Dublin procedure - Slovenia

Overview

Relevant EU legislation

Slovenia is bound by the Dublin III Regulation, which is directly applicable. Some of its provisions were transposed through the International Protection Act (IPA) | Zakon o mednarodni zaščiti (ZMZ-1).

National legislation

The Dublin III Regulation is directly applicable in Slovenia and only the provisions required by the regulation were transposed. International Protection is regulated by the International Protection Act (Official Gazette of the Republic of Slovenia, No 16/17 – official consolidated text, 54/21 and 42/23 – ZZSDT-D) | Zakon o mednarodni zaščiti.

Competent authority and stakeholders

Entity responsible for the Dublin procedure (the application of the criteria and mechanisms for determining the Member State responsible): International Protection Procedures Division | Sektor za postopke mednarodne zaščite

Place in the institutional framework: A specialised Dublin unit does not exist. Specialised case officers within the International Protection Procedures Division of the Migration Directorate of the Ministry of the Interior are in charge of carrying out tasks related to the Dublin procedure.

Competencies of the entity:

Yes	Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handling the form to be completed during registration)

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Yes	Organising Dublin transfers
Yes	Notifying the transfer decision
Yes	Accompanying/escorting applicants during a Dublin transfer
Yes	Sending and replying to take charge and take back requests to/from other Member States
Yes	Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)
Yes	Sending and replying to information requests to/from other Member States

Handing over the common leaflet on the Dublin procedure	International Protection Procedures Division | Sektor za postopke mednarodne zaščite
Conducting the Dublin interview (specifically for the Dublin procedure, as part of the registration interview or handing the form to be completed during registration)	International Protection Procedures Division | Sektor za postopke mednarodne zaščite
Referral of cases to the Dublin unit	International Protection Procedures Division | Sektor za postopke mednarodne zaščite
Sending and replying to a take charge or take back request	International Protection Procedures Division | Sektor za postopke mednarodne zaščite
Sending and replying to information requests to/from another Member State	International Protection Procedures Division | Sektor za postopke mednarodne zaščite
Notification of the transfer decision	International Protection Procedures Division | Sektor za postopke mednarodne zaščite

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Free legal assistance during the appeal of a transfer decision	Refugee counsellors are appointed by the Ministry of Justice | Ministrstvo za pravosodje and funded by the Ministry of the Interior | Ministrstvo za Notranje Zadeve. NGOs can provide legal assistance but cannot represent an applicant before the court in the appeal procedure.
Representation of the asylum authority in an appeal against a transfer decision	Ministry of the Interior | Ministrstvo za Notranje Zadeve
Organising the transfer to the responsible Member State	International Protection Procedures Division | Sektor za postopke mednarodne zaščite
Providing information on the transfer modalities to the applicant	Government Office for the Support and Integration of Migrants | Urad vlade za oskrbo in integracijo migrantov (social worker of the reception centre)
Accompanying/escorting applicants during a Dublin transfer when necessary	International Protection Procedures Division | Sektor za postopke mednarodne zaščite The Police | Policija
Receiving applicants transferred under the Dublin procedure (meeting applicants at the airport/border crossing)	Government Office for the Support and Integration of Migrants | Urad vlade za oskrbo in integracijo migrantov (reception centre staff) International Protection Procedures Division | Sektor za postopke mednarodne zaščite (Dublin staff at the border crossing)
Court/authority responsible for deciding on an appeal against a transfer decision	The Administrative Court of the Republic of Slovenia | Upravno sodišče Republike Slovenije

Provision of information on the Dublin procedure

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The International Protection Procedures Division is responsible for information provision on the Dublin procedure, including handing over the common leaflet on the Dublin procedure.

The provision of information in the Dublin procedure does not differ much from the regular international protection procedure. According to Article 5 of the IPA, before the application acceptance procedure begins, the person is informed about the procedures, the rights and obligations of applicants, potential consequences of disregarding the obligations and non-cooperation with the competent authority, the time limits for legal remedies, and information about refugee counsellors and NGOs working in the field of international protection. Before the lodging of an application, applicants are informed through a video which contains information on the Dublin procedure.

The common leaflet on the Dublin procedure is complemented with specific national information, and the Ministry of the Interior, in cooperation with the EUAA, have developed posters on the Dublin procedure in several languages, including Arabic, Bengali, English, Spanish, Farsi, Pashto, Urdu and Turkish.

Information about the Dublin procedure and legal representation during the Dublin procedure can also be provided by the Legal Centre for the Protection of Human Rights and the Environment (PIC).

Right to legal counselling

Legal assistance in the Dublin procedure is provided in the same way as in the regular procedure. In the first instance, the legal representation can be provided by PIC, while applicants are appointed a refugee counsellor to represent them in procedures before the Administrative Court and the Supreme Court. Refugee counsellors are appointed by the Ministry of Justice | Ministrstvo za pravosodje and funded by the Ministry of the Interior | Ministrstvo za Notranje Zadeve. In appealing a transfer decision, NGOs can provide legal assistance but cannot represent an applicant before the court. Legal counselling is provided in person and is organised one-to-one.

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Personal interview to determine the Member State responsible

Organisation of the interview: There is a separate personal interview for the determination of the Member State responsible (Article 46(1) IPA). The Dublin interview may be recorded (Article 37(7) IPA). The interview will be in person, but in exceptional cases, a personal interview may also be conducted electronically (Article 37 IPA).

Persons present during the interview: The International Protection Procedures Division conducts the Dublin interview. The applicant and case officer are present during the interview, and the applicant can request an interpreter to be present during the interview.

For an unaccompanied minor, the applicant’s guardian and an interpreter are present.

In agreement with the person interviewed, the interview may be attended by a representative of UNHCR, another public official or a competent authority's employee, scientific workers, students and civil servants if this is important for scientific work and the institution (Article 37(4) IPA).

Notification of the transfer decision

The International Protection Procedures Division notifies the applicant about the transfer decision. The applicant will receive a written copy of the transfer decision.

Remedies

Competent authority/court	The Administrative Court of the Republic of Slovenia | Upravno sodišče Republike Slovenije
Deadline for review/appeal	3 days following the delivery of the decision (Article 70(2) IPA).
Deadline for decision on the review/appeal	The Administrative Court decides on the appeal within 7 days (Article 71(3) IPA).

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Suspensive effect of the review/appeal	An appeal does not have an automatic suspensive effect (Article 70(3) IPA). However, the applicant may apply to the court for an interim measure postponing 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 (Article 32(2) Administrative Dispute Act). According to an observation by PIC, in practice the determining authority does not carry out the decision until the Administrative Court rules on the request for a suspensive effect, and the situation is not very different from an automatic suspensive effect being prescribed by law.
Competent authority/court	The Supreme Court of Slovenia | Vrhovno sodišče Republike Slovenije
Deadline for review/appeal	n/a
Deadline for decision on the review/appeal	The Supreme Court has 30 days to decide on the appeal (Article 71(4) IPA).
Suspensive effect of the review/appeal	n/a

Transfer arrangements

The International Protection Procedures Division notifies the applicant of the transfer decision. The Government Office for the Support and Integration of Migrants (UOIM) provides information on transfer modalities to the applicant and social workers at the reception centre. The International Protection Procedures Division or the police (Policija) accompany/escort applicants during a Dublin transfer when necessary (Who is Who in International Protection: Dublin procedure).

The transfer takes place within 6 months from the date that the other Member State accepted responsibility.

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Guarantees for minors

Assessment of the best interests of the child: The best interests of the child are a primary consideration according to Article 15 of the IPA. In establishing the best interests of the child in the Dublin procedure, the following factors in particular are considered: the possibility of family reunification, the well-being and social development of a minor (particularly considering the environment from which the minor originates), issues concerning safety and protection (especially when there is a risk that the minor is a victim of trafficking in human beings), and the minor's opinion in accordance with his/her age and maturity.

Statutory representative: An unaccompanied minor is appointed a statutory representative who represents and assists the child in all stages of the Dublin procedure (Article 16(1) IPA).

Detection of potential family reunification cases: If a minor arrived in Slovenia alone or they have been separated from their family, the authorities start the procedure to find the applicant’s parents or other relatives in the shortest possible time. The authorities and the statutory representative act in the best interests of the child and always take into prior consideration the possibility of reuniting the unaccompanied minor with their family. During registration, the unaccompanied minor is asked about their family members in Europe and the authorities may help the applicant to get reunited with them, if this is in their best interests.

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