

## Country factsheet Slovenia

Based on its 2010 Work Programme, the European Union Agency for Fundamental Rights (FRA) carried out a study on access to justice for asylum seekers. This study illustrates the perspective of asylum seekers on two specific issues relating to the asylum procedure, namely information on the procedure itself and access to remedies against a negative decision.

The FRA interviewed almost 900 asylum seekers throughout the European Union. The information received has been analysed taking into account the relevant national legal provisions and the responses to a questionnaire on information received from national asylum authorities. The research has resulted in two comparative reports, the first on the duty to inform and the second on access to effective remedies.

This factsheet complements these two comparative studies by providing some basic background information, including statistics and relevant domestic legal provisions relating to the issues covered in the two reports.

## 1. Statistics

### Statistics on asylum applications (Total and top 10 nationalities)

2009 Top 10 Nationalities		2008 Top 10 Nationalities	
Total	200	Total	260
Bosnia and Herzegovina	40	Serbia	80
Kosovo	30	Turkey	75
Serbia	20	Bosnia and Herzegovina	15
Turkey	15	Macedonia	10
Albania	10	Afghanistan	10
Croatia	10	Iran (Islamic Republic of)	10
Nigeria	10	Albania	5
Afghanistan	10	Belarus	5
Iran (Islamic Republic of)	10	Croatia	5
Macedonia	5	Russian Federation	5

### Statistics on first instance asylum decisions (Total positive decisions - top five nationalities)

2009							
	Geneva Convention Status	Subsidiary protection status	Humanitarian <sup>1</sup>	Rejected	Total number of decisions	Total positive decisions	Recognition rate <sup>2</sup> %
Total	15	5	n.a.	110	130	20	15.4
Kosovo	5	0	n.a.	20	25	10	40.0
Serbia	5	0	n.a.	10	15	5	33.3
Kazakhstan	5	0	n.a.	0	5	5	100.0
Afghanistan	0	5	n.a.	5	5	5	100.0
Bosnia and Herzegovina	0	0	n.a.	25	25	0	0.0

### Statistics on final decisions (Total number of decisions - top five nationalities)

2009							
	Geneva Convention Status	Subsidiary protection status	Humanitarian <sup>1</sup>	Rejected	Total number of decisions	Total positive decisions	Recognition rate <sup>2</sup> %
Total	0	0	n.a.	70	70	0	0.0
Bosnia and Herzegovina	0	0	n.a.	15	15	0	0.0
Serbia	0	0	n.a.	15	15	0	0.0
Kosovo	0	0	n.a.	10	10	0	0.0
Turkey	0	0	n.a.	10	10	0	0.0
Belarus	0	0	n.a.	5	5	0	0.0

Notes: These tables are based on categories used by Eurostat. The way Eurostat presents its data may not necessarily correspond to categories used at national level. This can particularly be the case with statistics provided under 'humanitarian status'. For a more detailed understanding of the data, the reader is invited to consult national statistics.

Data has been rounded to the nearest 5. Due to the rounding, the sum of individuals may not necessarily match the given total. 0 means less than 3; n.a. = not available. Kosovo (under United Nations Security Council Regulation 1244); the former Yugoslav Republic of Macedonia.

<sup>1</sup> Covering persons granted authorisation to stay for **humanitarian reasons** under national law by administrative or judicial bodies. It includes persons who are not eligible for international protection as currently defined in the first stage legal instruments but are nonetheless protected against removal under the obligations that are imposed on all Member States by international refugee or human rights instruments or on the basis of principles flowing from such instruments.

<sup>2</sup> The **recognition rate** corresponds to the proportion of positive first instance or final on appeal decisions out of the total number of decisions in 2009. Positive decisions include the provision of refugee status, subsidiary protection and humanitarian protection (where data is available).

Source: [Eurostat](#), Data extracted on 01 September 2010.

## 2. Background Information

Asylum act<sup>1</sup>

[Law on International Protection \(2007\)](#)

Asylum authorities

**First instance authority**

[Ministry of the Interior](#) – Migration and Integration Directorate

**Second instance authority**

[Administrative Court](#) in Ljubljana

## 3. Duty to inform asylum seekers

Article 8 of the Law on International Protection stipulates the asylum seeker's fundamental procedural guarantees, which are as follows: (i) to be informed on the asylum procedure, on the rights and obligations during the procedure and the possible consequences of not fulfilling his/her obligations and not cooperating with the authorities in a language he/she understands; (ii) to receive the services of an interpreter; (iii) to have the possibility of communication with UNHCR or with any other organisation working on behalf of UNHCR, and (iv) to receive the relevant authority's decision in writing in the prescribed time frame and in a language he/she understands.

An alien, who has expressed the intention to submit an application for international protection for the first time, shall receive a leaflet with information on the asylum procedure, his/her rights and obligations, the time-frames for appeals, a list of refugee counsellors, and a list as well as information on NGOs working in the field of asylum. These materials shall be provided in a language the asylum seeker understands, so that the applicant has the opportunity to familiarize him/herself with its content prior to submitting the application. When the applicant is illiterate or does not comprehend the content of the leaflet, the leaflet in question shall be read to him/her, and with the assistance of an interpreter, further explained in a language he/she understands (Article 9).

In July 2010, the Migration and Integration Directorate of the Ministry of the Interior provided the following information to the FRA as regards written information materials.

<b>Written information materials</b>	Information brochure translated into 12 languages.
<b>Provided when?</b>	At the time of lodging the application and during the first instance interview.
<b>Provided by whom?</b>	At the time of lodging the application – by the Legal-Information Centre for NGOs Slovenia (LIC). During the first instance interview – by the NGO LIC.

<sup>1</sup> The legal information in this factsheets has been updated to reflect the situation on 1 September 2010.

Has an evaluation of information tools been carried out?	No.
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## 4. Effective Remedy

### Type of procedures

There are two basic types of procedure: a regular and accelerated procedure. Pursuant to Article 54 of the Law on International Protection, an accelerated procedure may be used in cases deemed to be simple by the responsible authority, namely when it is able to fully establish the actual situation on grounds of facts and circumstances, as set out in Article 23 of the Act<sup>2</sup>. Applications for asylum submitted in the transit zone at the airport or on board of a ship may be processed in the accelerated procedure although the authority may also review them in a regular procedure. Persons who express their intention to lodge an asylum application at the border are usually transferred to the reception centre (Article 58).

In addition, Article 59 of the Law on International Protection establishes a separate Dublin procedure.

### Duty to state reasons for rejection and procedure to appeal

The applicant shall be informed of the content of the written decision in a language he/she understands and the decision's operative part, short summary and the instruction on how to appeal shall be translated into this language (Article 10). In case the application is refused on safe third country grounds, the authority shall provide the applicant with a document informing the safe third country that the application for international protection has not been examined on merits (Article 64).

### Time limits for appeal

When the decision has been taken in a regular procedure, an appeal should be submitted within 15 days following the service of the decision. If the decision was taken in the accelerated procedure, an appeal should be submitted within three days following the service of the decision. An appeal against any order issued in line with the Law on International Protection may be submitted within three days following the service of the order (Article 74).

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<sup>2</sup> The authority establishes the actual situation from e.g. the information and the statement presented in the application, information obtained from the personal interview, evidence submitted by the applicant, evidence obtained by the responsible authority, general information on the country of origin, detailed and in-depth information on the country of origin, which refers explicitly to the concrete individual case.

Type of procedure <sup>3</sup>	Time limits	Right to remain
Regular procedure	15 days	Automatic suspensive effect.
Accelerated procedure	3 days	Automatic suspensive effect.
Dublin procedure	3 days	No automatic suspensive effect, but it can be requested in the individual case.

## Right to remain in the country during appeal

Pursuant to Article 74(4) of the Law on International Protection, an appeal against a decision on the rejection of the application in the merit has suspensive effect. Dublin procedures fall under the general regime regulated by the General Administrative Act, which does not provide for automatic suspensive effect. The applicant can in his/her appeal submission however request the administrative court to suspend the execution of the decision (Administrative Dispute Act, at 32(2)).

When an applicant expresses his/her intention to submit an asylum application when being in the transit zone at the airport or on a board of a ship anchored in the port, the person in question shall remain in the area of the transit zone until a final decision in the accelerated procedure is served, or until a decision in the context of the Dublin procedure or the procedure on the safe third country becomes final.

## Legal Aid

Refugee counsellors, appointed by the Minister of the Interior, shall provide support and free legal assistance to the asylum seekers in procedures for international protection before the Administrative Court and the Supreme Court until a decision becomes final (Article 78). Refugee counsellors shall not be eligible for remuneration for the performed activities and for the reimbursement of costs when (i) the applicant himself has sufficient resources; (ii) the refugee counsellors lodged an application when the latter was not permitted; and (iii) when the submitted appeal was not successful (Article 13(6), Law on International Protection).

## Language assistance

Article 10 of the Law on international Protection guarantees to asylum seekers who do not understand the official language the right to follow the procedure in a language the person understands; the applicant shall be granted assistance of an interpreter at the submission of the application, at the personal interview and in other cases determined by the responsible authority.

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<sup>3</sup> Subsequent applications are covered by the Law on International Protection as follows: an alien whose claim has been already finally rejected may file a subsequent application only if he/she submits new evidence that significantly increases the probability of him/her meeting the conditions for obtaining international protection by order of the Law on International Protection. New evidence has to occur after the issuance of the previous decision, or the evidence may have existed also during the first procedure, but the asylum seeker with no fault of his/her own could not have submitted it during the first procedure (Art. 56).

## Hearing

Article 51 of the Act on Administrative Dispute permits the Administrative Court to conduct an oral hearing. However, in accordance with Article 59 that permits adopting a decision without an oral hearing, oral hearings are not normally conducted by the Administrative Court as an appellate body unless the appellant is in detention<sup>4</sup>.

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<sup>4</sup> See UNHCR, *Improving Asylum Procedures: Comparative Analysis and Recommendations for Law and Practice - Detailed Research on Key Asylum Procedures Directive Provisions*, March 2010 at page 471.