however, it takes longer and asylum seekers are often released before a decision on their appeal is issued.

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

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

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

In practice, asylum seekers without legal representation at first instance often have difficulties to later obtain the assistance of refugee legal counsellors. Together with the detention order, asylum seekers are given a list of refugee legal counsellors, and instructed to secure their assistance by themselves. If they do not manage to do so, they can call the Migration directorate and an official will provide one for them.⁶²⁹ Due to language barriers, illiteracy, lack of access to a telephone and a short deadline to lodge the appeal, some asylum seekers cannot appeal their detention order. In some cases, asylum seekers obtain more than one refugee counsellor, and more than one appeal is lodged at the Administrative Court. The Migration directorate does not know whether an individual has managed to ensure the representation of a refugee counsellor and therefore often does not provide

⁶²² Article 84(7) IPA.

⁶²³ Official statistics provided by the Migration directorate and UOIM, March 2024.

⁶²⁴ Official statistics provided by the Administrative Court, March 2024.

⁶²⁵ Article 84(6) IPA.

⁶²⁶ Official statistics provided by the Administrative Court, March 2024.

⁶²⁷ Observation by the PIC.

⁶²⁸ Article 70(3) IPA.

⁶²⁹ Observation by the PIC.

individuals with one in practice. In some cases, refugee counsellors are appointed to asylum seekers by the official of the Migration directorate.⁶³⁰

In accordance with established practice, lawyers can meet with their clients in detention even outside the daily visitation hours. The meetings are private. The same as in other instances, refugee counsellors can obtain the help of the interpreter for talking to their client. However, in practice, due to short time limits for judicial review, refugee counsellors are often unable to obtain the help of interpreters in time. (see: [Judicial review](#)) PIC lawyers are available to detained applicants by telephone and usually meet with them in person.⁶³¹

E. Differential treatment of specific nationalities in detention

The breakdown of detained asylum seekers by nationality in 2023 is as follows: Afghanistan (12), Algeria (6), Burkina Faso (1), Cameroon (2), Cuba (4), Congo (2), Guinea (2), India (34), Iraq (2), Mali (1), Morocco (2), Pakistan (25), Senegal (2), Sierra Leone (1), Tadjikistan (1), Tunisia(1), Türkiye (7).⁶³²

The average duration of detention of asylum seekers in 2023 is 32 days.⁶³³ No differential treatment is observed in this respect between nationalities.

⁶³⁰ *Ibid.*

⁶³¹ *Ibid.*

⁶³² Official statistics provided by the Migration directorate, March 2023.

⁶³³ Official statistics provided by the Police, March 2024.

Content of International Protection

A. Status and residence

1. Residence permit

Indicators: Residence Permit

1. What is the duration of residence permits granted to beneficiaries of protection?

❖ Refugee status	10 years
❖ Subsidiary protection	1-5 years

Refugee status is recognised with no set time limit for the protection it affords. Subsidiary protection is recognised for a limited time period with the possibility of extension. Usually, the time period ranges from one to five years, based on the individual circumstances of the beneficiary. In 2023, 74 persons were granted refugee status and 55 were granted subsidiary protection. Therefore, 74 permanent residence permits and 55 temporary residence permits were issued to beneficiaries of international protection in 2023. Out of 55 persons who were granted subsidiary protection, 52 were Ukrainian.⁶³⁴

An individual's right to residence is expressly stated in the operative part of the decision granting them international protection.⁶³⁵ With the help of integration staff of the UOIM, beneficiaries are then issued a residence card⁶³⁶, which certifies their residency right and is required to access most rights. The procedure is free of charge for beneficiaries. The issued card is valid for 10 years. In practice, it can easily be renewed before expiry.

Beneficiaries of subsidiary protection are issued a temporary residence permit that indicates the duration of the granted status, which ranges between one and five years.⁶³⁷ The card can also be renewed in case their subsidiary protection is extended. Pending the extension procedure, a card with a duration of one year is issued to them. In accordance with the IPA, when subsidiary protection is extended, it is so for an automatic duration of two years.⁶³⁸ Individuals whose subsidiary protection is extended are issued a new residence permit with the same validity as the subsidiary protection.

2. Civil registration

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

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

⁶³⁴ Official statistics provided by the Migration directorate, March 2024.

⁶³⁵ Article 92(1)(2) IPA.

⁶³⁶ Article 92(3) IPA.

⁶³⁷ Article 92(1)-(2) IPA.

⁶³⁸ Article 66(6) IPA.

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

3. Long-term residence

Indicators: Long-Term Residence	
1. Number of long-term residence permits issued to beneficiaries in 2023:	8

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

- ❖ Five years of uninterrupted legal stay in Slovenia.⁶³⁹ The law provides that half of the time spent in asylum procedure can be counted towards the required five-year period; if the asylum procedure was longer than 18 months, the entire period is counted towards it.⁶⁴⁰ The law does not discriminate between refugee and subsidiary protection status;
- ❖ General criteria for obtaining a residence permit: valid passport, health insurance and sufficient financial means,⁶⁴¹ and
- ❖ Circumstances free of general reasons preventing the issuance of a residence permit, *i.e.*, security concerns or fraud.⁶⁴²

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

In 2023, 8 persons with international protection obtained the long-term resident status.

4. Naturalisation

Indicators: Naturalisation	
1. What is the minimum residence period for obtaining citizenship?	
❖ Refugee status	5 years
❖ Subsidiary protection	5 years
2. Number of citizenship grants to beneficiaries in 2023:	13

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

- ❖ Be 18 years old;
- ❖ Have the means of subsistence that guarantees them (and those who they are obliged to provide for) material and social security;
- ❖ Have passed the Slovenian language test;
- ❖ No prison sentence longer than three months or probation longer than one year;
- ❖ Residence in the Republic of Slovenia must not have been annulled;
- ❖ Do not pose a threat to public order, safety or security of the state;
- ❖ Have settled all of their tax obligations; and
- ❖ Have pledged to respect the free democratic constitutional order founded by the Constitution of the Republic of Slovenia.⁶⁴³

Beneficiaries of international protection can apply for citizenship by naturalisation after five years of continued residence in the Republic of Slovenia, which is shorter than the general period of 10 years, and they do not have

⁶³⁹ Article 53.a(1) Foreigners Act.

⁶⁴⁰ *Ibid.*

⁶⁴¹ As listed in Article 33 Foreigners Act.

⁶⁴² As listed in Article 55(1) Foreigners Act.

⁶⁴³ Article 10(1) Citizenship of the Republic of Slovenia Act, Official Gazette of RS, 1/1991 and subsequent amendments.

to meet the additional criterion of obtaining renunciation of their previous citizenship.⁶⁴⁴ The request for naturalisation must be lodged with the Administrative Unit of the place of residence.

Between 1995 – when the first international protection statuses were granted – and 31 December 2023, a total of 169 beneficiaries of international protection have obtained Slovenian citizenship. In 2023, 12 persons with refugee status and 1 person with subsidiary protection was granted citizenship. In 2023, 173 travel documents were issued to beneficiaries of international protection.⁶⁴⁵

Under the Citizenship Act, children can obtain Slovenian citizenship if they are born or found in Slovenia and their parents are unknown or their citizenship is unknown or if they are stateless.⁶⁴⁶ There is therefore no legal ground for children born in Slovenia to beneficiaries of international protection to obtain Slovenian citizenship even if they are stateless. In June 2022, the PIC filled several citizenship applications for stateless children born in Slovenia to beneficiaries of international protection based directly on the Convention on the Rights of the Child and the 1954 Convention on Statelessness rather than national legislation. Until the end of January 2023, 24 children were granted Slovenian citizenship on this ground by the Administrative Unit.⁶⁴⁷

5. Cessation and review of protection status

Indicators: Cessation

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

The grounds for cessation of refugee status and subsidiary protection status are those listed in Articles 11 and 16 of the recast Qualification Directive.⁶⁴⁸

The Migration directorate can start the cessation procedure if it becomes aware that grounds for cessation exist. The Migration directorate notifies the beneficiary of international protection in writing about the start of the procedure and grounds for it.⁶⁴⁹

Before making the decision, the Migration directorate has to enable the beneficiary to present reasons against the cessation of the international protection in a personal interview.⁶⁵⁰ The beneficiary can also file an application for judicial review against the decision before the Administrative Court within 15 days. The application has suspensive effect.⁶⁵¹

There is no systematic review of protection status in Slovenia. Apart from cessation due to acquisition of Slovenian citizenship, cessation is rarely applied in practice.

In 2023 cessation decisions were issued in 13 cases following acquisition of Slovenian citizenship. 152 persons lodged the application to prolong subsidiary protection and 105 applications were granted. None were refused. 21 applicants did not lodge the application for prolongation of subsidiary protection leading to cessation after the

⁶⁴⁴ Article 12(7) Citizenship of the Republic of Slovenia Act.

⁶⁴⁵ Official statistics provided by the Migration directorate, March 2024.

⁶⁴⁶ Article 9 Citizenship of the Republic of Slovenia Act.

⁶⁴⁷ Information provided by the PIC, April 2024.

⁶⁴⁸ Article 67 IPA.

⁶⁴⁹ Articles 69(1)-(2) IPA.

⁶⁵⁰ Article 69(3) IPA.

⁶⁵¹ Article 70(1) and (3) IPA.

time for which it was granted.⁶⁵² Regarding the prolongation of subsidiary protection PIC observed that the majority of beneficiaries that did not prolong the protection were Ukrainians. While some left the country after obtaining the protection or did not prolong the protection on their own accord, PIC also detected cases of Ukrainians who faced issues with lodging the request for prolongation in time. In practice, Ukrainians would often not notify the Ministry or the UOIM of the change of address. Therefore, they would not receive the notification, together with the forms for prolongation, in time. Consequently, Ukrainians did not lodge the application for the prolongation in time and had to apply for international protection again.⁶⁵³

6. Withdrawal of protection status

Indicators: Withdrawal

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

The grounds for withdrawal of refugee status and subsidiary protection status are similar to those listed in Articles 14 and 19 of the recast Qualification Directive.⁶⁵⁴

The withdrawal procedure is the same as the **Cessation** procedure. The Migration directorate notifies the beneficiary of international protection in writing about the start of the procedure and the grounds for it. The beneficiary can present their reasons against withdrawal during a personal interview.⁶⁵⁵ The beneficiary can also file an application for judicial review against the decision before the Administrative Court within 15 days. The application has suspensive effect.⁶⁵⁶

Two withdrawn decisions were issued in 2021 – out of which one person gave up their status.⁶⁵⁷ None were issued in 2022⁶⁵⁸ or 2023.⁶⁵⁹

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

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

⁶⁵² Official statistics provided by the Migration directorate, March 2024.

⁶⁵³ Observaton by the PIC.

⁶⁵⁴ Article 68 IPA.

⁶⁵⁵ Article 69(2)-(3) IPA.

⁶⁵⁶ Article 70(1) and (3) IPA.

⁶⁵⁷ Official statistics provided by the Migration directorate, March 2022.

⁶⁵⁸ Official statistics provided by Migration directorate, March 2023.

⁶⁵⁹ Official statistics provided by Migration directorate, March 2024.

1.1 Eligible family members

Family members with whom the beneficiary of refugee status or subsidiary protection can be reunited are:⁶⁶⁰

- ❖ The spouse, registered partner or partner with whom the applicant for family reunification has been living in a long-term relationship;
- ❖ Minor unmarried children of the beneficiary;
- ❖ minor unmarried children of the spouse, registered partner or partner with whom the applicant has been living in a long-term relationship;
- ❖ Adult children and parents of the applicant or the spouse, registered partner or partner with whom the applicant has been living in a long-term relationship, if the applicant or the spouse, registered partner or partner with whom the applicant has been living in a long-term relationship is obliged to support them under the law of their country; and
- ❖ Parents of an unaccompanied child.⁶⁶¹

In exceptional cases, the Migration directorate can also consider other relatives if special circumstances speak in favour of family reunification in the Republic of Slovenia. Such circumstances exist when there is a family community established between other relatives, which is essentially similar to and has the same function as a primary family, especially in terms of genuine family ties, physical care, security, protection, emotional support and financial dependence.⁶⁶² This provision was included in the law on the following a Constitutional Court decision from January 2015.⁶⁶³ The provision is applied in practice and applicants are able to reunite with their parents, siblings and other family members if their claim is eligible. In one case, the applicant was able to reunite with their spouse, children and the applicant's mother. In another case, a child was able to reunite with underage siblings.⁶⁶⁴

1.2 Conditions and procedure

Generally, there is no waiting period for a beneficiary of international protection to apply for family reunification after being granted international protection status. The only exception is made in the law for beneficiaries who have been granted subsidiary protection for one year – they obtain the right to family reunification after their status is extended. The new amendments to the Foreigners Act state that beneficiaries of international protection can start the family reunification process after the decision on their status becomes final.⁶⁶⁵ In practice, this means that if an individual appeals the decision granting them subsidiary protection, they cannot start the family reunification procedure until the appeal procedure is finished and the decision on their own status has become final.

Individuals who are granted refugee status and subsidiary protection for a period longer than one year can apply for family reunification immediately after the decision granting them status becomes final.

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

Those enjoying either refugee status or subsidiary protection have to apply for family reunification within 90 days from the moment the decision on their status becomes final (or on the extension of subsidiary protection if it was granted for one year) in order to enjoy the more favourable conditions available to beneficiaries of international protection. In case the beneficiary does not apply within 90 days, the family member must meet the general

⁶⁶⁰ Articles 47.a(2) and 47.b(2) Foreigners Act.

⁶⁶¹ There has not been any change in practice witnessed since the CJEU ruling in Case C-550/16 A.S., Judgment of 12 April 2018, EDAL, available at: <https://bit.ly/2ARhyI0>.

⁶⁶² Articles 47.a(4) and 47.b(4) Foreigners Act.

⁶⁶³ Constitutional Court, Decision U-I-309/13, 14 January 2015, available at: <http://bit.ly/1VwZJ4G>.

⁶⁶⁴ Observation by the PIC.

⁶⁶⁵ Article 47a(3) and 47b(3) Foreigners Act.

conditions for family reunification that apply to all foreigners in Slovenia: possession of a valid passport, health insurance and sufficient financial means.⁶⁶⁶

In 2023, 99 applications for family reunification were submitted. 85 were submitted by persons with refugee status and 14 were submitted by a person with subsidiary protection. Beneficiaries with refugee status submitted 36 applications for nationals of Burundi, 29 for nationals of Syria, 9 for nationals of Afghanistan, 7 for nationals of Cuba, 2 for nationals of Türkiye, 1 for national of Ethiopia and 1 for national of Venezuela. Beneficiaries with subsidiary protection submitted 11 applications for nationals of Afghanistan, 1 for a national of Burundi, 1 for a national of Russia and 1 for a national of Syria.⁶⁶⁷

The Migration directorate made decisions on 65 applications for family reunification. 29 applications were granted, 22 applications were rejected, 1 was dismissed and 13 procedures were stopped.⁶⁶⁸

The authorities impose strict criteria regarding the required documents to establish identity and links with family members, which can be problematic for citizens of countries where the acquisition of such official documents is difficult or impossible. Applicants for family reunification notably have had difficulties obtaining original or notarised documents of family members in order to prove family ties. They also have had problems obtaining identification documents for family members, especially where the family members reside outside their country of origin.

Only official documents with a picture issued by the country of origin are accepted as proof of identity and family links. In case the applicant cannot submit an original identification document from the family member's country of origin or original proof of links, the Migration directorate also accepts documents issued by international organisations (UNHCR, IOM, Red Cross) under the condition that the document has a picture. To prove family links, original birth certificates, marriage certificates issued by the state or, in some cases, the church, will suffice. If identity or family links cannot be established through original documents, the Migration directorate can ask an international organisation working in the field of migration (UNHCR, IOM, Red Cross) to establish the family members' identity or family links.⁶⁶⁹

Before issuing the decision the Migration directorate can also conduct a personal interview with the beneficiary in order to gather additional information on family members, the submitted documents, reasons for the inability to provide original documents, family links, etc. Submitted documents regarding identity and family links are sent to the National Forensic Laboratory for verification of their authenticity. Before issuing the positive decision, a security check of family members is also performed by the Police.⁶⁷⁰

After a family reunification is approved, the Migration directorate issues a residence permit. If the family member is located in a country in which a Slovenian embassy is present they have to give fingerprints or other biometrical data in order to receive the residence permit. If there is no Slovenian embassy in the country the family member does not have to give fingerprints or other biometrical data in order for the residence permit to be issued. When the family members arrive in Slovenia, they have to give their biometrical data within 30 days, following which the Migration directorate issues new residence permits with the same validity as the permit of the beneficiary.⁶⁷¹ With the residence permit and a valid passport the family members can travel to and enter Slovenia.

In case the family member who has been granted family reunification with a beneficiary of international protection does not possess a valid passport, the Ministry of the Interior issues them a passport with a validity of 90 days, for the purpose of entry into the Republic of Slovenia. Again, if the family member is located in a country without a Slovenian embassy the passport can be issued without prior obtaining of biometrical data.⁶⁷² If family members

⁶⁶⁶ Articles 47.a(7) and 47.b(6) Foreigners Act.

⁶⁶⁷ Official statistics provided by the Migration directorate, March 2024.

⁶⁶⁸ Official statistics provided by the Migration directorate, March 2024.

⁶⁶⁹ Articles 47.a(3) and 47.b(3) Foreigners Act.

⁶⁷⁰ Observation by the PIC.

⁶⁷¹ Observation by the PIC.

⁶⁷² Article 98(5) Foreigners Act.

are unable to travel to Slovenia within 90 days, the Migration directorate can issue new documents. The beneficiary has to pay for all documents issued by the Migration directorate. Therefore, applicants normally request the documents and start organising the travel when it is evident the family will be able to arrive within the 90-day time frame. Documents can only be given to family members by a Slovenian embassy or consulate. If there is no Slovenian embassy in the country where the family member is located, the documents can also be served to family members by an international organisation working in the field of migration (UNHCR, IOM, Red Cross).

Sending Slovenian documents (passports and residence permit) to countries without IOM, UNHCR and Slovenian representations presented difficulties in the cases of Syrian, Afghan and Palestinian nationals. When the documents cannot be served in the country where the family member is located, the latter have to travel to another country where it will be feasible to receive the documents. In some cases, family members have struggled to obtain exit and entry visas for that purpose.⁶⁷³

Financial assistance for arrival in Slovenia is not provided. Since the costs needed for arrival can be extremely high, beneficiaries normally seek NGOs (ADRA, Red Cross) to help them with fundraising campaigns. In addition to the costs of arrival, beneficiaries also have to bear the costs of the procedure. This includes costs related to obtaining the needed documentation, translation of the documents, cost of Slovenian documents issued by the Migration directorate, costs of serving the documents, etc. During the personal interview, interpretation is provided by the Migration directorate.⁶⁷⁴

Vulnerable family members often request the assistance of IOM when travelling to Slovenia. Covering the cost of the IOM assistance is the responsibility of the beneficiary.⁶⁷⁵

In 2023, the costs of the family reunification procedure, including travel, travel assistance and documents could be covered by the NGOs PIC and [Peace Institute](#) as part of a COMP4SEE⁶⁷⁶ project, financed by AMIF.

2. Status and rights of family members

Before 2014, family members of the sponsor were granted the same status (refugee or subsidiary protection) as the sponsor. However, since the 2014 legislative changes, family members are now granted resident status under the Foreigners Act. Family members of persons with refugee status are granted a permanent residence permit, while family members of a person with subsidiary protection are granted a temporary residence permit for the same duration as that of their family member's subsidiary protection. It can be extended under the same conditions as it is granted and for the same time as the extension of the subsidiary protection of the sponsor.⁶⁷⁷

Family members of refugees are entitled to accommodation in an Integration House or financial assistance with accommodation at a private address together with the sponsor. However, family members of a person with subsidiary protection are not entitled to financial assistance for accommodation (see [Housing](#)).⁶⁷⁸

Family members are entitled to the same rights regarding health care, social security, education and employment as citizens of the Republic of Slovenia.⁶⁷⁹

⁶⁷³ Observation by the PIC.

⁶⁷⁴ Observation by the PIC.

⁶⁷⁵ *Ibid.*

⁶⁷⁶ More about the project available at: <https://bit.ly/44b7aXS>.

⁶⁷⁷ Articles 47.a(3) and 47.b(3) and (7) Foreigners Act.

⁶⁷⁸ Articles 93(2) and 97(5) IPA.

⁶⁷⁹ Family members of persons with subsidiary protection pursuant to an explicit provision in Article 47.b(12) Foreigners Act and family members of persons with refugee status as holders of a permanent residence permit.

C. Movement and mobility

1. Freedom of movement

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

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

2. Travel documents

Refugees are issued a passport for refugees, which is a Convention travel document.⁶⁸⁰ Beneficiaries of subsidiary protection can use their national passport; in case they do not have one, the Migration directorate issues them a passport for foreigners. Reunited family members of beneficiaries without a valid passport from their country of origin can also obtain the passport for foreigners.⁶⁸¹

Refugees are normally issued a passport with a validity period of 10 years. Passports for foreigners issued to beneficiaries of subsidiary protection are issued for the time period for which subsidiary protection was granted.⁶⁸²

A person holding a refugee status applies for the refugee passport with the Ministry of the Interior,⁶⁸³ which must issue the document within 15 days.⁶⁸⁴ A beneficiary of subsidiary protection applies for their passport with the Administrative Unit of their place of residence.⁶⁸⁵

In 2023 the authorities issued 173 passports to persons with international protection.⁶⁸⁶

D. Housing

Indicators: Housing

- | | |
|--|----------------|
| 1. For how long are beneficiaries entitled to stay in reception centres? | 15 days |
| 2. Number of beneficiaries staying in reception centres as of 31 December 2023 | Not available. |

Beneficiaries of international protection have to vacate the reception centres as soon as the positive decision on their asylum applications becomes enforceable, *i.e.*, within 15 days of being granted status.⁶⁸⁷ This did apply to unaccompanied minors accommodated in the Student Dormitory in **Postojna**.⁶⁸⁸

In line with the amended IPA, beneficiaries need to sign an integration contract with the UOIM if they want to access integration services, including housing.⁶⁸⁹ In 2023, 122 beneficiaries signed integration contracts and only

⁶⁸⁰ Article 111 IPA. More detailed provisions are set out in Rules on the content, format and method of issuing passports to refugees.

⁶⁸¹ Article 113 IPA and 98 Foreigners Act.

⁶⁸² Articles 111(3) and 113(2) IPA.

⁶⁸³ Article 6 Rules on the content, format and method of issuing passports to refugees.

⁶⁸⁴ Article 111(1) IPA and Article 25(1) Passports of the Citizens of the Republic of Slovenia Act, Official Gazette of RS, No. 65/2000 and subsequent amendments.

⁶⁸⁵ Article 98(3) Foreigners Act.

⁶⁸⁶ Official statistics provided by the Migration directorate, March 2024.

⁶⁸⁷ Article 70 (1) IPA.

⁶⁸⁸ Observation by the PIC.

⁶⁸⁹ Article 90(3) IPA.

8 beneficiaries did not.⁶⁹⁰ In practice integration contracts are normally not signed by beneficiaries who are employed and therefore do not need financial assistance or accommodation in the integration house.

Beneficiaries without financial means and for whom accommodation is not provided in another way must sign the integration contract in order to receive financial assistance for accommodation.⁶⁹¹ They are entitled to assistance for one year after being granted status. If they attend at least 80% of free training in Slovenian language and culture, and visit their case worker at least once a month, the assistance can be prolonged for an additional year.⁶⁹² (see [Access to Education](#)).⁶⁹³

Students, including students enrolled in adult education, who have financial means and are in the Republic of Slovenia without parents or other persons legally required to provide for them, are entitled to the assistance until they finish schooling, but not after they reach the age of 26. The only condition for such assistance is that they obtained their student status within one year of signing the integration contract.⁶⁹⁴

This financial assistance covers the rent for accommodation and related utility costs. The maximum monthly amount for single claimants is calculated based on the monthly amount of financial social assistance, currently € 465,34. In the case of families, the maximum amount per person is less, calculated in accordance with a Decree.⁶⁹⁵

Beneficiaries are assisted to find an apartment in the real estate market and in other integration-related areas by the UOIM and by NGOs, mainly [Slovene Philanthropy](#). High prices and distrust of migrants by potential landlords often pose an obstacle to finding suitable apartments. One identified systemic shortcoming in relation to housing for beneficiaries is the restriction of access to non-profit governmental rental apartments,⁶⁹⁶ since this right is by law only available to Slovenian citizens. However, they do have access to non-profit municipal rental apartments in some municipalities.

In the first year after receiving status, monetary assistance can be substituted with free accommodation in “Integration Houses” of the UOIM, which are facilities comprised of apartments for beneficiaries.⁶⁹⁷

If they attend at least 80% of free training in Slovenian language and culture, and visit their case worker at least once a month, the assistance can be prolonged for one additional year.⁶⁹⁸

Based on justified medical or other reasons, accommodation in the Integration House can be extended for a further six months, on the condition that the person signs the integration contract and meets at least one of the above-mentioned conditions.⁶⁹⁹ If beneficiaries have their own means of subsistence (of an amount equivalent to the minimal income), or if this is provided to them in another way, they have to cover a proportionate share of accommodation costs in the Integration House or another accommodation facility.⁷⁰⁰

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

⁶⁹⁰ Official statistics provided by UOIM, March 2024.

⁶⁹¹ *Ibid.*

⁶⁹² Article 97(1) IPA.

⁶⁹³ Article 97(2) IPA.

⁶⁹⁴ Article 97(3) IPA.

⁶⁹⁵ Article 20 Decree on the methods and conditions for ensuring the rights of persons with international protection.

⁶⁹⁶ Apartments owned by the municipality, the state, the public housing fund or a non-profit housing organization, leased out under a reduced rent, pursuant to the Housing Act, Official Gazette of RS, No. 69/2003 and subsequent amendments.

⁶⁹⁷ Article 93(1) IPA.

⁶⁹⁸ Article 93(3) IPA.

⁶⁹⁹ Article 93(3) IPA.

⁷⁰⁰ Article 93(6) IPA.

Capacity and occupancy of Integration Houses		
Integration House	Capacity	Occupancy at 31 December 2023
Ljubljana	15	0
Maribor	35	20
Total	50	20

Information provided by the UOIM, March 2024.

Unaccompanied children who are granted international protection can currently keep their accommodation in the Student Dormitory in **Postojna**, where they have also been accommodated as asylum applicants. The capacities for systematic accommodation of unaccompanied minors mentioned in [Special Reception Needs](#) will also include unaccompanied children with international protection status. At the end of 2023, 3 beneficiaries of international protection were living in the Student Dormitory in Postojna.⁷⁰¹

Reunited family members of a beneficiary of international protection (both refugee and subsidiary protection status) are entitled to accommodation in an Integration House, together with the sponsor.⁷⁰² Reunited family members of a person with refugee status are also entitled to financial assistance with accommodation at a private address,⁷⁰³ however this right is no longer available to family members of persons with subsidiary protection.

E. Employment and education

1. Access to the labour market

Beneficiaries of international protection and their reunited family members have free access to the labour market and can be employed, self-employed, or work without having to obtain a special work permit or to meet other requirements.⁷⁰⁴ Their access to the labour market is also not conditioned by a market labour test. There is no difference between refugees and beneficiaries of subsidiary protection.

The identification documents issued to beneficiaries of international protection explicitly mentions their right to work, same as the documents issued to other aliens, which helps prevent misunderstandings in practice.

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

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

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

⁷⁰¹ Official statistics provided by UOIM, March 2024.

⁷⁰² Article 93(2) IPA.

⁷⁰³ Article 97(5) IPA.

⁷⁰⁴ Article 102 IPA and Article 6(2) Self-Employment and Work of Aliens Act, Official Gazette of RS, No. 47/2015 and subsequent amendments.

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

The Integration strategy adopted in 2023 includes the following measures to improve integration of foreigners into the labour market: establishing an INFO point at the Employment Offices of the Republic of Slovenia, additional programs of social activation for foreign women, improving the prosecution of labour law violations and establishing a mentorship scheme for employment of foreigners in culture.⁷⁰⁵

2. Access to education

Beneficiaries of international protection are entitled to the same rights regarding pre-school, primary, secondary, higher and adult education as nationals.⁷⁰⁶ They are also entitled to state scholarships and accommodation in student dormitories under the same conditions as nationals.⁷⁰⁷ Asylum-seeking children enjoy unimpeded access to the education system (see [Reception Conditions: Access to Education](#)) and are, therefore, normally already enrolled in the education system before they are granted international protection status. Special needs of children are taken into consideration the same way as Slovenian students'.

Same as for Slovenian nationals, elementary and high schools are free for children beneficiaries of international protection. Elementary school for adults is also free of charge. Elementary school for adults is organised by [Javni zavod Cene Štupar](#), where students are placed in a suitable class, based on initial testing of their knowledge level. They can then complete two regular school years per year. High school for adults requires tuition. Universities are mostly free in Slovenia.

If beneficiaries do not have their own means of subsistence and have signed the integration contract other costs related to participation in the regular education program and elementary school for adults can be covered by the UOIM for up to 2 years.⁷⁰⁸

Costs related to recognition and assessment of education attained abroad can be covered by the UOIM if the person signed the integration contract and does not have their own means of subsistence. UOIM covers the cost for one year after the integration has been signed. This period can be prolonged for an additional year if the person attended 80% of Slovenian language classes and visited the integration social worker once per month.⁷⁰⁹ In case the attained education cannot be proven with documentation, a system for official testing is set up in a Decree.⁷¹⁰

Furthermore, beneficiaries of international protection are entitled to a free Slovenian language course of 300 hours, which can be extended for further 100 hours, subject to approval of the UOIM.⁷¹¹

The Integration strategy adopted in 2023 envisages additional measures to ensure better linguistic integration of foreigners including renovation of the Program for the initial integration of foreigners, establishing new language programs for vulnerable groups, enlarging the number of language course hours, enabling individuals to attend the language classes during their working hours, etc. In addition, the Integration strategy envisages measures

⁷⁰⁵ Government of Slovenia, *Strategy for integration of foreigners, who are not citizens of European Union into the cultural, economic and social life in the Republic of Slovenia*, 10 November 2023, available at: <https://bit.ly/3v0Ilfl>.

⁷⁰⁶ Article 101(1) IPA.

⁷⁰⁷ Article 101(2) IPA.

⁷⁰⁸ Article 101(4) IPA.

⁷⁰⁹ Article 101(3) IPA.

⁷¹⁰ Articles 23-42 and 34 Decree on the methods and conditions for ensuring the rights of persons with international protection.

⁷¹¹ Article 103 IPA and Article 49 Decree on the methods and conditions for ensuring the rights of persons with international protection.

that will improve the integration of foreigners in education. The measures include additional language hours in primary school and secondary school, additional learning support, employment of needed staff, etc.⁷¹²

F. Social welfare

Beneficiaries of international protection are entitled to social benefits under the national social security system.⁷¹³ Their rights in this respect are equal to Slovenian citizens and do not differ between persons with refugee status and subsidiary protection. The main authority for granting social assistance is the territorially competent Centre for Social Work.

First, beneficiaries are entitled to financial social assistance, provided to all persons without other means. The current amount for single claimants is € 465,34 per month. If the individual also receives financial assistance for accommodation they receive 15% less of financial social assistance per month. In the case of families, the amount per person is less than € 465,34 calculated in accordance with the Social Assistance Benefits Act.⁷¹⁴ This is complemented by other benefits under the national social security system, granted to individuals who meet specific criteria, including child benefits, large family allowance, emergency assistance and kindergarten subsidies.

The rights to social assistance described above are the same regardless of the region of residence. However, apart from the national social security system, additional assistance is sometimes provided by municipalities which may also require beneficiaries to reside within their territory.

One considerable problem faced by beneficiaries of international protection is the lack of social security during the initial period after being granted status. The precondition for applying for social welfare is a registered address of residence, which means beneficiaries must first rent an apartment or be accommodated in an integration house (see [Housing](#)). This, together with the waiting time to process their social welfare claim, can in practice take up to two months, during which beneficiaries often have to rely on humanitarian support of welfare organisations.⁷¹⁵

G. Health care

Beneficiaries of international protection are entitled to health care under the same conditions as nationals. The Slovenian national system of health insurance, set out in the Health Care and Health Insurance Act,⁷¹⁶ is comprised of compulsory health insurance and complementary health insurance. Compulsory health insurance covers only part of the medical costs. In order to enjoy full benefits of the health insurance system, one has to apply for the complementary health insurance. The system was changed during the year and since January 2024 the compulsory and complementary health insurance have been combined, meaning that insured individuals all have full health insurance coverage.⁷¹⁷

Beneficiaries of international protection are covered by compulsory health insurances on the basis of their international protection status.⁷¹⁸ They are encouraged by the integration officers to also apply for complementary health insurance, without which the costs for medication and medical treatment can become very high. Individuals who receive financial social assistance – which is the case for most beneficiaries upon being granted status – do

⁷¹² Government of Slovenia, *Strategy for integration of foreigners, who are not citizens of European Union into the cultural, economic and social life in the Republic of Slovenia*, 10 November 2023, available at: <https://bit.ly/3v0lflf>.

⁷¹³ Article 95 IPA.

⁷¹⁴ Official Gazette of RS, No. 61/2010 and subsequent amendments.

⁷¹⁵ Observation by the PIC.

⁷¹⁶ Official Gazette of RS, No. 9/1992 and subsequent amendments.

⁷¹⁷ MMC, *Dopolnilnega zdravstvenega zavarovanja ni več. Nov prispevek se trga od dohodka*, 1 January 2024, available at: <https://bit.ly/3QetYAk>.

⁷¹⁸ Article 98 IPA.

not require complementary health insurance and enjoy full access to health care without it.⁷¹⁹

The provisions for child beneficiaries of international protection are more favourable: they are entitled to health care services under the same conditions as Slovenian children,⁷²⁰ which means they do not require complementary health insurance until they reach the age of 18 (or until 26, as long as they are enrolled in school as regular students).⁷²¹

Beneficiaries suffering from mental health problems, including torture survivors and other traumatised persons, are entitled to the services covered by the compulsory health insurance for free.⁷²²

In order to help bridge the language barrier, a manual - the "Multilingual Aid for Better Communication in Healthcare",⁷²³ has been issued by the Ministry of the Interior in cooperation with other stakeholders in 2017. In the initial phase after being granted status, beneficiaries also enjoy assistance from the UOIM staff and NGOs. Nevertheless, practical access to healthcare remains challenging in practice because of difficulties from a language and cultural perspective.

In practice, beneficiaries of international protection and employed asylum seekers have troubles obtaining a personal doctor due to a lack of personal doctors in Slovenia. However, this is not connected to their status, and Slovenian citizens face the same difficulties.

⁷¹⁹ Article 24 Health Care and Health Insurance Act.

⁷²⁰ Article 94(2) IPA.

⁷²¹ Article 22 Health Care and Health Insurance Act.

⁷²² Article 98(1).

⁷²³ Ministry of the Interior, *Multilingual Aid for Better Communication in Healthcare*, available in Slovenian at: <https://bit.ly/48tTpEp>.

ANNEX I – Transposition of the CEAS in national legislation

Directives and other CEAS measures transposed into national legislation

Directive / Regulation	Deadline for transposition	Date of transposition	Official title of corresponding act	Web Link
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	27 December 2013	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in 54/21.	http://bit.ly/2g7aCiV (SI)
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015 Article 31(3)-(5) to be transposed by 20 July 2018	25 March 2016	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in 54/21.	http://bit.ly/2g7aCiV (SI)
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	25 March 2016	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in 54/21.	http://bit.ly/2g7aCiV (SI)
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013	25 March 2016	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in 54/21.	http://bit.ly/2g7aCiV (SI)

The following section contains an overview of incompatibilities in transposition of the CEAS in national legislation:

Directive	Provision	Domestic law provision	Non-transposition or incorrect transposition
Directive 2011/95/EU Recast Qualification Directive	Article 12 Article 14 (14b)	Article 31 IPA	The grounds for exclusion include substantiated reason that the person is a threat to the security and territorial integrity and a final conviction for a serious crime due to which the person represents a threat to the Republic of Slovenia. These are not exclusion grounds under the Qualification Directive. In addition, the required standard of proof is reasonable grounds for suspicion the person committed a crime against peace (..), a serious crime etc.
Directive 2011/95/EU Recast Qualification Directive	Article 14 (14b)	Article 68(1) IPA	While the Qualification Directive allows the revocation of refugee status in case the individual is convicted by a final judgement of “a particularly serious crime” the IPA does not contain the definition of a particularly serious crime. Therefore, the refugee status can be revoked in case the person is convicted with a final judgement of a serious crime in Slovenia.
Directive 2013/33/EU Recast Reception Conditions Directive	Article 8(4)	Article 84 IPA	The IPA does not contain a provision on alternatives to detention. “Limitation of freedom of movement” on the premises of the Asylum Home amounts to <i>de facto</i> detention.