Access to procedures and non-refoulement - Slovenia

Overview

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Relevant EU legislation

Slovenia is bound by the recast Asylum Procedures Directive and has transposed its provisions through the International Protection Act (IPA) | Zakon o mednarodni zaščiti (ZMZ-1).

National legislation

International Protection Act (Official Gazette of the Republic of Slovenia, No 16/17 – official consolidated text, 54/21 and 42/23 – ZZSDT-D) | Zakon o mednarodni zaščiti

Competent authority and stakeholders

Area	Competent national authority	Assistance to competent authority by (if applicable)
Screening at the external border	Police | Policija	n/a
Biometric data	Police | Policija	n/a

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Area	Competent national authority	Assistance to competent authority by (if applicable)
Making an application	**At the border:** Authorities at borders, ports or airports. **On the territory:** Any public authority or self-governing local community authority. **In detention:** Police | Policija (on site)	n/a
Registering an application	**At the border:** Police | Policija **On the territory:** Migration Directorate, International Protection Procedures Division (Ministry of the Interior) | Direktorat za migracije, Sektor za postopke mednarodne zaščite **In detention:** Police | Policija	n/a
Lodging an application	Migration Directorate, International Protection Procedures Division (Ministry of the Interior) | Direktorat za migracije, Sektor za postopke mednarodne zaščite	n/a

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Area	Competent national authority	Assistance to competent authority by (if applicable)
Information provision	Migration Directorate, International Protection Procedures Division (Ministry of the Interior) | Direktorat za migracije, Sektor za postopke mednarodne zaščite **At the border or in detention:** Police | Policija	The European Union Agency for Asylum (EUAA) The Legal Centre for the Protection of Human Rights and the Environment | Pravno-informacijski center nevladnih organizacij (PIC)

Access to the territory

Official external border-crossing points

Slovenia has three border crossing points for international air traffic:

1. Ljubljana-Brnik at Ljubljana Jože Pučnik Airport
2. Maribor-Slivnica at Maribor Edvard Rusjan Airport
3. (Portorose)-Sečovlje (Sicciole) at Portorož Airport

Slovenia has two border-crossing points for international maritime traffic

1. Koper (Capodistria)
2. Piran (Pirano)

Ministry of the Interior, Police: Border crossing points at the external Schengen border

Emergency measures in cases of mass arrivals

Specific legislation does not exist on triggering emergency measures in the case of mass arrivals. However, in the event that a large number of people arrive and express the intention to file an application at the border, and it is not possible to make a decision at the border in accordance with IPA procedures, these persons may settle in the vicinity of the border (Article 43(3) IPA).

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On 21 October 2023, Slovenia reintroduced temporary controls on the internal Schengen border with Croatia and Hungary. The Ministry of the Interior stated that the reintroduction was in response to new threats arising from conflicts in the Middle East, as well as new risks associated with Russia's military aggression against Ukraine. In addition, the ministry reported that security services in several Member States have apprehended people arriving from third countries as part of counter-terrorism operations on European territory, and in this context, migration flows may pose a security risk. The border control will remain in place up to and including 21 December 2024 (Ministry of the Interior, Border controls with Croatia and Hungary extended until 21 December 2024).

Protection from refoulement

The principle of protection from *refoulement* is enshrined in Article 72 of the Aliens Act | Zakon o tujcih.

The principle of *non-refoulement* according to this law and in accordance with the principles of customary international law means that Slovenia has the obligation not to remove a foreigner to a country in which his/her life or freedom would be threatened because of race, religion, nationality, belonging to a particular social group or political belief, or where they could be subjected to torture and other cruel, inhuman or degrading punishment or treatment.

Protection from *refoulement* at external air borders

The principle of protection from *refoulement* is enshrined in Article 72 of the Aliens Act | Zakon o tujcih.

Protection from *refoulement* at external land borders

The principle of protection from *refoulement* is enshrined in Article 72 of the Aliens Act | Zakon o tujcih.

Protection from *refoulement* at external sea borders

The principle of protection from *refoulement* is enshrined in Article 72 of the Aliens Act | Zakon o tujcih.

Protection from *refoulement* in case of emergency measures related to mass arrivals

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The principle of protection from *refoulement* is enshrined in Article 72 of the Aliens Act | Zakon o tujcih.

Border procedure

The border procedure is regulated by Article 43(1) of the IPA.

The decision at the border, airport or port must be taken within 3 weeks (Article 43(1) of the IPA). 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) of the IPA).

Despite being regulated in law, the border procedure is not used in practice, since the Asylum Centre and the Migration Directorate branch offices serve as a reception centre and host the majority of applicants during the asylum procedure (AIDA: Slovenia, 2023).

Procedural Aspects

The making, registering and lodging of an application takes place at separate instances involving a series of steps.

Making an application

Responsible authority and place

A person can express the intention to apply for asylum before any state authority or authority of a self-governing local community, who then notify the police (Article 42(1) IPA). The Police | Policija is responsible for conducting the preliminary procedure after an application for international protection was made (Ministry of the Interior: International Protection: Application procedure). UNHCR can be consulted, as communication with UNHCR may not be denied to a person (Article 7 IPA). The making of the application takes place at the police station. A list of police stations and their contact details can be found here.

Possibility to apply from outside the territory

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It is not possible to make an application from outside the territory.

No humanitarian admission programmes or visa procedures specific to asylum are in place.

Formal requirements for making an application

There are no formal requirements for making an application. A person just needs to express the intention to apply for asylum before any state authority or authority of a self-governing local community.

Registering an application

Responsible authority and place

The Police | Policija and the Migration Directorate, International Protection Procedures Division (Ministry of the Interior) | Direktorat za migracije, Sektor za postopke mednarodne zaščite are responsible for registering an application for international protection. Registration is made in the same step or process as the making of the application and takes place at the police station (Ministry of the Interior: International Protection: Application procedure). There is no time limit in place between the making and registration of an application.

Practical steps to register the application

The police will conduct a short preliminary procedure with the applicant (UNHCR Slovenia: How to apply for asylum in Slovenia?). The police will fill out a registration form and inform the person in a language they understand of the consequences of arbitrarily leaving the reception facility of the Asylum Centre, which the person confirms they have understood with a signature (Article 42(2) IPA). When filling in the registration from, the police will ask the applicant questions about their identity, travel route, entry into Slovenia and any other information relevant for the procedure (Ministry of the Interior and EUAA: You expressed your intention to apply for asylum in Slovenia).

Applicants are duly informed about the asylum procedure and their rights in a language they understand (Ministry of the Interior: International Protection). Before lodging the application, the applicant is shown an information video on the asylum procedure that includes information on the structure of the procedure, the applicant's rights and obligations as asylum seekers, the Dublin procedure, the right to appeal and representation by refugee counsellors (AIDA:

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Slovenia: 2023).

Data collection

During the registration, the applicant's personal information is collected and stored in a national database. The competent authority photographs the applicant and takes fingerprints (Article 42(5) IPA) if the applicant is older than 15 years of age (AIDA: Slovenia: 2023). The ministry is responsible for managing the data system. To perform tasks in relation to the International Protection Act, the ministry grants access to the Office for the Support and Integration of Migrants to process data related to the records of applicants for international protection (Article 114(6) IPA).

Slovenia is bound by the GDPR, which is implemented by the national Act on the protection of personal data (Official Gazette No 163/22)

Documentation

The applicant is not provided with any documents as proof of registration at this stage.

Lodging an application

Responsible authority and place

The Migration Directorate, International Protection Procedures Division (Ministry of the Interior) | Direktorat za migracije, Sektor za postopke mednarodne zaščite is responsible for lodging the application. The lodging is a separate stage to the making/registering of an application. There is no time limit in place between making/registration and lodging. The applicant is transferred to the competent authority in the Asylum Centre, where the application for international protection is lodged (Ministry of the Interior: International Protection). UNHCR can be consulted, as communication with UNHCR may not be denied to a person (Article 7 IPA).

Formal requirements to lodge an application for international protection

The application is submitted in person by each adult individually in his/her own name, orally and on the record. In case of exceptional circumstances, the competent authority may inform the person to submit the request in writing or electronically (Article 45(1) IPA).

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An application for a minor under the age of 15 is submitted by the legal representative in the minor's presence. Minors aged 15 years or older and unaccompanied minors apply in person in the presence of a legal representative (Article 45(2) IPA).

An application by a person who cannot independently participate in the procedure due to a temporary or permanent mental disorder or illness or who is unable to understand the meaning of the procedure is submitted by a legal representative (Article 45(3) of the IPA).

The applicant is asked to provide their personal information as well as describe their journey from their country of origin to Slovenia. The applicant is also required to give a brief statement outlining the reasons for applying for international protection. The procedure is carried out in the presence of an interpreter, who orally translates the content of the application for the applicant. The applicant is asked to sign the application, and thereby officially obtains the status of an applicant for international protection (AIDA: Slovenia, 2023 /UNHCR Slovenia: How to apply for asylum in Slovenia?).

The competent authority photographs the applicant and takes fingerprints (Article 42(5) IPA). The applicant undergoes a sanitary-disinfection and preventive health check-up in the outpatient clinic of the asylum (Article 42(4) IPA). During the medical examination, it is assessed whether the applicant has special needs with regard to admission or during the asylum procedure, and the nature of these needs (Article 13(3) IPA).

Documentation

The person is given an identity card as a document confirming their status as an applicant for international protection (Article 107 IPA). With the identity card, the applicant can reside and move freely in a municipality or outside the municipality if they have permission or if they are an unaccompanied minor (UNHCR Slovenia: Rights and Duties of refugees and asylum seekers and Article 78(7) IPA). The document also entitles the applicant to access reception conditions.

Information provision

Applicants receive information on asylum procedure before lodging their application. After this phase, information may be reiterated.

Passport and other documents

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Obligation to surrender original documents

Requirement to submit original documents

There is no legal requirement for applicants to surrender their national passport to the authorities. However, when establishing a person's identity, the provisions of the Foreigners Act apply (Article 34(4) IPA). The person must prove their identity with a foreign travel document, identity card, passport, residence permit issued as a stand-alone document, other suitable document issued in the country of origin or another public document issued by a state authority which includes a photograph and on the basis of which it is possible to establish the identity of the foreigner (Article 97 Foreigners Act).

Consequence of refusal to surrender documents

In the event that the applicant does not have any documents, it shall be considered that their identity has not been established. There are no consequences for the procedure.

Return of original documents to the applicant

After the documents are reviewed at the National Forensic Laboratory, the originals are always returned to the applicant.

Other documents

The applicant may submit documents that support their story, if they have them and if they wish to do so. Such documents are important for credibility, which is why it is in the applicant's interest to provide them. In many cases, the documents are submitted via email or on a USB stick. (Articles 21, and 89 IPA)

Requirement to read digital data

Search of an applicant’s digital devices is not foreseen in the IPA.

Guarantees for applicants

Confidentiality principle

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Personal data and statements provided by the applicant are considered confidential and only the competent authority can access the data (UNHCR Slovenia: How to apply for asylum in Slovenia?, Article 114 IPA).

Information provision

Before lodging an application for international protection, the applicant is provided with information on the asylum procedure, in a language that they understand (Articles 5(1) and 5(2) IPA). The applicant is shown an information video on the asylum procedure that includes information on the structure of the procedure, the applicants rights and obligations as asylum seekers, the Dublin procedure, the right to appeal and representation by refugee counsellors (AIDA: Slovenia: 2023). The Migration Directorate is responsible for providing information on access to the asylum procedure. At the request of the applicant, all information relating to their individual asylum procedure is provided free of charge throughout the procedure (Article 5(3) IPA).

The non-governmental organisation, the Legal Centre for the Protection of Human Rights and the Environment | Pravno-informacijski center nevladnih organizacij (PIC), is available to the applicant throughout the asylum procedure to respond to questions and be informed about their rights and obligations (AIDA: Slovenia: 2023).

Links to information provided in the national context:

Authority/agency: Ministry of the Interior

Title: International Protection - Application for international protection

Type: Website Hyperlink: https://ugc.production.linktr.ee/de62e81e-8b38-4bc4-9c10-6b748521eed3_Info-prov-leaflet-preliminary-proc-EN.pdf

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Authority/agency: Ministry of the Interior, Migration Directorate and the EUAA

Title: Information about preliminary procedure

Type: leaflet

Hyperlink: https://ugc.production.linktr.ee/de62e81e-8b38-4bc4-9c10-6b748521eed3_Info-prov-leaflet-preliminary-proc-EN.pdf

Authority/Agency: UNHCR Slovenia

Title: How to apply for asylum in Slovenia?

Type: Website

Hyperlink: https://help.unhcr.org/slovenia/asylum/

Interpretation

The Migration Directorate under the Ministry of the Interior makes arrangements for interpretation services if a person does not understand the official language free of charge Interpretation is provided during the preliminary police procedure, the making, registration and lodging of an application, the personal interview and the appeals procedure. (Article 4 and Article 6(1) IPA).

Interpreters are available for 33 languages. Interpretation is not always provided in the applicant's mother tongue, but rather in a language the applicant may reasonably understand. The police has the authority to determine if a person understands the language. In addition, interpreters may not always be available in some languages or may not be available at a given time (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) IPA).

Interpretation is normally carried out in person. However, interpretation can be carried out electronically, if secure data transmission is ensured (Article 6 (13) IPA). This is typically used for language interpretation when an interpreter in a

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certain language is not available in Slovenia (AIDA: Slovenia, 2023).

Legal assistance and representation

The IPA does not provide free legal assistance for making, registering and lodging an application for international protection. An applicant may engage the assistance of a lawyer at their own expense for the first instance procedure.

The Legal Centre for the Protection of Human Rights and the Environment | Pravno-informacijski center nevladnih organizacij (PIC) provides legal representation throughout the first instance procedure, which includes representation during the application (AIDA: Slovenia, 2023).

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