

Country Report: Slovenia



2019
update

Acknowledgements & Methodology

This report was written by Miha Nabergoj at the Legal-Informational Centre for NGOs (PIC) and was edited by ECRE. The 2018 and 2019 updates were written by Urša Regvar at PIC and were edited by ECRE.

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

The information in this report is up to date as of 31 December 2019, unless otherwise stated.

The Asylum Information Database (AIDA)

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



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Glossary & List of Abbreviations

Asylum Home	Reception centre in Ljubljana where asylum seekers are first accommodated and lodge their application
Aliens Centre	Detention facility for aliens in return procedures and asylum applicants
Integration House	An accommodation facility for beneficiaries of international protection, comprising of apartments
Migration Office	Authority responsible for conducting asylum procedures
UOIM	Authority responsible for accommodation, care and integration of asylum applicants and beneficiaries of international protection
AMIF	Asylum, Migration and Integration Fund
CPT	Council of Europe Committee for the Prevention of Torture
COI	Country of Origin Information
EASO	European Asylum Support Office
ECHR	European Convention on Human Rights
ECtHR	European Court of Human Rights
EDAL	European Database of Asylum Law
EMN	European Migration Network
IOM	International Organisation for Migration
IPA	International Protection Act Zakon o Mednarodni Zaščiti
PIC	Legal-Informational Centre for non-governmental organisations Pravno-informacijski center nevladnih organizacij
UOIM	Office for Support and Integration of Migrants Urad vlade za oskrbo in integracijo migrantov

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 Office for Support and Integration of Migrants (UOIM).² More comprehensive and detailed statistics are shared by the Ministry with PIC on a monthly basis.

Applications and granting of protection status at first instance: 2019

	Applicants in 2019	Pending at end 2019	Refugee status	Subsidiary protection	Rejection	Refugee rate	Sub. Prot. rate	Rejection rate
Total	3,821	329	81	4	128	38%	1.9%	60.1%

Breakdown by top 10 countries of origin

Algeria	1,060	41	0	0	41	0%	0%	100%
Morocco	741	60	0	0	25	0%	0%	100%
Pakistan	540	21	1	0	8	11.1%	0%	88.9%
Afghanistan	433	23	4	1	1	66.67%	16.67%	16.67%
Bangladesh	176	0	0	0	0	0%	0%	0%
Iran	141	33	8	0	3	72.7%	0%	27.3%
Tunisia	132	11	0	0	5	0%	0%	100%
Iraq	108	19	5	0	1	83.3%	0%	16.7%
Syria	74	15	16	1	0	94.1%	5.9%	0%
Turkey	73	14	28	0	3	90.3%	0%	9.7%

Source: Migration Office. It should be noted that, out of the 3,821 applicants who lodged their application in 2019, 3,554 (93%) absconded.

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

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

Gender/age breakdown of the total number of applicants: 2019

	Number	Percentage
Total number of applicants	3,821	100%
Men	3,610	94.5%
Women	211	5.5%
Children	827	21.64%
Unaccompanied children	668	17.5%

Source: Migration Office

Comparison between first instance and appeal decision rates: 2019

In 2019, 113 appeals were lodged by applicants against the Ministry's decision to reject the application. 15 appeals were lodged at the Supreme Court against the decision of the Administrative Court.³ The Administrative Court made 90 decisions regarding international protection in 2019. In addition, it made 16 decisions regarding detention of applicants for international protection and 22 decisions in cases where the applicants requested to lodge a subsequent application.

Out of the 90 decisions pertaining to the determination of status the Administrative Court granted refugee status in 9 cases, dismissed the appeal in 16 cases and rejected the appeal in 24 cases.⁴

³ Only applicants who lodged the application before the new International Protection Act came into force in 2016 can appeal the decision of the Administrative Court.

⁴ Official statistics provided by the Migration Office.

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. 22/16 and subsequent amendments	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in nadaljnje spremembe	IPA	http://bit.ly/2g7aCiV (SI)
Aliens Act Official Gazette of RS, No. 50/11 and subsequent amendments	Zakon o tujcih Uradni list RS, št. 50/11 in nadaljnje spremembe	Aliens Act	http://bit.ly/2ybiEOh (SI)
General Administrative Procedure Act Official Gazette of RS, No. 80/99 and subsequent amendments	Zakon o splošnem upravnem postopku Uradni list RS, št. 80/99 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)

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. 29/17	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. 29/17		http://bit.ly/2ybygAJ (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 outside the Asylum Centre or a branch thereof	Uredba o načinu izvajanja zakonitega zastopanja mladoletnikov brez spremstva ter načinu zagotavljanja ustrezne nastanitve, oskrbe in obravnave mladoletnikov brez spremstva zunaj azilnega doma ali njegove izpostave Uradni list RS, št. 35/17		http://bit.ly/2g6mMbF (SI)

Official Gazette of RS, No. 35/17			
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	Pravilnik o načinu dostopa prosilcev za mednarodno zaščito do svetovalcev za begunce ter nagrajevanju in povračilu stroškov svetovalcem za begunce Uradni list RS, št. 22/17		http://bit.ly/2ybrw6l (SI)
Decree on the methods and conditions for ensuring the rights of applicants for international protection Official Gazette of RS, No. 27/17	Uredba o načinih in pogojih za zagotavljanje pravic prosilcem za mednarodno zaščito Uradni list RS, št. 27/17		http://bit.ly/2yU9SkC (SI)
Decree on the methods and conditions for ensuring the rights of persons with international protection Official Gazette of RS, No. 72/17	Uredba o načinih in pogojih za zagotavljanje pravic osebam z mednarodno zaščito Uradni list RS, št. 72/17		http://bit.ly/2FqbHtu (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	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		http://bit.ly/2yTOBYq (SI)
Ordinance determining the list of safe countries of origin Official Gazette of RS, No. 13/16	Odlok o določitvi seznama varnih izvornih držav Uradni list RS, št. 38/19.		https://bit.ly/2TObSqV (SI)
Decree on Asylum Centre House Rules Official Gazette of RS, No. 24/17	Uredba o hišnem redu azilnega doma Uradni list RS, št. 24/17		http://bit.ly/2kClbvK (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. 22/17	Uredba o hišnem redu integracijske hiše Uradni list RS, št. 22/17		http://bit.ly/2wIDZuV (SI)
Decree on ways and scope of providing programs of support for integration of third country nationals Official Gazette of RS, No. 70/12 and 58/16	Uredba o načinih in obsegu zagotavljanja programov pomoči pri vključevanju tujcev, ki niso državljani Evropske unije Uradni list RS, št. 70/12 in 58/16		http://bit.ly/2wlv78k (SI)
Rules on the remuneration and reimbursement of the expenses of statutory representatives of unaccompanied minors Official Gazette of RS, No. 34/17	Pravilnik o nagradi in povračilu stroškov zakonitim zastopnikom mladoletnikov brez spremstva Uradni list RS, št. 34/17		http://bit.ly/2yRjNXZ (SI)
Rules on knowledge testing of candidates for refugee counsellors and on the training of refugee counsellors at the Judicial Training Centre Official Gazette of RS, No. 73/16	Pravilnik o preverjanju znanj kandidatov za svetovalce za begunce in o usposabljanju svetovalcev za begunce v okviru Centra za izobraževanje v pravosodju Uradni list RS, št. 73/16		http://bit.ly/2CUKpdF (SI)

Overview of the main changes since the first report

The first report was published in **March 2018**.

Asylum procedure

- ❖ **Access to the territory:** Effective excess to the asylum procedure continued to be the main problem in 2019. The Constitutional Court ruled that the amendments of the Aliens Act that would allow the state to limit access to the territory for asylum seekers in case of a large number of arrivals was in breach of the principle of *non-refoulement* enshrined in Article 18 of the Constitution.⁵
- ❖ **Lengthiness of the procedure:** The lengthiness of the procedure increased significantly. Asylum seekers had to wait up to 15 days to be able to lodge their application for international protection and, by the end of the year, more than 30% of individuals had waited more than six months for the first instance decision.
- ❖ **First-instance decisions:** Regardless of the increase of asylum applications only 85 people were granted international protection in 2019. For the first time Eritrean asylum seekers were issued negative decisions on their asylum applications.

Reception conditions

- ❖ **Reception capacity:** The increase of asylum seekers continued to affect pre-reception conditions. The lack of capacity in case of large number of arrivals resulted in lower hygienic standards and health risks.
- ❖ **Special reception needs:** The Office for Support and Integration of Migrants prolonged the pilot project in the Student Dormitory Postojna until the end of 2020, since a systematic solution for unaccompanied minors was not found in 2019.

Detention of asylum seekers

- ❖ **De facto detention:** Due to the increase in numbers of asylum seekers and the backlog of cases, applicants were *de facto* detained on the premises of the Asylum Home or its branch while waiting to lodge their application for international protection.
- ❖ **Suspension of detention:** No legislative changes were made in 2019, however the Supreme Court decision on the provisions of the IPA in March 2019 suspended the detention of asylum seekers due to the lack of provisions defining the 'risk of absconding'.⁶

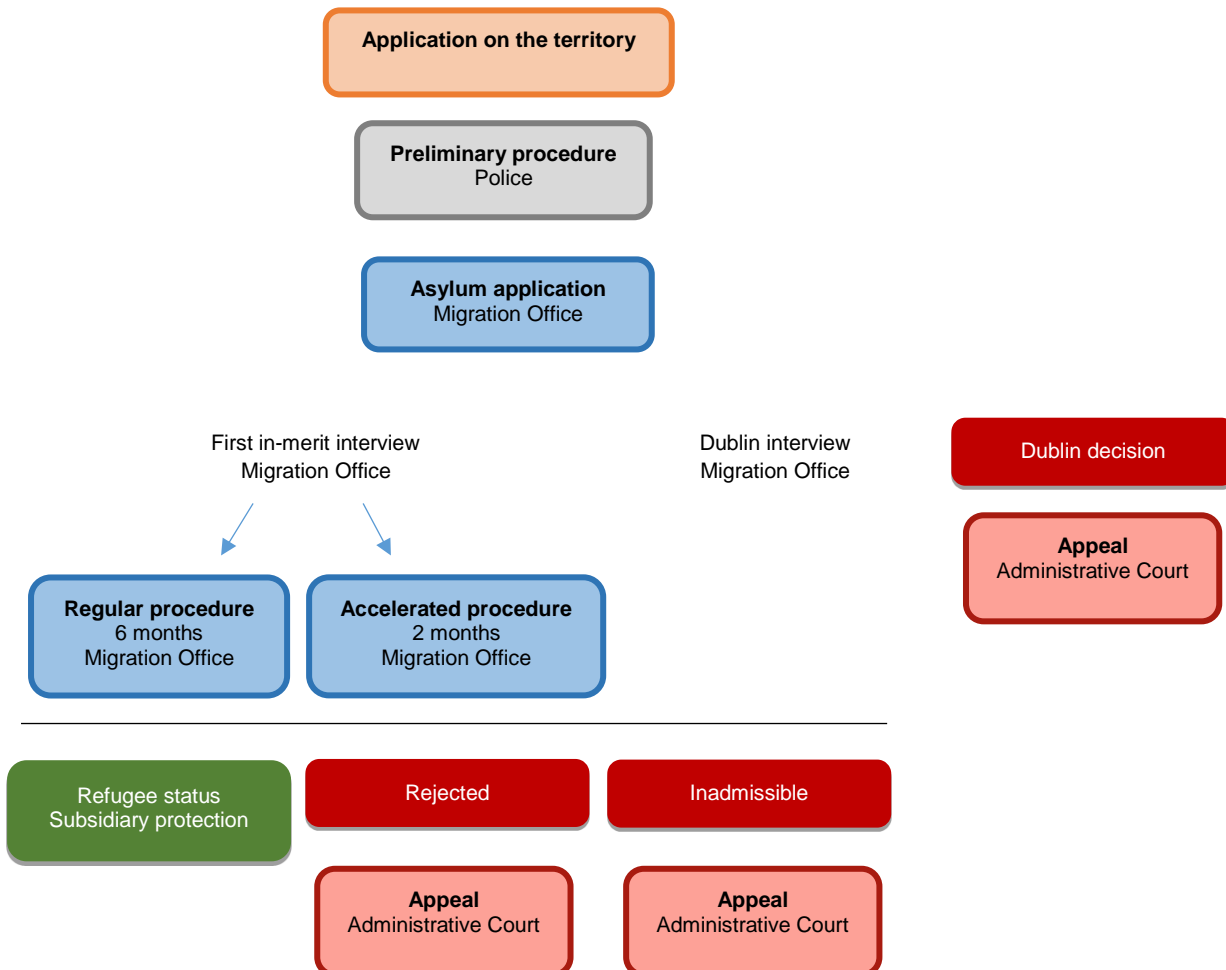
⁵ Constitutional Court, Decision U-I-59/17, 18 September 2019, available at: <https://bit.ly/2TUCkz5>.

⁶ Supreme Court Decision, X Ips 1/2019, 13 March 2019, available at: <https://bit.ly/39Gd4mV>.

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: ⁷ | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Fast-track processing: ⁸ | <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: ⁹ | <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),¹⁰ 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 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		
❖ At the border	Migration Office	Urad za migracije
❖ On the territory		
Dublin	Migration Office	Urad za migracije
Refugee status determination	Migration Office	Urad za migracije
Judicial review	Administrative Court	Upravno sodišče
Subsequent application	Migration Office	Urad za migracije

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 Office	54	Ministry of the Interior	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Source: Migration Office

The determining authority is the Migration Office, which is part of the Internal Administrative Affairs, Migration and Naturalisation Directorate of the Ministry of the Interior. It is a specialised and centralised

⁷ For applications likely to be well-founded or made by vulnerable applicants.

⁸ Accelerating the processing of specific caseloads as part of the regular procedure.

⁹ Labelled as "accelerated procedure" in national law.

¹⁰ International Protection Act, Official Gazette of RS, No. 22/16 and subsequent amendments.

authority responsible for examining applications for international protection and competent to take decisions at first instance.

Out of 54 employees at the Migration Office, around 15 take 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 to speed up and improve the efficiency of the asylum procedure. Since then, when an application for international protection is lodged, a “first in-merit interview” 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 in-merit interview. There is no official communication between the first interviewer and the decision-maker.

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

In absence of a specific unit responsible for applications from vulnerable persons, staff of the Sector for international protection of the Migration Office receive specific training from the European Asylum Support Office (EASO) on three modules: interviewing vulnerable groups, interviewing children, gender identity and sexual orientation. In addition, EASO trainings on victims of human trafficking and COI were provided in the first half of 2019.¹¹

5. Short overview of the asylum procedure

In Slovenia, the procedure for international protection is started through two phases. First, the individual expresses the intention to apply for international protection. Third-country nationals can express their intention before any state or local authority, which has the duty to inform the Police. From the moment someone has expressed an intention to apply for international protection, he or she cannot be deported from the country.¹² The Police conduct the “preliminary procedure” in which they establish the identity and travel route of the individual and complete the registration form.¹³ During the procedure, the police must provide an interpreter. The Police also obtains a short statement as regards to the reasons for applying for international protection. The individual is then transferred to the Asylum Home where he or she starts the second phase of the procedure by lodging the application for international protection.

Prior to lodging the application, the personnel at the Asylum Home conduct a medical examination and take a photograph and fingerprints which are run through the Eurodac database after the lodging of the asylum application.¹⁴ Although the IPA does not provide free legal representation for applicants in the first instance procedure, this is provided by the non-governmental organisation Legal-Informational Centre¹⁵ (PIC) and financed through the Asylum, Migration and Integration Fund (AMIF). PIC lawyers provide legal information about asylum in Slovenia to the individuals before they lodge the application, represent them during the application and throughout the first instance procedure. A legal guardian is appointed to unaccompanied minors before the procedure begins and represents them in relation to the asylum procedure, reception, health protection, education and protection of property rights and interests from the beginning of the application throughout the entire procedure.¹⁶

In the process of lodging the application, the individual is asked to state his or her personal information and describe the journey from the country of origin to his or her arrival to Slovenia. He or she also gives a brief statement about the reasons for applying for international protection. The procedure is carried out

¹¹ ECRE, *Asylum authorities: an overview of internal structures and available resources*, October 2019, available at: <https://bit.ly/2Ut8QIK>, 45.

¹² Article 36(1) IPA.

¹³ Articles 42(1)-(2) IPA.

¹⁴ Articles 42(4)-(5) IPA.

¹⁵ The website of PIC can be accessed here: <http://pic.si/>.

¹⁶ Articles 16(1) and (3) IPA.

in the presence of an interpreter who, at the end, orally translates the contents of the minutes for the applicant. 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 Migration Office.

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

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

An **accelerated procedure** is also possible pursuant to the IPA.¹⁷ There are only a few minor differences compared to the regular procedure, such as the deadline for appeal.

Pursuant to the law, an application can also be dismissed on grounds of the “safe third country” or “European safe third country” concept.¹⁸ However currently Slovenia does not implement this mechanism and no country is designated as a safe third country.

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

Prioritised examination of claims is possible pursuant to the IPA in case the applicant is a vulnerable person with special needs and/or in case the applicant is detained in the Asylum Home or the Aliens Centre,¹⁹ however this is often not respected in practice.

Appeal: One cannot appeal against the decisions and resolutions passed in the international protection procedure; rather the applicant can opt for an administrative dispute.²⁰ This is a judicial review of an administrative action, which is initiated by filing a lawsuit against the Ministry of the Interior. In the court proceedings that follow, the applicant for international protection acts as the plaintiff and the Ministry of the Interior as the defendant. The Administrative Court of the Republic of Slovenia, with headquarters in Ljubljana, decides on judicial review.

The applicant has to apply for judicial review against the decision within 15 days if it was made in the regular procedure and eight days if it was made in the accelerated procedure.²¹ Judicial review against all other decisions needs to be lodged in eight days, except in the case of a detention decision, when it needs to be lodged in three days.²² Judicial review has suspensive effect in case of a rejected application, rejected request for extension of subsidiary protection, revocation of international protection status, cessation of the status based on withdrawal, safe third country decision, or dismissed subsequent application, while in all other cases the appeal does not have suspensive effect.²³ In these cases, the applicant can prevent enforcement, especially of return or removal from Slovenia, by adding a request to this effect to their application for judicial review.

¹⁷ Article 52 IPA.

¹⁸ Articles 53-60 IPA.

¹⁹ Article 48 IPA.

²⁰ Article 70(1) IPA.

²¹ *Ibid.*

²² Article 70(2) IPA.

²³ Article 70(3) IPA.

The decision of the Administrative Court is final and can only be challenged with extraordinary legal remedies, including an appeal to the Constitutional Court.

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

In early 2017, Slovenia adopted amendments to the Aliens Act which allow for a future restriction on access to the asylum procedure. According to the amendments, the National Assembly (Parliament) can vote on suspending the right to asylum in case migration poses “a threat to public order and internal safety in the Republic of Slovenia”. If the parliamentary measure is adopted, the Police is instructed by law to reject all intentions to apply for international protection as inadmissible as long as the persons wishing to apply entered Slovenia from a neighbouring EU Member State in which there are no systemic deficiencies of asylum procedure and reception conditions which could lead to torture, inhuman or degrading treatment. The Police then deports the person back to this neighbouring country. An appeal against the police order does not have a suspensive effect.²⁴

The adopted amendments were reviewed by the Constitutional Court at the initiative of the Slovenian Human Rights Ombudsman, prepared with support of the civil society organisations.²⁵ The Constitutional Court ruled in U-I-59/17 that the amendments were in breach of Article 18 of the Constitution (prohibition of torture).²⁶ It noted that any legislative restrictions that limit the type and the number of circumstances which can form the basis of the individual’s claim regarding the existence of serious harm in case of return, and which limit the individual’s ability to access the procedure in which such a claim would be assessed, is in violation of the principle of *non-refoulement* enshrined in Article 18 of the Constitution. The Court also highlighted that the determination of “a threat to public order and internal safety in the Republic of Slovenia” under the Aliens Act did not imply the existence of a state of emergency pursuant to Article 92 of the Constitution, which could justify the limitation of rights.

In May 2018, the media reported allegations of illegal police practices during return procedures of individuals who expressed the intention to apply for international protection from Slovenia to Croatia, and their subsequent return to Bosnia and Herzegovina. At the time of the reports on such practices, PIC observed a sharp decline in the number of newly lodged asylum applications. The change of practice in the processing of individuals in return procedures was also indicated by the statistical data obtained by the authorities. In June 2018, 885 illegal border crossings were recorded,²⁷ while 652 persons were forcefully returned. According to official statistics, 267 asylum applications were lodged in June.²⁸ However it has to be noted that on 1 June 2018 there were 92 persons who had arrived in May and were accommodated in the reception area of the **Asylum Home** and in the reception centre in **Logatec**, waiting to lodge their asylum application. Therefore, access to the asylum procedure in June was allowed to 175 individuals. Statistical data showed a four-to-fivefold increase in the number of forced returns in June compared to May, when 1,158 illegal crossings were recorded,²⁹ and 148 individuals were forcefully returned. There were 365 asylum applications lodged in May.

²⁴ Articles 10, 10a and 10b Aliens Act, Official Gazette of RS, No. 50/11 and subsequent amendments.

²⁵ 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>.

²⁶ Constitutional Court, Decision U-I-59/17, 18. September 2019, available at: <https://bit.ly/2TUCkz5>.

²⁷ Police, *Irregular migration statistics*, June 2018, available in Slovenian at: <https://bit.ly/2RA1GDT>.

²⁸ Ministry of the Interior, *Statistics*, available in Slovenian at: <https://bit.ly/2Ukr1k0>.

²⁹ Police, *Irregular migration statistics*, January-June 2018, available in Slovenian at: <https://bit.ly/2RA1GDT>.

In June 2018, PIC conducted a field visit to Velika Kladuša and Bihać in Bosnia and Herzegovina with the aim of verifying the reports of illegal police practices during return procedures of individuals who expressed the intention for international protection, and published a report of the field visit.³⁰ On the basis of the interviews conducted with returned people, a thorough examination of the documentation presented to us by the interviewees and on the basis of statistical and other data we received from the police and international and non-governmental organisations, we believe that during the informal return procedures, based on the bilateral readmission agreement between Slovenia and Croatia, in which no written decision is issued and the individual does not have the right to appeal, Slovenia has restricted effective access to the asylum procedure to foreigners that entered Slovenia and hindered their right to asylum:

- Foreigners have not been appropriately informed about the possibility to apply for international protection and were not included in the preliminary procedure that would enable them to lodge the asylum application (see [Registration](#)).
- Foreigners have not been adequately informed of their rights, obligations and the course of the procedure: they received misleading information from the police, to the effect that they would be processed in the asylum procedure, and were later returned to Croatia without any option to apply for international protection.
- Persons were also issued a fine for illegal entry onto the state's territory.
- Despite the provisions of the Aliens Act that expressly state that unaccompanied children can only be returned in a formal procedure and therefore exclude the return of foreign children on the basis of the bilateral readmission agreement,³¹ children were returned to Croatia following an informal procedure based on the bilateral readmission agreement. Such returns were illegal and special procedural guarantees for unaccompanied children in the procedure were not respected. Social services were not informed about the return procedure and children were handed over to the Croatian national authorities without any guarantees being given regarding appropriate care in line with the obligations provided in the Aliens Act.³²

The informal initiative, Info Kolpa, also made field visits to Velika Kladuša and Bihać and issued a report in May 2019 in cooperation with the organisation Border Violence Monitoring Network.³³ The report contains detailed accounts of individuals being denied access to the asylum procedure and of violence, which the individuals claim was meted out by the Croatian police.

An independent investigation into the alleged unlawful police actions in return procedures concerning foreigners who illegally crossed the Slovenian border was also conducted by the Slovenian Ombudsman who can conduct border monitoring activities within the National Preventive Mechanism framework. In August 2018, the Ombudsman issued an interim report highlighting the lack of thorough assessment of personal circumstances of each individual that could remove all doubt as to whether the person detained by the police had the intention to apply for international protection or had expressed the intention for international protection but was possibly not heard.³⁴

The final report containing the findings and recommendations of the Ombudsman was published in February 2019. In respect of police procedures the findings reiterated the analysis of the interim report and further highlighted the lack of proper documentation in the procedure. The report noted that the police should be able to document the procedures in a way that would give a clear answer as to whether the person expressed the intention for international protection without any additional administrative work. In addition, the Ombudsman could not dismiss the claims that, based on the conduct of the police in some cases, asylum seekers were not able to access the asylum procedure although they had expressed their

³⁰ PIC, *Report on findings and observations on the implementation of return procedures in accordance with the principle of non-refoulement*, July 2018, available at: <https://bit.ly/2T7S6oR>.

³¹ Article 82 Aliens Act.

³² Article 81 and 82 Aliens Act.

³³ Info Kolpa and Border Violence Monitoring: *Report regarding illegal collective expulsions on Slovenian-Croatian border*, May 2019, available at: <https://bit.ly/3369UXb>.

³⁴ Ombudsman, *Vmesno (s)poročilo o aktivnostih in ugotovitvah Varuha o očitkih policistom, da zavračajo možnosti podajanja prošenj za mednarodno zaščito*, 22 August 2018, available in Slovenian at: <https://bit.ly/2TXerVW>.

intention for international protection. The report noted that in light of foreigners being returned to Croatia in an informal and fast procedure, the police have to provide them with information on international protection if necessary and make sure they have enough time and the possibility to express the intention to apply for asylum. The report further stated that the low number of expressed intentions for international protection in certain police stations - along with the official explanation of the Ministry of the Interior that the police were forced to adjust certain procedural standards on account of the higher number of asylum seekers who often abuse the asylum procedure - highlights the seriousness of the claims regarding the misconduct of the police and collective expulsions which are prohibited by the European Convention on Human Rights (ECHR).

The report also noted that the protocol agreed between the Slovenian and Croatian Ministry of the Interior, which states that in case the foreigner is apprehended by so-called mixed police patrols (composed of Slovenian and Croatian authorities) he or she will be handed to and processed by the Croatian authorities even if he or she was apprehended on Slovenian territory, does not absolve the police of their obligations and that such a protocol is in violation with the IPA which prohibits the removal of any foreigner who expresses the intention for international protection from Slovenian territory.³⁵

It is worth noting that in July 2019, the mixed police patrols were also established with the Italian authorities.

Throughout the year, the Border Violence Monitoring Network continued to report about cases of individuals who claimed that they did not have access to the asylum procedure in Slovenia,³⁶ while PIC also detected cases of asylum seekers claiming they were unable to apply for asylum after several attempts. Following on from the Ombudsman's report cited above, several visits to different police stations as part of the National Preventive Mechanism framework were undertaken by the Ombudsman throughout 2019.

The Ombudsman detected irregularities in procedures with foreigners, including lack of:

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

During one visit the Ombudsman concluded that the previous recommendation in respect of police procedures being documented in a manner which removes all doubt that the foreigner did not express the intention to apply for international protection, is not respected in practice. The Ombudsman also noted that it was not evident from the documentation if and in what form the police informed the foreigners about their right to asylum.³⁷ Along with the police statistics on the number of people returned to Croatia based on the bilateral readmission agreement strongly, this indicates that people continue to have limited access to the asylum procedure in Slovenia.

According to official statistics, the police documented 16,099 illegal border crossings by the end of December 2019. This is a 73.8 % increase in comparison with the same period in 2018 when the police documented 9,262 illegal crossings. Up until the end of December 2019, the police returned 11,149 out of 16,099 individuals based on the bilateral readmission agreements out of which 11,026 were returned to Croatia. In comparison 4,810 people were returned in 2018 out of which 4,678 to Croatia. This indicates a 132 % increase in the number of people returned based on the bilateral readmission agreement in 2019 and a 136 % increase of people returned to Croatia.³⁸

³⁵ Ombudsman, *Varuh o zahtevi za oceno ustavnosti uredbe o hrupu in ravnanju policistov na južni meji*, 15 February 2019, available in Slovenian at: <https://bit.ly/2C35zHP>.

³⁶ Border Violence Monitoring Network, *Reports*, available at: <https://bit.ly/2vM8lS3>.

³⁷ Ombudsman, *Državni preventivni mehanizem*, available in Slovenian at: <https://bit.ly/33z04x1>.

³⁸ Ministry of the Interior, *Statistics*, available at: <https://bit.ly/2Q43i6h> and <https://bit.ly/33734AB>.

According to official police statistics 4,991 people expressed their intention to apply for international protection in 2019,³⁹ out of which 3,821 lodged an application for international protection.⁴⁰ This means that 1,170 people absconded before lodging the application for international protection. In comparison, 4,266 people expressed the intention to apply for international protection in 2018,⁴¹ out of which 2,875 lodged the application.⁴² 1,391 people absconded before lodging the application in 2018 which means that the number of persons expressing their intention to apply was 17% higher in 2019 in comparison to 2018.⁴³

However, 3,821 people applied for international protection in 2019 which is a 33% increase in comparison with 2,875 that applied for international protection in 2018. Accordingly, the increase of the number of illegal border crossings (71%) and the increase of people returned based on the bilateral readmission agreements (132%) is not proportional to the increase of persons who expressed the intention to apply for international protection (17%) and persons that lodged their asylum applications (33%). Based on the increase in crossings and returns in comparison with the number of expressed intentions for international protection and lodged applications, the statistical data implies that individuals are still prevented from expressing their intention to apply for international protection.

In December 2019, the Administrative Court ruled that the internal instructions of the police regarding police procedures at the border have to be disclosed as public information to Amnesty International.⁴⁴ The disclosed internal information showed that in 2018 internal instructions were given to police stations on police conduct within respect of migrants in the procedure. The documents revealed that the instructions were given with the purpose to “prevent the exploitation of the asylum procedure”. The instructions were discriminatory and indicated that the police were themselves making an assessment of the asylum seeker’s intention to apply for international protection. One of the documents contained the instructions that in case a Croatian police officer was present when the individual was apprehended and expressed the intention to apply for international protection it should be considered as if they applied in Croatia, even if the individual was apprehended on Slovenian territory. The instruction is in clear breach with international, European and national law and indicates a systematic limitation of access to the territory and the asylum procedure from the Slovenian authorities.⁴⁵

A first judgment was also made by the Administrative Court in a case of a Moroccan citizen who applied for international protection in Slovenia and was rejected. After the asylum procedure was finished he was returned to Croatia based on the bilateral readmission agreement and subsequently to Bosnia and Herzegovina. The applicant started a subsidiary judicial procedure by filing a complaint before the Administrative Court alleging violation of his human rights. The Administrative Court ruled that in the procedure that the applicant was unable to object his return based on the prohibition of *non-refoulement* and did not have an effective legal remedy since he was not issued with a written decision.⁴⁶ The Ministry of Interior appealed against the decision to the Supreme Court where the case is currently pending.

PIC did not detect any systematic physical or mental violence conducted by the Slovenian national authorities or acts that would show disrespectful or insulting treatment.

³⁹ Police, *Statistics*, available at: <https://bit.ly/38FVJt5>.

⁴⁰ Ministry of the Interior, *Statistics*, available at: <https://bit.ly/2Q4GXFP> and <https://bit.ly/2TVrTLB>.

⁴¹ Police, *Statistics*, available at: <https://bit.ly/3aIXyql>.

⁴² Ministry of the Interior, *Statistics*, available at: <https://bit.ly/39GXKjw> and <https://bit.ly/335mwxG>.

⁴³ After the person expresses their intention to apply for international protection the police have the obligation to conduct the preliminary procedure after which the person is brought to the Asylum Home. Before lodging the application, asylum seekers are *de facto* detained in the Asylum Home. Since people can wait up to 15 days to lodge the application the absconding rate of persons before they lodge the application is high. 33% of people absconded before they lodged the application in 2018 and 22% absconded before they lodged the application in 2019.

⁴⁴ Administrative Court, Decision, I U 2599/2018, 27. November 2019.

⁴⁵ Internal police instructions were also obtained by PIC.

⁴⁶ Administrative Court, Decision I U 1412/2018, 18. December 2019.

In Slovenia monthly border monitoring visits were conducted at selected border police stations and the Aliens Centre every month by PIC with the support of the UNHCR until 2017. The activity is currently carried out by UNHCR staff.

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

Foreigners can express their intention to apply for asylum before any state or local authority, which has the duty to inform the police. From the moment someone has expressed an intention to apply for international protection, he or she cannot be deported from the country in accordance with the IPA.⁴⁷

According to Article 35 IPA, an individual who has entered Slovenia illegally must express his or her intention to apply for international protection in the shortest time possible. Failure to do so is one of the grounds that can lead to rejecting the asylum application as manifestly unfounded in the [Accelerated Procedure](#).⁴⁸ Individuals who express an intention for international protection in due time are exempt from any penalties regarding illegal entry.⁴⁹

4.1. The “preliminary procedure”

The Police conducts the so-called “preliminary procedure” in which they establish the identity and travel route of the individual and complete the registration form.⁵⁰ During the procedure they also take a short statement as regards the reasons for applying for international protection.

In accordance with the IPA, each person in the process must be provided with interpretation and translation in a language that the person understands.⁵¹ 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. This was one of the key issues highlighted by persons who claimed they had expressed the intention to apply for international protection but were returned to Croatia during the field visit carried out by PIC to Bosnia and Herzegovina in June 2018.⁵² It became evident from the testimonies and documentation collected that interpretation was not guaranteed in all return procedures. In the procedures of our interviewees, the police often performed the interviews in English instead of providing an interpreter. Some individuals pointed out that they did not sufficiently understand the language to be able to follow the procedure, while others did not have any problems with the language in which the procedure was conducted. However, in some cases, when interpretation was ensured in the procedure, the question of appropriate translation and professionalism of the interpreters was raised by some individuals. They pointed out that they felt they had not received all the information that the police wanted to convey to them, or that the information they wanted to pass on was not forwarded on by the interpreter to the police. In a few cases, individuals

⁴⁷ Article 36(1) IPA.

⁴⁸ Article 52, seventh indent IPA.

⁴⁹ Article 35 IPA.

⁵⁰ Articles 42(1)-(2) IPA.

⁵¹ Articles 4 and 6(1) IPA.

⁵² PIC, *Report on findings and observations on the implementation of return procedures in accordance with the principle of non-refoulement*, July 2018, available at: <https://bit.ly/2T7S6oR>.

reported that the interpreters mocked, insulted and threatened them that they would be returned to Croatia. Since there is no systematic monitoring over the conduct of proceedings by the police and the work of interpreters, recording should be introduced in the procedure to allow for a comprehensive supervision of the course of the procedure. This way, dispelling potential doubts in the conduct of the procedure could be achieved faster and at the same time would make it easier to detect any possible violations of standards.⁵³

The findings were reiterated by the Ombudsman in visits carried out in 2019. The Ombudsman detected irregularities in procedures with foreigners, including lack of:

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

During one visit, the Ombudsman concluded that the previous recommendation in respect of police procedures being documented in a manner which removes all doubt that the foreigner did not express the intention to apply for international protection, is not respected in practice. The Ombudsman also noted that it was not evident from the documentation if and in what form the police informed the foreigners about their right to asylum.⁵⁴

Access to the asylum procedure continued to be one of the main issues in 2019 (See: [Access to the territory and push backs](#)).

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

4.2. Lodging of the application

There is no time limit prescribed for the authorities between the expression of intention to apply for asylum and the lodging of the application. In the past, this rarely took longer than a couple of days, but since the last quarter of 2017 the wait for registration of the application usually takes longer, up to one week. The trend continued in 2018. Due to the increase of asylum seekers in 2018, the waiting period for registration was still up to one week and in rare cases exceeded 10 days. The trend continued in 2019 with asylum seekers waiting up to 15 days to lodge their application.

After the preliminary procedure individuals who express their intention to apply for international protection are brought to the **Asylum Home** or its branch facility in **Logatec**. Before lodging their application, asylum seekers, including unaccompanied children, are *de facto* detained. Because they are considered as asylum seekers after they lodge the application, they are not given any document that would allow them to move freely within the territory. They have to sign a statement that they agree to be processed as foreigners in case they leave the premises of the Asylum Home before they lodge the application, meaning they can subsequently be detained in the **Aliens Centre** and processed in the return procedure based on the bilateral readmission agreements or the Aliens Act. They are not issued with a detention order in respect of their detention in the **Asylum Home** and there is no legal basis for their detention in the IPA.

Prior to lodging the application, the personnel at the Asylum Home conduct a medical examination and take a photograph and fingerprints which are then run through the Eurodac database.⁵⁵ PIC lawyers carry out a 30-minute – 60-minute for groups of four or more persons and for unaccompanied children – information session on the asylum procedure and system in Slovenia. The application is then lodged by the Migration Office. However, the officials that conduct the lodging of the application are not the same

⁵³ *Ibid.*

⁵⁴ Ombudsman, *Državni preventivni mehanizem*, available in Slovenian at: <https://bit.ly/33APaH9>.

⁵⁵ Articles 42(4)-(5) IPA.

as those who take the final decision on the application. In the process of lodging the application, the individual is asked to state his or her personal information and describe the journey from the country of origin to his or her arrival to Slovenia. He or she also gives a brief statement about the reasons for applying for international protection.

In case the person expresses their intention to apply for international protection at the border, airport or port, the law provides that the competent authority has to lodge the application and take a decision in the shortest possible time (after the preliminary procedure) which must not exceed 14 days.⁵⁶ The procedure at the border, airport and port is not used in practice and applicants who submit their application at the border, airport and port are subjected to the regular procedure.

C. Procedures

1. Regular procedure

1.1. General (scope, time limits)

Indicators: Regular Procedure: General

1. Time limit set in law for the determining authority to make a decision on the asylum application at first instance: 6 months
2. Are detailed reasons for the rejection at first instance of an asylum application shared with the applicant in writing? ☒ Yes ☐ No
3. Backlog of pending cases at first instance as of 31 December 2019: 329

The determining authority has to take a decision in the shortest time possible but no later than six months from lodging the application. If it cannot make a decision in six months, it needs to inform the applicant in writing about the delay, the reasons for the delay and the time frame in which he or she can expect a decision. If it cannot make a decision in the estimated time frame, it can again inform the applicant in writing about the reason for the delay and set a new time frame in which he or she can expect the decision.⁵⁷ In practice the reasons in writing are only given in very broad terms, e.g. “the authority is working on pending cases that were submitted earlier and on priority cases of vulnerable persons.”

The determining authority can extend the 6-month time limit for no longer than 9 months: (a) if the applicant does not fulfil his or her obligations regarding the asylum procedure; (b) if the authority is faced with complex legal and factual questions; or (c) in case of a large number of applications for international protection.⁵⁸ It can further extend this time limit for no more than 3 months under justified circumstances and in order to ensure proper and comprehensive examination of the application.⁵⁹

The determining authority may suspend the procedure if due to an uncertain situation in the country of origin, which is expected to be of temporary nature, it cannot be expected from the determining authority to make a decision in any of the above mentioned time frames. In this case the determining authority needs to review the situation in the country of origin every 6 months, inform the applicant about the reasons for suspending his application and inform the European Commission about the suspension of all procedures regarding this country of origin. The maximum time period in which the application needs to be examined in this case is 21 months.⁶⁰

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 procedures is one of the biggest shortcomings of the Slovenian asylum

⁵⁶ Article 43(1) IPA.

⁵⁷ Article 47(1)-(2) IPA.

⁵⁸ Article 47(3) IPA.

⁵⁹ Article 47(4) IPA.

⁶⁰ Article 47(5)-(6) IPA.

system. This was not as apparent in 2014 and 2015, for example, when the numbers of asylum applications were very low (385 in 2014, 277 in 2015). However, due to a relative increase in 2016 (1,308 applications) and 2017 (1,476 applications) the length of procedures became a major problem. In the second half of 2016, more than one third of asylum applicants in Slovenia had been waiting for a first in-merit decision for more than six months and this trend continued in 2017.

In 2018 the number of applications for international protection continued to increase with 2,875 applications being lodged. According to the official statistics the Ministry of the Interior took 237 in-merit decisions in 2018. As of 31 December 2018, the number of pending cases was 290. By way of comparison, 1,476 applications were made in 2017 and 274 cases were pending by the end of 2017.

Although at the end of 2018 some applicants were still waiting for their first instance decision for more than six months and up to two years, the informally acquired data shows that in comparison with the previous year the number of asylum seekers who have been waiting for a first instance decision for more than six months has decreased.

3,821 applications were lodged in 2019. At the end of the year the cases of 329 asylum seekers were pending. In 2019 the number of people waiting for the first instance decision increased with approximately 30% of asylum seekers waiting for their first instance decision for more than six months.⁶¹ According to the official statistics, the average duration of the procedure in 2019 was 44 days,⁶² however this includes procedures that were stopped due to the absconding of the applicants and Dublin procedures. Due to a high absconding rate (93%) and Dublin procedures the number is significantly lower than the actual duration of the regular procedure.

1.2. Prioritised examination and fast-track processing

According to Article 48 IPA the Migration Office must prioritise cases of vulnerable persons with special needs or cases in which the applicant has been detained in the **Asylum Home** or the **Aliens Centre**, however this is often not respected in practice.

In practice, procedures with applicants that came to Slovenia through the EU relocation scheme from 2015 to 2017 were fast-tracked and decided within a few months from application. According to the official statistics provided by the Migration Office, 60 asylum applications were processed in a fast-track procedure in 2019 out of which seven applications were lodged by unaccompanied minors.⁶³ Official statistics on the number of prioritised applications is not gathered by the Migration Office.

⁶¹ Unofficial statistics from PIC.

⁶² Official statistics provided by the Migration Office, February 2020.

⁶³ According to Article 41(1) of the IPA, in the fast-tracked procedure the application can only be rejected as manifestly unfounded.

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?
❖ If so, are interpreters available in practice, for interviews?
☒ Yes ☐ No
☒ 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

The law provides that the Migration Office conducts the personal interview before taking a decision both in the regular and accelerated procedures.⁶⁴ The personal interview can be omitted if:⁶⁵

- The Migration Office can grant the applicant international protection on the basis of evidence at its disposal;
- The applicant cannot participate in the procedure on his or her own due to a temporary or permanent mental disorder or illness or reasons which prevent him or her from understanding the meaning of the procedure.

In practice, following the lodging of the asylum application all asylum applicants are invited for a personal interview, which is carried out by the officials of the Migration Office that have previously carried out the application procedure. This normally occurs within one month of the lodging of the application. During this interview (“first in-merit interview”) the applicant is expected to provide detailed grounds for asylum. Until June 2016, the first in-merit interview regarding grounds for asylum was conducted together with the lodging of the asylum application. Since then, this has been separated into two discrete phases in an attempt to make procedures more efficient, considering that about half of the applicants abscond soon after the lodging of the application and about 20% have their applications dismissed in Dublin procedures, meaning that many lengthy interviews regarding grounds for asylum were conducted in vain.

Following the first in-merit interview, the case is referred to a “decision-maker”, who organises another in-merit interview before he or she takes an in-merit asylum decision on the case. In some cases this interview is omitted when the decision-maker can grant the applicant international protection on the basis of evidence at their disposal or reject the application as manifestly unfounded. Before the final decision is issued, it has to be authorised by a responsible official of the sector for international protection procedures.⁶⁶

Although there is no official statistics on the number of personal interviews, the Ministry of Interior estimates that approximately 250 personal interviews were conducted in 2019.⁶⁷

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.⁶⁸ According to a recent Supreme Court decision, applicants are also entitled to an interpreter if required for communication with their refugee counsellor in preparation of the legal remedy.⁶⁹

⁶⁴ Article 46(1) IPA.

⁶⁵ Article 38(1) IPA.

⁶⁶ See also AIDA, *Asylum Authorities, An overview of internal structures and available resources*, p. 54, available at: <https://bit.ly/2wiDmgo>.

⁶⁷ Information provided by the Ministry of Interior, February 2020.

⁶⁸ Article 6(1)-(2) IPA.

⁶⁹ Supreme Court, Decision I Up 226/2017.

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.⁷⁰

The quality of interpretation varies considerably and, in some cases, does not meet required standards.

Interpreting can be conducted through video conferencing if secure data transfer is guaranteed.⁷¹ In practice this is used only for the interpretation of languages for which an interpreter cannot be provided in Slovenia and has so far only been done in a few cases. The Ministry of Interior can also ask for help with the interpretation from another Member State, the institution of the European Union or other international organisation.⁷²

1.3.2. Recording and report

A report is drafted 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.⁷³ In practice the audio/video recordings are not used.

The applicant's statements are not written down verbatim; instead, the interviewer rephrases the translated answers so as to include their important elements. At the end of the application or personal interview the interpreter orally translates the contents of the report to the applicant, who can then add comments. When the applicant signs the minutes after lodging the application he or she officially obtains the status of an applicant for international protection in Slovenia. Further changes cannot be made to the report at a later time.

1.4. Appeal

Indicators: Regular Procedure: Appeal

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

<ul style="list-style-type: none"> ❖ If yes, is it ❖ If yes, is it automatically suspensive 	<table border="0"> <tr> <td><input checked="" type="checkbox"/> Yes</td> <td><input type="checkbox"/> No</td> </tr> <tr> <td><input checked="" type="checkbox"/> Judicial</td> <td><input type="checkbox"/> Administrative</td> </tr> <tr> <td><input checked="" type="checkbox"/> Yes</td> <td><input type="checkbox"/> Some grounds <input type="checkbox"/> No</td> </tr> </table>	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No	<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Some grounds <input type="checkbox"/> No
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No						
<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative						
<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> Some grounds <input type="checkbox"/> No						
2. Average processing time for the appeal body to make a decision: Not available

The legal remedy available to asylum applicants is judicial review, which is initiated by filing a lawsuit against the Ministry of the Interior.⁷⁴ In the proceedings that follow, the applicant for international protection acts as the plaintiff and the Ministry as the defendant. The Administrative Court of the Republic of Slovenia, with headquarters in **Ljubljana**, decides on the application for judicial review. The general rules of procedure are set out in the Administrative Dispute Act, while specific provisions particular to judicial review in international protection procedures are included in the IPA.

If the application was rejected in the regular procedure the deadline for lodging the judicial review is 15 days. The Administrative Court needs to decide on it within 30 days,⁷⁵ yet court procedures are usually much longer in practice, sometimes taking up to one year or longer. The length of the procedure mostly depends on the complexity of the case.

⁷⁰ Article 6(10)-(11) IPA.

⁷¹ Article 6(13) IPA.

⁷² Article 6(12) IPA.

⁷³ Article 37(7) IPA.

⁷⁴ Article 70(1) IPA.

⁷⁵ Articles 70(1) and 71(1) IPA.

An application for judicial review against the rejection of an application in the regular procedure has automatic suspensive effect.⁷⁶ The review includes an assessment of both facts and points of law.

In practice, most asylum applicants that receive a rejection decision file for judicial review. They are represented by an appointed refugee counsellor (see [Regular Procedure: Legal Assistance](#)) and do not face serious obstacles in accessing this legal remedy.

The Administrative Court reaches its decision on the basis of written documentation and does not hold an oral hearing, except in rare cases. When hearings do occur, they are public. Decisions of the Administrative Court are published, with information on identity of applicants removed.⁷⁷

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. In some cases the court replaces the decision of the Ministry with its own so as to grant international protection.⁷⁸ When the case is returned to the first instance, the Migration Office is obliged to issue a new decision within 30 days.⁷⁹ However, this is not respected in practice. Instead, the repeat procedure in front of the Migration Office again takes an excessively long time, which can bring the duration of the entire asylum procedure since the lodging of application to several years.

The decision of the Administrative Court is final and can only be challenged with extraordinary legal remedies, including an appeal to the Constitutional Court which needs to be lodged within 15 days since the applicant was served the decision of the Administrative Court.⁸⁰ Prior to the entry into force of the IPA on 24 April 2016, judicial review comprised of two instances, meaning that the Administrative Court decision could be appealed to the Supreme Court of the Republic of Slovenia. This option now only exists for old pending cases where the asylum application was lodged prior to 24 April 2016.⁸¹

1.5. Legal assistance

Indicators: Regular Procedure: Legal Assistance

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

1.5.1. Legal assistance at first instance

Although the IPA does not provide free legal representation for applicants in the first instance procedure, this is provided by a non-governmental organisation financed by AMIF, under which most funding is provided by the European Commission and a smaller part by the Republic of Slovenia.

The NGO responsible for legal representation during the first instance is Legal-informational centre for non-governmental organisations (PIC). PIC provides legal representation throughout the whole first instance procedure which includes provision of legal information to asylum seekers before the application, representation during the application and all subsequent personal interviews, legal assistance throughout

⁷⁶ Article 70(3) IPA.

⁷⁷ Decisions can be found at: <http://www.sodnapraksa.si/>.

⁷⁸ In 2019, the Administrative Court granted refugee status in 9 cases.

⁷⁹ Article 64(4) Administrative Dispute Act.

⁸⁰ Article 72 IPA.

⁸¹ In 2019, 15 appeals were submitted to the Supreme Court.

the asylum procedure, preparation of country of origin information and help with accessing refugee counsellors when judicial review needs to be lodged.

PIC has an office in the **Asylum Home** in Ljubljana, the accommodation facility where the majority of applicants reside during the international protection procedure. In the Asylum Home, PIC lawyers are available to asylum applicants every working day between 8 am and 3 pm. Additionally, they also visit the three branch facilities for accommodation of applicants according to a set schedule: **Kotnikova** twice per week, **Logatec** once per week and Student Dormitory **Postojna** once per month.

1.5.2. Legal assistance on appeal

Legal assistance in the appeal procedure is provided to applicants by refugee counsellors.⁸² They are graduate lawyers, selected by public tender and appointed to the position by the Ministry of Justice for a term of 5 years. Before starting work, they have to pass an exam and participate at a seminar on law of international protection for a minimum duration of 10 hours.⁸³

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

Applicants therefore have access free of charge to refugee counsellors who initiate judicial review on their behalf and represent them in court. The quality of legal assistance is considered to be good and asylum seekers do not experience problems with accessing refugee counsellors. As of December 2017, the list of refugee counsellors included 27 lawyers, out of which around eight were active and took on cases.⁸⁴ In 2018 a new public tender was finalised, and a new list of refugee counsellors was drawn up. The list now includes 44 refugee counsellors who are appointed for five years.⁸⁵

The financial compensation of the refugee counsellors is half the amount of the official attorney’s fee.⁸⁶ The remuneration and reimbursement of expenses for their work are granted by the Ministry of the Interior.⁸⁷ The refugee counsellor is not entitled to financial compensation if the applicant has left the premises of the Asylum Home (and not returned) three days before the appeal was lodged before the Administrative Court.⁸⁸

2. Dublin

2.1. General

Dublin statistics: 2019

Outgoing procedure			Incoming procedure		
	Requests	Transfers		Requests	Transfers
Total	976	27	Total	1,646	269
Greece	376	0	France	612	56
Croatia	259	6	Germany	299	85
Bulgaria	100	0	Italy	195	7
Germany	64	9	Netherlands	171	32
Italy	31	5	Belgium	144	15

⁸² Article 9(1) IPA.

⁸³ Article 12 Rules on knowledge testing of candidates for refugee counsellors and on the training of refugee counsellors at the Judicial Training Centre.

⁸⁴ Ministry of the Interior, *Imenik svetovalcev za azil / begunce*, available in Slovenian at: <http://bit.ly/2BDREcc>.

⁸⁵ *Ibid.*

⁸⁶ 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.

⁸⁷ Article 11(1) IPA.

⁸⁸ Article 11(2) IPA.

Austria	26	4	Switzerland	92	30
Hungary	19	0	United Kingdom	50	1
Switzerland	18	0	Austria	35	27
France	16	0	Sweden	11	4
Netherlands	14	2	Denmark	10	0
Romania	13	0	Ireland	7	0
Spain	11	0	Malta	5	2
Belgium	6	0	Norway	4	4
Sweden	6	0	Luxembourg	3	0
Finland	3	0	Czech Republic	2	0
United Kingdom	3	1	Spain	2	0
Poland	3	0	Finland	2	0
Czech Republic	2	0	Denmark	1	4
Denmark	2	0	Poland	1	2
Luxembourg	1	0			
Portugal	1	0			
Slovakia	1	0			

Source: Migration Office

Slovenia issued 976 outgoing requests in 2019, compared to 722 in 2018. Out of 976 outgoing requests 179 were “take charge” and 797 were “take back” requests. Outgoing requests were based on the following criteria:

Outgoing Dublin requests by criterion: 2019	
Dublin III Regulation criterion	Outgoing requests
Family provisions: Articles 8-11	32
Regular entry: Articles 12 and 14	14
Irregular entry: Article 13	133
Dependency: Article 16	0
Humanitarian clause: Article 17(2)	0
“Take back”: Article 18(1)(b)	783
“Take back”: Article 18(1)(c)	0
“Take back”: Article 18(1)(d)	14
“Take back”: Article 20(5)	0
Total outgoing requests	976

Source: Migration Office

2.1.1. Application of the Dublin criteria

In practice, the most frequently used criteria for outgoing Dublin requests are irregular entry,⁸⁹ and first country of application.⁹⁰ The most frequently used criterion for incoming requests is the first country of application.⁹¹

⁸⁹ Article 13(1) Dublin III Regulation.

⁹⁰ Article 3(2) Dublin III Regulation.

⁹¹ *Ibid.*

In 2019, the most frequently used criteria for both outgoing and incoming requests was Article 18(1)(b) of the Regulation. Out of 976 outgoing requests made in 2019, 680 were rejected by other Member States. The most common reasons why the requested Member States deemed that they were no longer responsible were: the departure of the individual from the territory of the Member States for at least three months; non-registration of irregular entry in the other Member State; and return or removal of the person to the country of origin or a safe third country.

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

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

2.1.2. The dependent persons and discretionary clauses

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

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

2.2. Procedure

Indicators: Dublin: Procedure

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

After the applicant lodges the application, the case is first examined for a possible application of the Dublin Regulation. In the event that another EU Member State is determined as responsible in accordance with the Dublin Regulation, the Ministry of Interior issues a Dublin decision, with which the procedure in Slovenia is brought to an end (once the decision becomes final) and the person is transferred to the state responsible.

The fingerprints of each applicant are obtained before he or she applies for international protection. Once the applicant lodges the application his or her fingerprints are entered into the Eurodac database. If the

person refuses to be fingerprinted, the application can be rejected as manifestly unfounded.⁹² However, no cases of this happening in practice have been documented.

The information about the Dublin procedure and legal representation during the procedure is provided by PIC.

2.2.1. Individualised guarantees

Individualised guarantees that the asylum seeker will have adequate reception conditions upon transfer in practice, in line with the ECtHR's ruling in *Tarakhel v Switzerland*, are sought in case of transfers to Italy. This is done in relation to vulnerable categories of persons and families – with the aim of ensuring family unity and reception conditions of families with children. Individual guarantees are sought together with the “take charge” / “take back” request. Based on the recommendations from the Commission and EASO, individualised guarantees are also sought in case of transfers to Greece.⁹³

2.2.2. Transfers

A pending Dublin procedure constitutes the main **Grounds for Detention** in Slovenia. However, in March 2019 the Supreme Court ruled, in accordance with the CJEU judgment C-538/15, *Al Chodor*, that the provisions of the IPA regarding detention in the Dublin procedure are not in accordance with the Dublin Regulation, since the IPA does not contain the definition of the “risk of absconding” and the objective criteria needed to establish the risk of absconding in an individual case.⁹⁴ The Supreme Court, therefore, ruled that detention in the Dublin procedure is not lawful since the IPA does not contain the proper legal ground for detention.

Since the provisions of the IPA regarding detention have not been amended, asylum seekers in Slovenia cannot be detained in the Dublin procedure or on any other ground that requires the risk of absconding to be established. Following the judgment of the Supreme Court asylum seekers in the Dublin procedure are, therefore, not detained in Slovenia pending their Dublin procedure.

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

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

In the majority of cases when Dublin decisions are issued and become final, outgoing transfers are nevertheless not carried out, mostly due to the absconding of the applicants. In 2019, 27 persons were transferred compared to 976 requests. In 2018, 31 persons were successfully transferred from Slovenia compared to 722 requests. In cases when the applicant does not abscond, the transfer is usually carried out successfully.⁹⁵

⁹² Article 52, eighth indent IPA.

⁹³ Information provided by the Migration Office, February 2020.

⁹⁴ Supreme Court Decision, X Ips 1/2019 from 13 March 2019, available at: <https://bit.ly/39Gd4mV>.

⁹⁵ Official statistics provided by the Migration Office, February 2020.

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
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

According to Article 46(1) IPA, the Migration Office conducts a personal interview before taking a decision in the Dublin procedure. The personal interview can be omitted if the applicant has already submitted the relevant information for determining the responsible country and has been given the opportunity by the authorities to submit all such information.⁹⁶ 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.⁹⁷

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

2.4. Appeal

Indicators: Dublin: Appeal

☐ Same as regular procedure

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

As in the regular procedure, the legal remedy against a Dublin decision is judicial review before the Administrative Court of the Republic of Slovenia. The application needs to be lodged within 8 days,⁹⁸ and has no automatic suspensive effect.⁹⁹ However, on the applicant's request, the court can postpone the execution of the contested decision until a final decision has been issued, if its execution could cause the applicant to suffer damage which would be difficult to repair.¹⁰⁰ In practice, the determining authority does not enforce the decision before the Administrative Court decides on the request for suspensive effect and the court regularly approves such requests. As long as such practice remains, the situation is not much different from an automatic suspensive effect being prescribed by law.

The IPA does not limit the grounds on which an applicant can challenge the Dublin decision and in principle he or she can challenge it on all grounds of incorrect determination of facts and application of law. This was in contention in the case C-490/16 A.S., where the Slovenian Supreme Court made a preliminary reference to the Court of Justice of the European Union (CJEU), asking *inter alia* whether judicial review also extends to the application of the irregular entry criterion under Article 13 of the Dublin Regulation. The CJEU judgment confirmed that it does.¹⁰¹

⁹⁶ Article 38(1) IPA.

⁹⁷ Administrative Court Judgment, I U 1174/2019/11, 25. July 2019, available at: <https://bit.ly/2lDAg9i>.

⁹⁸ Article 70(2) IPA.

⁹⁹ Article 70(3) IPA.

¹⁰⁰ Article 32(2) Administrative Dispute Act.

¹⁰¹ CJEU, Case C-490/16 A.S. v Republic of Slovenia, Judgment of 26 July 2017.

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, the legal representation is provided by the NGO PIC while applicants are appointed a refugee counsellor to represent them in the procedures before the Administrative Court.

2.6. Suspension of transfers

Indicators: Dublin: Suspension of Transfers

1. 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*.¹⁰² However, in 2018, the Dublin Unit started issuing requests to Greece, although no transfers were carried out. In 2019, the Dublin Unit issued 131 “take charge” requests and 351 “take back” requests although no transfers were carried out.¹⁰³

The Constitutional Court has clarified that the authorities are obliged to examine all circumstances relevant from the perspective of the principle of *non-refoulement*. Due to the absolute nature of the protection afforded by the principle of *non-refoulement*, the assessment must take into account all the circumstances of the particular case, including the applicant's personal situation in the transferring country. In this context, it should also be assessed whether the mere removal of an individual to another country due to their health status is contrary to the principle of *non-refoulement*.¹⁰⁴

In cases when transfers are suspended, Slovenia assumes responsibility for the application.

2.7. The situation of Dublin returnees

There are no obstacles for asylum seekers transferred from another Member State with regard to access to the asylum procedure. As confirmed by the Constitutional Court, Dublin returnees are considered asylum applicants from the moment of their return to Slovenia.¹⁰⁵

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,

¹⁰² ECtHR, *M.S.S. v. Belgium and Greece*, Application No 30696/09, Judgment of 21 January 2011.

¹⁰³ Official statistics provided by the Migration Office.

¹⁰⁴ Constitutional Court, Decision Up-613/16, 28 September 2016, available at: <http://bit.ly/2F04oba>.

¹⁰⁵ Constitutional Court, Decision Up-21/11, 10 October 2012, available at: <http://bit.ly/2HisQFR>.

it becomes final after the 15-day deadline for lodging a legal remedy, or 8-day deadline in the case of an accelerated procedure, and if the applicant is returned the only option of accessing asylum procedure is through a subsequent application. The same goes if the rejection decision is issued in the applicant's absence upon absconding.¹⁰⁶ 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.

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 making a decision on the admissibility are the same as in the regular procedure.

Aside from Dublin decisions, inadmissibility grounds are rarely applied in practice. In 2019, the applications were dismissed in 10 cases on the ground of protection in another Member State and in 342 cases on the ground that another country is responsible for examining the claim under the Dublin Regulation.¹⁰⁷

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

3.2. Personal interview

Indicators: Admissibility Procedure: Personal Interview

☒ Same as regular procedure

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

According to the IPA, the Migration Office conducts the personal interview before making a decision in the admissibility procedure.¹⁰⁸ The interview is conducted in the same way as described under [Regular Procedure: Personal Interview](#).

3.3. Appeal

Indicators: Admissibility Procedure: Appeal

☐ Same as regular procedure

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

¹⁰⁶ 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.

¹⁰⁷ Official statistics provided by the Migration Office, February 2020.

¹⁰⁸ Article 46(1) IPA.

Judicial review against a decision taken in the admissibility procedure can be lodged with the Administrative Court in eight days and does not have automatic suspensive effect, except if the application was rejected as inadmissible on “safe third country” grounds.¹⁰⁹ 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.¹¹⁰ In practice, the determining authority does not enforce the decision before the Administrative Court decides on the request for suspensive effect and the court regularly approves such requests. As long as such practice remains, the situation is not much different from an automatic suspensive effect being prescribed by law.

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?

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

<input checked="" type="checkbox"/> Representation in interview
<input checked="" type="checkbox"/> Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against an inadmissibility decision in practice?

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

 - ❖ Does free legal assistance cover

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

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

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?

<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
------------------------------	--
2. Can an application made at the border be examined in substance during a border procedure?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
---	-----------------------------
3. Is there a maximum time limit for a first instance decision laid down in the law?

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

 - ❖ If yes, what is the maximum time limit?
14 days

The possibility of border procedures was added to the existing legal provision on airport and port procedures with the new IPA in 2016.¹¹¹

Although regulated in law, the procedure at the border, airport or port is not used in practice. There are two border transit zones in Slovenia, one at the Jože Pučnik Airport in Ljubljana and one at Edvard Rusjan Airport in Maribor. Persons can be detained in both transit zones. However, whilst detention occurs in these locations this is not for the purpose of the border procedure (see [Detention conditions](#)). 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** as part of the [Regular Procedure](#). The reason the procedure is not used in practice is mainly practical since the Asylum Home

¹⁰⁹ Article 70(3) IPA, citing Article 51, third indent IPA.

¹¹⁰ Article 32(2) Administrative Dispute Act.

¹¹¹ Article 43 IPA.

serves not only as a reception centre but also hosts the majority of the asylum procedure and, therefore, the majority of services intended for the applicants are also provided there (social services, legal representation etc.). Such infrastructure is currently not in place at the border, airport or port. The provision was included in the IPA to enable the procedure on the border, airport or port in case of a large number of applicants, as explained in the preamble to the draft of the IPA.

According to the law, a border, airport or port procedure can result in: (a) rejection of the asylum application as manifestly unfounded; (b) a Dublin decision; (c) a safe third country, European safe third country, or first country of asylum decision. The decision in the border, airport or port procedure has to be taken in the shortest time possible but no later than within 14 days. If the decision is not taken in 14 days or if the application needs to be examined in a regular procedure, the applicant is transferred to the Asylum Home and the regular procedure is carried out.¹¹²

The authority responsible for making the decision in the border, airport or port procedure is also the Migration Office of the Ministry of the Interior, similarly to the regular procedure. All other rules are the same as in the regular procedure: the decision on entry to the territory is taken by the Police and from the moment someone has expressed an intention to apply for international protection, he or she cannot be deported from the country.¹¹³

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.¹¹⁴

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.¹¹⁵

5. Accelerated procedure

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

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

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

1. During the procedure the applicant only stated facts that are irrelevant for the examination of the claim;

¹¹² Article 43(1) IPA.

¹¹³ Article 36(1) IPA.

¹¹⁴ Article 43(2) IPA.

¹¹⁵ Article 9(1) IPA.

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

Pursuant to a recent ruling of the Administrative Court, in order to reject an application as manifestly unfounded, it is not sufficient to establish the applicability of one of these grounds. The authorities must also cumulatively conclude that the applicant clearly does not fulfil the requirements for international protection.¹¹⁶

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

The accelerated procedure can also be applied at the border, airport or port. In this case the decision has to be taken as soon as possible, but no later than within 14 days. If the decision is not taken in this time limit the applicant is transferred to the Asylum Home.¹¹⁷

In 2019, 60 applications were processed in the accelerated procedure and rejected as manifestly unfounded. Seven applications were lodged by unaccompanied minors.¹¹⁸

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?

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If so, are questions limited to nationality, identity, travel route?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
❖ If so, are interpreters available in practice, for interviews?	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
2. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

According to the IPA, the Migration Office conducts a personal interview before making the decision in the accelerated procedure.¹¹⁹ The law does not stipulate any circumstances in which the personal

¹¹⁶ Administrative Court, Decision I U 1544/2017, available at: <http://bit.ly/2oU9EY7>.

¹¹⁷ Article 43(1) IPA.

¹¹⁸ Official statistics provided by the Migration Office, February 2020.

¹¹⁹ Article 46(1) IPA.

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?

- ❖ If yes, is it
 - ❖ If yes, is it suspensive

☒ Yes

☐ No

☒ Judicial

☐ Administrative

☒ Yes

☐ Some grounds

☐ No

The appeal against a decision taken in the accelerated procedure has to be lodged within 8 days of notification.¹²⁰ The suspensive effect of the appeal is automatic,¹²¹ and the Administrative Court has to take a decision in 7 days,¹²² although court procedures are usually much longer than that in practice.

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?

- ❖ Does free legal assistance cover:

☒ Yes

☐ With difficulty

☐ No

☒ Representation in interview

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

- ❖ Does free legal assistance cover

☒ Yes

☐ With difficulty

☐ No

☒ Representation in courts

☒ Legal advice

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

D. Guarantees for vulnerable groups

1. Identification

Indicators: Special Procedural Guarantees

1. Is there a specific identification mechanism in place to systematically identify vulnerable asylum seekers?

- ❖ If for certain categories, specify which:

☐ Yes

☐ For certain categories

☒ No
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.¹²³

¹²⁰ Article 70(1) IPA.

¹²¹ Article 70(3) IPA.

¹²² Article 71(1) IPA.

¹²³ Article 2, definition 22 IPA.

1.1. Screening of vulnerability

According to the law, the vulnerability of persons is assessed during the medical examination, which is conducted before the lodging of the asylum application.¹²⁴ Their vulnerability can also be identified during the lodging of the application or any time later pending the asylum procedure.¹²⁵

In practice, physical vulnerability is assessed during the medical examination. The identification of vulnerability is therefore largely based on the applicant's statements during the interview. Since no special procedure for assessing vulnerability is in place, the vulnerability assessment is not as affected by the number of asylum seekers as by other factors like the person's willingness to share sensitive personal information and the capacity of officials to detect special needs.

Special information sessions following the asylum application are conducted with unaccompanied children and other potential victims of trafficking under a project, implemented by an NGO, currently the Institute for African Studies.¹²⁶ They are aimed at informing potential victims of dangers of trafficking and at identifying potential victims.

1.2. Age assessment of unaccompanied children

If doubts about the age of the unaccompanied minor arise during the examination of the application for international procedure, a medical examination of the applicant can be ordered by the competent authority.¹²⁷ In the course of preparation of the opinion, the medical expert can also consult with experts of other fields.¹²⁸

The medical examination for the purpose of age assessment can only be conducted if both the unaccompanied minor and his or her legal representative give written consent. If they do not consent without stating a valid reason the applicant is considered to be an adult. However, the decision to reject his or her application cannot be based solely on that refusal.¹²⁹

If after obtaining the expert opinion, a doubt still exists as to the applicant's age, he or she is considered a minor.¹³⁰

In 2018, the Ministry of the Interior concluded negotiations with medical institutions that will perform age assessment examinations. Before the agreement, the age assessment procedure was not used in practice. The lack of age assessment procedures meant that adults claiming to be children were sometimes accommodated together with unaccompanied children. Based on the official notice, the age assessment will include 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.

Although no age assessment procedures were conducted in 2018, the Ministry of the Interior initiated the procedure in two cases by giving official notices regarding the procedure to the unaccompanied minors and their representatives. In 2019, the age assessment procedure (MRI and dental X-ray) was conducted in four cases. In two cases the assessment concluded that the individuals were not minors.¹³¹

¹²⁴ Article 13(1) IPA.

¹²⁵ Article 13(2) IPA.

¹²⁶ The Institute for African Studies website can be accessed here: <https://bit.ly/2vYoNi3>.

¹²⁷ Article 17(2) IPA.

¹²⁸ Article 17(3) IPA.

¹²⁹ Article 17(4), (5) and (7) IPA.

¹³⁰ Article 17(6) IPA.

¹³¹ Official statistics provided by the Migration Office, February 2020.

2. Special procedural guarantees

Indicators: Special Procedural Guarantees

1. Are there special procedural arrangements/guarantees for vulnerable people? ☒ Yes ☐ For certain categories ☐ No
- ❖ If for certain categories, specify which:

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,¹³² and that the interviews have to be conducted accordingly, taking into account personal and other circumstances regarding the individual including his or her vulnerability.¹³³ A child's asylum application can be postponed for up to 48 hours if there are justified reasons to do so.¹³⁴

If a person is not able to understand the meaning of the international protection procedure due to a temporary or permanent mental disorder or illness or for other reasons, he or she must be assigned a legal guardian.¹³⁵

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.

The Migration Office does not have a specific unit dealing with vulnerable groups. According to the Migration Office, decision-makers have received EASO training on three modules: interviewing vulnerable groups, interviewing children, gender identity and sexual orientation. In addition, EASO trainings on victims of human trafficking and COI were provided in the first half of 2019.¹³⁶

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

The [Accelerated Procedure](#) 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.¹³⁷ In 2019, 7 applications of unaccompanied minors were rejected as manifestly unfounded in an accelerated procedure.¹³⁸

3. Use of medical reports

Indicators: Use of Medical Reports

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

The law provides that the applicant has to submit all documentation and evidence at his or her disposal which support his or her statements made in the application.¹³⁹ In practice this can also include medical reports regarding his or her past persecution or serious harm.

¹³² Article 14(2) IPA.

¹³³ Article 37(1) IPA.

¹³⁴ Article 12(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.

¹³⁵ Article 19(1) IPA.

¹³⁶ Official information provided by the Ministry. See also ECRE/AIDA, *Asylum Authorities: An overview of internal structures and available resources*, October 2019, available at: <https://bit.ly/2wiDmgo>, 45.

¹³⁷ Administrative Court, Decision I U 1544/2017, available at: <http://bit.ly/2oU9EY7>.

¹³⁸ Official statistics provided by the Migration Office, February 2020.

¹³⁹ Article 21(2) IPA.

The preparation of a medical opinion, or any other type of expert opinion, can also be ordered by the Migration Office, in which case the costs are covered by the State.¹⁴⁰ There are no criteria set in the law or administrative practice to indicate when a medical examination for the purpose of drafting a medical report should be carried out. No guidelines are in place to guarantee the use of the methodology laid down in the Istanbul Protocol.

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

4. Legal representation of unaccompanied children

Indicators: Unaccompanied Children

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

Under Article 16(1) IPA each unaccompanied child is assigned a legal guardian before the procedure for international protection starts. The only exception are children who are married and older than 15 years.¹⁴¹

The legal guardian must accompany the unaccompanied child from the beginning of the application throughout the entire procedure. He or she is responsible for representing the minor in relation to the asylum procedure, health care, education, protection of property rights and rights related to reception.¹⁴² The child is also assisted by a PIC lawyer, as is the case for any other asylum applicant (see [Regular Procedure: Legal Assistance](#)).

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.¹⁴³ The legal guardian also has to consent, together with the applicant, to the age assessment procedure.¹⁴⁴

Candidates for legal guardians for unaccompanied children are appointed to the list of legal guardians upon applying to the public tender. One cannot be appointed as a legal guardian if they have been deprived of parental rights, if they do not have capacity to contract, if their interests are in conflict with the interests of the child or if, due to their personal characteristics or relationship with the child or his or her parents, it cannot be expected that they will correctly perform their duties as legal guardians.¹⁴⁵ 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.

Before being appointed as legal guardians candidates also have to attend a special training organised by the Faculty of Social Work, University of Ljubljana, which includes family law, social work, psychology, protection of children's rights, protection of human rights and asylum law.¹⁴⁶

The absconding rate of unaccompanied children in 2017 was 49.7% in 2017 and even higher in years before (95.4% in 2014, 81% in 2015 and 93.4% in 2016), which seems to be mostly due to children having family in other Member States or, more generally, Slovenia not being their destination country.

In 2018, unaccompanied children represented 20% of asylum seekers as 556 unaccompanied children applied for international protection. However, 529 unaccompanied children absconded before the decision in their procedure was made, raising the absconding rate to 95.1%. Absconding of unaccompanied minors

¹⁴⁰ Article 39 IPA.

¹⁴¹ Article 16(9) IPA.

¹⁴² Article 16(1) and (3) IPA.

¹⁴³ 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.

¹⁴⁴ Article 17(4) IPA.

¹⁴⁵ Article 18(2) IPA and article 181 Marriage and Family Relations Act, Official Gazette of RS, No. 69/04 and subsequent amendments.

¹⁴⁶ Article 18(3) IPA.

continued to be a significant issue in 2019 with 668 unaccompanied minors lodging an asylum application out of which 656 absconded before the decision was made, raising the absconding rate to 98%.¹⁴⁷

E. Subsequent applications

Indicators: Subsequent Applications

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

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

- Their previous asylum application was finally rejected;
- Their previous asylum application was explicitly withdrawn;
- Their previous asylum application was implicitly withdrawn and more than nine months have passed; or;
- Their request for extending subsidiary protection status has been finally rejected or the procedure for extension stopped or they have not applied for extension.¹⁴⁸

A person returned to Slovenia under the Dublin Regulation whose procedure was stopped due to implicit withdrawal of their asylum application, i.e. absconding, has the right to lodge a new asylum application which is not examined as a request for subsequent application.¹⁴⁹ 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.¹⁵⁰ 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.¹⁵¹

An applicant cannot be removed from the country until their request for subsequent application is finally processed.¹⁵²

The responsible authority in the subsequent application procedure is the Migration Office 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 the conditions are not met, it dismisses the request for the subsequent application as inadmissible.¹⁵³

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

¹⁴⁷ Official statistics provided by the Migration Office, February 2020.

¹⁴⁸ Article 64(1) IPA.

¹⁴⁹ Article 65(6) IPA.

¹⁵⁰ Article 64(3) IPA.

¹⁵¹ Article 64(2) IPA.

¹⁵² Article 36(1) IPA.

¹⁵³ Article 65(4) IPA.

representation of PIC lawyers in all cases and assistance of legal guardians in case of unaccompanied children.

If a person submits a request for a subsequent application after their previous request for a subsequent application has already been dismissed or a first new application has been rejected, the request for the subsequent application is dismissed.¹⁵⁴

The dismissal of a first request for a subsequent application can be challenged by judicial review before the Administrative Court, which is the same legal remedy as in the regular procedure. The application for judicial review must be filed within eight days and has suspensive effect.¹⁵⁵ The procedure is the same as that described under [Admissibility Procedure: Appeal](#). Free legal assistance by refugee counsellors is guaranteed by law, as in all other cases of judicial review under the IPA. In case judicial review is filed against the decision to dismiss the second or third subsequent application, the application for judicial review does not have automatic suspensive effect.¹⁵⁶

In 2019, 39 individuals lodged the first request for a subsequent application and 11 persons lodged their second or third request for a subsequent application. Only six requests for a subsequent application were granted and, therefore, six applicants were able to lodge a subsequent application:

Subsequent applicants: 2019	
Country	Number of applicants
Iran	4
Nigeria	1
Pakistan	1
Total	6

Source: Migration Office

By the end of the year, the decisions on two requests for a subsequent application and five in merit decisions on subsequent applications had not been taken.

F. The safe country concepts

Indicators: Safe Country Concepts

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

1. Safe country of origin

The concept of the safe country of origin is defined in Article 61 IPA. A third country is designated as safe in case it can be concluded, based on the legal situation, the application of the law within the democratic system and the general political circumstances, that there is no general and consistent persecution,

¹⁵⁴ Article 65(5) IPA.

¹⁵⁵ Article 70(2)-(3) IPA.

¹⁵⁶ Article 70(3) and 65(5) IPA.

torture, inhuman or degrading treatment or punishment in the country and no threat of indiscriminate violence in situations of international or internal armed conflict.¹⁵⁷

According to the law, a country is declared a safe country of origin by the Government of the Republic of Slovenia based on a proposal of the Ministry of Interior, which regularly monitors the situation in the country through the information gathered by other EU Member States, EU institutions and other relevant international organisations.¹⁵⁸

In case the Ministry finds out that the conditions regarding the human rights situation have deteriorated considerably or if it doubts that the country is still fulfilling the conditions needed to be considered as a safe country of origin, the Ministry can re-examine if the country can still be considered safe. In case the country can no longer be considered a safe country of origin the Ministry can make a proposal to remove it from the list of safe countries of origin.¹⁵⁹

The Government notifies the European Commission about the declaration of the country as a safe country of origin and about changes relating to the declaration of the country as a safe country of origin.¹⁶⁰

A third country can be considered a safe country of origin in an individual case if the applicant has citizenship or, in case the applicant is a stateless person, he or she had habitual residence in the country and failed to prove that it cannot be considered a safe country of origin due to specific circumstances in his or her case. In this case, the competent authority can reject the applicant's claim for international protection as manifestly unfounded in an [Accelerated Procedure](#).¹⁶¹

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

The Government has declared Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Montenegro, Egypt, Kosovo, North Macedonia, Morocco, Serbia, Tunisia and Turkey as safe countries of origin with the Ordinance determining the List of Safe Countries of Origin, adopted in February 2016.¹⁶² This marked the first time countries were designated as safe countries of origin by Slovenian authorities. In June 2019, the Government amended the Ordinance and removed Turkey from the safe country of origin list and added Georgia, Nepal and Senegal. Therefore Albania, Algeria, Bangladesh, Bosnia and Herzegovina, Montenegro, Egypt, Georgia, Kosovo, Morocco, Nepal, Senegal, North Macedonia, Serbia and Tunisia were determined as safe countries of origin by the Government.¹⁶³

In 2019, a total 2,183 nationals of countries designated as safe countries of origin applied for asylum in Slovenia:

Asylum seekers from "safe countries of origin": 2019	
Country of origin	Number of applicants
Algeria	1,060
Morocco	741
Bangladesh	179
Tunisia	132
Egypt	40

¹⁵⁷ Article 61(1) IPA.

¹⁵⁸ Article 61(3) IPA.

¹⁵⁹ *Ibid.*

¹⁶⁰ Article 61(4) IPA.

¹⁶¹ Article 62(1)-(2) IPA.

¹⁶² Article 1 Ordinance determining the list of safe countries of origin, Official Gazette of RS, No. 13/16.

¹⁶³ Ordinance determining the list of safe countries of origin, Official Gazette of RS, No. 38/19.

Kosovo	9
Serbia	8
Albania	6
Bosnia and Herzegovina	5
North Macedonia	2
Senegal	1
Total	2,183

Source: Migration Office

However, all of the above cases have been examined in regular procedures without applying the safe country of origin concept, as the concept was not used in 2018 or in 2019.

2. Safe third country

According to Article 53 IPA, a safe third country is a country in which the applicant was present before arriving to the Republic of Slovenia and in which the applicant had a real opportunity to apply for international protection but failed to do so without a justified reason. Based on the safe third country concept, the competent authority can dismiss the application for international protection as inadmissible.¹⁶⁴

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 the country through the information gathered by other EU Member States, EU institutions and other relevant international organisations.¹⁶⁵

In case the Ministry assesses that the conditions regarding the human rights situation have deteriorated considerably or if it doubts whether the country still fulfils the conditions for being considered as a safe third country, the Ministry can re-examine the safety of the country. In case the country can no longer be considered a safe third country, the Ministry can make a proposal to remove it from the list of safe third countries.¹⁶⁶

The Government notifies the European Commission of the declaration of a country as a safe third country and of changes relating thereto.¹⁶⁷

The government adopted an Ordinance on 15 May 2008 to declare **Croatia** a safe third country.¹⁶⁸ 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 2019, the Migration Office did not apply the safe third country concept.

2.1. Safety criteria

In order to be considered a safe third country, a country must meet the following requirements:¹⁶⁹

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;

¹⁶⁴ Article 51 IPA.

¹⁶⁵ Article 54(2) IPA.

¹⁶⁶ *Ibid.*

¹⁶⁷ Article 54(3) IPA.

¹⁶⁸ Ordinance on the proclamation of the Republic of Croatia as safe third country, Official Gazette of RS, No. 50/2008.

¹⁶⁹ Article 54(1) IPA.

4. The prohibition of removal which would result in the violation of the prohibition of torture and cruel, inhuman and degrading treatment as defined in international law is observed;
5. The applicant has the possibility to apply for refugee status and, if it is established that the person is in fact a refugee, to obtain protection in accordance with the Refugee Convention.

When applying the safe third country concept, asylum applicants can provide facts and evidence showing that the country in question is not a safe third country for them personally and that due to justified reasons they were not able to apply for international protection there.¹⁷⁰ In a 2013 case concerning the safe third country provisions in force prior to the adoption of IPA, the Supreme Court had stressed that the burden of proof lies on the applicant to demonstrate that a country does not meet the criteria to be deemed a safe third country.¹⁷¹

2.2. Connection criteria

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

It should be noted that, when reviewing the legal provision in force prior to the adoption of the IPA, the Constitutional Court had found that the ambiguity in respect of the requisite degree of connection between an applicant and a third country did not allow a clear conclusion as to whether mere transit through a country is sufficient or whether the applicant needs to benefit from legal residence there. On that basis, the Constitutional Court had declared that provision unconstitutional.¹⁷²

In an earlier case, the Supreme Court had found that it is not necessary for direct or indirect contact to have taken place between the applicant and the authorities or institutions within the concerned third country; it is enough if the circumstances of the individual case reveal that the applicant had objective and subjective possibilities to establish contact with the authorities of the safe third country.¹⁷³

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.¹⁷⁴

If a safe third country refuses the entry of the applicant to its territory, the Migration Office revokes the inadmissibility decision and proceeds to the examination of the asylum application.¹⁷⁵

3. First country of asylum

The concept of the first country of asylum is a ground for inadmissibility of the application for international protection.¹⁷⁶ According to Article 63 IPA, a first country of asylum is either the country in which the applicant was granted refugee status which is still valid, or a country in which the applicant enjoys sufficient protection, including protection from *refoulement*.

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

The concept is used in practice, but so far only in a few cases per year. It was not used in 2019.

¹⁷⁰ Article 55(1) IPA.

¹⁷¹ Supreme Court, Decision I Up 39/2013, 14 February 2013, available at: <http://bit.ly/2mXKMwX>.

¹⁷² Constitutional Court, Decision U-I-155/11, 18 December 2013, available at: <http://bit.ly/2Dvfl8w>.

¹⁷³ Supreme Court, Decision I Up 39/2013, 14 February 2013, available at: <http://bit.ly/2mXKMwX>.

¹⁷⁴ Article 59 IPA.

¹⁷⁵ Article 60 IPA.

¹⁷⁶ Article 51(1) IPA.

The applicants can challenge the application of the first country of asylum concept, referring to the specific circumstances of their case.¹⁷⁷ If a first country of asylum refuses the entry of the applicant to its territory, the Migration Office revokes the inadmissibility decision and proceeds to the examination of the asylum application.¹⁷⁸

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

1. Provision of information on the procedure

Indicators: Information on the Procedure

1. Is sufficient information provided to asylum seekers on the procedures, their rights and obligations in practice? ☒ Yes ☐ With difficulty ☐ No

❖ Is tailored information provided to unaccompanied children? ☒ Yes ☐ No

The IPA provides that before applying for international protection, the applicant must be provided information (in a language he or she understands) about the procedure, rights and obligations of the applicant, possible consequences of failure to comply with the obligations and failure to cooperate with the competent authorities, the time frames for legal remedies and information about refugee counsellors and NGOs working in the field of international protection.¹⁷⁹ 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.¹⁸⁰

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 orally by PIC lawyers with the help of an interpreter. The duration of information sessions is limited to a maximum of 30 minutes in regular cases and 60 minutes in case of unaccompanied children or group sessions of three or more people. The information provided is tailored by the PIC lawyers to the individuals in question, e.g. unaccompanied children, potential victims of trafficking, persons in the Dublin procedure. Legal guardians are usually present in information sessions with unaccompanied children and can participate in providing information; this is usually the first opportunity for them to meet with the child and introduce themselves after being appointed.

All asylum applicants are entitled to the information session, regardless of the type of procedure that may ensue. Considering the time restraints of the information session, addressing and adequately presenting all aspects of the asylum system in Slovenia is challenging. For example, applicants are informed about their rights and obligations during the Dublin procedure – consequences of travelling on to another EU Member State, absconding from a transfer – but it remains difficult to guarantee a full understanding of the functioning of the Dublin system and its consequences for their individual case in practice.

Throughout the asylum procedure, PIC lawyers are available to asylum seekers for any questions regarding procedures and rights and obligations they have. PIC lawyers are present in the **Asylum Home** every weekday and in branch facilities in accordance with a set schedule. Information may also be provided by the Migration Office officials in individual cases during the official interviews or separately.

In the past, during the asylum application process, people were also given a brochure in their language, prepared by the Migration Office, which described the asylum system in Slovenia. However, the brochures are currently outdated and were not regularly in use in 2019.

¹⁷⁷ Article 63(3) IPA.

¹⁷⁸ Article 63(4) IPA.

¹⁷⁹ Article 5(1)-(2) IPA.

¹⁸⁰ Article 5(3) IPA.

2. Access to NGOs and UNHCR

Indicators: Access to NGOs and UNHCR

1. Do asylum seekers located at the border have effective access to NGOs and UNHCR if they wish so in practice? ☐ Yes ☐ With difficulty ☒ No¹⁸¹
2. Do asylum seekers in detention centres have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No
3. Do asylum seekers accommodated in remote locations on the territory (excluding borders) have effective access to NGOs and UNHCR if they wish so in practice? ☒ Yes ☐ With difficulty ☐ No

Border procedures have so far not been in use in Slovenia. Irregular migrants are only present at the border police stations for a short time (rarely longer than 24 hours) before they are either referred to the asylum procedure or returned to the country of arrival. During that time, they very rarely contact NGOs and the UNHCR. Cases when they would not be allowed to do so have not been detected.

Asylum applicants who are detained are located in the Aliens Centre in **Postojna**. All sections of the centre have payphones that can be used by detainees for both incoming and outgoing calls. In practice, detainees are also allowed to use regular landline phones by the centre staff if they do not have money for the payphone and need to make important calls, especially regarding their asylum and detention cases. The detainees are also allowed to meet with visitors during appointed hours in accordance with the daily schedule. As with nearly all other asylum applicants, detained asylum applicants are represented in the first-instance procedure by PIC, whose lawyers are available to them over phone and can visit them in person, if required.

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?¹⁸² ☐ Yes ☒ No
❖ If yes, specify which:

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

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

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

¹⁸¹ Border procedures are not implemented in practice in Slovenia, however applicants do not have access to NGOs if they are apprehended.

¹⁸² Whether under the "safe country of origin" concept or otherwise.

to asylum seekers from Turkey and granted refugee status in 12 cases. In 2019, 28 applicants from Turkey were granted refugee status in Slovenia either by the Administrative Court or by the Migration Office.

In May and June of 2018 there was a large increase in asylum seekers from **Algeria, Morocco** and **Tunisia**. The Ministry of the Interior issued the majority of them with detention orders and processed their applications in an accelerated procedure, rejecting their applications as manifestly unfounded. Judicial review was filed against the detention orders and in most cases the Administrative Court ruled in favour of the asylum seekers, ordering their immediate release. The practice ended in July 2018.

Reception Conditions

A. Access and forms of reception conditions

1. Criteria and restrictions to access reception conditions

Indicators: Criteria and Restrictions to Reception Conditions

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

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

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

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

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

The IPA grants the right to material reception conditions which includes accommodation provided in the **Asylum Home** or its branch facilities during the whole procedure to all asylum seekers regardless of the procedure they are in,¹⁸³ until a final decision on their application becomes enforceable.¹⁸⁴

In relation to asylum seekers subject to Dublin procedures, the Supreme Court clarified in 2018 that asylum seekers retain the right to reception conditions until the moment of their actual transfer to another Member State, despite the wording of Article 78(2) IPA. The Court stated that, to ensure an interpretation compatible with the recast Reception Conditions Directive and Article 1 of the EU Charter, Article 78(2) should not apply in Dublin cases.¹⁸⁵

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.¹⁸⁶ In practice, from the moment they express the intention to apply and until they have formally lodged their application, asylum seekers are held in the Asylum Home (see [Detention of Asylum Seekers](#)).

Applicants also receive an identification card which certifies their status as applicants for international protection in the Republic of Slovenia,¹⁸⁷ and they have the right to move freely on the territory of the country.

The law provides that applicants who have their own means of subsistence or another source of livelihood bear all or the proportional share of the cost for their material care,¹⁸⁸ which includes reception or accommodation. Asylum seekers must declare their financial resources before they are accommodated

¹⁸³ Article 78(1) IPA.

¹⁸⁴ Article 78(2) IPA.

¹⁸⁵ Supreme Court, Decision Up 10/2018, 12 June 2018.

¹⁸⁶ Article 78(2) IPA.

¹⁸⁷ Article 107 IPA.

¹⁸⁸ Article 82(3) IPA.

in the Asylum Home or its branch. The form regarding their financial resources is part of their accommodation documentation and is filled by the officials of the Ministry of the Interior 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 Ministry of the Interior and the interpreter have to sign the form together with the asylum seeker. According to Article 7 of the Decree on the methods and conditions for ensuring the rights of persons with international protection, asylum seekers do not have to bear the costs of their material care if their monthly income is less or equal to 0.2% of the monthly cost of their material care, taking into account the number of asylum seekers family members. However, these provisions do not seem to be applied in practice.

Problems with access to reception conditions are generally not detected.

Accommodated persons are obliged to move out of the reception centre when the decision on their application becomes enforceable.¹⁸⁹ In the case of granted international protection, this is 15 days from the receipt of the decision (see [Content of International Protection: Housing](#)). In case of a negative decision, applicants retain all of their reception rights, including the right to live in the reception facility during the appeal (judicial review) procedure. If the negative decision is confirmed by the court, the rejected applicant must move out of the facility and the return procedure is started if he or she does not have the right to stay in Slovenia.

2. Forms and levels of material reception conditions

Indicators: Forms and Levels of Material Reception Conditions

1. Amount of the monthly financial allowance/vouchers granted to asylum seekers as of 31 December 2019 (in original currency and in €): 18€

Asylum Seekers have the right to the following material reception conditions: accommodation in the **Asylum Home** or its branch facilities; food; clothing, footwear and hygiene supplies; emergency medical care (and full medical care in case of children); access to education; access to the labour market; humanitarian aid and an allowance of 18€ per month.¹⁹⁰

If the applicant's identity is not disputed and he or she has already undergone a personal interview, he or she may request to reside in private accommodation instead of the Asylum Home or one of the branch facilities, in which case he or she is not entitled to material reception conditions.¹⁹¹ In case of exceptional personal circumstances, the applicant can be allowed to reside in private accommodation even if identity is not confirmed and a personal interview has not yet been conducted. In such case he or she can also apply for financial assistance for the purpose of residing at a private address.¹⁹² The request for residing at a private address due to exceptional personal circumstances is examined by a special committee, comprising of a representative of UOIM, a nurse or medical technician employed in the Asylum Home and a representative of NGOs working in the field of asylum.¹⁹³

Applicants can also be accommodated in specialised facilities such as medical facilities or nursing homes if appropriate accommodation for them cannot be provided in the Asylum Home.¹⁹⁴

¹⁸⁹ Article 78(2) IPA.

¹⁹⁰ Article 78(1) and 79 IPA.

¹⁹¹ Article 83(1) and (3) IPA.

¹⁹² Article 83(5) IPA.

¹⁹³ Article 83(4) IPA and Article 29 Decree on the methods and conditions for ensuring the rights of applicants for international protection.

¹⁹⁴ Article 83(2) IPA.

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 stays the night outside of the Asylum Home without prior permission.¹⁹⁵ The monthly allowance can also be withdrawn or reduced to compensate for damage purposely caused to the accommodation facility.¹⁹⁶

Such withdrawal or reduction has not been imposed in practice in 2016 and 2017. In 2018 the measure was used, however the statistical data on the number of cases was not gathered and therefore not available. In 2019 the withdrawal or reduction of the monthly allowance to asylum seekers became a regular practice and UOIM issued 115 decisions to withdraw the monthly allowance (principally on account of persons staying the night outside of the Asylum Home without prior permission).¹⁹⁷

The decision to reduce or withdraw the monthly allowance is made by the head of UOIM.¹⁹⁸ The IPA does not regulate the assessment of the asylum seekers' risk of destitution or ability to provide for their own basic needs, nor does it define "destitution" or "basic needs". Similarly, and in practice, the decision to reduce or withdraw the monthly allowance does not contain the assessment of the asylum seekers' risk of destitution or ability to provide for their basic needs but only the legal grounds and the reason for the decision.

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

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

Asylum seekers can move freely within the territory of Slovenia. Freedom of movement is guaranteed by Article 32 of the Constitution of the Republic of Slovenia.

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

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

¹⁹⁵ Article 85 IPA.

¹⁹⁶ Article 82(4) IPA.

¹⁹⁷ Official statistics provided by UOIM, January 2020.

¹⁹⁸ Article 85(2) IPA.

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:¹⁹⁹

- Weekdays: 06:00 – 23:00, for unaccompanied children 06:00 – 21:00;
- Weekends / holidays: 06:00 – 06:00, for unaccompanied children 06:00 – 23:00.

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.²⁰⁰ In case the applicant stays outside without the permit, his or her monthly allowance can be withdrawn (see [Reduction or Withdrawal of Reception Conditions](#)).²⁰¹

Arbitrary departure from the appointed premises of accommodation can also have consequences on the asylum procedure itself. In case the applicant leaves the premises of the Asylum Home or its branch facility and does not return after 3 days, his or her application is considered to be implicitly withdrawn.²⁰² If more than nine months have passed since this implicit withdrawal, the applicant can only reapply for asylum if he or she meets the admissibility conditions for a [Subsequent Application](#).²⁰³

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: 429
3. Total persons living in private accommodation: 43
4. Type of accommodation most frequently used in a regular procedure:
☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other
5. Type of accommodation most frequently used in an urgent procedure:
☒ Reception centre ☐ Hotel or hostel ☐ Emergency shelter ☐ Private housing ☐ Other

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

Capacity and occupancy of the Asylum Home and branch facilities		
Centre	Capacity	Occupancy at 31 December 2019
Asylum Home	203	152
Branch Facility Kotnikova	90	77
Branch Facility Logatec	108	19
Student Dormitory Postojna	28	6
Total	429	254

Official statistics provided by UOIM.

The main reception facility is the Asylum Home in **Ljubljana**, which accommodates up to 230 persons. Until 2015 this was the only reception centre in Slovenia and was divided into sections for single men,

¹⁹⁹ Article 7(1) Decree on Asylum Centre House Rules.

²⁰⁰ Article 82(5) IPA.

²⁰¹ Article 85(1) IPA.

²⁰² Article 50(2) IPA.

²⁰³ Article 50(3) IPA.

families and children. Around the beginning of 2016, with the anticipated increase in the number of asylum seekers, the government opened additional “branch facilities” of the Asylum Home. Currently, **the Asylum Home** accommodates mostly single men and some families, the **Branch Facility Kotnikova** in Ljubljana exclusively single men, the **Branch Facility Logatec** mostly families and couples, and the **Student Dormitory Postojna** unaccompanied children.

Applicants can also request to reside in private accommodation (see [Forms and Levels of Material Reception Conditions](#)). 43 asylum seekers were living in private accommodation at the end of 2019.²⁰⁴

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.²⁰⁵ Other types of accommodation are not used in practice.

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? ☐ Yes ☒ No
2. What is the average length of stay of asylum seekers in the reception centres? 24 days
3. Are unaccompanied children ever accommodated with adults in practice? ☒ Yes ☐ No

2.1. Overall living conditions

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

The **Asylum Home** was renovated in 2017. The average room surface in the Asylum Home is around 3.75 – 7.50 m² per applicant, the same as before renovation,²⁰⁶ and of similar size to the rooms in the branch facilities. Applicants are normally accommodated in rooms for two to four persons. Bathrooms in all facilities are shared. Hygiene and other conditions in the Asylum Home and its branch facilities are generally considered to be satisfactory.

Applicants are provided three meals per day. Children up to the age of 15 are entitled to two additional intermediate meals.²⁰⁷ 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.²⁰⁸ Asylum seekers in the **Asylum Home** as well as all branch facilities also have common kitchens at their disposal in which they can cook for themselves.

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

²⁰⁴ Official statistics provided by UOIM.

²⁰⁵ Article 43(2) IPA.

²⁰⁶ European Migration Network (EMN), *Focused Study: The Organisation of Reception Facilities for Asylum Seekers in different Member states, Slovene national contribution*, 2013.

²⁰⁷ Article 14 Decree on the methods and conditions for ensuring the rights of applicants for international protection.

²⁰⁸ *Ibid.*

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

In 2019, due to a large number of arrivals, the **Asylum Home** could not accommodate all of the persons waiting to lodge their application. Due to the lack of space in the reception area of the Asylum Home, individuals who had not lodged their applications were also accommodated in the room intended for common activities or on the hallways of the Asylum Home. For that purpose, beds were brought into the common room or the hallway. Hygiene standards were not adequate and people could not have any privacy. The number of people accommodated in the reception area of the Asylum Home often exceeded the number of available accommodation places. Due to the overcrowding of the accommodation spaces in the reception area of the Asylum Home, people were also accommodated in containers in **Logatec**. During the winter they were accommodated in one part of the centre. Although the conditions were not appropriate for longer stays, people had to wait to lodge the application for up to 15 days.

The medical examination is normally performed before the interview but on account of the delay in lodging, people were also obliged to wait for the medical examination. Before the medical examination was performed, they were in contact with other asylum seekers and employees of the **Asylum Home**. Due to the increase of arrivals, hygiene conditions were low and represented a health risk for both the asylum seekers and people working in the Asylum Home. After they lodged their applications, they were accommodated in the Asylum Home or one of its branches.

2.2. Activities in the centres

Many NGOs and humanitarian organisations provide support in the **Asylum Home** on a regular basis. PIC lawyers are available to asylum seekers for legal aid and assistance in the Asylum Home every weekday between 8 am and 3 pm. The **Institute for African Studies** provides special information sessions following the asylum application with unaccompanied children and other potential victims of trafficking. **Društvo UP** carries out activities every day, through a project aimed at assistance with accommodation and care of asylum applicants, which includes psycho-social assistance and free time activities. The organisation **Mozaik** currently provides two hours of childcare every day for families accommodated in the Asylum Home. **Javni zavod Cene Štupar** carries out a daily programme involving Slovenian language and literacy classes and learning assistance. Free time activities are currently also carried out by **Slovene Philanthropy**. The **Red Cross Slovenia** provided psycho-social counselling as well as workshops on sexual and gender-based violence in cooperation with **Zavod Emma** once per week.²⁰⁹ Asylum seekers also have a room in the Asylum Home dedicated for prayer and practicing their religion.

The Branch Facility **Kotnikova** is visited by PIC lawyers providing legal counselling every Tuesday and Thursday between 15:00 and 18:00. Slovenian language and literacy classes are also carried out on a daily basis by **Javni zavod Cene Štupar**, which is the same as in the Asylum Home. **Slovene Philanthropy** provides English classes twice or three times per week and **Red Cross** together with **Zavod Emma** provided counselling to victims of SGBV twice per month.

The Branch Facility **Logatec** is visited by PIC lawyers for legal counselling every Wednesday. Slovenian language and literacy classes are carried out on a daily basis by **Javni zavod Cene Štupar**. In 2019, the **Red Cross** together with **Zavod Emma** provided counselling to victims of SGBV once per week.

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.

²⁰⁹ The project was concluded in December 2019.

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

A project for interpretation and cultural mediation with access to health care, as described under (see [Health Care](#)), is implemented in the Asylum Home and Branch Facility **Kotnikova** and was previously also implemented in the Branch Facility **Logatec**.

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

2.3. Average duration of stay

Considering that more than half of persons applying for asylum in Slovenia abscond – around 2,372 out of the 2,875 persons applying in 2018 – usually within a short time after the application, the turnover of people in the reception facilities is quite high. Applicants in the regular procedure often wait for the decision for over six months, possibly over one year or longer. The duration of Dublin procedures varies considerably and may be quick or take several months or longer. The average duration of accommodation in 2019 per person was 24 days.²¹⁰ The statistics for the average duration of stay per reception facility is not available for 2019.

C. Employment and education

1. Access to the labour market

Indicators: Access to the Labour Market

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

Asylum seekers acquire the right to free access to the labour market nine months after they have lodged their application if the decision in their procedure has not yet been taken by the Migration Office and the delay cannot be attributed to the asylum seeker.²¹¹

Once asylum seekers have the right to free access to the labour market, they can access self-employment, employment and work without meeting other requirements such as consent to the single residence permit and work permit or EU Blue Card or seasonal work permit. The Ministry of Interior only issues them a notice stating that they meet the abovementioned conditions.²¹²

²¹⁰ Information provided by UOIM, February 2018.

²¹¹ Article 87(1) IPA.

²¹² Article 6 Employment, Self-Employment and Work of Foreigners Act, Official Gazette of RS, No. 47/15 and 10/17.

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.²¹³

In 2017, the UOIM was established and one of the responsibilities of the newly established authority is also integration of asylum seekers into the labour market. In practice, NGOs also help asylum seekers find employment.

After nine months, applicants are also allowed access to vocational training.²¹⁴

2. Access to education

Indicators: Access to Education

- | | |
|--|---|
| 1. Does the law provide for access to education for asylum-seeking children? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Are children able to access education in practice? | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No |

The law provides that the right to elementary education has to be ensured to asylum seekers no longer than three months since they lodged their application.²¹⁵ There is no age limit attached to this provision.

Underaged asylum seekers are ensured access to education in vocational and secondary schools under the same conditions as Slovenian citizens; adult asylum seekers are also allowed such access. Furthermore, asylum seekers are allowed access to post-secondary and higher education programmes and to programmes designed for education of adults. The law expressly sets out that, if necessary, preparatory educational assistance has to be provided to children in order to facilitate their access to the education system.²¹⁶

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

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

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

Unaccompanied children accommodated in the branch facility **Logatec** are divided between two local elementary schools, where they are also entitled to additional assistance for non-Slovenian-speaking pupils. Young adults accommodated in the facility attend elementary school for adults, organised by [Ljudska univerza Postojna](#). Learning assistance is provided by social workers and occasionally by volunteers.

Children do not face any considerable obstacles in their accessing of the education system. The same is true for adults accessing elementary school for adults. On the other hand, adults wishing to enrol into high school have to pay a tuition fee, same as Slovenian citizens. Nevertheless, cases of asylum applicants

²¹³ EMN, *Focused Study: Integration of beneficiaries of international/humanitarian protection into the labour market*, 2015.

²¹⁴ Article 87(2) IPA.

²¹⁵ Article 88(1) IPA.

²¹⁶ Article 88(1)-(2) and (4) IPA.

accessing high school are rare, since asylum procedures are usually concluded by the time when their level of Slovenian language would be insufficient. Universities are mostly free (same as for Slovenian citizens), but programmes carried out in English are rare. Also, one obstacle for accessing high schools and universities is that, unlike beneficiaries of international protection, asylum applicants have to pay themselves the costs of proving their previously attained education.²¹⁷

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

D. Health care

Indicators: Health Care

1. Is access to emergency healthcare for asylum seekers guaranteed in national legislation?
☒ 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 the doctor, the right to emergency dental assistance, emergency treatment based on the decision of the treating physician and health care for women.²¹⁸ 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,²¹⁹ which means they enjoy full medical coverage.

Vulnerable persons with special needs are also entitled to additional health services, including psychotherapeutic assistance, following approval from a special committee comprising of a representative of the UOIM, a nurse or medical technician employed in the Asylum Home, a representative of NGOs working in the field of asylum and a representative of the Ministry of Health (see [Special Reception Needs](#)).²²⁰ Other asylum seekers can also be granted such additional health services by the committee in exceptional cases.²²¹

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

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

Asylum seekers obtain mandatory health insurance after they have been granted international protection (see [Content of Protection: Health Care](#)).²²²

²¹⁷ Article 88(6) IPA.

²¹⁸ Article 86(1) IPA.

²¹⁹ Article 86(3) IPA.

²²⁰ 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](#)).

²²¹ Article 86(2) IPA.

²²² Article 98(2) IPA.

In 2019, during the increase of arrivals, hygiene conditions were low in the pre-reception area of the **Asylum Home** which was overcrowded, as well as the common activities area where they were temporarily accommodated. Due to the backlog of applications, people had to wait up to 15 days before being able to lodge their application. Since the medical examination is normally conducted one day before they lodge the application, the medical examination was also not performed for several days in which time they were in contact with asylum seekers and employees of the Asylum Home. The circumstances represented a health risk for both the asylum seekers and people working in the Asylum Home. In order to prevent overcrowding in the pre-reception area of the Asylum Home, people can be accommodated in **Logatec**, where they are accommodated until they lodge their application.

E. Special reception needs of vulnerable groups

Indicators: Special Reception Needs

1. Is there an assessment of special reception needs of vulnerable persons in practice?

☐ Yes

☒ No

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

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

There is no special mechanism laid down in the law or in practice to identify vulnerable persons for the purpose of addressing their specific reception needs. Their vulnerability can be partially examined during the medical examination – visible physical characteristics due to which the individual is considered to be vulnerable – during which the vulnerability assessment is performed according to Article 13(1) IPA. The individual's vulnerability can also be assessed during the lodging of the application or during the personal interview. Special information sessions following the asylum application are conducted with unaccompanied children and other potential victims of trafficking under a project, implemented by an NGO, currently the Institute for African Studies. Victims or potential victims of sexual or gender-based violence can be detected, and special reception conditions arranged for them, through a system of Standard Operating Procedures,²²³ which is in force and functional.

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

As mentioned in [Health Care](#), individuals who are identified as vulnerable by a special multidisciplinary committee can receive additional health services.²²⁴ They can also be accommodated in special facilities such as medical facilities or nursing homes if appropriate accommodation for them cannot be provided in the Asylum Home.²²⁵ In practice, this is arranged on a case by case basis and depends on the availability of such facilities.

Vulnerable groups are accommodated according to the category of vulnerability they belong to.

²²³ All relevant actors (Ministry, UOIM, Police, Social services) and NGOs working with refugees are part of the Standing Operating Procedures (SOPS). When victims of sexual or gender based violence are detected it has to be reported to UOIM. The UOIM then organises a meeting with the relevant actors and NGOs in which the case is discussed and a plan on further actions is made.

²²⁴ Article 86(2) IPA.

²²⁵ Article 83(2) IPA.

1. Reception of families

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

2. Reception of unaccompanied children

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

After the conclusion of the pilot project, accommodation in Nova Gorica was terminated and unaccompanied children were moved to Student Dormitory **Postojna**. In November 2017, the government established an interdepartmental working group to develop a systemic solution of accommodation and care of unaccompanied children, based on the outcome of the pilot project and other experience. The group includes a representative of NGOs. By the end of 2018, the UOIM decided to extend the pilot project in the Student Dormitory Postojna for one more year. According to the new agreement, the number of unaccompanied children in the Dormitory was reduced from 28 to 19 in 2019. A systematic solution was not found in 2019 and, therefore, the project was prolonged again until the end of 2020 with the number of unaccompanied children in the Dormitory increasing from 19 to 22.²²⁶

Since the number of unaccompanied children is higher than the reception capacity of the Student Dormitory, in practice only unaccompanied children under 16 are accommodated in Postojna while the rest are accommodated in the **Asylum Home** or in **Logatec**. Due to the shortcomings in protection and care, the Asylum Home is not a suitable accommodation for unaccompanied children (see [Conditions in Reception Facilities](#)). By the end of the year, no unaccompanied minors were accommodated in the Asylum Home.²²⁷

Various stakeholders agree that Slovenia should strengthen the individual approach towards accommodation and care for unaccompanied children and establish support measures for transition to adulthood.

One identified problem is that while an age assessment procedure is set out in law (see [Identification](#)), it was not carried out in practice, thereby raising the risk of adults falsely claiming to be children being accommodated together with actual children. In 2018, the Ministry concluded negotiations with a medical institution that will perform the age assessment procedures. Although no age assessment procedures were conducted in 2018, the Ministry started the process in two cases. In 2019, the Ministry started to conduct the age assessment of unaccompanied minors. The assessment was conducted in four cases and in two cases the assessment concluded that the individuals were not minors.²²⁸

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.

²²⁶ Although the capacity of the Student dormitory is 28 persons maximum, 22 unaccompanied minors are accommodated at the same time.

²²⁷ Official statistics provided by UOIM, January 2020.

²²⁸ Official statistics provided by UOIM, January 2020.

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

According to Article 5 IPA, asylum seekers need to be informed about their rights and obligations in the procedure in the language they understand. This includes information about the material reception conditions, rights and obligations in reception accommodation, legal status and access to the labour market. This information is provided to them either by PIC legal representatives during the information session preceding the lodging of the asylum application or later during the procedure, or by the social workers and other officials. Written information on reception conditions is currently outdated and not available in all required languages.

2. Access to reception centres by third parties

Indicators: Access to Reception Centres

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

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

Visits to reception centres are possible during official hours with a visitor's permit issued by the social worker only.²²⁹ Visitors have to submit their identification document at the reception.²³⁰ NGOs and their staff working in the Asylum Home and the branch facilities have to be approved by the Ministry of Interior.

Asylum seekers have access to NGOs working in the reception centres according to their schedule.

G. Differential treatment of specific nationalities in reception

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

²²⁹ Article 10 Decree on Asylum Centre House Rules.

²³⁰ 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 2019:	22
2. Number of asylum seekers in detention at the end of 2019:	0
3. Number of detention centres:	1
4. Total capacity of detention centres:	220

Asylum seekers can be detained in the **Aliens Centre** or in the **Asylum Home**.

Most asylum seekers are generally not formally detained. In 2017, only 48 persons out of 1,476 applying were subject to detention, of whom 47 were in the Aliens Centre and only one in the Asylum Home. Only two asylum applicants were in detention at the end of that year. In 2018, the number of detained persons increased. 123 persons out of 2,875 applying were detained in the Aliens Centre while no one was detained in the Asylum Home. The majority of asylum seekers were detained in the first half of 2018 due to the large increase of asylum seekers. The detained asylum seekers were mostly from Algeria, Morocco and Tunisia. In 2019, only 22 asylum seekers were detained in the Aliens Centre and no one was detained in the Asylum Home. The main category of asylum applicants who were detained were persons in the Dublin procedures. The decision on detention of asylum applicants is taken by the Migration Office.

In March 2019, the Supreme Court ruled, in accordance with the CJEU judgment C-538/15, *Al Chodor*, that the provisions of the IPA regarding the detention are not in accordance with the Dublin Regulation, since the IPA does not contain the definition of the “risk of absconding” and the objective criteria needed to establish the risk of absconding in an individual case.²³¹ The Supreme Court therefore ruled that detention in the Dublin procedure is not lawful since the IPA does not contain the proper legal ground for detention. Since the provisions of the IPA regarding detention have not been amended, asylum seekers in Slovenia cannot be detained in the Dublin procedure or on any other ground that requires the risk of absconding to be established. Following the judgment of the Supreme Court, asylum seekers in the Dublin procedure were, therefore, not detained in Slovenia pending their Dublin procedure. The only possible ground for detention in Slovenia until the appropriate amendments to the IPA will be made is 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.

Apart from asylum applicants, the Aliens Centre also detains aliens in return procedures, which is the main purpose of the institution. In 2017, a total of 236 persons were detained in the centre pending return procedures. Seven persons in return procedures were in the centre on 31 December 2017. By the end of 2018, 13 persons were in the Aliens Centre out of which eight were in the return procedure. In 2019, 1,422 foreigners were detained in the Aliens Centre including 31 minors and 287 unaccompanied minors. According to the official statistics, the top five nationalities of the detained foreigners were Pakistani, Turkish, Afghani, Syrian and Bengali. At the end of the year, 10 people were detained in the Aliens Centre.²³²

A regime of *de facto* detention is applied to all newly arrived asylum seekers. Upon arrival in the Asylum Home, applicants are held in the reception area of the building without free access to its other parts. The Migration Office began a practice of locking up this area due to a high number of people absconding from the procedure prior to lodging applications and giving fingerprints for Eurodac. Until 2017, people were detained for short periods, rarely exceeding one day. However, due to organisational difficulties such as the unavailability of interpreters and doctors, there have been cases of persons, including families and unaccompanied children, held in the reception area for five-six days on average. The trend continued throughout 2018 and 2019 due to a large number of arrivals. During this period, people were also

²³¹ Supreme Court Decision, X Ips 1/2019 from 13 March 2019, available at: <https://bit.ly/2TSXCNR>.

²³² Official statistics provided by the Police, January 2020.

accommodated in the room for common activities and in the reception centre in **Logatec**. People were *de facto* detained in these conditions for up to 15 days when they were waiting to lodge their application. The rooms in the pre-reception areas were often overcrowded and did not guarantee any privacy to the individuals.

Due to the deterioration of conditions in 2018, PIC sent a letter containing an analysis of the practice to UOIM and met with the representatives of the Ministry of the Interior. The head of the Ombudsman's National Preventive Mechanism was also informed about the situation and performed an unannounced visit to the Asylum Home. PIC also filed a lawsuit for damages for unlawful deprivation of liberty however all the applicants later absconded. No systemic solutions were put in place and people are still *de facto* detained before lodging their applications.

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

In 2019, 527 individuals expressed their intention to apply for international protection in the Aliens Centre.²³³

B. Legal framework of detention

1. Grounds for detention

Indicators: Grounds for Detention

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

According to the law, asylum seekers can be detained:²³⁴

1. In order to verify and establish their identity or nationality in case of a clear doubt;
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.

Asylum seekers can be detained in the regular, accelerated or Dublin procedure. They can only be detained in the Aliens Centre or the Asylum Home and there are no legal provisions for detention at the border. In practice, most asylum seekers are detained in the Aliens Centre pending a Dublin transfer.

²³³ Official statistics provided by the Police, January 2020.

²³⁴ Article 84(1) IPA.

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.

The risk of absconding is normally listed as a ground for the decision but often not properly justified. The IPA does not contain a definition of the “risk for absconding”. Therefore, the Migration Office uses the definition contained in Article 68 of the Aliens Act:

1. “Circumstances that indicate the risk of absconding of an alien are as in particular:
 - the alien's prior illegal residence in the Republic of Slovenia;
 - the alien's entrance into the country despite an entry ban imposed on him or her;
 - a final judgment has been issued against the alien for a criminal offence;
 - the alien possesses a travel or other document, which belongs to another person, is forged or altered;
 - the alien has provided false information or is uncooperative in the procedure;
 - the conduct of the alien suggests that he or she will not depart from the Republic of Slovenia by the deadline set for voluntary return.
2. Less serious circumstances indicating that an alien is at risk of absconding are in particular:
 - the alien's illegal entrance into the Republic of Slovenia,
 - the fact that the alien has exceeded the period of legal residence in the country by less than 30 days;
 - there is no possibility for the alien to reside in the Republic of Slovenia;
 - other less serious circumstances identified on the basis of specific examination.”

Detention in the Dublin procedure or on any other ground that requires the risk of absconding to be established is now unlawful following on from the 2019 judgment of the Supreme Court, as referred above.²³⁵ The only possible ground for detention in Slovenia until the appropriate amendments to the IPA will be made is 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.

Individuals in return procedures are also detained in the Aliens 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 Aliens 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.²³⁶

2. Alternatives to detention

Indicators: Alternatives to Detention

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

The law does not regulate alternatives to detention. Asylum seekers can either be detained in the Aliens Centre in the vast majority of cases, or rarely in the Asylum Home. The IPA provides that asylum seekers can be detained in the Aliens 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.²³⁷ While the Aliens 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.

²³⁵ Supreme Court Decision, X Ips 1/2019 from 13. 3. 2019, available at: <https://bit.ly/2Q5VHnF>.

²³⁶ Article 84(1) IPA.

²³⁷ Article 84(2) IPA.

The competent authorities usually consider the detention in the Asylum Home as an alternative to detention. However, according to a decision of the Constitutional Court, the measure amounts to a deprivation of liberty and not limitation on freedom of movement and therefore represents detention and not an alternative.²³⁸

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

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

3. Detention of vulnerable applicants

Indicators: Detention of Vulnerable Applicants

1. Are unaccompanied asylum-seeking children detained in practice?

☐ Frequently
 ☐ Rarely
 ☒ Never
- ❖ If frequently or rarely, are they only detained in border/transit zones?

☐ Yes
 ☒ No
2. Are asylum seeking children in families detained in practice?

☐ Frequently
 ☒ Rarely
 ☐ Never

Children and unaccompanied children asylum seekers cannot be detained in the Aliens Centre according to Article 84(2) IPA. However, they can be detained in the Asylum Home. In practice, unaccompanied children have also been *de facto* detained in the reception area of the Asylum Home for periods reaching up to 15 days until the lodging of their asylum application.

Victims of torture and other vulnerable people can be detained in the Aliens 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.²³⁹

Unaccompanied minors cannot be detained in the Aliens Centre if they lodged the application for international protection. Other minors and unaccompanied children who are detained in the Aliens Centre are considered as potential victims of trafficking. In 2019, two foreigners with mental health problems were detained in the Aliens Centre and were both provided with psycho-social support, health checks and examination with a psychiatrist. One LGBT foreigner was also detained.²⁴⁰

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? 19 days

Asylum seekers may be detained for a maximum of three months, with the possibility of extension for an additional month.²⁴¹

According to the law, asylum seekers are to be released when the reasons for their detention cease to exist, after the maximum period for detention has been reached or after the detention decision has been annulled in judicial review. The law also states that the president of the Administrative Court can decree a special supervision of the implementation of detention, which can result in termination of detention.²⁴²

²³⁸ Constitutional Court, Decision Up-1116/09, 3 March 2011, available at: <http://bit.ly/2DA8oSH>.

²³⁹ Article 84(8) IPA.

²⁴⁰ Official statistics provided by the Police, January 2020.

²⁴¹ Article 84(5) IPA.

²⁴² *Ibid.*

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

In 2019, the average duration of detention of asylum seekers in the Aliens Centre was 19 days. The average duration of detention of other foreigners was four days. The average duration of detention of minors was 1.6 days and the average duration of detention of unaccompanied minors was 3.4 days.²⁴³

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

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

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

The Aliens 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 Aliens Centre, they are not separated from other third country nationals.

Currently the Aliens Centre has a maximum capacity of 220 places. By the end of 2019 only 10 foreigners were detained in the Aliens Centre in the return procedure.²⁴⁴

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

In Slovenia there are two border transit zones on the Jože Pučnik Airport in Ljubljana and Edvard Rusjan Airport in Maribor. The transit zone in Ljubljana has the capacity to hold eight people while the transit zone in Maribor has the capacity to hold six people. In 2019, 379 foreigners were detained in the transit zone in Ljubljana and none in Maribor.²⁴⁵ As mentioned above, asylum seekers are not detained in the transit zone but if they do apply for asylum from a transit zone, their application is not processed there.

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

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

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

²⁴³ As explained above, unaccompanied minors who lodged the application for international protection can not be detained in the Aliens Centre. Official statistics provided by the Police, January 2020.

²⁴⁴ Official statistics provided by the Police, January 2020.

²⁴⁵ Official statistics provided by the Police, January 2020.

2.1. Overall conditions

Both facilities are subject to unannounced visits by the National Preventive Mechanism instituted under the Optional Protocol to the United Nations Convention against Torture and implemented by the Office of the Ombudsman in cooperation with representatives of the civil society.²⁴⁶

The **Aliens Centre** is visited by the Ombudsman around once per year. The centre is also occasionally visited by international monitoring bodies, including the Council of Europe Committee for the Prevention of Torture (CPT) which last visited between 28 March and 4 April 2017.²⁴⁷ In 2019, the Aliens Centre was renovating reception facilities of the centre. During the Ombudsman's visit no major irregularities regarding overall conditions were detected.²⁴⁸

Generally speaking no serious irregularities are detected in the centre during monitoring visits. Many smaller issues detected through monitoring activities have been remedied and improved over the years. Allegations of mistreatment or other inappropriate conduct of the Police and other staff are very rare. Nevertheless, incidents such as hunger strikes and self-harm do occur, though they seem to be a reaction to detention itself, as well as dissatisfaction with the asylum or return procedure, and not poor conditions in the centre.

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

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

The Aliens 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. In 2019, social workers organised 38 English language courses, nine creative workshops, board games, computer courses, Slovenian language courses, health courses and six educational workshops on different topics. The **Jesuit Refugee Service (JRS) Slovenia** visits the centre around once a week to carry out recreational and psycho-social activities.

2.3. Health care and special needs in detention

The health care of the detainees is the same as for other asylum seekers. They have access to health care services provided in the Asylum Home or the Aliens 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 Aliens Centre when required.

²⁴⁶ For reports of monitoring visits, see Ombudsman, *Varuh kot Državni preventivni mehanizem*, available in Slovenian at: <http://bit.ly/2G2n8Z8>.

²⁴⁷ Council of Europe, 'Council of Europe anti-torture Committee visits Slovenia', 6 April 2017, available at: <http://bit.ly/2DniGSM>.

²⁴⁸ Ombudsman, *Državni preventivni mehanizem*, available in Slovenian at: <https://bit.ly/2wj4nAk>.

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

3. Access to detention facilities

Indicators: Access to Detention Facilities

1. Is access to detention centres allowed to

- | | | | |
|-------------------|---|----------------------------------|-----------------------------|
| ❖ Lawyers: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ NGOs: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ UNHCR: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |
| ❖ Family members: | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> Limited | <input type="checkbox"/> No |

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

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

In the **Aliens Centre**, NGOs are not present on a daily basis. JRS visits around once a week to carry out recreational and psycho-social activities, while PIC visits the centre a few times a month to provide legal assistance.

Visits in the Aliens Centre are allowed in accordance with the daily visitation schedule. There are no restrictions on who can visit a detainee. The same rules as apply to other visitors also apply to the media 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 not allowed to keep mobile phones and these are confiscated by the Police upon arrival. Landline phones are available to detainees (see [Access to NGOs and UNHCR](#)).

D. Procedural safeguards

1. Judicial review of the detention order

Indicators: Judicial Review of Detention

1. Is there an automatic review of the lawfulness of detention? ☐ Yes ☒ No
2. 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 Ministry and by their legal representatives.

Applicants have the right to challenge the detention order before the court. They can file the action before the Administrative Court within three days of notification of the decision. The Court has to conduct an oral hearing and take a decision in three days.²⁴⁹

There is no automatic review of the lawfulness of detention. However, the President of the Administrative Court can decide that a supervision of the application of the measure in practice needs to be performed and appoints one or more judges together with instructions on the timeframes, places or specific asylum

²⁴⁹ Article 84(6) IPA.

seekers that have to be included in such supervision. If it is concluded that the reasons for detention of a certain asylum seeker no longer exist, the President of the Administrative Court can order the termination of the measure.²⁵⁰ Informally collected data shows that such review was used once in 2018 at the initiative of the refugee counsellor of the applicant. Based on the new evidence presented to the Administrative Court the President of the Administrative Court issued a release order for the detained applicant.²⁵¹ Since the ruling of the Supreme Court in March 2019 affected the grounds that can be used for detention of asylum seekers, automatic review of the lawfulness of detention of asylum seekers based on the IPA was not used in 2019.²⁵² In accordance with informally collected information, it was used at least two times in cases of detention of foreigners in the return procedure based on the Aliens Act.

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

2. Legal assistance for review of detention

Indicators: Legal Assistance for Review of Detention

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

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

In practice, assistance in accessing refugee counsellors is provided by PIC lawyers who represent the applicants in first instance procedures. Therefore, cases where detained asylum applicants would not benefit from representation before court practically do not occur.

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

E. Differential treatment of specific nationalities in detention

The breakdown of detained asylum seekers by nationalities in 2019 is as follows: Afghanistan (4), Algeria (9), Gambia (2), Libya (2), Morocco (2), Pakistan (2) and Yemen (1).²⁵³

Considering that detention is mostly imposed in case of Dublin procedures, the duration of detention usually depends on the length of the procedure for determination of the responsible country, in particular whether the applicant appeals the Dublin decision, and in such case on the length of the judicial review procedure. The average duration of detention of asylum seekers was 19 days.²⁵⁴ No differential treatment is observed in this respect between nationalities.

²⁵⁰ Article 84(5) IPA.

²⁵¹ Administrative Court, Decision I U 1010/2018-7, 7 May 2018.

²⁵² Supreme Court Decision, X Ips 1/2019, 13 March 2019, available in Slovenian at: <https://bit.ly/2Q5VHnF>.

²⁵³ Official statistics provided by the Migration Office, February 2020.

²⁵⁴ Official statistics provided by the Police, January 2020.

A. Status and residence

1. Residence permit

Indicators: Residence Permit

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

Refugee status is recognised with no time limitation on the status, therefore the positive decision granting the refugee status to the individual serves as a permanent residence permit. **Subsidiary protection** status is recognised for a limited period of time with the possibility of extension. Usually the period ranges from one to five years. Beneficiaries with subsidiary protection are therefore issued a temporary residence permit with the duration of the status.²⁵⁵ Only four persons were granted subsidiary protection in 2019.

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

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

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

2. Civil registration

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

One identified problem in relation to marriage registration is that partners cannot be registered as married in official records if they do not present the requisite documentary evidence. Also, in relation to this, when a child is born, the mother's partner is not listed in the register as the father, unless the required documentary proof of marriage is presented. Unlike Slovenian citizens, beneficiaries of international protection in practice cannot acknowledge paternity in front of a state official and be registered as fathers on that ground. Problems also occur when beneficiaries want to get married and need to prove they are not already married. However, in practice beneficiaries in these situations have been allowed to testify they are single, instead of presenting an official document from their country of origin.

Another shortcoming within the civil registration system is that beneficiaries of international protection cannot legally change their name before Slovenian authorities.

However, 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.

²⁵⁵ Article 92(1)-(2) IPA.

3. Long-term residence

Indicators: Long-Term Residence

1. Number of long-term residence permits issued to beneficiaries in 2019: 1

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:

- a. Five years of uninterrupted legal stay in Slovenia.²⁵⁶ 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.²⁵⁷ The law does not discriminate between refugee and subsidiary protection status;
- b. General criteria for obtaining a residence permit: valid passport, health insurance and sufficient financial means,²⁵⁸ and
- c. Circumstances free of general reasons preventing the issuance of a residence permit, i.e. security concerns or fraud.²⁵⁹

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

4. Naturalisation

Indicators: Naturalisation

- | | |
|--|---------|
| 1. What is the minimum residence period for obtaining citizenship? | |
| ❖ Refugee status | 5 years |
| ❖ Subsidiary protection | 5 years |
| 2. Number of citizenship grants to beneficiaries in 2019: | 4 |

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

- they are 18 years old;
- they have the means of subsistence that guarantees them (and those who they are obliged to provide for) material and social security;
- they have passed the Slovenian language test;
- they have not been sentenced to a prison sentence longer than three months or probation longer than one year;
- their residence in the Republic of Slovenia has not been annulled;
- they do not pose a threat to public order, safety or security of the state;
- they have settled all of their tax obligations; and
- they have pledged to respect the free democratic constitutional order founded by the Constitution of the Republic of Slovenia.²⁶⁰

Beneficiaries of international protection can apply for citizenship by naturalisation after five years of continued residence in the Republic of Slovenia, which is shorter than the general period of 10 years, and they do not have to meet the additional criterion of obtaining renunciation of their previous citizenship.²⁶¹

The request for naturalisation must be lodged with the Administrative Unit of the place of residence.

²⁵⁶ Article 53.a(1) Aliens Act.

²⁵⁷ *Ibid.*

²⁵⁸ As listed in Article 33 Aliens Act.

²⁵⁹ As listed in Article 55(1) Aliens Act.

²⁶⁰ Article 10(1) Citizenship of the Republic of Slovenia Act, Official Gazette of RS, 1/1991 and subsequent amendments.

²⁶¹ Article 12(7) Citizenship of the Republic of Slovenia Act.

Between 1995 – when the first international protection statuses were granted – and 31 December 2019, a total of 130 beneficiaries of international protection have obtained Slovenian citizenship.²⁶²

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.²⁶³

The Migration Office can start the cessation procedure if it becomes aware that the grounds for cessation exist. The Migration Office notifies the beneficiary of international protection in writing about the start of the procedure and grounds for it.²⁶⁴

Before making the decision, the Migration Office needs to enable the beneficiary to present reasons against the cessation of the international protection in a personal interview.²⁶⁵ The beneficiary can file an application for judicial review against the decision before the Administrative Court in 15 days. The application has suspensive effect.²⁶⁶

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

In 2019, cessation decisions were issued in four cases due to acquisition of Slovenian citizenship. One person was not granted subsidiary protection due to exclusion reasons.²⁶⁷

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.²⁶⁸

The withdrawal procedure is the same as the [Cessation](#) procedure. The Migration Office notifies the beneficiary of international protection in writing about the start of the procedure and grounds for it and the

²⁶² Official statistics provided by the Migration Office, February 2020.

²⁶³ Article 67 IPA.

²⁶⁴ Articles 69(1)-(2) IPA.

²⁶⁵ Article 69(3) IPA.

²⁶⁶ Article 70(1) and (3) IPA.

²⁶⁷ Official statistics provided by the Migration Office, February 2020.

²⁶⁸ Article 68 IPA.

beneficiary can present their reasons against withdrawal at a personal interview.²⁶⁹ The beneficiary can file an application for judicial review against the decision before the Administrative Court in 15 days. The application has suspensive effect.²⁷⁰

No withdrawal decisions have so far been issued in the Republic of Slovenia since asylum legislation has been in force.

B. Family reunification

1. Criteria and conditions

Indicators: Family Reunification

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

1.1. Eligible family members

Family members with whom the beneficiary of refugee status or subsidiary protection status can be reunited are:²⁷¹

- The spouse, registered partner or partner with whom the applicant for family reunification has been living in a long term relationship;
- Minor unmarried children, minor unmarried children of the spouse, registered partner or partner with whom the applicant has been living in a long term relationship;
- Adult children and parents of the applicant or the spouse, registered partner or partner with whom the applicant has been living in a long term relationship, if the applicant or the spouse, registered partner or partner with whom the applicant has been living in a long-term relationship is obliged to support them under the law of his or her country; and
- Parents of an unaccompanied child.²⁷²

In exceptional cases, the determining authority can also consider other relatives if special circumstances speak in favour of family reunification in the Republic of Slovenia. Special circumstances exist when there is a family community established between other relatives, which is essentially similar to and has the same function as a primary family, especially in terms of genuine family ties, physical care, security, protection, emotional support and financial dependence.²⁷³ This provision was included in the law on the basis of a Constitutional Court decision from January 2015.²⁷⁴

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

²⁶⁹ Article 69(2)-(3) IPA.

²⁷⁰ Article 70(1) and (3) IPA.

²⁷¹ Articles 47.a(2) and 47.b(2) Aliens Act.

²⁷² 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/2ARhyl0>.

²⁷³ Articles 47.a(4) and 47.b(4) Aliens Act.

²⁷⁴ Constitutional Court, Decision U-I-309/13, 14 January 2015, available at: <http://bit.ly/1VwZJ4G>.

reunification after their status is extended. On the other hand, persons with **refugee status** and **subsidiary protection longer than one year** can apply for family reunification immediately after being granted status. There is no other differences regarding the criteria and conditions for family reunification between persons with refugee status and subsidiary protection status.

Both persons enjoying refugee status and subsidiary protection have to apply for family reunification within 90 days since the recognition of their status (or extension of subsidiary protection status if it was granted for one year) in order to enjoy the more favourable conditions available to beneficiaries of international protection. In case the beneficiary does not apply in 90 days, the family member must meet the general conditions for family reunification: possession of a valid passport, health insurance and sufficient financial means.²⁷⁵

In 2018, 59 applications for family reunification were submitted out of which 50 were submitted by persons with refugee status and nine by persons with subsidiary protection. Decisions were taken regarding 27 applications for family reunification. Nine persons were granted permanent resident permits and nine applications for family reunification were rejected. Nine procedures were stopped.²⁷⁶

In 2019, 38 applications for family reunification were submitted. 31 were submitted by persons with refugee status and seven were submitted by persons with subsidiary protection. The Ministry for the Interior took 52 decisions on family reunification in 2019. 37 applications for family reunification were granted, out of which 29 were granted to persons with refugee status and eight to persons with subsidiary protection. Three applications were rejected, seven were dismissed and five procedures were stopped.²⁷⁷

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

2. Status and rights of family members

Before 2014, family members of the sponsor were granted the same status (refugee or subsidiary protection) as the sponsor. However, with legislative changes adopted that year, family members are now granted resident status under the Aliens Act. Family members of persons with **refugee status** are granted a permanent residence permit, while family members of a persons with **subsidiary protection** are granted a temporary residence permit with the same duration as that of subsidiary protection, which can be extended under the same conditions as it is granted and for the same time as the extension of the subsidiary protection status of the sponsor.²⁷⁸

Family members are entitled to accommodation in an Integration House or financial assistance with accommodation at a private address together with the sponsor, except for family members of a person with subsidiary protection, who are not entitled to financial assistance (see [Housing](#)).²⁷⁹

Family members are entitled to the same rights regarding health care, social security, education and employment as citizens of the Republic of Slovenia.²⁸⁰

In case the family member granted family reunification with a beneficiary of international protection does not possess a valid passport, the Ministry of the Interior issues them a passport without fingerprints and signature, with a validity of 90 days, for the purpose of entry into the Republic of Slovenia.²⁸¹ Financial assistance for arrival in Slovenia is not provided.

²⁷⁵ Articles 47.a(7) and 47.b(6) Aliens Act.

²⁷⁶ Information provided by the Migration Office, February 2019.

²⁷⁷ Official statistics provided by the Migration Office, February 2020.

²⁷⁸ Articles 47.a(3) and 47.b(3) and (7) Aliens Act.

²⁷⁹ Articles 93(2) and 97(5) IPA.

²⁸⁰ Family members of persons with subsidiary protection pursuant to an explicit provision in Article 47.b(12) Aliens Act and family members of persons with refugee status as holders of a permanent residence permit.

²⁸¹ Article 98(5) Aliens Act.

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.²⁸² Beneficiaries of **subsidiary protection** can use their national passport; in case they do not have one the competent authority issues them a passport for foreigners.²⁸³

Refugees are normally issued a passport with a validity period of 10 years. Passports for foreigners issued to beneficiaries for subsidiary protection are issued for the same time period as the subsidiary protection.²⁸⁴

A person holding a refugee status applies for the refugee passport with the Ministry of the Interior,²⁸⁵ which must issue the document in 15 days.²⁸⁶ A person holding subsidiary protection applies for their passport for foreigners with the Administrative Unit of their place of residence.²⁸⁷

In 2019, the authorities issued 95 passports to persons with international protection.²⁸⁸

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 2019 | 9 |

Beneficiaries of international protection have to move out of reception (except Student Dormitory **Postojna**) as soon as the positive decision on their asylum applications becomes enforceable, i.e. within 15 days of being granted status.²⁸⁹ At the end of 2019, nine persons holding international protection status were living in the reception centre.

Beneficiaries without financial means and for whom accommodation is not provided in another way are entitled to financial assistance for accommodation for a period of 18 months after being granted status.²⁹⁰ They are entitled to the same assistance for a further 18 months, altogether three years, upon condition that they have attended at least 80% of free training of Slovenian language and culture, organised by the

²⁸² Article 111 IPA. More detailed provisions are set out in Rules on the content, format and method of issuing passports to refugees.

²⁸³ Article 113 IPA and 98 Aliens Act.

²⁸⁴ Articles 111(3) and 113(2) IPA.

²⁸⁵ Article 6 Rules on the content, format and method of issuing passports to refugees.

²⁸⁶ 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.

²⁸⁷ Article 98(3) Aliens Act.

²⁸⁸ Official statistics provided by the Migration Office, February 2020.

²⁸⁹ Article 70 (1) IPA.

²⁹⁰ Article 97(1) IPA.

UOIM (see [Access to Education](#)).²⁹¹ 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 for a period of three years after being granted status, or until they finish schooling, but not after they reach the age of 26.²⁹²

This financial assistance covers the rent for accommodation and related utility costs. The maximum monthly amount for single claimants is linked to the monthly amount of financial social assistance, currently €402,48. In the case of families, the maximum amount per person is less, calculated in accordance with a Decree.²⁹³

Beneficiaries receive assistance with finding apartments in the real estate market and assistance in other aspects of integration by the UOIM and by NGOs, mainly [Društvo Odnos](#) and [Slovene Philanthropy](#). High prices and distrust of migrants by potential landlords often pose an obstacle to finding suitable apartments. One identified systemic shortcoming in relation to housing for beneficiaries is the restriction of access to non-profit rental apartments,²⁹⁴ since this right is by law only available to Slovenian citizens.

As of 31 December 2019, 535 beneficiaries of international protection lived in private apartments.

In the first year after receiving status, monetary assistance can be substituted with free accommodation in “Integration Houses” of the Ministry of the Interior, which are facilities comprising of apartments for beneficiaries.²⁹⁵ Based on justified medical or other reasons, accommodation in the Integration House can be extended for a further six months.²⁹⁶ The Ministry of the Interior currently administers three Integration Houses, one in **Ljubljana**, intended for families and single women, and one in **Maribor**, intended for single men and one in **Velenje**:

Capacity and occupancy of Integration Houses		
Integration House	Capacity	Occupancy at 31 December 2019
Ljubljana	15	3
Maribor	45	26
Velenje	30	0
Total	90	29

Source: UOIM

Unaccompanied children that obtain international protection can currently keep their accommodation in the Student Dormitory **Postojna**, where they have also been accommodated as asylum applicants. The solution mentioned in [Special Reception Needs](#) will also include unaccompanied children with international protection status.

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.²⁹⁷ Reunited family members of a person with refugee status are also entitled to financial assistance with accommodation at a private address,²⁹⁸ however this right is no longer available to family members of persons with subsidiary protection since the entry into force of the IPA in April 2016.

²⁹¹ Article 97(2) IPA.

²⁹² Article 97(3) IPA.

²⁹³ Article 9 Decree on the methods and conditions for ensuring the rights of persons with international protection.

²⁹⁴ 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.

²⁹⁵ Article 93(1) IPA.

²⁹⁶ Article 93(2) IPA.

²⁹⁷ Article 93(2) IPA.

²⁹⁸ Article 97(5) IPA.

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 employ, self-employ or work without having to obtain a special working permit or to meet other requirements.²⁹⁹ Their access to the labour market is also not conditioned by a market labour test. There is no difference between refugees and beneficiaries of subsidiary protection.

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

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

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

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

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.³⁰⁰ They are also entitled to state scholarships and accommodation in student dormitories under the same conditions as nationals.³⁰¹ Asylum-seeking children enjoy unimpeded access to the education system (see [Reception Conditions: Access to Education](#)) and are, therefore, normally already enrolled in the education system before they are granted international protection status.

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

Costs related to recognition and assessment of education attained abroad is covered by the UOIM.³⁰² In case the attained education cannot be proven with documentation, a system for official testing is set up in a Decree.³⁰³

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.³⁰⁴

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

²⁹⁹ Article 102 IPA and Article 6(2) Self-Employment and Work of Aliens Act, Official Gazette of RS, No. 47/2015 and subsequent amendments.

³⁰⁰ Article 101(1) IPA.

³⁰¹ Article 101(2) IPA.

³⁰² Article 101(3)-(4) IPA.

³⁰³ Articles 12-32 and 34 Decree on the methods and conditions for ensuring the rights of persons with international protection.

³⁰⁴ Article 103 IPA and Article 38 Decree on the methods and conditions for ensuring the rights of persons with international protection.

F. Social welfare

Beneficiaries of international protection are entitled to social benefits under the national social security system.³⁰⁵ Their rights in this respect are equal to Slovenian citizens and do not differ between persons with refugee and subsidiary protection status. The main authority for granting social assistance is the territorially competent Center for Social Work.

First, beneficiaries are entitled to financial social assistance, provided to all persons without other means. The current amount for single claimants is €402,58 per month. If the individual also receives financial assistance for accommodation they receive 15% less of financial social assistance per month. In the case of families the amount per person is less than €402,58 calculated in accordance with the Social Assistance Benefits Act.³⁰⁶ This is complemented by other benefits under the national social security system, granted to individuals who meet the specific criteria, including child benefits, large family allowance, emergency assistance and kindergarten subsidies.

The rights to social assistance described above are the same regardless of the region of residence. However, apart from the national social security system, additional assistance is sometimes provided by municipalities and may also require beneficiaries to reside on their territory.

One considerable problem faced by beneficiaries of international protection is the lack of social security during the initial period after being granted status. The precondition for applying for social welfare is registered address of residence, which means beneficiaries must first rent an apartment or be accommodated in an integration house (see [Housing](#)). This, together with the time it takes to process their social welfare claim, can in practice take up to two months, in which time beneficiaries often have to rely on humanitarian support of welfare organisations. The IPA used to include a special “one-off financial assistance” received upon being granted status, which prevented such situations from occurring. Unfortunately, however, this provision has been erased with the reform of April 2016.

G. Health care

Beneficiaries of international protection are entitled to health care under the same conditions as nationals.

The Slovenian national system of health insurance, set out in the Health Care and Health Insurance Act,³⁰⁷ comprises of compulsory health insurance and complementary health insurance. Compulsory health insurance covers only a part of the medical costs. In order to enjoy full benefits of the health insurance system, one has to apply for the complementary health insurance.

Beneficiaries of international protection are covered by compulsory health insurance on the basis of their international protection status.³⁰⁸ They are encouraged by the integration officers to also apply for complementary health insurance, as without it the costs for medication and medical treatment can become very high. Persons who receive financial social assistance – which is most beneficiaries upon being granted status – do not require complementary health insurance and enjoy full rights without it.³⁰⁹

The provisions for children beneficiaries of international protection are more favorable: they are entitled to health care services under the same conditions as Slovenian children,³¹⁰ which means they do not require complementary health insurance until they reach the age of 18 (or until 26, as long as they are

³⁰⁵ Article 95 IPA.

³⁰⁶ Official Gazette of RS, No. 61/2010 and subsequent amendments.

³⁰⁷ Official Gazette of RS, No. 9/1992 and subsequent amendments.

³⁰⁸ Article 94(1) IPA.

³⁰⁹ Article 24 Health Care and Health Insurance Act.

³¹⁰ Article 94(2) IPA.

enrolled into school as regular students) and enjoy full rights without it.³¹¹

Beneficiaries suffering from mental health problems, including torture survivors and other traumatised persons are entitled to the same medical services as nationals. Specialised treatment for them is only organised through occasional programmes by NGOs and other actors.

In order to help bridge the language barrier, a manual - the “[Multilingual Aid for Better Communication in Healthcare](#)”, has been issued by the Ministry of the Interior in cooperation with other stakeholders in 2017. In the initial phase after being granted status, beneficiaries also enjoy assistance from the UOIM staff and NGOs. Nevertheless, due to language and cultural difficulties, practical access to healthcare remains challenging in practice.

³¹¹ Article 22 Health Care and Health Insurance Act.

ANNEX I – Transposition of the CEAS in national legislation

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 14 (14b)	Article 68(1) IPA	The QD stipulates that refugee status can be revoked in case the individual is convicted of a “particularly serious crime”. However, the IPA stipulates that refugee status can be revoked in case the individual is convicted of a serious crime. The threshold for the revocation in the IPA is therefore lower.
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.
Regulation (EU) No 604/2013 Dublin III Regulation	Article 28	Article 84 IPA	The provisions in the IPA regarding detention are not in accordance with the Dublin Regulation since the IPA does not contain the definition of the “risk of absconding” nor the objective criteria needed to establish the risk of absconding in an individual case.