

Information on procedural elements and rights of applicants subject to a Dublin transfer to Slovenia

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About this document

The ‘Roadmap for improving the implementation of transfers under the Dublin III Regulation’ was endorsed in the meeting of the Strategic Committee on Immigration, Frontiers and Asylum (SCIFA) of the Council of the European Union on 29 November 2022. The roadmap identified a clear need for objective and neutral information on reception and detention conditions and the asylum procedure in all the Member States, which can serve as reference in transfer decisions and that can be used in national courts when the person concerned has exercised his or her right to an effective remedy.

This data collection is based on Article 5 of the regulation on the European Union Agency for Asylum ⁽¹⁾ (EUAA). Member States were requested to provide information that reflects both the relevant legal provisions and the practical implementation of these provisions. The scope of the fact sheet is limited to rules and conditions applicable to applicants for international protection as well as other persons that are subject to a transfer under the Dublin III regulation ⁽²⁾.

The European Commission and the EUAA jointly developed the template which served as the basis for this fact sheet. The EUAA gathers and stores the fact sheets and requests Member States to update the information at least one time per year. The relevant national authorities of the Member States provide all the information contained within the fact sheet and are responsible for ensuring that it is accurate and up-to-date.

(1) [Regulation \(EU\) 2021/2303](#) of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021).

(2) [Regulation \(EU\) No 604/2013](#) of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) (OJ L 180, 29.6.2013).

1. Access to material reception conditions

1.1 What steps should an applicant complete following a Dublin transfer in order to gain access to accommodation and other material reception conditions in your Member State?

Upon arrival in the Republic of Slovenia, the applicant is accommodated in accommodation centre where he/she is provided with accommodation, material reception conditions and health care. Slovenia has two reception facilities, one for men and one for vulnerable groups, families and single women. On arrival a persons is immediately accommodated in one of these locations.

How long do these steps normally take?

Immediately upon arrival in the Republic of Slovenia.

When and how is the applicant provided with information on how to gain access to accommodation and other material reception conditions?

On arrival, the person is accommodated by a social worker who explains orally where the person will be accommodated.

1.2 What material reception conditions (as per Article 2(g) Directive 2013/33/EU laying down standards for the reception of applicants for international protection (recast) (RCD) are available to applicants for international protection entitled to these in your Member State?

Material reception conditions includes accommodation provided in the Asylum Home or its branch facilities, food, clothing and footwear, hygiene supplies, humanitarian aid and a financial allowance (€18 per month).

1.3. How does your Member State ensure that applicants for international protection in your Member State are provided with full access to the material reception conditions as defined in Article 2(g) of RCD in line with Article 17 and 18 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

Slovenia ensured full access to the material reception conditions as defined in Article 2(g) of RCD in line with Article 17 and 18 of RCD with the provisions of the International Protection Act (IPA) and Decree on the methods and conditions for ensuring the rights of persons with international protection. Slovenia documents everything that happens with the person, including material and care.

IPA grants the right to material reception conditions during the whole procedure to all 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. There is no distinction between persons arriving to Slovenia following a Dublin transfer and other applicants for international protection. Furthermore, the IPA determines that all applicants are entitled to material reception conditions. The costs of material reception conditions upon accommodation in

the Asylum Centre or its branch shall be paid for by the reception authority, unless an applicant has own sufficient means.

If the applicant is accommodated in another suitable institution and does not have his own means of subsistence or his subsistence is not guaranteed in any other way, and on the basis of another regulation no other party liable for payment of accommodation has been determined and he/she does not have free accommodation guaranteed, the office will cover the costs of material care. A decision is made for each case individually. Applicants may be accommodated in another institution in case of special needs such as for example severe disability or if hospital care is needed.

In case of vulnerable persons the material reception conditions, medical and psychological counselling, and care shall be adapted to applicants with special needs in the course of their reception. For example they can be accommodated in rooms with their own bathroom and toilet.

Furthermore, the Government adopted a decision that unaccompanied minors shall be accommodated in Student Dormitory in Postojna regardless of the status they have in Slovenia. In this facility, expert work and care for unaccompanied minors is provided 24/7 during the whole year. A special attention is paid to increasing the minors' ability to choose among life opportunities, lifestyle, values and norms that allow the integration in the society as well as to assume the responsibilities for their own life.

1.4. Does your Member State apply a policy in line with Article 20.1(c) of reducing or in duly justified exceptional cases withdrawing the access to reception conditions for applicants in cases the applicant lodged a subsequent application?

Yes.

If yes, what material support is provided to persons whose material reception conditions have been reduced or withdrawn in accordance with Article 20(1)(c) in your Member State to ensure a dignified standard of living and access to health care?

Applicants who lodge their first request for subsequent application also have the right to material reception conditions until a final decision on the request becomes enforceable. Applicants who lodged a second (or further) request for a subsequent application do not have the right to a monthly allowance but retain the other rights to reception conditions.

1.5 What health care is an applicant for international protection entitled to in your Member State in line with Article 19 RCD?

Applicants have the right to emergency medical treatment, which is delivered by regular health care institutions.

In accordance with the Article 86 of the International National Protection Act:

(1) The urgent treatment of applicants have the right to:

1. emergency medical assistance and emergency ambulance services following the decision of the doctor and the right to emergency dental assistance;

2. emergency treatment following the decision of the treating physician, comprising:

- maintaining vital functions, stopping major bleeding or preventing bleeding;
- shock management;
- services in the case of chronic diseases and conditions the omission of which would lead directly and in a shorter period of time to disability, other permanent damage to health or death;
- treatment of febrile conditions and prevention of the spread of infection likely to lead to a septic condition;
- treatment or prevention of poisoning;
- treatment of bone or sprate fractures and other injuries in which intervention by a doctor is necessary;
- medicinal products on the positive and intermediate lists in accordance with the list of interchangeable medicinal products prescribed on prescription for the treatment of those diseases and conditions;
- women's health care: contraceptives, termination of pregnancy, medical care in pregnancy and at birth.

(2) A vulnerable person with special needs, and exceptionally another applicant, shall be entitled to an additional range of medical services, including psychotherapeutic assistance, approved and determined by the special commission.

(3) Minor applicants and applicants who are unaccompanied minors are entitled to healthcare to the same extent as children who are compulsorily insured as family members. To the same extent, school children after 18 years of age are also entitled to healthcare, until the end of school, but up to the age of 26.

1.6 What steps are taken to ensure that applicants for international protection in your Member State have full/effective access to health care, in line with Article 19 of RCD, and, where relevant, more favourable provisions set out in your national legislation?

Vulnerable persons with special needs, and in exceptional cases other applicants are also entitled to additional healthcare services, including psychotherapy.

Applicants who are minors and unaccompanied minors shall be entitled to health care equivalent to that received by children under mandatory health insurance as family members. Schoolchildren aged 18 years or older are entitled to health care to the same degree until they leave school, but not after they reach the age of 26, in these cases medical care is provided in accordance with the provisions noted above.

Individuals who are identified as vulnerable by a special multidisciplinary committee can receive additional health services. They can also be accommodated in special facilities such as medical facilities or nursing homes, if appropriate accommodation for them

cannot be provided in the Asylum Centre. In practice, this is arranged on a case-by-case basis and depends on the availability of such facilities.

1.7 Please describe what are the support measures available/provided to persons with special reception needs in your Member State in line with Article 21 RCD (e.g. minors, unaccompanied minors)?

Partly we provide an answer above.

UAMs are accommodated in separate facilities. UAMs younger than 15 are accommodated within the existing national framework of accommodation for younger children – in the so-called “Crisis centres”.

Children under 15 and over 15 are provided with integrated care appropriate to their age. This includes psychosocial assistance, education, medical care and various leisure activities. A legal representative is also appointed to all children.

Families, single women and single men are accommodated in the branch of an asylum home intended to accommodate vulnerable groups of persons.

In the event of exceptional individual circumstances, the Office may relocate an applicant to other suitable institutions if it is not able to provide accommodation in the Asylum Centre or a branch thereof.

1.8 How does your Member State ensure that applicants for international protection with special reception needs in your Member State are provided with full access to the reception conditions, which cater for their special reception needs, in line with Article 21(1) of RCD, and, where relevant, more favourable provisions set out in your national legislation?

We already provide some answers above.

According to the Article 12 of IPA, vulnerable persons with special needs are guaranteed special care, concern and treatment in the procedures under IPA. Article 14 further determines that applicants with special needs regarding reception are entitled to adapted the material reception conditions, health and psychological counselling and care.

1.9 How can an applicant for international protection avail themselves of a legal remedy in line with Article 26 RCD, in case they consider that their rights to material reception conditions are not being met in your Member State?

They can apply the appeal within the legal order of the Republic of Slovenia (court).

2. Access to the asylum procedure

2.1 What are the procedural steps that an applicant for international protection transferred to your Member State needs to undertake in order to gain access to the asylum procedure following a Dublin transfer to your Member State?

Upon transfer, the applicant expresses his intention to apply for international protection in the Republic of Slovenia. The procedures are the same as if he/she applies for international protection for the first time – this is covered with Articles 42 - 45 of IPA. According to this the competent police station carries out a preliminary procedure regarding what an official of the Migration Directorate is notified. The applicant is then accommodated in the reception areas of the Asylum Home, where medical examination takes place, and following this the acceptance of the application is organized.

A person may express his or her intention to apply for international protection before any public authority or self-governing local community authority in Slovenia, which then informs the police. A preliminary procedure follows, where the police process the person expressing intent by establishing the person's identity, the route by which the person came to Slovenia and other circumstances that could affect the further procedure. The police complete the registration form and inform the person, in a language that the person understands, of the consequences of arbitrarily leaving the reception facilities of the Asylum Center, which the person confirms with the signature.

How long do these steps normally take?

It depends on each individual case. In principle, it takes about a week or two from the transfer to the acceptance of the application (the time is affected by the availability of interpreters, the number of other applications, etc.).

Are there any different steps to take for persons whose applications would be considered as subsequent applications? (Location to register, fees, admissibility procedure etc.)

The applicant files a subsequent application by submitting a request to initiate a subsequent procedure with the competent authority, in which he or she states new facts or presents new evidence that could significantly improve the possibility that the requirements for granting of international protection will be met. There are no differences (or consequences) in these steps to take compared with a first application.

How long do these steps normally take?

Similar to the acceptance of the application, this is until the acceptance of the claim.

Where can the applicant find this information, or be provided with this information?

Following the expressed intention to apply for international protection, the person receives all the necessary information about the procedure in writing and orally (at the police station and later at the Migration Directorate, through brochures, informative film...).

2.2 What are the procedural consequences in your Member State of an application for international protection being considered a subsequent application?

The 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.

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. The order to reject may be appealed within three days of the servicing of the order. 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 cease.

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 IPA regulating subsequent applications.

If the activities of the applicant since leaving the country of origin had the sole purpose of creating the necessary conditions for the recognition of international protection under the IPA, in the case of subsequent application the recognition of refugee status may not be based solely on such conditions. In some cases the applicant is not in need of international protection according to QD and leaves country of origin for others reasons. In the meantime he/she on purpose (and not from genuine reasons) acts in a way that he/she creates conditions, which could affect future decision on international protection.

The term "creates conditions" means that, after leaving the country of origin, the applicant commits actions that could otherwise lead to the recognition of one or another form of protection. For example, he/she starts protesting in European cities against the government in his/hers country of origin, deliberately photographs himself/herself at these protests and publishes pictures on various social network profiles, changes his/hers religion to one that is prohibited in his/hers country of origin, etc. Many times with the appropriate support of various societies or individuals in the Member States, who issue appropriate certificates or other relevant documents.

In order to fulfil this condition, it is also necessary to prove that he was really doing it just to create conditions for himself/herself, and not because he might have really felt that way.

The filing of a request to initiate a subsequent procedure interrupts the running of the already set deadline for voluntary departure until the enforceable decision on the first application request for the reopening of the procedure. This means that the deadline is

suspended until a decision is taken. If, by an order, the competent authority considers the application admissible and allows filing a subsequent application, the time limit for voluntary departure already imposed ceases.

2.3 Does your Member State avail itself of the possibility under Article 33(2) Directive 2013/32/EU on common procedures for granting and withdrawing international protection (recast) (APD) to consider an application for international protection lodged by an applicant transferred to your country through the Dublin procedure as inadmissible? If so, under which of the grounds listed in this Article?

No.

3. Detention and limitations to the freedom of movement of applicants

3.1 Are there any circumstances under which your Member State an applicant for international protection could be detained on public health grounds (e.g. quarantine), under applicable provisions of national law unrelated to Article 9 RCD?

No.

If yes, please describe these different types of circumstances, the legal basis for the detention, duration, conditions (incl. type of facilities), and the legal remedies available to challenge such a decision.

N/A

3.2 How can an applicant challenge a decision to place them in detention according to Articles 8 and 9 RCD?

The applicant may file an action with the administrative court against the decision within three days of the person receiving the decision. After a preliminary oral hearing of the applicant, the court shall decide on the action within three working days.

The applicant may file an action against the decision on the extension of the measure within three days of the person receiving the decision with the administrative court, which shall decide on the action within three working days.

3.3 What are the limits set out in national law to the duration that an applicant may be placed in detention according to Article 9 RCD?

The measures on restriction last until the relevant grounds are lifted, and in any case no longer than three months, except for cases under Dublin procedures (Article 28 of Regulation 604/2013/EU). If, after this period, the reasons for the restriction of movement still exist, the measure may be extended with a decision for another month. The applicant may file an action with the administrative court against the decision within three days of receiving the decision. Both measures are revoked ex officio if the reasons for which they were imposed no longer exist.

At what intervals does the judicial authority needs to review a detention decision according to Article 9(5) RCD?

The president of the Administrative Court may decide if direct supervision needs to be carried out and appoint a judge or judges to carry it out within the time limits in the locations determined by the president or for certain applicants, and to report on it. If a judge of the Administrative Court considers as part of the supervision that the reasons for the restriction of movement for a certain applicant no longer exist, he or she shall order the measure to be revoked.

3.4 What types of less coercive (alternative) measure to detention are used in your Member State?

The competent authorities usually consider the detention in the Asylum Centre as an alternative to detention. This is because the Asylum Centre is an open centre guarded by security staff of a private company. Thus, applicants cannot be physically prevented from leaving even if so-called detention is imposed on them.

However, according to the case law of Administrative Court, the measure amounts to a deprivation of liberty and not limitation on freedom of movement and therefore represents detention and not an alternative.

Please elaborate under which conditions these are generally used and how does your Member State ensure that these less coercive alternative measure to detention are used when they can be applied effectively as per Article 8.2 RCD?

Article 84 of the International Protection Act stipulates that the competent authority may order the applicant to be detained in the area of the asylum home or its branch for the following reasons:

- To verify or establish identity or nationality, in particular if the circumstances of the case show that the applicant could have obtained identification documents in the country of origin but left the country of origin without a document or provided false information, forged documents, or withhold important information or documents about his identity or nationality, or if it is probable that he/she has maliciously destroyed or disposed of an identity document or a travel document or other document on the basis of which his identity or citizenship could be established,
- To establish certain facts on which the application for international protection is based, which would not have been possible without the measure imposed, and there is a risk that the applicant will abscond,
- Before submitting the application he/she had restriction of movement due to the return procedure in accordance with the law governing the entry, departure and stay of foreigners in the Republic of Slovenia, or before the execution of a secondary sanction of expulsion of a foreigner from the country, return procedure or removal procedure, and it can reasonably be presumed that the application was made only in order to delay or impede the removal, and to have had the opportunity to apply for international protection,
- When endangering the security of the state or the constitutional order of the Republic of Slovenia is prevented or this is necessary for the protection of personal security, property security and other comparable reasons of public order. Endangering the security of the country or the constitutional order of the Republic of Slovenia is considered endangering the internal or external security of the country, ie endangering the functioning of institutions and basic public services and the survival of the population, the risk of serious disturbances in international relations or peaceful coexistence. Other comparable reasons of public policy are understood as those that pose a real, current and sufficiently serious threat to the fundamental interest of the country,

- In accordance with Article 28 of the Dublin Regulation.

If the competent authority finds that the measure above cannot be effectively implemented in an individual case or if the applicant arbitrarily leaves the area of compulsory detention, the applicant who is not an unaccompanied minor may be ordered to restriction of movement in the Foreigners Center.

3.5 What conditions, set out in Article 10 RCD, are provided to applicants whilst in detention (specialised detention facilities, access to open-air space, possibility to communicate with UNHCR or an organisation working on behalf of UNHCR, possibility to communicate and receive visits from family members, legal advisers or counsellors and persons representing NGOs, information on the rules of the facility)?

If a measure on the restriction of movement to the Centre for Foreigners has been ordered for a vulnerable group of persons with special needs, the competent authority ensures as a priority that his or her health is protected, including mental health, and that regular monitoring and adequate assistance is provided based on the special situation of that person.

Families: In case that third country nationals (including minors) not apply for international protection after being detected by the police crossing borders irregularly a family could be transferred to the detention facility (Centre for Foreigners). However, in order to ensure family unity and guarantee adequate privacy, families are accommodated in the same room. Families are placed to a specially designed department, established for vulnerable categories (including families).

Minors: Unaccompanied minors shall not be detained in the Centre for Foreigners. Only an alternative measure – restriction of movement to the area of the Asylum Centre - may be implemented for certain reasons (e.g. to verify or establish identity or citizenship). Restriction of movement for children and unaccompanied minors is provided separately, with a view to ensuring an appropriate degree of privacy.

Access to outdoor space: Yes, once per day, for at least one hour. Access to outdoor space is usually provided in a closed yard of the Centre. Families also have access to additional outdoor space by the side of the Centre, which also includes a children's playground.

Visitors/access to external communications: Yes, every day during scheduled time for visits: from 2 to 6.30 pm and for visits by NGO representatives also from 7 to 9 pm. Legal representatives with power of attorney and guardians may also visit detainees outside these visiting hours. A maximum of three people can be present in a meeting at the same time. The duration of visits is approximately 30 minutes. Meeting premises are under surveillance.

Use of mobile devices and access to internet: Detainees are allowed to use personal mobile phones and messaging applications on computers, but only in the designated area and in accordance with the daily agenda. Detainees are allowed to communicate with family members and other persons, their contacts are not subject to restrictions. In

addition, the use of computers is allowed in the designated area of the Center in accordance with the daily agenda. It is not allowed to use computers for downloading files from external digital media, for downloading content from the Internet or any data media that could infringe copyright rules or human dignity. Using internet in order to make arrangements for identity documents is also possible.

Freedom of movement within the detention centre: All detainees can freely move within the area of their ward, which includes bedrooms and a common area. However they cannot access other wards (the centre is usually separated into single male ward and families/unaccompanied minors/single women ward). The detainees do not have free access to outside area but are only allowed access to it during scheduled time for outdoor exercise.

Access to legal advice/assistance: All international protection applicants are entitled to free legal assistance by an NGO under a project "Legal aid for asylum seekers" co-financed by the European Refugee Fund and the Ministry of the Interior of the Republic of Slovenia. They have also access to the refugee counsellors, who provide support and legal assistance before the Administrative Court of the Republic of Slovenia and the Supreme Court of the Republic of Slovenia.

Language support (translation and interpretation services): Detainees are entitled to language support in all official procedures free of charge.

4. Available legal remedies and access to legal aid

4.1 At which stages of the asylum procedure does an applicant have the right to legal aid after having been transferred to your Member State?

First appeal instance – an appeal is possible against all decisions and orders issued by the competent authority.

Second appeal instance - an appeal to the Supreme Court is allowed against judgments issued by the Administrative Court.

Cassation or other instance - A constitutional appeal may be lodged due to a violation of a human right or fundamental freedom against an individual act by which a state body, a local community body or a holder of public authority decided on the right, obligation or legal benefit of an individual or a legal entity, under the conditions that are determined by this law.

More information on what legal aid that is provided at the different stages is provided below in 4.2.

4.2 Is the legal aid provided free of charge to applicants for international protection or does your Member State apply any form of means testing? If so how is this applied in practice?

First and second appeal instance: Free legal assistance and representation is provided, except for applicants who have their own available means (this exception is not applied in practice).

Services provided are: assistance in preparation of the appeal, including documents, and representation before the appeal instance. Service providers are refugee counsellors appointed by the Ministry of Justice and funded by the MOI.

NGOs are not allowed to provide legal assistance and/or representation to applicants in the appeal procedures.

Cassation or other instance: not provided.

4.3 What are the deadlines within which your Member State requires that an applicant lodge an appeal with regards to decisions not to grant international protection or not to further examine the application on grounds of inadmissibility?

As regards an appeal, concerning decisions not to grant international protection, the deadline is within 15 days from the service of the decision. Appeal regarding order on not to further examine the application on grounds of inadmissibility could be lodged within 3 days from the service of the order.

4.4 What are the formal requirements when lodging an appeal as referred to in question 4.3?

An appeal is lodged by a refugee counsellor or a lawyer with the appropriate power.

4.5 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State pending the examination of the application in case of a request for extradition of the applicant to a third country? If yes, how do the competent authorities of your Member State ensure that a decision to extradite an applicant to a third country pursuant to Article 9(2) APD is taken in accordance with Article 9(3) APD, i.e. it does not result in direct or indirect refoulement, in violation of international and Union requirements?

Suspensive effect is automatic in the following cases:

- an action against a decision rejecting an application in ordinary proceedings,
- a decision rejecting an application in accelerated proceedings,
- a decision refusing to extend subsidiary protection,
- a decision issued on termination or withdrawal of the international protection status,
- a decision terminating international protection status where a beneficiary of international protection unequivocally relinquishes protection,
- an order rejecting the application on the basis of safe third country,
- admissibility of subsequent application.

In the case of all other decisions, the action shall not suspend their execution.

4.6 Does your Member State avail itself of the possibility under Article 9(2) APD to make an exception from the right to remain in the Member State where a person makes subsequent applications as referred to in Article 41 APD?

No.

If yes, how do the competent authorities of your Member State ensure that a decision to return the applicant to a third country does not result in direct or indirect refoulement, in violation of international and Union requirements as per Article 41(1) APD?

N/A