Detention - Slovenia

Overview

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Relevant EU legislation

Slovenia is bound by the recast Reception Conditions Directive, the recast Asylum Procedures Directive and the Dublin III Regulation and has transposed their provisions through the International Protection Act (IPA) | Zakon o mednarodni zaščiti (ZMZ-1).

National legislation

25 March 2016: Slovenia transposed the recast Reception Conditions Directive by the International Protection Act Official Gazette of the Republic of Slovenia, Nso 22/16 and 54/21 | Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in 54/21.

25 March 2016: Slovenia transposed the recast Asylum Procedures by the International Protection Act Official Gazette of the Republic of Slovenia, Nos 22/16 and 54/21 | Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in 54/21.

25 March 2015: The provisions of the Dublin III Regulation were directly applicable on 20 July 2013. Slovenia transposed the Dublin III Regulation by the International Protection Act Official Gazette of the Republic of Slovenia, Nos 22/16 and 54/21 | Zakon o mednarodni zaščiti Uradni list RS, št. 22/16 in 54/21.

Competent authority and stakeholders

Area	National authority/stakeholder	Assistance to competent authority

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Detention decision	The Migration Directorate | Urad za migracije or the Government Office for the Support and Integration of Migrations | Urad vlade za oskrbo in integracijo migrantov (UOIM)	N/A
Administration and management of detention facilities	The Migration Directorate, International Protection Procedures Division (Ministry of the Interior) | Direktorat za migracije, Sektor za postopke mednarodne zaščite and the police | Policija are responsible for managing and administering detention facilities in the Postojna Centre for Foreigners (Global Detention Project - Slovenia: Ljubljana Asylum Home, Postojna Centre for Foreigners).	N/A
Information provision in detention	The Migration Directorate | Urad za migracije and the Police | Policija are responsible for providing information provision in detention.	The Legal Centre for the Protection of Human Rights and the Environment | Pravno-informacijski center nevladnih organizacij (PIC)
Interpretation services in detention	The Migration Directorate | Urad za migracije is responsible for providing interpretation services in detention	

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Access to the procedure and provision of asylum information in detention	The Migration Directorate | Urad za migracije and the Police | Policija are responsible for access to the procedure and registering application while in detention. The Migration Directorate | Urad za migracije is responsible for information related to the asylum procedure.	The Legal Centre for the Protection of Human Rights and the Environment | Pravno-informacijski center nevladnih organizacij (PIC)
Detention for the Dublin procedure	The Migration Directorate | Urad za migracije	N/A
Processing of asylum applications of applicants who are in detention	The Migration Directorate | Urad za migracije is responsible for processing applications of persons who are in detention or detention at the border.	N/A
Legal assistance and representation in detention	Refugee counsellors are responsible for providing legal aid in judicial reviews in places of detention.	The Legal Centre for the Protection of Human Rights and the Environment | Pravno-informacijski center nevladnih organizacij (PIC)
Review of detention	The Administrative Court of the Republic of Slovenia | Upravno sodišče Republike Slovenije or the Supreme Court of Slovenia | Vrhovno sodišče Republike Slovenije	N/A

Grounds for detention during the asylum procedure

Grounds for detention in national law

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Detention in the context of identification or verification of identity

The competent authority may order a mandatory stay for an applicant in the area of the Asylum Centre or its branch (Article 84(1) IPA) in order to verify or establish the identity or nationality of an applicant, in particular if the circumstances of the case show that the applicant could have obtained identification documents in the country of origin but left the country of origin without a document or provided false information, forged documents or withheld important information or documents about his/her identity or nationality, or if it is probable that he has maliciously destroyed or disposed of an identity document or a travel document or other document on the basis of which his identity or citizenship could be established (Article 84(1) point 1 IPA).

In the event that, in the particular case, the authority determines that it is not possible to effectively implement the mandatory stay for an applicant in the area of the Asylum Centre or its branch, or if the applicant leaves the area of compulsory residence, an applicant who is not a minor or unaccompanied minor may be ordered to remain at the Centre for Foreigners.

Case law of the Administrative Court and Supreme Court on the detention of asylum seekers is available online in SodnaPraksa.

Detention to determine elements on which the application for international protection is based, in particular where there is a risk of absconding

The competent authority may order a mandatory stay for an applicant in the area of the Asylum Centre or its branch (Article 84(1) IPA) to establish certain facts on which the application for international protection is based, which could not be obtained without the imposed measure, and there is a risk that the applicant will flee (Article 84(1) point 3 IPA).

The following circumstances in line with Article 84a of IPA may indicate that a person will abscond. If the applicant has:

- Lodged the application or a new application for international protection at the time when the extradition procedure is in progress or the person is in the process of a return;
- Has previously tried to leave Slovenia arbitrarily or has left it;
- Has previously submitted an application in Slovenia or another EU Member State and subsequently left it;

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- Despite a previously-issued decision on rejection, the person did not wait for its execution;
- Provided false information in the proceedings or did not participate in the proceedings and refused to collect biometric data;
- Used false or forged identity documents;
- Entered Slovenia during an entry ban;
- He/she has been legally sanctioned for an offense of illegal residence in the last 3 years;
- Failed to comply with a return decision issued by another EU Member State;
- Has been convicted in the last 2 years in Slovenia of a criminal offense for which the perpetrator is being prosecuted *ex officio*;
- In the last 2 years in Slovenia, he/she has been sanctioned at least three times for offenses under regulations against public order or for offenses under regulations governing the state border and foreigners, weapons and drugs.

According to information from civil society organisations, the fact that the applicant left the premises of the Asylum Centre before lodging the application can be used to justify the risk of absconding and detain the applicant after they lodge an application.

In the event that, in the particular case, the authority determines that it is not possible to effectively implement the mandatory stay for an applicant in the area of the Asylum Centre or its branch, or if the applicant leaves the area of compulsory residence, an applicant who is not a minor or unaccompanied minor may be ordered to remain at the Centre for Foreigners.

Case law of the Administrative Court and Supreme Court on the detention of asylum seekers is available online in SodnaPraksa.

Detention in the context of a procedure to decide on the applicant's right to enter the territory

To decide on the right of the applicant to enter the territory in accordance with the border procedure (Article 43 of the IPA), the competent authority must order the applicant the restriction of movement to capacity established at the border, transit area at the airport or ship, which is at the anchorage of a port or harbour (Article 84(3) IPA). Despite being regulated in law, detention at the border is not implemented in practice and it not applied in the context of the border procedure since the procedure is not used in practice.

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Detention in the context of a return procedure

The competent authority may order a mandatory stay for the applicant in the area of the Asylum Centre or its branch (Article 84(1) IPA) when submitting the application. The movement of the applicant can be restricted for the return procedure in accordance with the law governing the entry, departure and stay of foreigners and before the execution of a secondary sanction of expulsion of a foreigner from the country or entry ban measure in order to carry out the return procedure or removal procedure when it can be reasonably presumed that the application was made only in order to delay or impede the removal (Article 84(1) point 3 IPA).

In the event that, in the particular case, the authority determines that it is not possible to effectively implement the mandatory stay for an applicant in the area of the Asylum Centre or its branch, or if the applicant leaves the area of compulsory residence, an applicant who is not a minor or unaccompanied minor may be ordered to remain at the Centre for Foreigners.

Case law of the Administrative Court and Supreme Court on the detention of asylum seekers is available online in SodnaPraksa.

Detention in the context of national security and public order

The competent authority may order a mandatory stay for the applicant in the area of the Asylum Centre or its branch (Article 84(1) IPA) when the threat to security of the state or the constitutional order of Slovenia is prevented or it is absolutely necessary for the protection of personal security, property security and other comparable reasons of public order. Endangering the security of the state or the constitutional order of Slovenia is considered endangering the internal or external security of the state, i.e. endangering the functioning of institutions and basic public services and the survival of the population, the risk of serious disturbances in international relations or peaceful coexistence. Other comparable reasons of public threat are those that pose a real, current and sufficiently serious threat to the fundamental interest of the state (Article 84(1) point 3 IPA).

Detention for the purpose of a Dublin transfer

The competent authority may order a mandatory stay for the applicant in the area of the Asylum Centre or its branch (Article 84(1) IPA) in accordance with Article 28 of the Dublin Regulation (Article 84(1) point 5 IPA).

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Less coercive measures (alternatives to detention)

The law does not foresee alternatives to detention. The competent authority often regards detention in an area of the Asylum Centre as an alternative to detention (Article 84 IPA)

Application for international protection and processing while in detention/impact on the asylum procedure

Detention does not have an impact on the overall quality of the asylum procedure. Restriction of movement does not impact the asylum procedure and procedural guarantees of the applicants. According to Article 48 IPA, an application by a detained asylum seeker should be prioritised.

With regard to access to information, applicants whose movement is restricted are also informed upon arrival at the asylum centre and before the start of the application procedure (in accordance with Article 42(3) and in relation to Article 5 of the IPA). The general provision of Article 6 of IPA also applies to interpretation, which stipulates that if a person does not understand the official language, an interpreter for a language they understand shall be provided to accompany them during the procedures under this Act. The assistance of an interpreter is provided when the application is received and during personal interviews, and in other cases at the discretion of the competent authority.

With regard to access to legal counsellors, we would first like to point out that the regulation of legal counselling at the first instance, as provided for in the APR, does not apply until 12 June 2026 and we are in the process of preparing the legal basis for its practical application. For the time being, therefore, IPA applies, which is in line with the directive and does not provide for the right to legal counselling at the first instance. With regard to access to advisors at the second (and possible third) instance, Article 9 of the IPA and the rules governing access to counsellors apply (https://pisrs.si/pregledPredpisa?id=PRAV14292) . In accordance with the rules, counsellors are granted access to persons to whom they provide support and legal assistance on the territory of the Republic of Slovenia and at the border or in the transit area at an airport or on a ship anchored in a port or harbour, under conditions that respect the privacy of those persons.

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In accordance with Article 48 IPA, the competent authority shall give priority to an application which was made while in detention.

Regarding the method of notification of first instance decision, the same applies as for others, and personal service is used in accordance with the law governing general administrative procedure (Article 87 of the General Administrative Procedure Act).

If the applicant's movement is restricted in accordance with the Aliens Act, even before expressing their intention to apply for international protection, the same procedure as for other intending applicants shall be carried out after a preliminary procedure with the police in accordance with Article 42 of the IPA. In particular, a specific assessment shall be made again as to whether the reasons for restricting movement still apply. In accordance with Article 84(11) of the IPA, a measure restricting movement may also be imposed on an intending applicant.

The applicant receives the card envisaged in Article 6 RCD in accordance with Article 107 of the IPA and in accordance with the rules governing the procedure for foreigners who express their intention to apply for international protection, immediately after submitting the application, but no later than three days after submission. The applicant’s card is also valid as a document attesting the lodging of the asylum application.

Submitting a subsequent application while in detention has no effect and is treated in the same way as for other applicants. The submission of a subsequent application may be considered as one of the circumstances of flight risk in accordance with Article 84a of the IPA, provided that the subsequent application is submitted at a time when the applicant is subject to extradition proceedings or is in the process of being returned.

In regard to the exceptions to the border procedure for applicants in detention in accordance with Article 84(3) of the IPA the movement may be restricted within the framework of the border procedure in accordance with Article 43 of the IPA, with the aim of determining the applicant's right to enter the territory. The measure restricting the applicant's movement is ordered by the competent authority at the capacity established at the border, in the transit area at the airport, or on a ship anchored in a port or harbour.

Slovenia does not currently carry out border procedures in practice.

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In accordance with Article 84 (6) of the IPA, the president of the administrative court may decide that direct supervision of the implementation of the measure restricting movement must be carried out and appoint a judge or judges of the administrative court to carry it out within the time limits, at the locations specified by him, or in relation to any specified applicants, and to report to him on this. If, in the course of the supervision, the judge of the administrative court finds that the reasons for restricting the movement of a specific applicant no longer exist, he shall order the measure to be lifted.

The implementation of movement restrictions is also monitored by the Human Rights Ombudsman, who reports on his findings in annual report (Report for 2024)

Procedural safeguards

Access to information and interpretation

The applicant is provided with information orally on the grounds of the detention, including the reasons in fact and in law. The applicant also receives a record of the detention order containing the reasons for detention. The detention order is read to the applicant in a language that he/she understands (Article 85(5) IPA).

Legal assistance and representation

The Legal Centre for the Protection of Human Rights and the Environment | Pravno-informacijski center nevladnih organizacij (PIC) provides legal representation to applicants in detention. In appeals and in reviewing detention, the applicant has access to refugee counsellors, who provide free support and legal assistance before the Administrative Court and the Supreme Court.

According to information from civil society organisations, along with the detention order, the applicant is given a list of refugee legal counsellors and instructions to seek legal assistance on their own. If the applicant is unable to do so, the applicant can contact the Migration Directorate, and an official will help the applicant to find a refugee counsellor

Length of detention

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The measure on the restriction of freedom of movement last until the relevant grounds are lifted, but no longer than 3 months, except for cases under the Dublin procedures (Article 28 Regulation 604/2013/EU). After this period, if the reasons for the restriction of movement still exist, the measure may be extended with a decision for another month. Both measures are revoked ex officio if the reasons for which they were imposed no longer exist (Article 84(6) IPA).

There is case law of the Administrative Court and Supreme Court on the detention of asylum seekers available online in SodnaPraksa.

Judicial review of detention

In accordance with Article 84(6) IPA the President of the Administrative Court may decide either based on the request of the applicant or ex officio, that direct supervision of the implementation of the detention measure must be carried out, and shall designate the administrative court judge or judges to carry it out within the time limits, at the locations, and with regard to the specific applicants that it determines, and shall report back to it on this matter. If, in the course of the supervision, the administrative court judge finds that the reasons for restricting the movement of a specific applicant no longer exist, the judge shall order the measure to be lifted.

The applicant has the right to challenge the detention measure in an appeal before the Administrative Court within 3 days of notification of the decision. The Administrative Court must conduct an oral hearing and take a decision within 3 working days (Article 84(7) IPA).

The applicant has the possibility to appeal against the decision of the Administrative Court to the Supreme Court (Article 70(4) IPA) within 15 days of the transcript of the judgment of the Administrative Court to all the parties (Article 73(3) Administrative Dispute Act). The Supreme Court has 30 days to decide on the appeal (Article 71(4)) IPA).

Specific conditions relating to detention

Conditions of detention

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Specialised detention facilities: According to information from civil society organisations, Applicants are typically detained in the Centre for Foreigners in Postojna or less frequently in the Asylum Centre in Ljubljana. The Centre for Foreigners is a specialised facility under the jurisdiction of the police. It is a closed facility that detains third-country nationals for the purpose of return procedures.

Access to open-space: According to information from civil society organisations , detainees have access to open-space air.

Visitors/access to external communications – including the role of UNHCR, access to facilities of UNHCR and legal counsellors: Asylum seekers, including detainees, must be allowed access to UNHCR and organisations which provide legal counselling (Article 4 IPA). According to information from civil society organisations, NGOs are present in the Asylum Centre daily to help with a range of activities, and they are available to detained applicants. NGOs are not present daily in the Centre for Foreigners. However, the Jesuit Refugee Service and PIC visit the facility and carry out various activities, and PIC staff visit the centre to provide legal assistance. Visits to the Centre for Foreigners are allowed in accordance with the daily visitation schedule and there are no restrictions on who can visit a detainee. Legal representatives can meet with detained applicants regardless of the visitation hours. Detainees are allowed to keep their mobile phone and are provided with free Internet to maintain external communication.

Access to legal assistance: According to information from civil society organisations, detainees have access to free legal assistance provided by PIC. At the appeal, detainees have access to refugee counsellors, who provide free support and legal assistance before the Administrative Court and the Supreme Court.

Privacy and confidentiality: According to information from civil society organisations, visits take place in a visiting room which is monitored by CCTV cameras.

Access to education (school for minors, language courses, etc.): According to information from civil society organisations, the Centre for Foreigners organises various activities for detainees, such as language courses and training.

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Opportunity to leave the detention facility: In accordance with the Article 84(1) IPA, the freedom of movement may be restricted to the area of the Asylum Centre or its branch, and in such case the applicant is not allowed to leave the facility. The same applies if the freedom of movement is restricted to the Centre for Foreigners.

Freedom of movement within the detention centre: The movement around the asylum centres and its branches is regulated by the Decree on the rules of conduct in asylum centres (https://pisrs.si/pregledPredpisa?id=URED8350) If the movement is restricted to the Centre for Foreigners the rules on movement within the Centre are regulated by the Foreigners Act (Uradni list RS, št. 46/25 z dne 24. 6. 2025) and the Rules on staying at the Centre for Foreigners and getting a residence permit card (https://pisrs.si/pregledPredpisa?id=PRAV14465)

There is no specific requirement provided for by the legislation that would require an applicant whose freedom of movement was restricted to the Asylum centre or its branch and the same rules apply for them as for the applicants whose freedom of movement was not restricted.

Normally the applicants whose freedom of movement is restricted to these facilities may move freely within the facilities.

Language support (translation and interpretation services): Detainees are entitled to language support, including translation and interpretation services (Article 6(1) IPA).

Recreational activities, leisure time: According to information from civil society organisations, detainees in the Asylum Centre have the same rights as other accommodated applicants and can participate in recreational activities. Detainees in the Centre for Foreigners have access to recreational activities for 2 hours per day.

Medical care/psychological counselling: According to information from civil society organisations, healthcare, including psychological assistance, is provided to detainees at the same level and under the same conditions as other asylum seekers.

Other relevant aspects: According to information from civil society organisations, the Human Rights Ombudsperson as the National Preventive Mechanism under the Optional Protocol to the United Nations Convention against Torture monitors and carries out unannounced visits to both the Asylum Centre and the Centre for Foreigners.

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Detention of applicants with special needs

Legislative overview

If a measure on the restriction of movement has been ordered for a vulnerable person or a person with special needs, the competent authority ensures as a priority that his/her health is protected, including mental health, and that regular monitoring and adequate assistance is provided based on the special situation of that person (Article 84(9) IPA).

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