First instance determination - Slovenia

Overview of first instance procedures

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Relevant EU legislation

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

National legislation

- The regular procedure is provided under several provisions of the Act on International Protection (ZMZ-1).
- The Dublin procedure is provided under several provisions of the Act on International Protection (ZMZ-1).
- Special procedures are provided under several provisions of the of the Act on International Protection (ZMZ-1).
- The admissibility procedure is outlined in Article 51 of the Act on International Protection (ZMZ-1).
- The accelerated procedure in Articles 49 and 52 of the Act on International Protection (ZMZ-1)).

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- Subsequent applications in Article 64 of the Act on International Protection (ZMZ-1).

- Border procedure in Article 43(1) of the Act on International Protection (ZMZ-1). While the border procedure is regulated by law, the procedure at the border, airport or port is not used in practice (AIDA: Slovenia 2023).

Competent authority and other stakeholders

National authorities: The International Protection Procedures Division (Ministry of the Interior) I Sektor za postopke mednarodne zaščite is responsible for examining/processing requests for international protection in the regular and special asylum procedures. The International Protection Procedures Division is centralised, and its headquarters are in Ljubljana (Government of the Republic of Slovenia: Directorate of Migration).

Staff: The International Protection Procedures Division has 29 employees; of whom 15 are in the Department for International Protection Procedures, 12 in the Department for Operational Affairs, and 2 in the management. 11 out of the 15 employees in the Department for International Protection Procedures are involved in decision-making. As a result, the case officer who conducts the interview may not necessarily carry out the assessment and decide on the asylum application.

The separation of tasks between an interviewer and a decision-maker was introduced in June 2016 with the aim of speeding up and improving the efficiency of the asylum procedure (AIDA: Slovenia 2023).

Other actors: Legal and authorised representatives (Articles 18 and 19 ZMZ-1), interpreters and translators (Article 6 ZMZ-1), authorised UNHCR representatives (Articles 7 and 37(4) ZMZ-1). See Personal interview and Assessment of applications at first instance below on this page.

Types of procedures and case processing

The regular procedure provides for a prioritised examination of applicants who are likely to have a well-founded fear of persecution, as well as the possibility to fast-track the processing of specific caseloads. This is the case, for example, for

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of vulnerable persons with special needs, including minors, and detained applicants (Article 48 ZMZ-1).

Time limit for a decision and length of the procedure

The competent authority makes a decision within the shortest time possible, unless this has an impact on the adequacy and integrity of the examination (Article 47(1) ZMZ-1). In the regular procedure, a decision must be taken within 6 months from the submission of the application, and in the accelerated procedure, no later than 2 months after the application was filed (Article 47(1) ZMZ-1).

Applicants are informed about the date and time of the personal interview following the lodging of their asylum application (Article 45(5) ZMZ-1). Typically, the personal interview is conducted within 1 month after the lodging of an application (AIDA: Slovenia 2023).

If the competent authority cannot decide on the application within 6 months, it will notify the applicant in writing of the delay and the reasons for it, as well as the timeframe in which the decision can be expected. If the competent authority is unable to make a decision within the deadline specified in the written notification, after the expiry of this deadline, it must again inform the applicant in writing of the reasons for the delay and the new expected decision deadline (Article 47(2) ZMZ-1).

If the deadline for a decision is extended due to the applicant not fulfilling their obligations in relation to the international protection procedure, complex legal and factual issues or a large number of applications for international protection, the competent authority informs the European Commission about this at least once a year. The competent authority also informs the European Commission as soon as the reasons for the extension expire (Article 47(3) ZMZ-1).

In justified circumstances and with the aim of ensuring adequate and comprehensive consideration of the application for international protection, the competent authority may exceed this deadline by a maximum of 3 months in the cases referred to in the previous paragraph (Article 47(4) ZMZ-1).

Measures to enforce the legal time limit for processing an application: IPA does not provide for any remedy regarding this. However, according to Article 33 of the IPA, the procedures referred to in IPA shall be subject to the act

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governing the general administrative procedure, unless otherwise provided by the IPA. Thus, since IPA does not regulate this matter, the General Administrative Procedure Act applies. Article 222(4) of the General Administrative Procedure Act provides for the possibility of an appeal as if their claim had been refused, if the competent authority against whose decision an appeal is allowed fails to issue a decision and serve it on the party in due time.

Penalty payment for exceeding processing time: There is no possibility for the applicant to claim a penalty payment. Applicants have an option to file an appeal if the time limit is not respected.

Prioritisation policies: When a request is likely justified, the competent authority considers it as a matter of priority, for example applications by vulnerable persons with special needs and when an applicant has been ordered to stay in the area or part of the area of the asylum centre or has movement restrictions in the Centre for Foreigners (Article 48 ZMZ-1).

Quality assurance of first instance procedures

Who: There are mechanisms in place to ensure the quality of first instance procedures. The International Protection Procedures Division monitors quality assurance of first instance procedures (AIDA: Slovenia 2023).

The EUAA provides support to improve procedures in the processing of asylum applications and supports the Migration Directorate in enhancing quality assurance mechanisms at first instance. It is possible to have up to two Asylum Quality Assurance Experts under the EUAA-Slovenia Operational Plan (Slovenia, EUAA Operating Plan 2022).

Methods/criteria: The Migration Directorate has established a quality assistance mechanism for first instance procedures, which requires each decision to be approved by a responsible official from the International Protection Procedures Division before it is issued. Case files, documents, country of origin information and individual case decisions are all reviewed. The authorised official can approve or amend the decision or provide further instructions on the procedure (AIDA: Slovenia 2023).

There is no specific code of ethics or code of conduct for staff in international protection procedure. However, the staff is covered by the Code of conduct for public employees. In practice, every decision is in principle reviewed by two

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officials (first by the Head of the International Protection Procedures Department and then by the Head of the International Protection Procedures Sector). This ensures higher quality of the procedures and the decisions.

Frequency: The quality check of every decision outlined above is carried out at all times.

Interinstitutional cooperation

In accordance with the IPA, the competent authority (ministry) is coordinating with the Police and the Government Office for the Support and Integration of Migrants (the Office).

The Police is first responsible to carry out the preliminary procedure and filling out the registration form (Article 42 of the IPA), after the preliminary procedure the police shall bring or refer the applicant to the accommodation facilities (managed by the Office) referred to in the first paragraph of Article 81 of the Act, where the applicant undergoes sanitary and disinfection check and a preventive health check before they lodge the application for international protection.

According to Article 40 of the IPA, the competent authority shall immediately inform the police of the enforceability of decisions resulting in the treatment of a person pursuant to the regulations governing foreigners' entry into, departure from and residence in the Republic of Slovenia.

According to Article 114(6) of the IPA the ministry shall enable the Office to access and process data kept in records referred to in this Article for the purpose of performing its tasks under the IPA.

Regular asylum procedure at first instance

Legal basis

The relevant provisions of the law for regular asylum procedures at first instance include:

- Article 46(1) of the ZMZ-1
- Article 47(1) of the ZMZ-1
- Article 49(1) of the ZMZ-1
- Article 70(1) of the ZMZ-1

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Competent authority and stakeholders

International Protection Procedures Division (Ministry of Interior) I Sektor za postopke mednarodne zaščite is responsible in matters related to regular asylum procedure at first instance.

Personal interview

The competent authority in the international protection procedure shall conduct a personal interview before taking a decision in the regular procedure (Article 46(1) ZMZ-1)

Assessment of an application

The recognition of international protection is decided in a unified procedure, whereby the competent authority first assesses the conditions for refugee status, and only if these are not met, the conditions for subsidiary protection status (Article 41(2) ZMZ-1).

The relevant provisions concerning how an application for international protection under the regular procedure is assessed are contained in Articles 21, 22 and 23 of the IPA.

Scope and outcomes of a decision

According to Article 49(1) of the ZMZ-1, the competent authority:

- grants refugee status if the applicant meets conditions;
- grants subsidiary protection if the applicant meets the conditions;
- rejects the application if, taking into account the facts and circumstances under Article 23 of the ZMZ-1, the applicant does not meet the conditions for international protection;
- rejects the application if exclusion reasons are provided, as specified in Article 31 of the ZMZ-1;
- rejects the application as manifestly unfounded if the applicant clearly does not meet the conditions for international protection and the reason referred to in Article 52 of the ZMZ-1;

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- grants refugee status if the applicant meets the conditions because he/she can no longer receive protection from the authorities and agencies of the United Nations, with the exception of the High Commission, due to circumstances which he/she could not influence.

The determining authority does not consider a national form of protection if international protection is not provided.

For a negative decision, the first instance decision includes a decision to return. The applicant is given 10 days to voluntarily return (Article 49(10) ZMZ-1), beginning when the decision becomes enforceable (Article 49(11) ZMZ-1). The deadline of 10 days might be longer (30 days) in case of duly justified reasons. There are also exceptions to the setting of the voluntary departure time limit. According to Article 49(12) in the event of circumstances provided for the extension of the time limit in the act governing foreigners' entry into, departure from and residence in the Republic of Slovenia, the competent authority may, upon a person's request, which must be submitted before the expiry of the time limit for voluntary departure, and taking into account the circumstances of the individual case, extend the time limit for voluntary departure by a decision for the duration of the circumstances that justify the extended time limit for the person's voluntary departure.

According to Article 49(13) ZMZ-1 the competent authority decides on entry ban measures in accordance with the Foreigners Act. The Foreigners Act states in Article 55(6) that the period during which a foreigner is banned from entering the country might not be shorter than one year or longer than five years. In determining the period during which a foreigner should be banned from entering the country, the authority issuing a refusal decision shall take into account the type and gravity of the circumstances for reason of which the foreigner's stay in Slovenia is undesirable. These time limits are further defined in Article 67(1) of the Foreigners Act.

According to information from CSOs, the negative decision further states that if the applicant does not leave Slovenia voluntarily, they will be removed from the territory (AIDA: Slovenia 2023).

Withdrawal of an application

Competent authority to withdraw an application

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The International Protection Procedures Division (Ministry of Interior) I Sektor za postopke mednarodne zaščite is the competent authority for implicit and explicit withdrawals.

Implicit withdrawal

Grounds for an implicit withdrawal: The application is considered as withdrawn under Article 50(2) of the ZMZ-1:

- if the applicant does not respond to the invitation for a personal interview without giving a prior reason;
- if it is clear from the official records of the competent authority that the applicant has arbitrarily left the asylum centre or its branch and, within 3 days of the arbitrary departure, has not returned;
- if during the daily check of presence it is established that the applicant spent the night outside the asylum centre or its branch without a permit and without giving a justifiable reason;
- if within 3 days from the notification of the landlord or the head of the institution, the applicant does not return to the address of relocation;
- if the applicant has not responded to requests to provide all facts and circumstances and submit all documentation and available evidence for the purpose of examining the facts and circumstances according to the ZMZ-1.

Consequences of an implicit withdrawal: If the decision is considered to be withdrawn, the competent authority stops the procedure by a decision (Article 49(6) ZMZ-1).

Notwithstanding this provision, the competent authority may dismiss the application as unfounded or manifestly unfounded if a personal interview has been held with the applicant and there is enough evidence for a proper substantive assessment of the application and the facts render the issuance of a legitimate decision possible (Article 49(7) ZMZ-1).

A person may lodge a new application for international protection within 9 months of a decision being issued to stop the procedure on the ground that the application was considered to have been withdrawn. Any subsequent application and application made after the expiration of the 9-month period is treated in accordance with the provisions on subsequent applications (Article 50(3) ZMZ-1).

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Appeal against a decision to discontinue the examination due to an implicit withdrawal: An appeal may be lodged against the decision of the competent authority to the Administrative Court within 3 days (Article 70(2) ZMZ-1).

Explicit withdrawal

Grounds for an explicit withdrawal: The applicant may expressly withdraw the application at any time during the procedure pending the notification of the decision (Article 50(1) ZMZ-1). The applicant may express the wish to withdraw orally on the record or in writing (Article 49(5) ZMZ-1).

Consequences of an explicit withdrawal: The competent authority terminates the procedure by means of a decision if the applicant declares orally on the record or in writing, before the decision is issued, that he/she decides to withdraw the application (Article 49(5) ZMZ-1).

The determining authority may dismiss the application as unfounded or manifestly unfounded if a personal interview has been held with the applicant and there is enough evidence for a proper substantive assessment of the application, and the facts render the issuance of a legitimate decision possible (Article 49(7) ZMZ-1).

According to Article 50 of the IPA the applicant may explicitly withdraw their application at any time during the procedure pending the service of the decision. This stipulates that the competent authority stops any further examination of the application and further procedural steps (e.g. personal interview as well if it hasn’t been held previously). There is no special report about this, just the issuance of the decision to discontinue the procedure nor is there any further interview with the applicant.

Furthermore, Article 49 of the IPA does not provide for the possibility to set a time limit for voluntary departure in such case. According to Article 34(2) if such person does not have a valid residence permit in Slovenia, they are subject to the act governing foreigners' entry into, departure from and residence in the Republic of Slovenia when a decision issued on the basis of this Act becomes enforceable.

Appeal against a decision to discontinue the examination due to an explicit withdrawal: An appeal may be lodged against the decision of the

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competent authority to the Administrative Court within 3 days (Article 70(2) ZMZ-1).

Possible outcomes of the procedure with an action brought against a decision of the competent authority are regulated in Administrative Dispute Act. According to Article 63(1) the court shall, by a decision, dismiss an action as unsubstantiated, if it establishes that the procedure prior to the issuing of the contested administrative acts was correct, and that the decision was correct and based on an Act.

According to article 64(1) of the Administrative Dispute Act, the court shall uphold the action and annul the contested administrative act by a decision:

- if it was not issued by a competent authority;
- if it concludes, based on the facts of the case established in the procedure for issuing the administrative act, that it is unable to resolve the dispute because the evidence was assessed erroneously, because the established facts contradict the data infrom the file, because the facts were incompletely determined in their essential points, or because an erroneous conclusion was drawn from the established facts regarding the facts of the case, and the real facts of the case should be established in an administrative procedure;
- if it concludes, that in the procedure for issuing an administrative act, the procedural rules (point 2 of paragraph one and paragraph three of Article 27 of this Act) were not followed, and the court did not remedy such violations during its procedure and the conditions for dismissing an action under paragraph two of Article 63 of this Act, do not exist;
- if it was not issued by a competent authority;
- if it concludes, based on the facts of the case established in the procedure for issuing the administrative act, that it is unable to resolve the dispute because the evidence was assessed erroneously, because the established facts contradict the data from the file, because the facts were incompletely determined in their essential points, or because an erroneous conclusion was drawn from the established facts regarding the facts of the case, and the real facts of the case should be established in an administrative procedure;
- if it concludes, that in the procedure for issuing an administrative act, the procedural rules (point 2 of paragraph one and paragraph three of Article 27 of this Act) were not followed, and the court did not remedy such violations during its procedure and the conditions for dismissing an action under

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paragraph two of Article 63 of this Act, do not exist;
- if it concludes that the reasons from point 1 of paragraph one of Article 27 of this Act exist, but the conditions for dismissing an action under paragraph two of Article 63 of this Act, do not.

Time limit for the court to decide on the appeal is set in Article 71 of the IPA and is 30 days, except for when an action is brought against a decision rejecting an application in the accelerated procedure pursuant to indent five of paragraph one of Article 49 of the IPA, in which case the court shall render a decision within seven days of receiving the action. The Administrative Court shall decide on an action brought against a procedural decision issued pursuant to the IPA within seven days, unless otherwise provided by the IPA.

Against the judgement issued by the Administrative Court it's possible to file an appeal with the Supreme Court, which also has to decide on the appeal within 30 days of its receipt (Article 70 and 71 pf the IPA).

Personal interview

Competent authority: Interviewers

The International Protection Procedures Division has 29 employees tasked with conducting interviews (AIDA: Slovenia 2023).

The degree of education that the interviewers need to have (same for all employees in public sector) is governed by the Public Employees Act. The education level required shall be at least professional higher education or at least the education level acquired in a first-cycle study programme in accordance with the Act governing higher education (this is bachelor level). The recruitment procedure is the same as for all other employees in the public sector and is also done in accordance with Public Employees Act.

Furthermore, Article 8 of IPA states which qualifications the competent authority's staff needs to have. To discharge tasks under the IPA, officials shall receive regular training, in particular with regard to:

- the treatment of minors and assistance to minors in exercising their rights in accordance with his Act,
- techniques for conducting personal interviews and, in particular, with regard to the recognition of signs that may adversely affect a person's ability to be

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interviewed,
- the application of Regulation (EU) No 604/2013 in personal interviews in accordance with indent three of paragraph one of Article 46 of this Act,
- the consideration of applications from vulnerable persons with special needs,
- human rights and the European Union acquis regarding international protection, including specific legal cases and case law,
- issues related to the acquisition and use of information on countries of origin, and
- the use of expert medical and legal reports in international protection proceedings.

The ministry shall be responsible for organising and providing the regular training referred to in the preceding paragraph, while other state authorities may provide support and expertise.

Special procedural guarantees during the interview

All applicants are subject to an interview (Article 46(1) ZMZ-1). There are special procedural guarantees foreseen for applicants with special procedural needs or vulnerabilities. There are case officers who are specially trained for interviewing applicants with special procedural needs. Case officers receive regular training on minors and the provision of assistance in the effective exercise of their rights, as well as techniques for conducting a personal interview, particularly in identifying signs that may have a negative impact on the person's ability to participate in a personal interview (Article 8 ZMZ-1). Case officers also receive EUAA training in working with vulnerable groups and unaccompanied minors (AIDA: Slovenia 2023).

Minors: According to information from civil society organisations, accompanied minors are not present during their parents' personal interviews. Minors aged 15 years or older are interviewed in person in the presence of a legal representative (Article 37(2) ZMZ-1). At the discretion of the public official conducting the procedure, an interview may exceptionally be conducted with minors under the age of 15, in the presence of a legal representative (Article 37(3) ZMZ-1). There are specific procedures in place for interviewing accompanied minors and the official conducts the personal interview in a way that enables the minor to fully present their reasons or personal circumstances in the proceedings (Article 37(1) ZMZ-1).

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Unaccompanied minors: Unaccompanied minors aged 15 years or older are interviewed in person in the presence of a legal representative (Article 37(2) ZMZ-1). At the discretion of the public official conducting the procedure, an interview may exceptionally be conducted with an unaccompanied minor aged 15 years (Article 37(3) ZMZ-1). There are specific procedures in place for interviewing an unaccompanied minor, including conducting the personal interview in a way that enables the minor to fully present their reasons or personal circumstances in the proceedings (Article 37(1) ZMZ-1).

Victims of trafficking or other forms of violence: For applicants who have experienced violence, the personal interview is adapted in a manner that they have the opportunity to present the reasons for submitting an application for international protection (Article 37(1) ZMZ-1). The applicant can request that the interview be conducted and interpreted by an official and an interpreter of the same gender (Articles 6(6) and 37(6) ZMZ-1).

According to the IPA victims of trafficking and victims of other forms of violence are classified as vulnerable persons with special needs, which have special care and treatment in the procedures under the IPA (Article 12). According to Article 8 the competent staff is trained (among other topics) on the consideration of applications from vulnerable persons with special needs. Article 14 of the IPA also states that the applicants in need of special guarantees in the procedure shall be provided with appropriate support in order to allow them to enjoy rights and comply with the obligations in the international protection procedure set out in the IPA.

Concerning personal interview, an official shall consider the individual's personal and other circumstances, including their cultural background, gender, sexual orientation and identity or vulnerability.

Vulnerability of the applicant is also a reason for a preferential examination of the application (Article 48).

Applicants with disabilities or other health issues: Applicants with disabilities or other health issues who are unable to understand the meaning of the procedure are appointed a legal representative (Article 19(1) ZMZ-1). There are specific procedures in place for interviewing applicants with disabilities and other health issues, and the official conducts the personal interview in a way that enables the applicant to fully present their reasons or personal circumstances in the proceedings (Article 37(1) ZMZ-1).

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According to the IPA (Article 2, point 22 of paragraph 1), applicants with disabilities or other health issues are also considered vulnerable persons and the same provisions apply as those described for vulnerable persons.

Possibility to omit the personal interview

The personal interview can be omitted under certain circumstances, as defined by the ZMZ-1. The decision to omit the personal interview is taken by the International Protection Procedures Division (Ministry of the Interior) I Sektor za postopke mednarodne zaščite. The decision is documented in the file and the reasons for omitting the personal interview are given in the decision. If the personal interview is omitted, the person can submit additional information to the competent authority (Article 38(3) ZMZ-1).

Positive decision	Yes (Article 38(1) ZMZ-1). There is a possibility to omit the personal interview if the determining authority has enough information to grant refugee status without interviewing the applicant.
Previous meeting - essential information	No
Issues raised are not relevant or of minimal relevance	No
Safe country of origin	No
Safe third countries	n/a
Inconsistant, contradictory, improbable, insufficient reprseentations	No
Subsequent application	Yes

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Application to merely delay/frustrate enforcement	No
Not reasonably practical to conduct it	No
Applicant unfit or unable to be interviewed	Yes (Article 19 ZMZ-1). There is a possibility to omit the personal interview if an applicant cannot participate in the procedure on their own due to a temporary or permanent mental disorder, illness or reasons which prevent them from understanding the meaning of the procedure. If the personal interview was omitted due to reasons that are temporary in nature, the personal interview may be held later, when the reasons for omitting the interview no longer exist (Article 38(3) ZMZ-1).

Organisational aspects

Preparation and timing of the interview: Preparation and timing of the interview: There is no timeframe specified in law between the lodging of an application and the interview. Typically, the personal interview is conducted within 1 month after the lodging of an application (AIDA: Slovenia 2023).

In the border procedure or if there is sufficient information to suggest that there are grounds for processing the application as inadmissible or manifestly unfounded, the personal interview may be conducted immediately after the lodging of the application (Article 45(5) ZMZ-1).

All the information collected about the applicant is stored in an electronic database in accordance with Article 115 of the IPA.

According to Article 22(2) the competent authority shall obtain accurate and up-to-date information on the country of origin from various sources, such as the European Asylum Support Office (now European Union Agency for Asylum, EUAA), the High Commissioner, and relevant international human rights organisations.

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In practice, any official who plans to conduct a personal interview has to prepare for it in advance. How much time this will take depends on the complexity of the individual case. Some interviews can be prepared for in a few hours, while others require prior in-depth study of the information about the country of origin, furthermore different cases also vary in scope. Each official has to first carefully review the documentation obtained so far in the procedure and prepare a set of questions in advance, which they then adapt during the interview based on the applicant's answers.

Information provision (before the personal interview)

Applicants are informed about the date and time of the personal interview following the lodging of their asylum application (Article 45(5) ZMZ-1). The invitation is handed to the applicant (and a representative where applicable) in a written form in the language the applicant understands. The applicant confirms acceptance of the invitation with a signature.

When conducting the interview, the following information is provided: purpose of the personal interview (confirming identity, country of origin, reasons for applying for international protection), the procedure, who and why is present, rights and obligations during the interview, types of international protection statuses in Slovenia and the consequences of refusing the interview.

Modalities of carrying out the interview

Interviews take place at the offices of the Ministry of the Interior. If necessary, interviews may be conducted in other locations. According to Article 37 of the ZMZ-1, in exceptional cases a personal interview may be conducted using modern electronic media, provided that secure data transmission is ensured.

Choice of gender of the interviewer/interpreter

The applicant can request an interviewer or interpreter of a particular gender and no special justification is needed for this (Articles 37(6) and 6(6) ZMZ-1).

Objecting to the interviewer/interpreter

According to Article 37(6) wherever possible, the interview shall be conducted by a person of the same sex, if the person interviewed so requests. There is no other possibility for the applicant to object to a particular interviewer or interpreter.

Language and interpretation

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The Migration Directorate under the Ministry of the Interior makes arrangements for interpretation services if a person does not understand the official language(Article 6(1) ZMZ-1). The applicant can declare in which language they wish to conduct the interview during the making of the application as the assistance of an interpreter is provided during the preliminary procedure and during personal interviews (Article 6(2) ZMZ-1).

Interpreters are obliged to comply with the rules of the Code of Conduct for Interpreters and Translators in Procedures for the Recognition of International Protection adopted by the Minister of the Interior (Article 6(10) ZMZ-1). The ministry also informs interpreters on the rules and specifics of interpreting in international protection procedures and on their role in such procedures (Article 6(11) ZMZ-1).

Where no professional interpreter is available to interpret the personal interview in the language preferred by the applicant, the interview is held in another language which the applicant reasonably understands (AIDA: Slovenia, 2023). The Ministry of the Interior can ask for help with interpretation from another Member State, EU institution or international organisation (Article 6(12) ZMZ-1).

Interpretation is normally carried out in person. However, interpretation can be carried out through modern electronic media if secure data transmission is ensured (Article 6(13) ZMZ-1). According to information from civil society organisations, modern electronic media are used when an interpreter in a certain language is not available in Slovenia.

Persons present during the interview

People present during the interview may include:

- Case officer;
- Applicant;
- Interpreter (if needed) (Article 6(2) ZMZ-1)
- Legal representative/guardian for an unaccompanied minor who is entitled to ask questions and speak on behalf of the minor (Article 37(2) ZMZ-1) or for a person who cannot independently participate in the procedure (Article 19 ZMZ-1).

The public official conducting the personal interview may, in agreement with the person interviewed, allow a representative of UNHCR, another public official or employee of the Ministry of the Interior, as well as a scientific workers, students

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and civil servants to be present at the interview if this is important for scientific work and the institution (Article 37(4) ZMZ-1).

Structure/steps of the interview

The interview follows a structured format which includes an introductory phase, main part and closing phase.

The interview lasts for varying lengths of time, depending on the complexity of the individual case; from one hour to several days. Most often, the personal interview is completed in a few hours (usually roughly around 5 hours).

All interviews follow the same template in terms of introductory part where the applicant is first notified of the relevant legislative provisions and the process of the personal interview, however the interviewer adjusts the questions based on the information provided by the applicant on a case-by-case basis.

The introductory phase aims to provide an introduction to participants, validate the applicant’s identity, provide assurance of confidentiality, assurance of communication with the interpreter, who asks questions, emphasise the need to tell the truth, explain breaks and additional explanations if/when needed.

The validation of personal details is necessary at the beginning of the personal interview. The applicant needs to confirm his/her personal information and show a personal document (or an applicant’s identity card). The information about the country of origin is also validated.

The public official establishes the identity of the applicant and family members accompanying him or her; the reasons given by the applicant to substantiate his or her application; and all other facts and circumstances which may be important for taking a decision.

The main part consists of questions and answers.

The closing phase consists of confirmation and signature of the report (before signing, the report is read to the applicant). The applicant is always asked if he/she has any additional questions or needs clarifications. If all the evidence is not submitted at the personal interview, a date is set for the final submission date. The decision-maker always checks whether the communication between the applicant and the interpreter was satisfactory.

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A public official conducts a personal interview in a manner that allows the applicant to comprehensively present the reasons or personal circumstances in the procedures as per the ZMZ-1. In doing so, the public official considers the personal and other circumstances of the individual, including his/her cultural background, gender, sexual orientation and identity, as well as vulnerability (Article 37(1) ZMZ-1).

To cut administrative burden and improve procedures, the Ministry of the Interior is currently in the process of introducing an electronic signature of an application by the applicant and upgrading asylum databases (adding new fields, connecting with the police database) which will bring further developments in the field of digitalisation.

Audio/Video recording and written report

There are minutes of the personal interview (Article 37(7) ZMZ-1) and a written report is prepared. This report is in written and is done simultaneously with the interview.

There is no legal ground for an applicant to refuse the recording of the interview. The applicant does have the right to clarify or rectify the personal interview report at the end of the interview as they need to confirm the content of the report with a signature (if the interview was recorded with an electronic audio or visual recording devices, the applicant is not required to confirm the content of the interview according to Article 37(9) of the IPA).

The applicant receives a copy of the written report at the end of the interview. In line with Article 82(1) of the General Administrative Procedure Act, parties shall have the right to access documents relating to the case and transcribe or photocopy at their own expense the necessary documents in hard copy or electronic form. Access to, transcription and photocopying of documents shall be supervised by a designated official person, or it shall take place in the information system of the authority or the information system for receiving applications, delivery and notification, in which the party proves their identity with their qualified certificate for electronic signature.

The interview may be recorded by audio-visual electronic devices (Article 37(7) ZMZ-1). When a personal interview is recorded using an electronic device for sound or image recording, the applicant does not have to confirm the content of the personal interview (Article 37(9) ZMZ-1). Audio – visual recording is only used in exceptional circumstances (Article 37(8) IPA). In case it is used, the competent

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authority shall ensure that such a recording has been attached to the report, in which the recording is noted.

Postponing the personal interview

The interview may be postponed only if a valid reason exists (such a justified medical grounds, in case the guardian of an unaccompanied minor or the counsel of an applicant is not available, or other valid grounds/depending on the personal circumstances of the applicant) and the applicant informs the competent authority in advance.

Failure to appear

If the applicant does not attend the personal interview and does not provide a valid reason for the absence to the competent authority, the application is considered to be withdrawn (Article 50(2) ZMZ-1).

Other aspects

Second or follow-up personal interview: The Migration Directorate may initiate a second or follow-up personal interview. This is done in cases where more clarification is needed about the information provided by the applicant to make a decision on the application for international protection.

Special asylum procedures at first instance

Admissibility procedure

Legal basis and grounds

An application for international protection may be deemed inadmissible under ZMZ-1 by the competent authority only if:

- the applicant for international protection has already been granted international protection by another EU Member State (exception: persons who are received on the basis of a quota);
- the country from which the applicant has come is regarded as the country of first asylum;

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- the country from which the applicant has come is regarded as a safe third country;
- it is established based on the criteria defined in Regulation 604/2013/EU that another EU Member State or a State that has acceded to Regulation 604/2013/EU are responsible for examining the application.

Competent authority and other stakeholders

International Protection Procedures Division (Ministry of the Interior) I Sektor za postopke mednarodne zaščite is the responsible authority for matters related to admissibility procedure.

Procedural aspects

The law provides that the competent authority in the international protection procedure shall conduct a personal interview before deciding on the application, if it is considered inadmissible (Article 46(1) ZMZ-1).

The IPA does not provide for further procedural aspects of the admissibility procedure. Same procedural rules apply as for the regular procedure.

Decision and time limits to decide

If the application is deemed admissible, the application may be examined under the regular or accelerated procedure. If the application is found inadmissible, an inadmissibility decision is issued. In case another EU Member State has taken the responsibility to examine the relevant application, the determining authority also issues the relevant transfer decision in accordance with the Dublin III Regulation. If pursuant to the enforceable decision the responsible Member State does not accept the applicant on its territory or cannot be handed over to the responsible Member State for other reasons, the competent authority shall revoke the decision and process the application for international protection (Article 51(2) ZMZ-1).

The competent authority shall decide within the shortest time possible, unless this could have an impact on the adequacy and integrity of the examination. A decision shall be taken no later than within six months from the submission of the application (Article 47(1) ZMZ-1).

In case of a negative decision on the basis of first country of asylum or safe third country, the competent authority shall set a 10-day deadline for voluntary departure (Article 49(10) ZMZ-1). The period for voluntary departure begins to

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run on the day when the decision or decision on international protection is enforceable (Article 49(11) ZMZ-1).

If, pursuant to the enforceable decision the responsible Member State does not accept the applicant into its territory or cannot be handed over to the responsible Member State for other reasons, the competent authority shall revoke the decision and process the application for international protection (Article 51(2) ZMZ-1).

The applicant will receive a one-year entry ban (Article 49(13) ZMZ-1) that comes to force only if the person does not leave Slovenia in the time frame for voluntary return (Article 67(2) Foreigners Act).

Appeal

The decision can be appealed before the Administrative Court (Article 70(4) ZMZ-1).
The applicant can appeal the decision within 3 days (Article 70(1) ZMZ-1).

An appeal in the admissibility procedure does not have automatic suspensive effect, unless the application is rejected as inadmissible on “safe third country” grounds (Article 70(3) ZMZ-1). If the application is rejected as inadmissible for other reasons, applicants may postpone enforcement until a final decision has been issued by including a request to that effect to the application for judicial review (Article 32(2) Administrative Dispute Act).In practice, the determining authority does not enforce the decision until the Administrative Court rules on the request for suspensive effect. As a result, the situation is not significantly different in practice from the automatic suspensive effect prescribed by law (AIDA: Slovenia 2023).

The applicant is informed about the right to lodge an appeal against all decisions and orders issued and the deadlines to file an appeal before lodging an application for international protection in a language he or she understands (Article 5 ZMZ-1 / (Article 5(2) ZMZ-1). The information on the possibility to lodge an appeal is also a part of the written decision or order issued by the competent authority pursuant (Article 4 ZMZ-1).

The applicant is provided with interpretation services. The applicant and refugee

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counsellors are entitled to the assistance of an interpreter during the procedure before the Administrative Court. They are entitled to two hours or four pages of translation per case, no matter how long the procedure (Article 11(1) ZMZ-1).

Free legal assistance and representation is provided. The Migration Directorate provides a list of refugee counsellors together with the decision in a language understood by the applicant. The applicant can chose a lawyer to represent them from the list. The lawyer will prepare the documentation and represent the application before the court. (Ministry of the Interior and EUAA: Asylum procedure leaflet). If the applicant is unable to find a lawyer on their own, they can come to the offices of the Migration Directorate where an official will appoint a refugee counsellor to their case (AIDA: Slovenia 2023).

The Administrative Court shall conduct the main hearing, where it shall take evidence when and to the extent necessary for adjudication in the administrative dispute, if the evidence was not already presented in the procedure in which the contested administrative act was issued, or if other facts point to the need for a different assessment of the evidence from that made by the authority which passed the contested administrative act (Article 51(2) Administrative Dispute Act). In exceptional cases, where the factual situation is not disputed the Administrative Court may decide without the main hearing.

The Administrative Court may dismiss the application as unfounded by judgment, uphold the action and annul the administrative act by judgement, declare the act null and void by order, declare that the act is unlawful by judgement, annul the act and rule on the right, obligation or benefit by judgement or declare an act or an act unlawful, prohibit the continuation of the individual act and rule on the claim for damages, remedy the interference with fundamental human rights and freedoms and restore the legal situation by judgement (Section 8 Administrative Dispute Act).

The Administrative Court must decide on the appeal within 30 days (Article 71(1) ZMZ-1). The IPA and the Administrative Dispute Act do not provide for the possibility to extend the time limit for the court to decide, nor does it provide for any consequences if the time limit is not respected. This deadline is of instructional nature.

The Administrative Courts decision can be appealed to the Supreme Court (Article 70(4) ZMZ-1). The applicant has 15 days within delivery of the transcript

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of the judgment of the Administrative Court to appeal the decision (Article 73(3) Administrative Dispute Act). The Supreme Court decides on the appeal within 30 days of its receipt (Article 71(4) ZMZ-1)

Impact on reception conditions

There is no specific impact on reception conditions. During the whole procedure asylum seekers regardless of the procedure they are in, until a final decision on their application becomes enforceable or until the transfer of an applicant to the responsible Member State under Dublin III Regulation, are entitled to material reception conditions (Article 78(1) ZMZ-1).

Accelerated procedure

Legal basis and grounds

The accelerated procedure applies in case of:

rejection of the application as manifestly unfounded, if the applicant obviously does not meet the requirements for granting international protection (Article 49 ZMZ-1):

An applicant's request which clearly does not qualify for international protection is considered manifestly unfounded under Article 52 ZMZ-1 if:

- the applicant in the proceeding referred only to facts which are irrelevant to assessing eligibility for international protection;
- the applicant comes from a safe country of origin referred to in Article 61 ;
- the applicant misled the authorities by providing false information or documents or missing important information or documents about their identity or citizenship, which could affect the decision;
- it is likely that the applicant deliberately destroyed or disposed of a personal document or travel document that would help identify his identity or nationality, especially when the circumstances of the particular case indicate that the applicant could have obtained identification documents in the country of origin;
- the applicant's allegations are manifestly inconsistent, contradictory, false, unlikely and contrary to sufficiently verified information about the country of origin, which makes his application manifestly unconvincing regarding the claim that he meets the conditions for recognition of international

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protection;
- the applicant filed an application solely for the purpose of postponing or preventing the enforcement of a removal decision;
- the applicant illegally entered the territory of Slovenia or unlawfully prolonged his stay and, without a proper reason, did not report to the authorities or did not submit an application for international protection in the shortest possible time according to the circumstances of his entry;
- the applicant refuses to comply with the obligation to submit fingerprints in accordance with Regulation 603/2013/EU;
- there are reasonable grounds for suspecting that the applicant may constitute a threat to public order, public security or national security, or if the applicants has been forcibly deported for well-founded reasons of public security or public order under national law.

Competent authority and other stakeholders

International Protection Procedures Division (Ministry of the Interior) I Sektor za postopke mednarodne zaščite is the responsible authority in matters related to accelerated procedure.

Procedural aspects

The law provides that the competent authority in the international protection procedure shall conduct a personal interview before deciding on the application in the accelerated procedure (Article 46(1) ZMZ-1).

Slovenia is not conducting the border procedures at the moment. This option was implemented with the legislation in the IPA, however, it has never been used in practice.

The interview in the accelerated procedure is following the same procedural rules and steps as the interview in the regular procedure, with the difference of a time limit for the competent authority to decide on the application.

The applicants have the same rights as applicants whose applications are examined in the regular procedure.

The accelerated procedure is only done when one of the reasons specified in Article 52 of the IPA applies. The IPA does not provide for any categories of applicants that would be exempted from the accelerated procedure.

Decision and time limits to decide

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The competent authority rejects the request as clearly unfounded in the accelerated procedure, if the applicant clearly does not meet the conditions for international protection and a reason is given from Article 52 of the IPA (Article 49(1) ZMZ-1).

Unfounded when the applicant does not qualify for international protection.

Founded when the applicant qualifies for international protection.

The competent authority shall make a decision within the shortest time possible, unless this could have an impact on the adequacy and integrity of the examination. In the accelerated procedure, a decision shall be taken no later than within 2 months from the submission of the application (Article 47(1) ZMZ-1).

When the time limit for processing an application in the accelerated procedure takes longer than foreseen in the law, the application is channeled for assessment in the regular procedure.

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 3 weeks. If the decision is not taken in this time limit the applicant is allowed entry in Slovenia and the application is considered in the regular procedure (Article 43(2) ZMZ-1).

Appeal

The decision can be appealed before the Administrative Court (Article 70(4) ZMZ-1). The applicant can appeal the decision within 3 days (Article 70(1) ZMZ-1).

The appeal has suspensive effect (Article 70(3) ZMZ-1).

The applicant is informed about the right to lodge an appeal against all decisions and orders issued and the deadlines to file an appeal before lodging an application for international protection in a language he or she understands (Article 5 ZMZ-1 / (Article 5(2) ZMZ-1). The information on the possibility to lodge an appeal is also a part of the written decision or order issued by the competent authority pursuant (Article 4 ZMZ-1).
The applicant is provided with interpretation services. The applicant and refugee counsellors are entitled to the assistance of an interpreter during the procedure before the Administrative Court. They are entitled to two hours or four pages of

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translation per case, no matter how long the procedure (Article 11(1) ZMZ-1).

Free legal assistance and representation is provided. The Migration Directorate provides a list of refugee counsellors together with the decision in a language understood by the applicant. The applicant can chose a lawyer to represent them from the list. The lawyer will prepare the documentation and represent the application before the court. (Ministry of the Interior and EUAA: Asylum procedure leaflet). If the applicant is unable to find a lawyer on their own, they can come to the offices of the Migration Directorate where an official will appoint a refugee counsellor to their case (AIDA: Slovenia 2023).

The Administrative Court shall conduct the main hearing, where it shall take evidence when and to the extent necessary for adjudication in the administrative dispute, if the evidence was not already presented in the procedure in which the contested administrative act was issued, or if other facts point to the need for a different assessment of the evidence from that made by the authority which passed the contested administrative act (Article 51(2) Administrative Dispute Act). In exceptional cases, where the factual situation is not disputed the Administrative Court may decide without the main hearing.

The Administrative Court may dismiss the application as unfounded by judgment, uphold the action and annul the administrative act by judgement, declare the act null and void by order, declare that the act is unlawful by judgement, annul the act and rule on the right, obligation or benefit by judgement or declare an act or an act unlawful, prohibit the continuation of the individual act and rule on the claim for damages, remedy the interference with fundamental human rights and freedoms and restore the legal situation by judgement (Section 8 Administrative Dispute Act).

The Administrative Court must decide on the appeal within 7 days (Article 71(1) ZMZ-1). When an action is brought against a decision dismissing an application as manifestly unfounded in the accelerated procedure (if the applicant obviously does not fulfil the conditions to be granted international protection and the reason referred to in Article 53 of the ZMZ-1 applies), the court shall render a decision within seven days of receiving the action.

The Administrative Courts decision can be appealed to the Supreme Court (Article 70(4) ZMZ-1). The Supreme Court decides on the appeal within 30 days of its receipt (Article 71(4) ZMZ-1).

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The IPA and the Administrative Dispute Act do not provide for the possibility to extend the time limit for the court to decide, nor do they provide for any consequences if the time limit is not respected. This deadline is of instructional nature.

Impact on reception conditions

There is no specific impact on reception conditions. During the whole procedure asylum seekers regardless of the procedure they are in, until a final decision on their application becomes enforceable or until the transfer of an applicant to the responsible Member State under Dublin III Regulation, are entitled to material reception conditions (Article 78(1) ZMZ-1).

Border procedure

Legal basis and grounds

When a person expresses their intention to make an application for international protection at the border, or during the stay in a transit area at an airport or at a port, the competent authority can take a decision on inadmissibility of the application at the border or during the stay in a transit area at an airport or port. The same applies for applications in the accelerated procedure due to one of the reasons based on which it can be considered manifestly unfounded, or if the applicant has lodged a request for a subsequent application and has not submitted any new evidence or listed any new circumstances that significantly increase their chance to be granted international protection (Article 43(1) ZMZ-1).

Although regulated in law, the procedure at the border, airport or port is not used in practice. The reason the procedure is not used in practice is mainly for practical reasons as the Asylum Home and the Migration Directorate branch offices near the Asylum Home serve as a reception centre and host the majority of applicants during the asylum procedure (AIDA: Slovenia 2023).

Competent authority and other stakeholders

International Protection Procedures Division (Ministry of the Interior) I Sektor za postopke mednarodne zaščite is responsible in matters related to border procedures.

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Procedural aspects

In case an application for international protection is lodged by a vulnerable person with special needs at the border or during a stay in a transit area of an airport or aboard a ship anchored in a harbour or seaport, the competent authority shall give priority to the protection of that person's health, including mental health, and shall ensure regular monitoring and appropriate assistance, taking into account the special situation of that person (Article 43(4) ZMZ-1).

In order to decide on the right of the applicant to enter the territory within the border procedure (in accordance with Article 43), the competent authority shall order the applicant a measure of restriction movement to the capacity established at the border, transit area of an airport or aboard a ship anchored in a harbour or seaport (Article 84 ZMZ-1).

If it is not possible to make a decision on the procedures on the border due to the arrival of a large number of people who express the intention to file an application, these persons may be accommodated near the border (Article 43(3) ZMZ-1).

The Government of the Republic of Slovenia shall prescribe in detail the conditions and manner of staying at the border or transit area of an airport or aboard a ship anchored in a harbour or seaport with a regulation (Article 43(5) ZMZ-1).

Decision and time limits to decide

The decision at the border, airport or port has to be taken within 3 weeks (Article 43(1) ZMZ-1). If the decision is not taken within 3 weeks or if the application needs to be examined in a regular procedure, the applicant is allowed to enter Slovenia (Article 43(3) ZMZ-1).

The competent authority may decide on the admissibility of the application in accordance with Article 51 of the ZMZ-1 at a border or transit area at an airport or on a ship anchored in a port or harbour.

The competent authority may also consider the application in an accelerated procedure for one of the reasons on the basis of which it can be considered manifestly unfounded in accordance with Article 52 of the ZMZ-1, as well as a request for the initiation of a subsequent procedure in the event that the person

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did not submit new evidence or state new facts that significantly increase the likelihood that he or she meets the conditions for international protection (Article 43(1) ZMZ-1).

Appeal

The decision can be appealed before the Administrative Court (Article 70(4) ZMZ-1). The applicant can appeal the decision within 3 days (Article 70(1) ZMZ-1). The appeal does not have suspensive effect (Article 70(3) ZMZ-1).

The applicant is informed about the right to lodge an appeal against all decisions and orders issued and the deadlines to file an appeal before lodging an application for international protection in a language he or she understands (Article 5 ZMZ-1/ (Article 5(2) ZMZ-1). The information on the possibility to lodge an appeal is also a part of the written decision or order issued by the competent authority pursuant (Article 4 ZMZ-1).
The applicant is provided with interpretation services. The applicant and refugee councilors are entitled to the assistance of an interpreter during the procedure before the Administrative Court. They are entitled to two hours or four pages of translation per case, no matter how long the procedure (Article 11(1) ZMZ-1).

Free legal assistance and representation is provided. The Migration Directorate provides a list of refugee counsellors together with the decision in a language understood by the applicant. The applicant can chose a lawyer to represent them from the list. The lawyer will prepare the documentation and represent the application before the court (Ministry of the Interior and EUAA: Asylum procedure leaflet). If the applicant is unable to find a lawyer on their own, they can come to the offices of the Migration Directorate where an official will appoint a refugee counsellor to their case (AIDA: Slovenia 2023).

The Administrative Court shall conduct the main hearing, where it shall take evidence when and to the extent necessary for adjudication in the administrative dispute, if the evidence was not already presented in the procedure in which the contested administrative act was issued, or if other facts point to the need for a different assessment of the evidence from that made by the authority which passed the contested administrative act (Article 51(2) Administrative Dispute Act). In exceptional cases, where the factual situation is not disputed the Administrative Court may decide without the main hearing.

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The Administrative Court may dismiss the application as unfounded by judgment, uphold the action and annul the administrative act by judgement, declare the act null and void by order, declare that the act is unlawful by judgement, annul the act and rule on the right, obligation or benefit by judgement or declare an act or an act unlawful, prohibit the continuation of the individual act and rule on the claim for damages, remedy the interference with fundamental human rights and freedoms and restore the legal situation by judgement (Section 8 Administrative Dispute Act).
The Administrative Court must decide on the appeal within 7 days (Article 71(1) ZMZ-1).

The Administrative Courts decision can be appealed to the Supreme Court (Article 70(4) ZMZ-1). The Supreme Court decides on the appeal within 30 days of its receipt (Article 71(4) ZMZ-1).

The IPA and the Administrative Dispute Act do not provide for the possibility to extend the time limit for the court to decide, nor does it provide for any consequences if the time limit is not respected. This deadline is of instructional nature.

Impact on reception conditions

Until a decision is taken, the person remains at the border or in a transit area of the airport or seaport.

In case of a large number of applicants who express the intention to apply for international protection at the border, airport or port, they can be accommodated near the border under the condition that material reception conditions are guaranteed (Article 43(3) ZMZ-1).

If a vulnerable person with special needs lodges an application in the border procedure, the Migration Directorate should give priority to the protection of the person’s health, including their mental health, and has to ensure that they are regularly monitored and have adequate assistance, taking into account their special position (Article 43(4) ZMZ-1).

Subsequent application procedure

Legal basis and grounds

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Under Article 64 of the ZMZ-1 requires a third-country national or a stateless person first lodge a request for the initiation of a subsequent procedure, in which he or she submits new evidence or states new facts that significantly increase the likelihood that he or she meets the conditions for recognition of international protection, in cases where:

- their application in the Republic of Slovenia has been dismissed by a final decision;
- their application was implicitly withdrawn and more than nine months have passed;
- their procedure for extending the subsidiary protection has been discontinued;
- their request for extending subsidiary protection status has been dismissed by a final decision;
- the beneficiary has not applied for extension of subsidiary protection in time.

Competent authority and other stakeholders

International Protection Procedures Division (Ministry of the Interior) I Sektor za postopke mednarodne zaščite is responsible in matters of subsequent application procedure.

Procedural aspects

To submit a subsequent application new evidence or facts must arise after the decision for granting international protection was issued. New evidence or facts may have existed at the time of the first procedure and were not presented by the person, but not due to their negligence (Article 64(3) ZMZ-1).

The person submitted a request to the competent authority to initiative a new procedure. In the request, the person submits evidence or states new facts that justify a new procedure (Article 65(4) ZMZ-1).

The application is submitted orally through an interview which is conducted in the manner as in the regular procedure (AIDA: Slovenia 2023).

If the person withdraws his or her request to initiate a subsequent procedure or it is evident from official records of the competent authority that the person voluntarily left the Asylum Centre or its branch or the Centre for Foreigners and did not return within 3 days, the procedure shall be discontinued by an order (Article 65(3) ZMZ-1).

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The request to initiate a subsequent procedure shall be decided on by the competent authority by an order. If the competent authority finds that the requirements have not been met, it shall reject the request by an order, while otherwise it shall allow the filing of a subsequent application. When the competent authority allows the filing of a subsequent application, a person must file the application within eight days. If the person does not do so without a valid reason, even though he/she was given the opportunity, he/she can no longer file a subsequent application, and his/her rights as an applicant for international protection according to Article 78(1) of the IPA (Article 65(4) ZMZ-1).

If a person files a new application for international protection within nine months after the decision on the discontinuation of the procedure has been issued, this application is not examined as a subsequent application. After the expiry of the nine-month time limit, every new application would be examined pursuant to the provisions of the IPA regulating subsequent applications.

Decision and time limits to decide

If it is established that the aforementioned conditions are met (see the section on subsequent application), the person is able to lodge a new application for international protection. If the conditions are not met, the request for the subsequent application is rejected by an order (Article 65(4) ZMZ-1). The competent authority shall make a decision within the shortest time possible, unless this could have an impact on the adequacy and integrity of the examination (Article 47(1) ZMZ-1).

The same procedural rules and time limits apply as in regular procedure after the application was lodged. The specific of the procedure with subsequent application is only in the first- preliminary step, where the applicant needs to first submit a request to the competent authority to initiate a new procedure and the decision of the competent authority whether to allow the lodging of the subsequent application. If the lodging of the subsequent application is allowed, the applicant needs to lodge the application within 8 days from the decision, if they miss this deadline, they are not able to lodge a subsequent application anymore and their rights referred to in paragraph one of Article 78 of this Act shall cease upon expiry of the time limit (Article 65(4) of the IPA).

Appeal

The decision can be appealed before the Administrative Court Article 70(4) of the ZMZ-1). The applicant can appeal the decision within 3 days (Article 70(1) ZMZ-1

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). An appeal against a dismissed subsequent application has suspensive effect (Article 70(3) ZMZ-1).

The applicant is informed about the right to lodge an appeal against all decisions and orders issued and the deadlines to file an appeal before lodging an application for international protection in a language he or she understands (Article 5 ZMZ-1 / (Article 5(2) ZMZ-1). The information on the possibility to lodge an appeal is also a part of the written decision or order issued by the competent authority pursuant (Article 4 ZMZ-1).

The applicant is provided with interpretation services. The applicant and refugee councilors are entitled to the assistance of an interpreter during the procedure before the Administrative Court. They are entitled to two hours or four pages of translation per case, no matter how long the procedure (Article 11(1) ZMZ-1).

Free legal assistance and representation is provided. The Migration Directorate provides a list of refugee counsellors together with the inadmissibility decision in a language understood by the applicant. The list instructs the individual on how to obtain a refugee counsellor. If they are unable to do so on their own, they can come to the offices of the Migration Directorate where an official will appoint a refugee counsellor to their case (AIDA: Slovenia 2023).

The Administrative Court shall conduct the main hearing, where it shall take evidence when and to the extent necessary for adjudication in the administrative dispute, if the evidence was not already presented in the procedure in which the contested administrative act was issued, or if other facts point to the need for a different assessment of the evidence from that made by the authority which passed the contested administrative act (Article 51(2) Administrative Dispute Act). In exceptional cases, where the factual situation is not disputed the Administrative Court may decide without the main hearing.

The Administrative Court may dismiss the application as unfounded by judgment, uphold the action and annul the administrative act by judgement, declare the act null and void by order, declare that the act is unlawful by judgement, annul the act and rule on the right, obligation or benefit by judgement or declare an act or an act unlawful, prohibit the continuation of the individual act and rule on the claim for damages, remedy the interference with fundamental human rights and freedoms and restore the legal situation by judgement (Section 8 Administrative Dispute Act).

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The Administrative Court must decide on the appeal within 30 days (Article 71(1) ZMZ-1).

The Administrative Courts decision can be appealed to the Supreme Court (Article 70(4) ZMZ-1). The Supreme Court decides on the appeal within 30 days of its receipt (Article 71(4) ZMZ-1). There is no automatic suspensive effect against a decision to reject a second or third subsequent application (Article 70(3) and 65(5) ZMZ-1).

The IPA and the Administrative Dispute Act do not provide for the possibility to extend the time limit for the court to decide, nor does it provide for any consequences if the time limit is not respected. This deadline is of instructional nature.

Impact on reception conditions

There is no specific impact on reception conditions. Applicants who lodge their first request for a subsequent application also have the right to material reception conditions until a final decision on the request becomes enforceable (Article 78(3) ZMZ-1).

Last-minute application pending removal

Slovenia does not collect information concerning whether last-minute applications concern specific nationalities or specific gender/age groups.

Last-minute applications lodged by first time applicants pending a removal

The IPA does not specifically regulate last minute applications, therefore the general rules apply. Thus, depending on the circumstances of the case it could be either regular procedure or accelerated procedure.

If an applicant filed the application solely for the purpose of postponing or preventing the enforcement of the decision or judgment that would have led to their removal, this would stipulated a reason for use of accelerated procedure, in accordance with Article 52 and Article 49 of the IPA. Same reception conditions apply for these applicants as for other applicants.

In accordance with Article 84(1) one of the reasons for restriction of movement is also where, prior to the submission of the application, the applicant's movement

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was restricted for the purpose of the return procedure pursuant to the act regulating foreigners' entry into, departure from and stay in the Republic of Slovenia, or prior to the execution of the secondary sanction of expulsion of the foreigner from the country or the measure of prohibition of entry, in order to carry out and implement the return procedure or the removal procedure, and there are grounds to believe that the applicant has submitted the application solely for the purpose of delaying or hindering the implementation of the removal procedure, where they had the opportunity to apply for international protection.

Last-minute applications lodged as subsequent applications pending a removal

The IPA does not differentiate and does not specifically regulate last minute applications. Thus, general rules apply. A last-minute application could pose as a reason to use accelerated procedure and a reason to restrict the movement. Once the procedure starts (accelerated or regular), the same procedural rules are followed and there are no specifics provided in law regarding last minute applications. If accelerated procedure is used, then the relevant time limits apply also for the appeal (3 days).

Safe country concept

Safe country of origin

The safe country of origin concept is defined in Articles 61-62 of the ZMZ-1. The Ministry of the Interior | Ministrstvo za notranje zadeve proposes the safe country of origin list. The government of Slovenia | Vlada Republike Slovenije adopts the safe country of origin list.

The list was last updated on 31 March 2022 by a New Ordinance determining the list of safe countries of origin (Official Gazette of the Republic of Slovenia, No 47/22).

A third country is regarded as a safe country of origin if it may be concluded on the basis of the legal situation, the application of law within a democratic system and the general political situation that, generally and regularly, there is no persecution therein, no torture or inhuman or humiliating treatment or punishment, nor any danger from indiscriminate violence in a situation of international or internal armed conflict (Article 61(1) ZMZ-1).

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In assessing whether a third country is a safe country of origin, it is necessary to consider the scope of protection from persecution and abuse by means of:

- National regulations and the manner in which they are applied;
- Respect for the rights and freedoms defined in the European Convention of the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and the United Nations Convention against Torture, especially the rights which in accordance with Article 15 of the European Convention of the Protection of Human Rights and Fundamental Freedoms cannot be derogated from;
- Respect for the non-refoulement principle under the Geneva Convention; and
- The existence of a system of effective legal remedies against violations of the rights and freedoms determined in the European Convention of the Protection of Human Rights and Fundamental Freedoms (Article 61(2) ZMZ-1).

A country is declared a safe country of origin by the government of Slovenia based on a proposal of the Ministry of the Interior, which regularly monitors the situation in relevant countries of origin through information gathered by other EU Member States, EU institutions and other relevant international organisations. If the ministry assesses that the human rights situation has deteriorated considerably or if there is doubt about the country fulfilling the abovementioned conditions relating to safety, it can re-examine whether the country can still be considered to be safe. The Ministry of the Interior can then make a proposal to the government to remove a country from the list of safe countries of origin (Article 61(3) ZMZ-1).

The government notifies the European Commission about the declaration of a country as a safe country of origin and potential subsequent changes (Article 61(4) ZMZ-1).

Safe third country

The safe third country concept is defined in Articles 53-55 of the ZMZ-1. However, no list has been adopted and the concept is not applied in practice).

First country of asylum

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The concept of the first country of asylum is defined in Article 63 of the ZMZ-1. However, the concept is not applied in practice.

European safe third country

The European safe third country concept is defined in Articles 56-58 of the ZMZ-1 .

Assessment of an application at first instance

Legal provisions relevant for an assessment

27 December 2013: Slovenia transposed the recast Qualification Directive through 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 for the assessment

Required qualifications: The degree of education that the case officers need to have (same for all employees in public sector) is governed by the Public Employees Act. The education level required shall be at least professional higher education or at least the education level acquired in a first-cycle study programme in accordance with the Act governing higher education (this is bachelor - university level). The recruitment procedure is the same as for all other employees in the public sector and is also done in accordance with Public Employees Act.

There is a preference for candidates who already have experience in international protection.

Training: Regular training is provided to officials regarding:

- the treatment of minors and the provision of assistance in the effective exercise of their rights;
- techniques of conducting a personal interview, especially regarding identification of signs that could have a negative impact on the person's

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ability to participate in a personal interview;
- the application of the Dublin III Regulation on personal interviews;
- the examination of applications of vulnerable persons with special needs;
- human rights and the European Union law in the field of international protection, including specific legal and case law issues;
- issues related to obtaining and using information on countries of origin and the use of expert medical and legal reports in international protection procedures (Article 8 ZMZ-1).

The organisation and delivery of regular training is undertaken by the ministry, while other state authorities can provide support and expertise (Article 8(2) ZMZ-1).

Grounds

Grounds for protection are outlined in the International Protection Act 2015, Chapter III. An applicant may be granted refugee status, subsidiary protection or the right to remain. To be eligible for refugee status, an applicant must demonstrate that there is a connection between the reasons for persecution and the acts of persecution or the absence of protection.

Acts of persecution in accordance with Article 1A of the Geneva Convention are defined in the ZMZ-1, Article 26 and must be:

- sufficiently serious by their nature or repetition to constitute a severe violation of fundamental human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention for the Protection of Human Rights and Fundamental Freedoms; or
- represent a collection of different actions, including violations of human rights, which are sufficiently serious in nature or are sufficiently repeated to constitute a serious violation of human rights.

In accordance with Article 1A of the Geneva Convention, the following are examples of acts which may amount to acts of persecution according to Article 26(2):

- acts of physical or psychological violence, including acts of sexual violence;
- legal, administrative, police or judicial measures that are inherently discriminatory or implemented in a discriminatory manner;
- prosecution or punishment that is disproportionate or discriminatory;

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- the inaccessibility of judicial protection, which results in a disproportionate or discriminatory punishment;
- prosecution or punishment for refusing to serve in the military in a conflict, if the service in the military would include criminal acts or acts that are among the reasons for exclusion from the first paragraph of Article 31 of this law;
- actions related to gender or directed at children.

Guidelines for case officers

National guidelines are not available. Slovenia uses UNHCR and EUAA guidelines in assessments.

Credibility assessment

An applicant must produce all documents and available evidence by the end of the personal interview to corroborate the application or within the deadline set by a public official during the personal interview. The applicant will be made aware of this deadline in advance (Article 21(2) ZMZ-1).

If the documentation submitted to the competent authority is extensive, the authority may call upon the person to mark the essential parts of the documentation for translation within a certain timeframe (Article 6(3) ZMZ-1). If a person fails to comply with the request, the competent authority is not obliged to take the documentation into consideration when establishing the facts (Article 6(4) ZMZ-1).

A relevant expert opinion is obtained when the official does not have the expertise required to examine and consider a fact relevant for the decision (Article 39(1) ZMZ-1). The opinion is issued in writing. When the submission of a written opinion is not possible or reasonable for justified reasons, the opinion shall be given orally (Article 39(3) ZMZ-1). If the expert is unable to give an expert opinion due to reasons on the part of the applicant, this does not impeded the competent authority from issuing a decision (Article 39(2) ZMZ-1).

The competent authority provides the applicant with the opinion in writing or only exceptionally orally (Article 39(4) ZMZ-1).

Funds for expert opinions are provided by the Ministry of the Interior. The competent authority informs the applicant of the possibility to obtain an expert

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opinion on its own initiative and at its own expense (Article 39(5) and (6) ZMZ-1).

Assessment of facts and circumstances when aspects of the applicant's statements are not supported by documentary or other evidence

When an applicant is unable to produce evidence for their claims, the competent authority considers the following circumstances in making a decision on the application:

- the applicant has made a genuine effort to substantiate the application;
- the applicant has submitted substantiated reasons for being unable to present evidence;
- the applicant's statements are coherent and plausible and are not contrary to specific and general information related to the case,
- the applicant has applied for international protection at the earliest possible time, unless a valid reason is provided for not having done so;
- the applicant's general credibility has been established (Article 21(3) ZMZ-1)

Time limit for submitting evidence during credibility

An applicant must produce all documents and available evidence by the end of the personal interview to corroborate the application or within the deadline set by a public official during the personal interview. The applicant will be made aware of this deadline in advance (Article 21(2) ZMZ-1).

COI research

The competent authority verifies the applicant's statements and information about the country of origin. This includes general information about the country

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of origin, particularly about the situation regarding human rights and fundamental freedoms, the socio-political situation, adopted legislation and specific information about the country of origin, which is detailed, in-depth and related exclusively to the case in question, but may also include the manner of implementation of laws and other regulations of the country of origin (Articles 22(1) and 23(1) ZMZ-1).

The Ministry of the Interior obtains accurate and up-to-date information on the country of origin from various sources, such as the EUAA and UNHCR, as well as relevant international human rights organisations (Article 22(2) ZMZ-1).

Decision and outcomes

According to Article 49(1) of the ZMZ-1, the competent authority:

- grants refugee status if the applicant meets the conditions;
- grants subsidiary protection if the applicant meets the conditions;
- rejects the application if, taking into account the facts and circumstances under Article 23 of the ZMZ-1, the applicant does not meet the conditions for international protection;
- rejects the application if exclusion reasons are provided, as specified in Article 31 of the ZMZ-1;
- rejects the application as manifestly unfounded if the applicant clearly does not meet the conditions for international protection and the reason referred to in Article 52 of the ZMZ-1;
- grants refugee status if the applicant meets the conditions because he/she can no longer receive protection from the authorities and agencies of the United Nations, with the exception of the High Commission, due to circumstances which he/she could not influence.

There is no public information specifically on the content of the decision on the application for international protection. General provisions of the General Administrative Act apply which regulates the necessary content each administrative decision needs to have.

According to Article 210(3) of the General Administrative Act (https://pisrs.si/pregledPredpisa?id=ZAKO1603), a written decision shall comprise: the introduction, the title, the operative part (disposition), the statement of grounds, the instruction on legal remedies and, if issued in hard copy, the signature of the official person, and, if issued in electronic form, the safe

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electronic signatures of the official person in accordance with the Act regulating electronic signature that is equivalent to a handwritten signature. If a decision is generated automatically pursuant to an Act, it may contain a facsimile signature. A decision that must be authenticated for use abroad shall also contain the authority's stamp.

The General Administrative Act further regulates what compromises the introduction, the disposition, the statement of grounds and the instruction on legal remedies (Articles 212, 213, 214 and 215).

In terms of decision on application for international protection and in line with Article 41 of the IPA, each decision includes the decision whether the applicant is granted a refugee status (in this case the disposition of the decision has only the positive decision on the refugee status). If the refugee status is not granted, this is specifically stated in the disposition, followed by the positive or negative decision on subsidiary protection.

Negative decision:

For a negative decision, the first instance decision includes a decision to return. The applicant is given 10 days to voluntarily return (Article 49(10) ZMZ-1), beginning when the decision becomes enforceable (Article 49(11) ZMZ-1). The deadline of 10 days might be longer (30 days) in case of duly justified reasons. There are also exceptions to the setting of the voluntary departure time limit. According to Article 49(12) in the event of circumstances provided for the extension of the time limit in the act governing foreigners' entry into, departure from and residence in the Republic of Slovenia, the competent authority may, upon a person's request, which must be submitted before the expiry of the time limit for voluntary departure, and taking into account the circumstances of the individual case, extend the time limit for voluntary departure by a decision for the duration of the circumstances that justify the extended time limit for the person's voluntary departure.

According to Article 49(13) ZMZ-1 the competent authority decides on entry ban measures in accordance with the Foreigners Act. The Foreigners Act states in Article 55(6) that the period during which a foreigner is banned from entering the country might not be shorter than one year or longer than five years. In determining the period during which a foreigner should be banned from entering the country, the authority issuing a refusal decision shall take into account the type and gravity of the circumstances for reason of which the foreigner's stay in Slovenia is undesirable. These time limits are further defined in Article 67(1) of

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the Foreigners Act.

The decision includes information on the possibility to lodge an appeal (Article 4 ZMZ-1). The Migration Directorate provides a list of refugee counsellors with the decision in a language understood by the applicant. The applicant can chose a lawyer from the list, and the lawyer will prepare the documentation and represent the applicant before the court. (Ministry of the Interior and EUAA: Asylum procedure leaflet). If the applicant is unable to find a lawyer on their own, the Migration Directorate can appoint a refugee counsellor to their case (AIDA: Slovenia 2023).

Notification: A decision is issued in the written procedure. The main parts (essential reasons for the decision and legal instruction) are translated into the language understood by the applicant (Article 4 ZMZ-1).

The decision will be given personally to the applicant or his/her representative. If the competent authority is unable to find the applicant and a representative was not appointed, the applicant can check the Ministry Bulletin Board (eUprava - Bulletin board (gov.si)) to know when a decision on their application is available. The applicant can collect the decision on Mondays and Fridays from 9.00 to 12.00 and on Wednesdays from 9.00 to 12.00 and from 14.00 to 16.00 at the Department for International Protection Procedures (Ministry of the Interior and EUAA: Asylum procedure leaflet).

Minors and unaccompanied minors: Unaccompanied minors need to have a statutory representative and according to Article 88 of the General Administrative Act, where the party has a statutory representative or authorised person, documents shall be served on them. In line with this, the decision is notified to the authorised person, if the unaccompanied minor has one or their statutory representative.

In case of a minor, accompanied by their parents, the parents are minor's statutory representative and the decision can be notified to any parent in accordance with Article 88 of the General Administrative Act.

In case of a decision for a family unit, the decisions are notified to each adult member of the family separately.

COI units

Background information

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COI unit: There is no national COI/information unit.

Legal basis: Not applicable.

Structure and capacity

Organisation: There is no national COI/information unit.

Mandate and tasks: There is no national COI/information unit.

Staff capacity: There is no national COI/information unit.

Requirements: There is no national COI/information unit.

Regular training and updates: There is no national COI/information unit.

COI products

Type of COI products produced and frequency: COI query responses are mostly provided for decision makers in international protection procedures, rarely for police in return procedures, all upon request. The requests are usually made in relation to particular cases and include a wide range of information – from general to very specific. No country guidance is produced. COI is also used to prepare different government documents and policies, for example, the list of safe countries of origin.

Languages: The languages of sources are various (English, German, Serbian, Croatian, French). The summaries in products are in Slovene with copy pasted original texts.

Methodology and sources: When producing COI products Slovenia follows the EUAA COI Report Methodology. Databases and other sources are used, namely RefWorld, Ecoi, EUAA COI Portal, UK Home Office, ReliefWeb, Immigration and Refugee Board of Canada, international human rights organizations, national and international press agencies, MedCOI database, etc.

Quality check: COI products do not undergo a quality check prior to their publication or dissemination.

Other aspects of COI units

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Information is currently not available.

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