

Country Report: Slovenia



Acknowledgements & Methodology

This report was written by Miha Nabergoj at the Legal-Informational Centre for NGOs (PIC), and was 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 2017, 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 18 EU Member States (AT, BE, BG, CY, DE, ES, FR, GR, HR, HU, IE, IT, MT, NL, PL, PT, RO, SE, SI, UK) and 3 non-EU countries (Serbia, Switzerland, Turkey) 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
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
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 website.¹ 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: 2017

	Applicants in 2017	Pending at end 2017	Refugee status	Subsidiary protection	Rejection	Refugee rate	Sub. Prot. rate	Rejection rate
Total	1,476	274	139	13	89	57.7%	5.4%	36.9%

Breakdown by top 10 countries of origin

Afghanistan	578	41	4	1	25	13.3%	3.3%	83.3%
Algeria	201	58	0	0	14	0%	0%	100%
Pakistan	140	32	0	0	3	0%	0%	100%
Turkey	102	40	0	0	0	-	-	-
Syria	94	9	87	10	0	89.7%	10.3%	0%
Iran	60	18	3	0	22	12%	0%	88%
Kosovo	47	5	0	0	2	0%	0%	100%
Morocco	43	12	0	0	1	0%	0%	100%
Eritrea	40	11	29	0	0	100%	0%	0%
Libya	33	8	0	0	0	-	-	-

Source: Migration Office

¹ Ministry of the Interior, *Statistics*, available in Slovenian at: http://www.mnz.gov.si/mnz_zav/tujci_v_sloveniji/statistika/.

Gender/age breakdown of the total number of applicants: 2017

	Number	Percentage
Total number of applicants	1,476	100%
Men	1,338	91%
Women	138	9%
Children	510	34.5%
Unaccompanied children	388	26%

Source: Migration Office

Comparison between first instance and appeal decision rates: 2017

Second instance statistics are not available.

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)

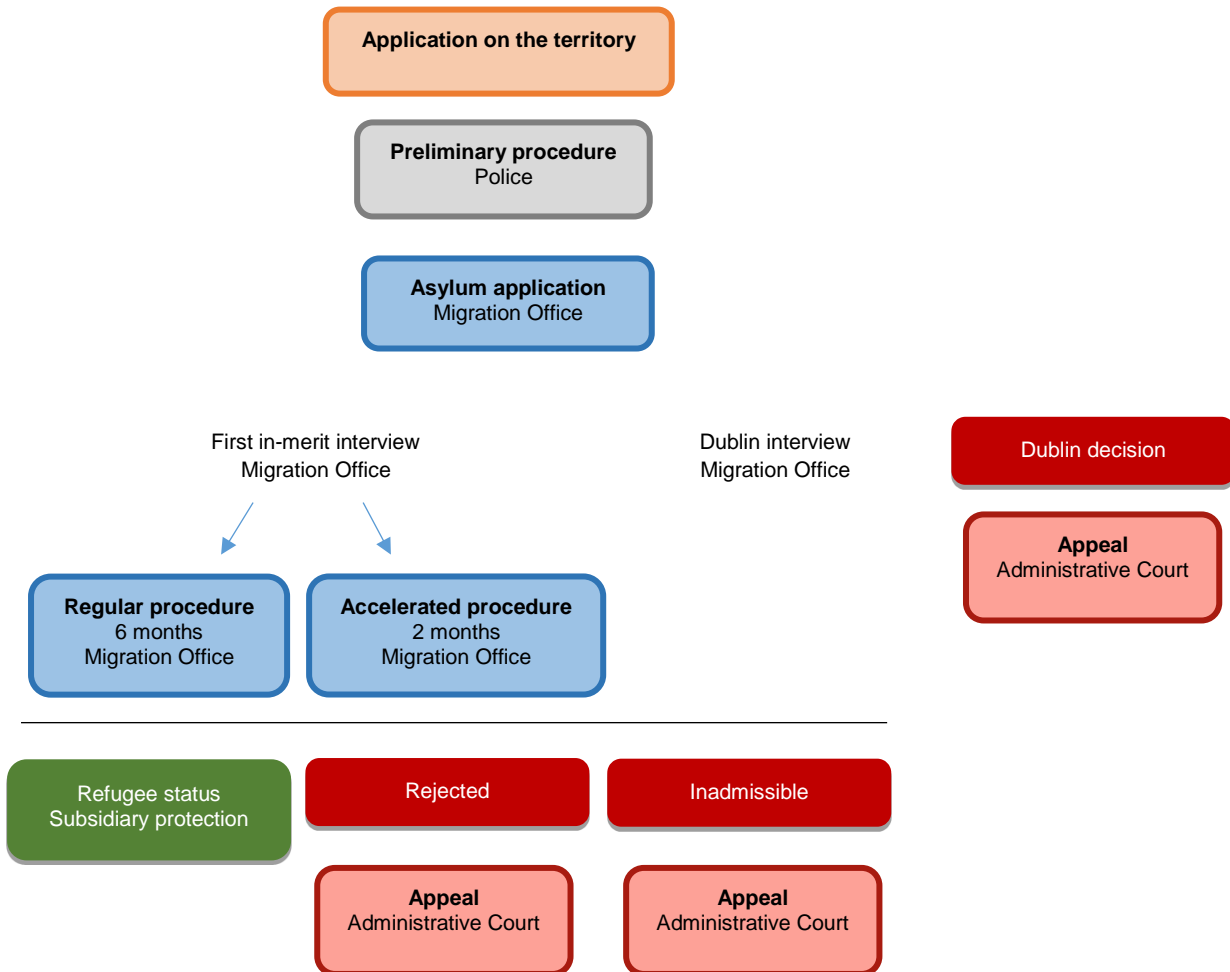
Official Gazette of RS, No. 35/17			
Rules on the access of applicants for international protection to refugee counsellors and on the remuneration and reimbursement of the expenses of refugee counsellors Official Gazette of RS, No. 22/17	Pravilnik o načinu dostopa prosilcev za mednarodno zaščito do svetovalcev 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. 13/16		http://bit.ly/2ybLHRC (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)

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: ² | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> No |
| ▪ Fast-track processing: ³ | <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: ⁴ | <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),⁵ 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

² For applications likely to be well-founded or made by vulnerable applicants.

³ Accelerating the processing of specific caseloads as part of the regular procedure.

⁴ Labelled as "accelerated procedure" in national law.

⁵ International Protection Act, Official Gazette of RS, No. 22/16 and subsequent amendments.

4. Number of staff and nature of the first instance 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 first instance authority?
Migration Office	39	Ministry of the Interior	<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No

Source: Migration Office

Out of 39 employees at the Migration Office, around 8 take decisions on asylum applications.

5. Short overview of the asylum procedure

In Slovenia, the procedure for international protection is started through two phases. Firstly, 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.⁶ The Police conducts the “preliminary procedure” in which they establish the identity and travel route of the individual and complete the registration form.⁷ During the procedure the police must provide an interpreter. The Police also obtains a short statement as regards to 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.⁸ Although the International Protection Act (IPA) does not provide free legal representation for applicants in the first instance procedure, this is provided by the non-governmental organisation [Legal-Informational Centre](#) (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 represent 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.⁹

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 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. Their internal organisational unit responsible for the international protection procedure is the Migration Office which is part of the Internal Administrative Affairs, Migration and Naturalisation Directorate.

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

⁶ Article 36(1) IPA.

⁷ Articles 42(1)-(2) IPA.

⁸ Articles 42(4)-(5) IPA.

⁹ Articles 16(1) and (3) IPA.

(“first in-merit interview”). Alternatively, if a link with another member state pursuant to 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, before he or she takes an in-merit asylum decision on the case.

An **accelerated procedure** is also possible pursuant to the IPA,¹⁰ however this has little practical relevance and is rarely invoked in practice, since there are only a few minor differences compared to the regular procedure, such as the deadline for appeal. Prior to the transposition of the recast Asylum Procedures Directive, accelerated procedures could be concluded without a personal interview, however this is not the case anymore.

Pursuant to the law, an application can also be dismissed on the grounds of the “safe third country” or “European safe third country” concept,¹¹ 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 excessive duration of procedures being 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,¹² 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.¹³ 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 8 days if it was made in the accelerated procedure.¹⁴ Judicial review against all other decisions needs to be lodged in 8 days, except in the case of a detention decision, when it needs to be lodged in 3 days.¹⁵ 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.¹⁶ 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.

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

¹⁰ Article 52 IPA.

¹¹ Articles 53-60 IPA.

¹² Article 48 IPA.

¹³ Article 70(1) IPA.

¹⁴ *Ibid.*

¹⁵ Article 70(2) IPA.

¹⁶ Article 70(3) IPA.

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

There are no reports of systemic issues regarding access to territory and asylum procedure. Individual cases of Police refusing access to asylum procedure have been detected but are rare.

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.

In early 2017, Slovenia adopted amendments to the Aliens Act which allow for a future restriction on access to 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.¹⁷ The adopted amendments are currently under review by the Constitutional Court at the initiative of the Slovenian Human Rights Ombudsman, prepared with support of the civil society organisations.¹⁸

2. Registration of the asylum application

Indicators: Registration

1. Are specific time limits laid down in law for asylum seekers to lodge their application? ☐ Yes ☒ No
2. If so, what is the time limit for lodging an application?

Third-country nationals can express their intention to apply for international protection 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.¹⁹ 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.²⁰ They also take a short statement as regards the reasons for applying for international protection. During the procedure the Police must provide an interpreter. 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 asylum procedure.

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](#).²¹ Individuals who express an intention for international protection in due time are exempt from any penalties regarding illegal entry.²²

¹⁷ Articles 10, 10a and 10b Aliens Act, Official Gazette of RS, No. 50/11 and subsequent amendments.

¹⁸ 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>.

¹⁹ Article 36(1) IPA.

²⁰ Articles 42(1)-(2) IPA.

²¹ Article 52, seventh indent IPA.

²² Article 35 IPA.

Once the Police preliminary procedure is concluded the individual is transferred to the Asylum Home in **Ljubljana**. 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.²³ 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 registered and lodged at the same time by the Migration Office. This authority is also responsible for making the decision at first instance. However, the officials that conduct the registration and lodging of the application are not the same as those who take the final decision on the application. In the process of lodging the application, the individual is asked to state 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.

There is no time limit prescribed for the authorities between the expression of intention to apply for asylum and the registration 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.

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.²⁴ 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 2017: 274

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 authority in the field of asylum.

The competent authority has to take a decision in the shortest time possible but no later than in 6 months from lodging the application. If they cannot make a decision in 6 months they need 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 they cannot make a decision in the estimated time frame they 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.²⁵ 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.”

²³ Articles 42(4)-(5) IPA.

²⁴ Article 43(1) IPA.

²⁵ Article 47(1)-(2) IPA.

The competent 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.²⁶ They 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.²⁷

The competent authority may suspend the procedure if due to uncertain situation in the country of origin, which is expected to be of temporary nature, it cannot be expected from the competent authority to make a decision in any of the above mentioned time frames. In this case the competent 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.²⁸

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 system. This was not as apparent in years 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 on-merit decision for more than six months and this trend continued in 2017. Asylum applicants can wait for the first in-merit decision for up to 18 months.

As of 31 December 2017, the number of pending cases at first instance was 274.

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 [Relocation](#) scheme are fast-tracked and decided within a few months from application.

1.3. Personal interview

Indicators: Regular Procedure: Personal Interview

1. Is a personal interview of the asylum seeker in most cases conducted in practice in the regular procedure? ☒ Yes ☐ No
 - ❖ If so, are interpreters available in practice, for interviews? ☒ Yes ☐ No
2. In the regular procedure, is the interview conducted by the authority responsible for taking the decision? ☒ Yes ☐ No
3. Are interviews conducted through video conferencing? ☐ Frequently ☐ Rarely ☒ Never

The law provides that the Migration Office conducts the personal interview before taking a decision both in regular and accelerated procedures.²⁹ The personal interview can be omitted if:³⁰

- The Migration Office can grant the applicant international protection on the basis of evidence at its disposal;

²⁶ Article 47(3) IPA.

²⁷ Article 47(4) IPA.

²⁸ Article 47(5)-(6) IPA.

²⁹ Article 46(1) IPA.

³⁰ Article 38(1) IPA.

- 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 therefore 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.

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.³¹ 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.³²

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.³³

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.³⁴ 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.³⁵

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.³⁶ 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

³¹ Article 6(1)-(2) IPA.

³² Supreme Court, Decision I Up 226/2017.

³³ Article 6(10)-(11) IPA.

³⁴ Article 6(13) IPA.

³⁵ Article 6(12) IPA.

³⁶ Article 37(7) IPA.

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?

❖ If yes, is it	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If yes, is it automatically suspensive	<input checked="" type="checkbox"/> Judicial	<input type="checkbox"/> Administrative
	<input checked="" type="checkbox"/> Yes	<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.³⁷ 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,³⁸ 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.

An application for judicial review against the rejection of an application in the regular procedure has automatic suspensive effect.³⁹ 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.⁴⁰

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. Only in rare cases does the court replace the decision with its own so as to grant international protection. When the case is returned to the first instance, the Migration Office is obliged to issue a new decision within 30 days.⁴¹ However, this is not respected. 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.

Onward appeal

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

³⁷ Article 70(1) IPA.

³⁸ Articles 70(1) and 71(1) IPA.

³⁹ Article 70(3) IPA.

⁴⁰ Decisions can be found at: <http://www.sodnapraksa.si/>.

⁴¹ Article 64(4) Administrative Dispute Act.

the applicant was served the decision of the Administrative Court.⁴² 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.

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 of 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 the asylum procedure, preparation of country of origin information and help with accessing refugee counsellors when judicial review needs to be lodged. Currently, 3 full-time lawyers work on the project, as well as 5 contracted lawyers who provide assistance depending on the daily workload. The number of employed personnel can be increased if necessary.

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.⁴³ 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.⁴⁴

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,

⁴² Article 72 IPA.

⁴³ Article 9(1) IPA.

⁴⁴ Article 12 Rules on knowledge testing of candidates for refugee counsellors and on the training of refugee counsellors at the Judicial Training Centre.

the list of refugee counsellors included 27 lawyers, out of which around 8 were active and took on cases.⁴⁵

The financial compensation of the refugee counsellors is half the amount of the official attorney's fee.⁴⁶ The remuneration and reimbursement of expenses for their work are granted by the Ministry of the Interior.⁴⁷ 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.⁴⁸

2. Dublin

2.1. General

Dublin statistics: 2017

Outgoing procedure			Incoming procedure		
	Requests	Transfers		Requests	Transfers
Total	742	40	Total	657	51
Bulgaria	339	1	France	283	1
Croatia	224	17	Germany	207	20
Germany	37	17	Austria	47	21
Italy	30	3	Switzerland	30	4
Greece	28	0	Belgium	27	1
Austria	20	0	Netherlands	19	1
Hungary	18	0	United Kingdom	18	0
France	14	0	Italy	8	0
Switzerland	7	0	Denmark	6	1
Sweden	4	0	Sweden	4	0
Cyprus	3	0	Norway	3	0
Finland	3	0	Finland	2	1
Romania	3	0	Luxembourg	2	0
Belgium	2	0	Ireland	1	0
Luxembourg	2	0	Croatia	0	1
Czech Rep.	1	0			
Denmark	1	0			
Netherlands	1	0			
Norway	1	0			
Poland	1	2			
Portugal	1	0			
Spain	1	0			
United Kingdom	1	0			

Source: Migration Office

⁴⁵ Ministry of the Interior, *Imenik svetovalcev za azil / begunce*, available in Slovenian at: <http://bit.ly/2BDREcc>.

⁴⁶ 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.

⁴⁷ Article 11(1) IPA.

⁴⁸ Article 11(2) IPA.

Slovenia issued 742 outgoing requests based on the following criteria:

Outgoing Dublin requests by criterion: 2017	
Dublin III Regulation criterion	Outgoing requests
Family provisions: Articles 8-11	2
Documentation: Article 12	6
Irregular entry: Article 13	101
Humanitarian clause: Articles 17(2)	1
"Take back": Article 18(1)(b)	586
"Take back": Article 18(1)(c)	41
"Take back": Article 18(1)(d)	5
Total outgoing requests	742

Source: Migration Office

Application of the Dublin criteria

In practice, the most frequently used criteria for outgoing Dublin requests are irregular entry,⁴⁹ and first country of application.⁵⁰ The most frequently used criterion for incoming requests is the first country of application.⁵¹

Out of 742 outgoing requests in 2017, 401 were rejected by other Member States. According to the Migration Office, the most common reason was that the Member State was no longer responsible under the Dublin Regulation.

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. 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.

Originals or at least copies of documents showing family links (birth certificates, family books) are required by authorities, while DNA analysis has not been used in Dublin procedures so far. 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.

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 3 cases (involving 9 persons). The grounds that led to it were health situation and vulnerability.

⁴⁹ Article 13(1) Dublin III Regulation.

⁵⁰ Article 3(2) Dublin III Regulation.

⁵¹ *Ibid.*

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

2.2. Procedure

Indicators: Dublin: Procedure

1. On average, how long does a transfer take after the responsible Member State has accepted responsibility? Not available

After the applicant lodges the application, the case is first examined for a possible application of the Dublin Regulation. In the event that another EU Member State is determined as responsible in accordance with the Dublin Regulation, the Ministry of Interior 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.⁵² 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 the NGO PIC.

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.

Transfers

Pending Dublin procedure constitutes the main [Grounds for Detention](#) in Slovenia and applicants are currently only rarely detained on other grounds. Nevertheless, the majority of applicants in Dublin procedures are not detained.

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, the outgoing transfers are nevertheless not carried out, mostly due to the absconding of the applicants. In 2017, only 40 persons were successfully transferred from Slovenia compared to 742 requests. In cases when the applicant does not abscond, the transfer is usually carried out successfully.

⁵² Article 52, eighth indent IPA.

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.⁵³

The interview is conducted in the same way as the [Regular Procedure: Personal Interview](#), except that it is carried out by the official of the Migration Office responsible for the Dublin procedure, who eventually also prepares the Dublin decision.

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,⁵⁴ and has no automatic suspensive effect.⁵⁵ 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.⁵⁶ In practice, the first instance 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 extends also to the application of the irregular entry criterion under Article 13 of the Dublin Regulation. The CJEU judgment confirmed that it does.⁵⁷

⁵³ Article 38(1) IPA.

⁵⁴ Article 70(2) IPA.

⁵⁵ Article 70(3) IPA.

⁵⁶ Article 32(2) Administrative Dispute Act.

⁵⁷ 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](#). On 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?
Greece

Dublin transfers to **Greece** are systematically suspended and have not been implemented since the European Court of Human Rights (ECtHR) judgment in *M.S.S. v. Belgium and Greece*.⁵⁸

The Constitutional Court has also 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*.⁵⁹

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, decision Up-21/11 of 10 October 2012 Dublin returnees are considered asylum applicants from the moment of their return to Slovenia.⁶⁰

Applicants who abscond from Slovenia while their asylum procedure is still pending at first instance and are returned through a Dublin transfer are allowed to lodge a new asylum application that is not considered a subsequent application. On the other hand, if an applicant absconds upon receiving a rejection decision, it becomes final after the 15-day deadline for lodging a legal remedy, or 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

⁵⁸ ECtHR, *M.S.S. v. Belgium and Greece*, Application No 30696/09, Judgment of 21 January 2011.

⁵⁹ Constitutional Court, Decision Up-613/16, 28 September 2016, available at: <http://bit.ly/2F04oba>.

⁶⁰ Constitutional Court, Decision Up-21/11, 10 October 2012, available at: <http://bit.ly/2HisQFR>.

decision is issued in the applicant's absence upon absconding.⁶¹ 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.

Except for Dublin decisions, inadmissibility grounds are rarely applied in practice. Informally acquired data shows that applications in 2017 have only been dismissed in about three cases, on the ground of protection in another Member State or a first country of asylum.

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?

	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
❖ If so, are questions limited to nationality, identity, travel route?	<input type="checkbox"/> Yes	<input checked="" 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 the personal interview before making a decision in the admissibility procedure.⁶² The interview is conducted in the same way as described under [Regular Procedure: Personal Interview](#).

⁶¹ 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.

⁶² Article 46(1) IPA.

3.3. Appeal

Indicators: Admissibility Procedure: Appeal

☐ Same as regular procedure

1. Does the law provide for an appeal against an inadmissibility decision?

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

<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
<input type="checkbox"/> Yes	<input checked="" type="checkbox"/> No
- Safe third country grounds
- Other grounds

Judicial review against a decision taken in the admissibility procedure can be lodged with the Administrative Court in 8 days and does not have automatic suspensive effect, except if the application was rejected as inadmissible on “safe third country” grounds.⁶³ 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.⁶⁴ In practice, the first instance 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
---	--	-----------------------------
- ❖ 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
--	---------

⁶³ Article 70(3) IPA, citing Article 51, third indent IPA.

⁶⁴ Article 32(2) Administrative Dispute Act.

The possibility of border procedures was added to the existing legal provision on airport and port procedures with the new IPA in 2016.⁶⁵

Although regulated in law, 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 [Regular Procedure](#). The reason the procedure is not used in practice is mainly practical since the Asylum Home 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.⁶⁶

The authority responsible for making the decision in the border, airport or port procedure is the Migration Office of the Ministry of the Interior, same as in 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.⁶⁷

In case of a large number of applicants who express the intention to apply for international protection on the border, airport or port, they can be accommodated near the border under the condition that material reception conditions are guaranteed.⁶⁸

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.⁶⁹

⁶⁵ Article 43 IPA.

⁶⁶ Article 43(1) IPA.

⁶⁷ Article 36(1) IPA.

⁶⁸ Article 43 (2) IPA.

⁶⁹ Article 9(1) IPA.

5. Accelerated procedure

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

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

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

1. During the procedure the applicant only stated facts that are irrelevant for the examination of the claim;
2. The applicant comes from a [Safe Country of Origin](#);
3. The applicant misled the authorities by presenting false information or documents or by withholding the 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 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.⁷⁰

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 2 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.⁷¹

In 2017 only 15 applications were processed in the accelerated procedure.

⁷⁰ Administrative Court, Decision I U 1544/2017, available at: <http://bit.ly/2oU9EY7>.

⁷¹ Article 43(1) IPA.

5.2. Personal interview

Indicators: Accelerated Procedure: Personal Interview

☒ Same as regular procedure

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

According to the IPA the Migration Office conducts a personal interview before making the decision in the accelerated procedure.⁷² The law does not stipulate any circumstances in which the personal interview can be omitted. The personal interviews are conducted in the same way as described under [Regular Procedure: Personal Interview](#).

5.3. Appeal

Indicators: Accelerated Procedure: Appeal

☐ Same as regular procedure

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

The appeal against a decision taken in the accelerated procedure has to be lodged within 8 days of notification.⁷³ The suspensive effect of the appeal is automatic,⁷⁴ and the Administrative Court has to take a decision in 7 days,⁷⁵ 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?
☒ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover: ☒ Representation in interview
☒ Legal advice
2. Do asylum seekers have access to free legal assistance on appeal against a decision in practice?
☒ Yes ☐ With difficulty ☐ No
❖ Does free legal assistance cover ☒ Representation in courts
☒ Legal advice

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

⁷² Article 46(1) IPA.

⁷³ Article 70(1) IPA.

⁷⁴ Article 70(3) IPA.

⁷⁵ Article 71(1) IPA.

D. Guarantees for vulnerable groups

1. Identification

Indicators: Special Procedural Guarantees

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

Categories of people considered to be vulnerable are similar to those listed in Article 21 of the recast Reception Conditions Directive, the only difference being that the IPA definition does not explicitly include persons with serious illness, although the definition is open to categories not listed.⁷⁶

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.⁷⁷ Their vulnerability can also be identified during the lodging of the application or any time later pending the asylum procedure.⁷⁸

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](#). 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.⁷⁹ In the course of preparation of the opinion, the medical expert can also consult with experts of other fields.⁸⁰

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.⁸¹

If after obtaining the expert opinion, a doubt still exists as to the applicant's age, he or she is considered a minor.⁸²

The age assessment procedure is not used in practice. According to the Migration Office, they are currently in the process of negotiating an agreement with an institution that will conduct the examinations. The lack of age assessment procedures means that adults claiming to be children may be accommodated together with children. On the other hand, members of civil society are also concerned that once age assessment procedures will start, they might include unethical and unsafe medical procedures such as X-ray scans.

⁷⁶ Article 2, definition 22 IPA.

⁷⁷ Article 13(1) IPA.

⁷⁸ Article 13(2) IPA.

⁷⁹ Article 17(2) IPA.

⁸⁰ Article 17(3) IPA.

⁸¹ Article 17(4), (5) and (7) IPA.

⁸² Article 17(6) IPA.

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 asylum procedure to persons with vulnerabilities,⁸³ and that the interviews have to be conducted accordingly, taking into account personal and other circumstances regarding the individual including his or her vulnerability.⁸⁴ A child's asylum application can be postponed for up to 48 hours if there are justified reasons to do so.⁸⁵

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.⁸⁶

Apart from these rules no special measures exist in law for 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 the topics of interviewing vulnerable persons and interviewing children.

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.⁸⁷

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 in his or her disposal which support his or her statements made in the application.⁸⁸ In practice this can also include medical reports regarding his or her past persecution or serious harm.

The preparation of a medical opinion, or any other type of expert opinion, can also be ordered by the Migration Office, in which case the costs are covered by the state.⁸⁹ There are no criteria set in the law or administrative practice to indicate when a medical examination for the purpose of drafting a medical

⁸³ Article 14(2) IPA.

⁸⁴ Article 37(1) IPA.

⁸⁵ 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.

⁸⁶ Article 19(1) IPA.

⁸⁷ Administrative Court, Decision I U 1544/2017, available at: <http://bit.ly/2oU9EY7>.

⁸⁸ Article 21(2) IPA.

⁸⁹ Article 39 IPA.

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.⁹⁰

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.⁹¹ The child is also assisted by a PIC lawyer, same as 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.⁹² The legal guardian also has to consent, together with the applicant, to the age assessment procedure.⁹³

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.⁹⁴ 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.⁹⁵

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.

⁹⁰ Article 16(9) IPA.

⁹¹ Article 16(1) and (3) IPA.

⁹² 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.

⁹³ Article 17(4) IPA.

⁹⁴ Article 18(2) IPA and article 181 Marriage and Family Relations Act, Official Gazette of RS, No. 69/04 and subsequent amendments.

⁹⁵ Article 18(3) IPA.

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 9 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.⁹⁶

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.⁹⁷ 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.⁹⁸ 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.⁹⁹

An applicant cannot be removed from the country until their request for subsequent application is finally processed.¹⁰⁰

The responsible authority in subsequent application procedure is the Migration Office of the Ministry of the Interior, same as in the [Regular Procedure](#). 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 subsequent application as inadmissible.¹⁰¹

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

If a person submits a subsequent application after their previous subsequent application has already been dismissed or a first new application has been rejected, the subsequent application is dismissed.¹⁰²

⁹⁶ Article 64(1) IPA.

⁹⁷ Article 65(6) IPA.

⁹⁸ Article 64(3) IPA.

⁹⁹ Article 64(2) IPA.

¹⁰⁰ Article 36(1) IPA.

¹⁰¹ Article 65(4) IPA.

¹⁰² Article 65(5) IPA.

The dismissal of a subsequent application can be challenged by judicial review before the Administrative Court, the same legal remedy as in the regular procedure. The application for judicial review must be filed within 8 days and has suspensive effect.¹⁰³ The procedure is the same as 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.

A total of 20 subsequent applicants lodged claims in 2017:

Subsequent applicants in 2017	
Country	Number of applicants
Pakistan	6
Afghanistan	5
Algeria	4
Morocco	1
Bosnia and Herzegovina	1
Sudan	1
Iraq	1
Stateless	1
Total	20

Source: Migration Office

Of those, 19 were dismissed and one was pending at the end of the year.

F. The safe country concepts

Indicators: Safe Country Concepts

- Does national legislation allow for the use of "safe country of origin" concept?
 - ❖ Is there a national list of safe countries of origin? ☒ Yes ☐ No
 - ❖ Is the safe country of origin concept used in practice? ☒ Yes ☐ No
- Does national legislation allow for the use of "safe third country" concept?
 - ❖ Is the safe third country concept used in practice? ☐ Yes ☒ No
- 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, torture, inhuman or degrading treatment or punishment in the country and no threat of indiscriminate violence in situations of international or internal armed conflict.¹⁰⁴

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.¹⁰⁵

¹⁰³ Article 70(2)-(3) IPA.

¹⁰⁴ Article 61(1) IPA.

¹⁰⁵ Article 61(3) IPA.

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.¹⁰⁶

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.¹⁰⁷

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](#).¹⁰⁸

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, 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 2016.¹⁰⁹ This marked the first time countries were designated as safe countries of origin by Slovenian authorities.

In 2017 a total 438 nationals of countries designated as safe countries of origin applied for asylum in Slovenia:

Asylum seekers from "safe countries of origin": 2017	
Country of origin	Number of applicants
Algeria	201
Turkey	102
Kosovo	47
Morocco	43
Tunisia	13
Serbia	12
Egypt	8
Bangladesh	6
Bosnia and Herzegovina	3
Macedonia	0
Montenegro	0
Total	438

Source: Migration Office

However, the majority of above cases have been examined in regular procedures without applying the safe country of origin concept.

¹⁰⁶ *Ibid.*

¹⁰⁷ Article 61(4) IPA.

¹⁰⁸ Article 62(1)-(2) IPA.

¹⁰⁹ Article 1 Ordinance determining the list of safe countries of origin, Official Gazette of RS, No. 13/16.

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.¹¹⁰

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.¹¹¹

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.¹¹²

The Government notifies the European Commission of the declaration of a country as a safe third country and of changes relating thereto.¹¹³

The government adopted an Ordinance on 15 May 2008 to declare **Croatia** a safe third country.¹¹⁴ 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.

2.1. Safety criteria

In order to be considered a safe third country, a country must meet the following requirements:¹¹⁵

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

When 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.¹¹⁶ 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.¹¹⁷

¹¹⁰ Article 51 IPA.

¹¹¹ Article 54(2) IPA.

¹¹² *Ibid.*

¹¹³ Article 54(3) IPA.

¹¹⁴ Ordinance on the proclamation of the Republic of Croatia as safe third country, Official Gazette of RS, No. 50/2008.

¹¹⁵ Article 54(1) IPA.

¹¹⁶ Article 55(1) IPA.

¹¹⁷ Supreme Court, Decision I Up 39/2013, 14 February 2013, available at: <http://bit.ly/2mXKMwX>.

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 thereof regarding 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.¹¹⁸

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.¹¹⁹

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.¹²⁰

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.¹²¹

3. First country of asylum

The concept of the first country of asylum is a ground for inadmissibility of the application for international protection.¹²² 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.

The applicants can challenge the application of the first country of asylum concept, referring to the specific circumstances of their case.¹²³ 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.¹²⁴

¹¹⁸ Constitutional Court, Decision U-I-155/11, 18 December 2013, available at: <http://bit.ly/2Dvfl8w>.

¹¹⁹ Supreme Court, Decision I Up 39/2013, 14 February 2013, available at: <http://bit.ly/2mXKMwX>.

¹²⁰ Article 59 IPA.

¹²¹ Article 60 IPA.

¹²² Article 51(1) IPA.

¹²³ Article 63(3) IPA.

¹²⁴ Article 63(4) IPA.

G. Relocation

Indicators: Relocation

1. Number of persons effectively relocated since the start of the scheme: 232
2. Are applications by relocated persons subject to a fast-track procedure? ☒ Yes ☐ No

Relocation statistics: 22 September 2015 – 31 December 2017

Relocation from Italy			Relocation from Greece		
	Requests	Relocations		Requests	Relocations
Total	95	60	Total	179	172
Eritrea	:	59	Syria	:	149
Yemen	:	1	Iraq	:	17
-			Stateless		6

Source: Migration Office; Italian Ministry of Interior; Greek Asylum Service.

In March 2016, Slovenia pledged to relocate 567 asylum seekers from Italy and Greece. By the end of 2017, a total 232 persons had been relocated: 172 from Greece (149 Syrians, 17 Iraqis and 6 stateless) and 60 from Italy (59 Eritreans and one person from Yemen).

1. Relocation procedure

In practice, the procedures for relocation from Italy and Greece are essentially the same. The authorities of the sending country nominate persons for relocation and send their documentation to Slovenia. A security screening of the nominated persons is then carried out by the Slovenian Police. Once the screening process is concluded positively, Slovenian authorities communicate their approval for transfer to the relocating country. The nominated persons are then informed of Slovenia as a destination country for their relocation. Slovenian authorities do not carry out interviews with the candidates in the course of the relocation procedure.

The duration of relocation procedure depends on various circumstances and so far ranged from 5 weeks to 5 months. According to the responsible authority, the delays in procedure were due to health reasons or due to requests by Slovenian authorities for transfers of smaller groups.

Slovenia has not rejected any request for relocation from Greece.¹²⁵ So far Slovenia has rejected the transfer of 38 persons from Italy, however this has mostly been due to missed deadlines for submission of documentation; the same persons could be referred for relocation at a later date. Other cases of rejection included one case where the child was not a citizen of an eligible country for relocation, one case where the request for relocation was addressed to another country, not Slovenia, and one case where the number of persons announced exceed the total number Slovenia was prepared to accept.

The relocations from Greece have almost exclusively been families, while persons relocated from Italy were mostly men and a few women, none of them accompanied by children. According to the responsible authority, vulnerable persons have priority in the relocation procedure. The transfers of vulnerable persons have so far been implemented without specific difficulties.

Transfers are carried out by airplane from Greece or by bus from Italy.

¹²⁵ Greek Asylum Service, *Relocation statistics*, available at: <http://bit.ly/2dytYvI>.

2. Treatment post-arrival

Relocated persons are treated in the same way as other asylum seekers. They are invited to lodge their asylum applications and are accommodated in one of the reception centres.

In practice, procedures concerning applicants that came to Slovenia through relocation are fast-tracked and usually concluded within a few months, which is a significant advantage considering that otherwise the length of the first instance procedure often extends beyond one year (see [Regular Procedure: General](#)).

In the initial period of relocation, some Iraqi nationals were issued negative decisions on their asylum applications in Slovenia. However, since then all relocated applicants have been granted international protection, mostly refugee status and less often subsidiary protection.

One considerable problem facing relocation beneficiaries in 2017 concerns [Family Reunification](#) for relocated Eritreans. All family reunification applications by relocated Eritreans granted international protection in Slovenia have so far been rejected. This is because they are only able to provide documents not issued by the Eritrean State, such as church documents, which are considered by Slovenian authorities to be less credible and not sufficient for granting family reunification. This poses a serious limitation on their well-being and integration prospects, as they are forced to live separated from their spouses and children, and it is questionable whether they would have agreed to be relocated to Slovenia if they were aware of this in advance.

H. 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.¹²⁶ 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.¹²⁷

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 of information; this is usually the first opportunity for them to meet with the child and introduce themselves after being appointed.

¹²⁶ Article 5(1)-(2) IPA.

¹²⁷ Article 5(3) IPA.

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 not regularly in use.

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 ☐ No
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 imposed detention 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. Same as 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.

I. 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?¹²⁸ ☐ 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, 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.

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 registered 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. The first decisions started being issued in February 2018 and most were negative.

¹²⁸ Whether under the “safe country of origin” concept or otherwise.

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.¹²⁹

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.¹³⁰ 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,¹³¹ and have the right to move freely on the territory of the country.

Although 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,¹³² which includes reception or accommodation, this provision does 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.¹³³ 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

¹²⁹ Article 78(1) IPA.

¹³⁰ Article 78(2) IPA.

¹³¹ Article 107 IPA.

¹³² Article 82(3) IPA.

¹³³ Article 78(2) IPA.

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 2017 (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.¹³⁴

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.¹³⁵ 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.¹³⁶ 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.¹³⁷

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.¹³⁸

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.¹³⁹ The monthly allowance can also be withdrawn or reduced to compensate for damage purposely caused to the accommodation facility.¹⁴⁰ 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. Nevertheless, such withdrawal or reduction has never been imposed in practice since the entry into force of the IPA in April 2016.

¹³⁴ Article 78(1) and 79 IPA.

¹³⁵ Article 83(1) and (3) IPA.

¹³⁶ Article 83(5) IPA.

¹³⁷ Article 83(4) IPA and Article 29 Decree on the methods and conditions for ensuring the rights of applicants for international protection.

¹³⁸ Article 83(2) IPA.

¹³⁹ Article 85 IPA.

¹⁴⁰ Article 82(4) IPA.

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.

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:¹⁴¹

- 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.¹⁴² In case the applicant stays outside without the permit, his or her monthly allowance can be withdrawn (see [Reduction or Withdrawal of Reception Conditions](#)).¹⁴³

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.¹⁴⁴ If more than 9 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](#).¹⁴⁵

¹⁴¹ Article 7(1) Decree on Asylum Centre House Rules.

¹⁴² Article 82(5) IPA.

¹⁴³ Article 85(1) IPA.

¹⁴⁴ Article 50(2) IPA.

¹⁴⁵ Article 50(3) IPA.

B. Housing

1. Types of accommodation

Indicators: Types of Accommodation

1. Number of reception centres: 4
2. Total number of places in the reception system: 618
3. Total persons living in private accommodation: 46
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 3 branch facilities. All reception facilities are managed by UOIM.

Capacity and occupancy of the Asylum Home and branch facilities		
Centre	Capacity	Occupancy at 29 December 2017
Asylum Home	230	93
Branch Facility Kotnikova	80	65
Branch Facility Logatec	280	7
Student Dormitory Postojna	28	14
Total	618	179

Source: UOIM: <http://bit.ly/2F2evMF>.

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, 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](#)). 46 asylum seekers were living in private accommodation as of 29 December 2017.¹⁴⁶

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.¹⁴⁷ Other types of accommodation are not used in practice.

¹⁴⁶ UOIM, *Statistics*, available in Slovenian at: <http://bit.ly/2F2evMF>.

¹⁴⁷ Article 43(2) IPA.

2. Conditions in reception facilities

Indicators: Conditions in Reception Facilities

1. Are there instances of asylum seekers not having access to reception accommodation because of a shortage of places? ☐ Yes ☒ No
2. What is the average length of stay of asylum seekers in the reception centres? 56 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 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, same as before renovation,¹⁴⁸ and of similar size to the rooms in the branch facilities. Applicants are normally accommodated in rooms for 2 to 4 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.¹⁴⁹ 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.¹⁵⁰ 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 specialized staff for care of minors.

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).

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. In 2017 the organisation **Institute for African Studies** carried out activities every day, through a project aimed at assistance with accommodation and care of asylum applicants, which included psycho-social assistance and free time activities. This project will continue in

¹⁴⁸ European Migration Network (EMN), *Focused Study: The Organisation of Reception Facilities for Asylum Seekers in different Member states*, Slovene national contribution, 2013.

¹⁴⁹ Article 14 Decree on the methods and conditions for ensuring the rights of applicants for international protection.

¹⁵⁰ *Ibid.*

2018, but will be implemented by another organisation. 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 [Društvo UP](#) and [Slovene Philanthropy](#). Asylum seekers also have a room in the Asylum Home dedicated for prayer and practicing their religion.

Branch Facility **Kotnikova** is visited by PIC lawyers providing legal counselling every Monday and Thursday between 8 am and 11 am. Slovenian language and literacy classes are also carried out on a daily basis by [Javni zavod Cene Štupar](#), same as in the Asylum Home. [Slovene Philanthropy](#) provides English classes twice or three times per week.

Branch Facility **Logatec** is visited by PIC lawyers for legal counselling every Friday. Slovenian language and literacy classes are carried out on a daily basis by [Javni zavod Cene Štupar](#). Currently these are the only activities organised, but during times of higher occupancy several other projects were implemented in the facility as well, including free time and psycho-social activities by [Slovene Philanthropy](#). 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.

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 945 out of the 1,476 persons applying in 2017 – usually within a short time after the application, the turnover of people in the reception facilities is quite high. From those who stay, people arriving through the [Relocation](#) scheme usually reside in reception facilities for 2 to 3 months before they are granted international protection. Other applicants in the regular procedure oftentimes wait for the decision for over 6 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 2017 per person was 56 days.¹⁵¹

¹⁵¹ Information provided by UOIM, February 2018.

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 9 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.¹⁵²

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.¹⁵³

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 on the labour market and lack of employers' trust.¹⁵⁴

In 2017 the Government Office for Support and Integration of Migrants (OUIM) 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 9 months applicants are also allowed access to the vocational training.¹⁵⁵

At the end of 2017, a total of 19 asylum seekers were in employment.¹⁵⁶

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 in 3 months since they lodged their application.¹⁵⁷ There is no age limit attached to this provision.

¹⁵² Article 87(1) IPA.

¹⁵³ Article 6 Employment, Self-Employment and Work of Foreigners Act, Official Gazette of RS, No. 47/15 and 10/17.

¹⁵⁴ EMN, *Focused Study: Integration of beneficiaries of international/humanitarian protection into the labour market*, 2015.

¹⁵⁵ Article 87(2) IPA.

¹⁵⁶ Information provided by UOIM, February 2018.

¹⁵⁷ Article 88(1) IPA.

Underage 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.¹⁵⁸

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 visit 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 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 the education system. The same is true for adults accessing elementary school for adults. On the other hand, adults wishing to enrol into high school have to pay a tuition fee, same as Slovenian citizens. Nevertheless, cases of asylum applicants accessing high school are rare, since asylum procedures are usually concluded by the time when their level of Slovenian language would be sufficient. 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.¹⁵⁹

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

¹⁵⁸ Article 88(1)-(2) and (4) IPA.

¹⁵⁹ Article 88(6) IPA.

assistance, emergency treatment based on the decision of the treating physician and health care for women.¹⁶⁰ 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,¹⁶¹ 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](#)).¹⁶² Other asylum seekers can also be granted such additional health services by the committee in exceptional cases.¹⁶³

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. Currently, IOM is implementing the [Re-Health](#) project in the Asylum Home and Branch Facility **Kotnikova** for assistance and language interpretation in regard to access to health care.

Asylum seekers obtain mandatory health insurance after they have been granted international protection (see [Content of Protection: Health Care](#)).¹⁶⁴

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 Article 2, definition 22 IPA does not explicitly include persons with serious illness, although the definition is not exhausted.

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. 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, which is in force and functional.

¹⁶⁰ Article 86(1) IPA.

¹⁶¹ Article 86(3) IPA.

¹⁶² 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](#)).

¹⁶³ Article 86(2) IPA.

¹⁶⁴ Article 98(2) IPA.

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.¹⁶⁵ 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.¹⁶⁶ 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.

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**, which currently serves as the sole accommodation facility for unaccompanied children. 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 also includes a representative of NGOs and is set to conclude its work by the end of 2018. 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 is not carried out in practice, thereby raising the risk of adults falsely claiming to be children being accommodated together with actual children.

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

F. Information for asylum seekers and access to reception centres

1. Provision of information on reception

According to Article 5 IPA asylum seekers need to be informed about their rights and obligations in the procedure in the language they understand. This includes information about the material reception

¹⁶⁵ Article 86(2) IPA.

¹⁶⁶ Article 83(2) IPA.

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.¹⁶⁷ Visitors have to submit their identification document at the reception.¹⁶⁸ 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.

¹⁶⁷ Article 10 Decree on Asylum Centre House Rules.

¹⁶⁸ 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 2017: | 48 |
| 2. Number of asylum seekers in detention at the end of 2017: | 2 |
| 3. Number of detention centres: | 1 |
| 4. Total capacity of detention centres: | 216 |

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 in the Aliens Centre and only one in the Asylum Home. Only 2 asylum applicants were in detention at the end of the year.

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.

The main category of asylum applicants who are detained are persons in Dublin procedures. The decision on detention of asylum applicants is taken by the Migration Office.

Nevertheless, 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. More recently, 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 5-6 days on average.

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.

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:¹⁶⁹

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

¹⁶⁹ Article 84(1) IPA.

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.

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.”

According to the Administrative Court, the possibility of application of Article 68 of the Aliens Act *mutatis mutandis* in Dublin cases has a very weak basis in terms of the objective criteria required, and can therefore only be sufficient in a particular case if in light of the specific circumstances of the case there is no doubt about the existence of the risk of absconding. In the view of the Administrative Court, the Slovenian legislature has therefore not fulfilled its obligations under the provisions of Article 2(n) of the Dublin Regulation.¹⁷⁰ The Administrative Court applied further strict criteria for imposing Dublin detention in a later ruling of April 2017.¹⁷¹

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.¹⁷²

¹⁷⁰ Administrative Court, Decision I U 1102/2016, 29 July 2016, available at: <http://bit.ly/2Dy9HBD>. This is in line with the CJEU ruling in Case C-528/15 *Al Chodor*, Judgment of 15 March 2017.

¹⁷¹ Administrative Court, Decision I U 618/2017-14, 6 April 2017, available at: <http://bit.ly/2FVeXy9>.

¹⁷² Article 84(1) IPA.

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.¹⁷³ 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.

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.¹⁷⁴

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 5-6 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.¹⁷⁵

¹⁷³ Article 84(2) IPA.

¹⁷⁴ Constitutional Court, Decision Up-1116/09 of 3 March 2011, available at: <http://bit.ly/2DA8oSH>.

¹⁷⁵ Article 84(8) IPA.

4. Duration of detention

Indicators: Duration of Detention

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

Asylum seekers may be detained for a maximum of 3 months, with the possibility of extension for an additional month.¹⁷⁶

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.¹⁷⁷ However, this option has so far not been employed in practice.

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

C. Detention conditions

1. Place of detention

Indicators: Place of Detention

- | | | |
|--|------------------------------|--|
| 1. Does the law allow for asylum seekers to be detained in prisons for the purpose of the asylum procedure (i.e. not as a result of criminal charges)? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |
| 2. If so, are asylum seekers ever detained in practice in prisons for the purpose of the asylum procedure? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> No |

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 216 places. Only 2 asylum seekers and 7 persons in return procedures were in detention in the centre at the end of the 2017.

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.

¹⁷⁶ Article 84(5) IPA.

¹⁷⁷ *Ibid.*

2. Conditions in detention facilities

Indicators: Conditions in Detention Facilities

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

The **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.

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.¹⁷⁸

The **Aliens Centre** is visited by the Ombudsman around once per year, with the last visit occurring on 20 December 2017. The centre is also occasionally visited by international monitoring bodies, including the Council of Europe Committee for the Prevention of Torture (CPT) during their last visit to Slovenia, which took place between 28 March and 4 April 2017.¹⁷⁹

Generally speaking, no serious irregularities are being 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 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 of 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: 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 and trainings on hygiene and disease prevention. The **Jesuit Refugee Service (JRS) Slovenia** visits the centre around once a week to carry out recreational and psycho-social activities.

¹⁷⁸ For reports of monitoring visits, see Ombudsman, *Varuh kot Državni preventivni mehanizem*, available in Slovenian at: <http://bit.ly/2G2n8Z8>.

¹⁷⁹ Council of Europe, 'Council of Europe anti-torture Committee visits Slovenia', 6 April 2017, available at: <http://bit.ly/2DniGSM>.

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.

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? | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> 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 3 days of notification of the decision. The court has to conduct an oral hearing and take a decision in 3 days.¹⁸⁰

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 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.¹⁸¹ So far this type of supervision has not been used in practice.

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 outcomes 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 applicants by nationalities in 2017 is as follows: Algeria (20), Afghanistan (13), Morocco (3), Pakistan (3), Albania (1), Gambia (1), Iran (1), Iraq (1), Kosovo (1), Libya (1), Nigeria (1), Palestine (1) and unknown (1). When comparing this list with the breakdown by nationalities of applications lodged in 2017, it does not appear that specific nationalities would be treated differentially.

Considering that detention is mostly imposed in case of Dublin procedures, the duration of detention usually depends on the length of 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. No differential treatment is observed in this respect between nationalities.

¹⁸⁰ Article 84(6) IPA.

¹⁸¹ Article 84(5) IPA.

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 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.¹⁸²

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, 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, 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.

¹⁸² Article 92(1)-(2) IPA.

3. Long-term residence

Indicators: Long-Term Residence

- | | |
|---|---------------|
| 1. Number of long-term residence permits issued to beneficiaries in 2017: | Not available |
|---|---------------|

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. 5 five years of uninterrupted legal stay in Slovenia.¹⁸³ 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.¹⁸⁴ 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,¹⁸⁵ and
- c. Circumstances free of general reasons preventing the issuance of a residence permit, i.e. security concerns or fraud.¹⁸⁶

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 2017: | Not available |

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; and
- they have settled all of their tax obligations.
- they have pledged to respect the free democratic constitutional order founded by the Constitution of the Republic of Slovenia.¹⁸⁷

Beneficiaries of international protection can apply for citizenship by naturalisation after 5 years of continued residence in the Republic of Slovenia, which is shorter from the general period of 10 years, and they do not have to meet the additional criterion of obtaining renunciation of their previous citizenship.¹⁸⁸

¹⁸³ Article 53.a(1) Aliens Act.

¹⁸⁴ *Ibid.*

¹⁸⁵ As listed in Article 33 Aliens Act.

¹⁸⁶ As listed in Article 55(1) Aliens Act.

¹⁸⁷ Article 10(1) Citizenship of the Republic of Slovenia Act, Official Gazette of RS, 1/1991 and subsequent amendments.

¹⁸⁸ Article 12(7) Citizenship of the Republic of Slovenia Act.

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

Between 1995 – when the first international protection statuses were granted – and 30 November 2017 a total of 122 beneficiaries of international protection have obtained Slovenian citizenship.

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.¹⁸⁹

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.¹⁹⁰

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.¹⁹¹ The beneficiary can file an application for judicial review against the decision before the Administrative Court in 15 days. The application has suspensive effect.¹⁹²

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 2017, cessation decisions were issued in 9 cases: 7 due to acquisition of Slovenian citizenship (four nationals of Afghanistan, two nationals of Russia and one of Eritrea), 1 due to death and 1 due to explicit withdrawal by the beneficiary.

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.¹⁹³

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

¹⁸⁹ Article 67 IPA.

¹⁹⁰ Articles 69(1)-(2) IPA.

¹⁹¹ Article 69(3) IPA.

¹⁹² Article 70(1) and (3) IPA.

¹⁹³ Article 68 IPA.

the beneficiary can present their reasons against withdrawal at a personal interview.¹⁹⁴ The beneficiary can file an application for judicial review against the decision before the Administrative Court in 15 days. The application has suspensive effect.¹⁹⁵

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 ☒ Yes ☐ 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 ☒ Yes ☐ No
❖ If yes, what is the time limit? 3 months
3. Does the law set a minimum income requirement? ☐ Yes ☒ No

1.1. Eligible family members

Family members with whom the beneficiary of refugee status or subsidiary protection status can be reunited are:¹⁹⁶

- 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.

In exceptional cases the competent 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.¹⁹⁷ This provision was included in the law on the basis of a Constitutional Court decision from January 2015.¹⁹⁸

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 1 year** – they obtain the right to family reunification after their status is extended. On the other hand, persons with **refugee status** and **subsidiary protection longer than 1 year** can apply for family reunification immediately after being

¹⁹⁴ Article 69(2)-(3) IPA.

¹⁹⁵ Article 70(1) and (3) IPA.

¹⁹⁶ Articles 47.a(2) and 47.b(2) Aliens Act.

¹⁹⁷ Articles 47.a(4) and 47.b(4) Aliens Act.

¹⁹⁸ Constitutional Court, Decision U-I-309/13, 14 January 2015, available at: <http://bit.ly/1VwZJ4G>.

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 1 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.¹⁹⁹

Seven applications for family reunification were submitted in 2017. In the same year three applications were approved (each for one family member).²⁰⁰

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 official documents is difficult or impossible, such as Eritrea (see [Relocation](#)).

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.²⁰¹

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](#)).²⁰²

Family members are entitled to the same rights regarding health care, social security, education and employment as citizens of the Republic of Slovenia.²⁰³

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.²⁰⁴ Financial assistance for arrival in Slovenia is not provided.

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.

¹⁹⁹ Articles 47.a(7) and 47.b(6) Aliens Act.

²⁰⁰ Information provided by the Migration Office, February 2018.

²⁰¹ Articles 47.a(3) and 47.b(3) and (7) Aliens Act.

²⁰² Articles 93(2) and 97(5) IPA.

²⁰³ 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.

²⁰⁴ Article 98(5) Aliens Act.

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.²⁰⁵ 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.²⁰⁶

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.²⁰⁷

A person holding a refugee status applies for the refugee passport with the Ministry of the Interior,²⁰⁸ which must issue the document in 15 days.²⁰⁹ A person holding subsidiary protection applies for their passport for foreigners with the Administrative Unit of their place of residence.²¹⁰

In 2017 the authorities issued 180 refugee passports and 23 passports for foreigners for persons with subsidiary protection.

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 29 December 2017 | 2 |

Beneficiaries of international protection have to move out of reception (except Student Dormitory **Postojna**) within 15 days of being granted status. At the end of 2017 only two persons holding international protection status were living in the reception centres.

Beneficiaries without financial means and for whom accommodation is not provided in another way are entitled to financial assistance with accommodation for a period of 18 months after being granted status.²¹¹ 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 UOIM (see [Access to Education](#)).²¹² 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 26.²¹³

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,

²⁰⁵ Article 111 IPA. More detailed provisions are set out in Rules on the content, format and method of issuing passports to refugees.

²⁰⁶ Article 113 IPA and 98 Aliens Act.

²⁰⁷ Articles 111(3) and 113(2) IPA.

²⁰⁸ Article 6 Rules on the content, format and method of issuing passports to refugees.

²⁰⁹ 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.

²¹⁰ Article 98(3) Aliens Act.

²¹¹ Article 97(1) IPA.

²¹² Article 97(2) IPA.

²¹³ Article 97(3) IPA.

currently 297.53 €. In the case of families, the maximum amount per person is less, calculated in accordance with a Decree.²¹⁴

Beneficiaries receive assistance with finding the 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,²¹⁵ since this right is by law only available to Slovenian citizens.

As of 29 December 2017, 494 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.²¹⁶ Based on justified medical or other reasons, accommodation in the integration house can be extended for a further six months.²¹⁷ The Ministry of the Interior currently administers two Integration Houses, one in **Ljubljana**, intended for families and single women, and one in **Maribor**, intended for single men:

Capacity and occupancy of Integration Houses		
Integration House	Capacity	Occupancy at 29 December 2017
Ljubljana	15	14
Maribor	45	21
Total	60	35

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.²¹⁸ Reunited family members of a person with refugee status are also entitled to financial assistance with accommodation at a private address,²¹⁹ 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.

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

²¹⁴ Article 9 Decree on the methods and conditions for ensuring the rights of persons with international protection.

²¹⁵ 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.

²¹⁶ Article 93(1) IPA.

²¹⁷ Article 93(2) IPA.

²¹⁸ Article 93(2) IPA.

²¹⁹ Article 97(5) IPA.

to meet other requirements.²²⁰ 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](#)).

Recently, 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.

At the end of 2017 a total 85 beneficiaries of international protection were in employment.²²¹

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.²²² They are also entitled to state scholarships and accommodation in student dormitories under the same conditions as nationals.²²³ Asylum-seeking children enjoy unimpeded access to 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.²²⁴ In case the attained education cannot be proven with documentation, a system for official testing is set up in a Decree.²²⁵

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.²²⁶

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

²²⁰ Article 102 IPA and Article 6(2) Self-Employment and Work of Aliens Act, Official Gazette of RS, No. 47/2015 and subsequent amendments.

²²¹ Information provided by UOIM, February 2018.

²²² Article 101(1) IPA.

²²³ Article 101(2) IPA.

²²⁴ Article 101(3)-(4) IPA.

²²⁵ Articles 12-32 and 34 Decree on the methods and conditions for ensuring the rights of persons with international protection.

²²⁶ 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.²²⁷ 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.

Firstly, beneficiaries are entitled to financial social assistance, provided to all persons without other means. The current amount for single claimants is 297.53 € per month. In the case of families the amount per person is less, calculated in accordance with the Social Assistance Benefits Act.²²⁸ 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 together 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,²²⁹ 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.²³⁰ 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.²³¹

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,²³² which means they do not require complementary health insurance until they reach the age of 18 (or until 26, as long as they are enrolled into school as regular students) and enjoy full rights without it.²³³

²²⁷ Article 95 IPA.

²²⁸ Official Gazette of RS, No. 61/2010 and subsequent amendments.

²²⁹ Official Gazette of RS, No. 9/1992 and subsequent amendments.

²³⁰ Article 94(1) IPA.

²³¹ Article 24 Health Care and Health Insurance Act.

²³² Article 94(2) IPA.

²³³ Article 22 Health Care and Health Insurance Act.

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 to be challenging in practice.

ANNEX I – Transposition of the CEAS in national legislation

Directives and other CEAS measures transposed into national legislation

Directive / Regulation	Deadline for transposition	Date of transposition	Official title of corresponding act	Web Link
Directive 2011/95/EU Recast Qualification Directive	21 December 2013	27 December 2013	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in nadaljnje spremembe	http://bit.ly/2g7aCiV (SI)
Directive 2013/32/EU Recast Asylum Procedures Directive	20 July 2015 Article 31(3)-(5) to be transposed by 20 July 2018	25 March 2016	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in nadaljnje spremembe	http://bit.ly/2g7aCiV (SI)
Directive 2013/33/EU Recast Reception Conditions Directive	20 July 2015	25 March 2016	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in nadaljnje spremembe	http://bit.ly/2g7aCiV (SI)
Regulation (EU) No 604/2013 Dublin III Regulation	Directly applicable 20 July 2013	25 March 2016	Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in nadaljnje spremembe	http://bit.ly/2g7aCiV (SI)