

# LAW ON INTERNATIONAL PROTECTION

## CHAPTER 1

### GENERAL PROVISIONS

#### Article 1

##### (Introductory provision)

- (1) This Law lays down the fundamental principles, procedure of granting and withdrawing of international protection, duration and content of international protection as well as the rights and obligations of applicants for international protection and persons who were recognized international protection. International protection means refugee status and subsidiary form of protection according to this Law.
- (2) With this legislation, the following acts are transposed in the legal order of the Republic of Slovenia:
- Council Directive 2003/9/EC from 27 January 2003 on minimum standards for reception of asylum seekers (Official Gazette No. 31/18 from 6 February 2003; in the following: Directive 2003/9/EC);
  - Council Directive 2003/86/EC from 22 September 2003 on the right to family reunification (Off. G. No. 251/12 dating from 3 October 2003; in the following: Directive 2003/86/EC);
  - Council Directive 2004/83/EC from 29 April 2004 on minimum standards for the qualification of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (Off. G. No. 304/12 from 30 September 2004, in the following: Directive 2004/83/EC);
  - Council Directive 2005/85/EC dated on 1 December 2005 on minimum standards on procedures for recognition or withdrawal of refugee status in the Member states (Off. G. No. 326/13 dating from 13 December 2005, in the following: Directive 2005/85/EC
- (3) The law specifically defines the implementation of the:

- Council's Regulation (EC) on the establishment of Eurodac for comparison of fingerprints with the purpose of actual implementation of the Dublin Convention No. 2725/2000 dating on 11 December 2000 (Off. G. 316 dating from 15 December 2000; in the following: Decree 2000/2725/EC) and
- Council's Regulation (EC) on the establishing of criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national No. 343/2003, dated on 18 February 2003 (Off. G. 50 dating on 25 February 2003, in the following: Decree 2003/343/EC).

## Article 2

### (Right to International protection)

- (1) In the Republic of Slovenia, international protection refers to the refugee status and the subsidiary form of protection.
- (2) Refugee status shall be granted to a third country national who, owing to well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his nationality and is unable or, owing to such fear, is unwilling to avail himself of the protection of that country, or a stateless person, who is outside the country of his former habitual residence as a result of such events and is unable or, owing to such fear, unwilling to return to it.
- (3) The status of subsidiary form of protection shall be granted to a third country national or a stateless person, who does not qualify for a refugee, when substantive grounds exist to suspect that upon his return to the country of origin, or in case of a stateless person, the country of last residence, the person would face real risk of being subject to serious harm as stipulated in the Article 28 of this Law.

## Article 3

### (Definitions)

- (1) The terms, used in this law, have the following meaning:  
 "Geneva Convention" means the Convention relating to the status of refugees done at Geneva on 28 July 1951, as amended by the New York Protocol of 31 January 1967;

“Application for international protection” is a request for protection according to this law, made by a third country national or a stateless person (in the following: application);

“Responsible authority” is the Ministry competent for managing internal affairs, which conducts procedures pursuant to this statute;

“Public officer” is an employee of the responsible authority;

“Applicant for international protection” is a third country national or a stateless person who has submitted a complete application for international protection in the Republic of Slovenia (in the following: applicant);

“Alien, who has expressed intent to submit an application for international protection for the first time” is a third country national or a stateless person who is on the territory of the Republic of Slovenia and has for the first time expressed the intent to submit an application for international protection to the responsible authority;

“Refugee” is a third country national or a stateless person who was recognized protection according to Para 2 Article 2 of this Law.

“Person who was recognized subsidiary protection” is a third country national or a stateless person, who was recognized protection according to Para 3 Article 2 of this Law;

“Person who was recognized international protection” is a person who has been recognized refugee status or subsidiary protection;

“Third country” is a state which is not a member of the EU;

“EU citizen” is a person with the nationality of one of the EU member states;

“Country of Origin” is the country of nationality of a third country national, or for a stateless person, the country of his former habitual residence;

“UNHCR” or the United Nations High Commissioner for Refugees is an intergovernmental organization founded in 1950 with the purpose of assuring protection and seeking durable solutions for refugees;

“Stateless person” is a person who is, not recognized as a national by any state according to its legislation;

“Family members” are third country nationals or stateless persons, who are members of the family which existed already in the country of origin. I.e.:

- The spouse of the applicant or person who was recognized international protection, or his unmarried partner in a stable relationship as defined by the legislation relating to the residence of aliens in the Republic of Slovenia.
- The minor children of the couple referred to in the first sub-paragraph, on condition that they are unmarried and dependent, regardless of the fact whether they were born in or out of wedlock or were adopted according to the regulations on wedlock and family relations in the Republic of Slovenia;
- the parents of a separated child;

“Separated child” is a third-country national or a stateless person under the age of 18, who is on the territory of the Republic of Slovenia and is unaccompanied by parents or a legal representative before the beginning of the procedure for international protection;

“Asylum Home” or its branch is a facility of the Ministry, responsible for internal affairs, intended for accommodation of applicants for international protection;

“Integration house” is a facility of the Ministry, competent for internal affairs, intended for accommodation of persons who have been recognized international protection;

“Serious non-political crime” applies to a non-political criminal offence, for which the prescribed penalty in the Republic of Slovenia is more than three years of imprisonment;

“Serious crime” is a criminal offence for which the prescribed penalty in the Republic of Slovenia is more than three years of imprisonment;

“Confidential data relating to asylum” is according to this Law information referring to the applicant and the person, who has been recognized international protection; the responsible authority and other state bodies, organizations and individuals must not share the information with the authorities of the applicant’s country of origin, while the information may be shared with the interested public only on grounds of the person’s consent.

(2) In this Law, all male-gender forms of nouns apply also to the female gender.

Article 4  
(Cessation)

- (1) A refugee's status shall cease, if he:
- Has voluntarily re-availed himself of the protection of the country of his nationality;
  - Has voluntarily re-acquired nationality of his country of origin;
  - Has acquired a new nationality and enjoys the protection of the country of his new nationality;
  - Has voluntarily returned to the country which he left and did not return to due to fear of persecution;
  - Can no longer refuse to avail himself of the protection of the country of nationality, since the circumstances on grounds of which he has been recognized refugee status have ceased to exist;
  - Being a stateless person with no nationality, is able to return to the country of former habitual residence, because the circumstances on grounds of which he has been recognized refugee status have ceased to exist.
- (2) A person shall cease to be eligible for subsidiary protection when the circumstances which led to the granting of subsidiary protection status have ceased to exist or have changed to such a degree that protection is no longer required.
- (3) In establishing the reasons from the sub-paragraphs 5 and 6 of Para 1 and 2 of this Article, the change of circumstances has to be of such significant and non-temporary nature that the refugee's fear from persecution can no longer be considered as founded, or that the person eligible for subsidiary protection no longer faces a real risk of serious harm.

Article 5  
(Exclusion)

- (1) A third country national or a stateless person is excluded from being a refugee, if:
- He already enjoys assistance or protection of the United Nations' bodies and agencies other than the United Nations High Commissioner for Refugees.
  - He has been recognized equal rights and obligations as the nationals of the Republic of Slovenia by the responsible authorities of the Republic of Slovenia.
  - Reasonable suspicion exists that he has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments;

- Reasonable suspicion exists that he has committed a serious non-political crime outside the Republic of Slovenia prior to his admission to the country as a refugee, also when committed because of supposedly political goals;
  - Reasonable suspicion exists that he has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations.
- (2) An applicant is not recognized subsidiary protection where there are serious reasons for considering that:
- He has committed a crime against peace, a war crime, or a crime against humanity, as defined in the international instruments stipulating such crimes;
  - He has committed a serious crime;
  - He has been guilty of acts contrary to the purposes and principles of the United Nations as set out in the Preamble and Articles 1 and 2 of the Charter of the United Nations;
  - He constitutes a danger to the security of the Republic of Slovenia.
- (3) Acts stipulated in the sub-paragraphs 3, 4 and 5 of Para 1 of the present Article and acts stipulated by Para 3 of this Article include also persons who instigate or otherwise participate in the commission of the crimes.
- (4) An applicant is not recognized subsidiary protection when, prior to his admission to Slovenia, he has committed one or more crimes for which he would have been punished with imprisonment, had the crimes been committed in the Republic Slovenia, and if he left his country of origin with the sole purpose of avoiding sanctions resulting from these crimes.

## Article 6 (Withdrawal)

- (1) A refugee's status is withdrawn when:
- One of the facts from Para 1 of previous article is established;
  - Facts from sub-paragraphs 5 and 6 of Para 1 Article 4 are established;
  - The refugee's misrepresentation or non-disclosure of facts, including false documentation, were decisive for the recognition of refugee status;
  - Substantiated grounds exist that the person is considered a danger to the Republic of Slovenia, which especially shows in endangerment of the security of territorial

- integrity, sovereignty, execution of international obligations and endangerment of constitutional order;
- After final conviction for a crime against humanity and international law presents a danger to the Republic of Slovenia.
- (2) If during the procedure of recognition of international protection facts from subparagraphs 4 and 5 of previous Para are established, a person is not recognized refugee status.
- (3) To person, to whom a refugee status has been withdrawn for reasons of points 4 and 5 of Para 1 of present Article and persons from previous paragraph of this Article, who are in the Republic of Slovenia, are granted the rights set out in the Geneva Convention, i.e.: the right to equal treatment, freedom of religion, access to courts, public education, impunishability for illegal transit of state border, prohibition of expulsion and application of the non-refoulement principle.
- (4) The subsidiary protection status is revoked when:
- One of the facts stipulated in Para 3 of Article 5 is established or the conditions from Article 5 are fulfilled;
  - Circumstances which led to the granting of subsidiary protection status have ceased to exist or have changed to such a degree that protection is no longer required;
  - The person's misrepresentation or omission of facts, including false documentation, was decisive for the recognition of the subsidiary protection status.

## CHAPTER II

### FUNDAMENTAL GUARANTEED IN THE INTERNATIONAL PROTECTION PROCEDURE

Article 7  
(Fundamental principles)

- (1) In a uniform procedure, the responsible authority shall establish the conditions for recognition, cessation and withdrawal of international protection and in case of subsidiary protection also the possibility of extension for each individual case separately. The authority shall process the application in an objective and impartial manner.
- (2) By order of this Law, the procedure may be performed only by public officials who are adequately qualified in the field of asylum law.
- (3) In the procedure, the public official shall enable the applicants to protect and assert their rights guaranteed by the Law in the easiest way possible. The official person shall ensure that the applicant's lack of knowledge and experience does not affect the exercise of his rights.
- (4) In all cases without exception, the fundamental procedural guarantees set out in Article 8 of this Law have to be considered.

Article 8  
(Applicant's fundamental procedural guarantees)

By order of this Law, every applicant is granted the following procedural guarantees:

- In the language the applicant understands he shall be informed on the asylum procedure in the Republic of Slovenia, on the rights and obligations during the procedure and the possible consequences of not fulfilling his obligations and not cooperating with the authorities;
- He shall receive the services of an interpreter according to Article 10 of this Law;
- He shall not be denied the possibility of communication with UNHCR or with any other organization working on behalf of the UNHCR in the Republic of Slovenia  
He shall receive the relevant authority's decision in writing in the time-frame stipulated by this Law and in a language he understand.



## Article 9

### (Provision of information)

- (1) An alien, who expressed an intent to lodge an application for international protection for the first time, shall receive a leaflet with information on the procedures stipulated in this Law, rights and obligations of applicants, potential consequences in case of not fulfilling the obligations and not cooperating with the relevant authority, time-frames for appeals, a list of refugee councilors and a list and information on non-governmental organizations working in the field of asylum.
- (2) An alien, who expressed an intent to lodge an application for international protection for the first time, shall be provided with a leaflet in a language he understands, so the applicant has the opportunity to familiarize himself with its content prior to submitting the application.
- (3) If the alien, who expressed an intent to lodge an application for international protection for the first time, is illiterate or does not comprehend the content of the leaflet, the latter shall be in addition read to the person and, with the assistance of an interpreter, additionally explained in a language which the person understands.

## Article 10

### (Right to an interpreter)

- (1) If the applicant does not understand the official language, he shall follow the procedure in a language the person understands. The responsible authority shall thus ensure the applicant to follow the procedure with the assistance of an interpreter.
- (2) The applicant shall be granted assistance of an interpreter at the submission of the application, at the personal interview and in other cases in which such assistance would be necessary for the applicant's understanding of the procedure, if the responsible authority decides so.
- (3) The applicant shall be informed on the content of the written decision in a language he understands. Only the operative part of the decision, short summary of the grounds, from which the decisive reasons for the decision are evident, and the legal caution shall be translated to this language.

## Article 11

### (Appointment of interpreters)

- (1) In order to facilitate the applicant's participation and following of the procedure for recognition of international protection in a language he understands, the Minister responsible for internal affairs (in the following: the Minister) shall appoint interpreters.
- (2) The invitation for tenders shall be announced by the Ministry responsible for internal affairs (in the following: the Ministry) in the Official Gazette of the Republic of Slovenia. A contract with the interpreters shall be made.
- (3) A person may be selected as an interpreter upon meeting the following criteria:
  - being trustworthy;
  - having contractual capacity and general health capability;
  - Actively speaks Slovene language;
  - having adequate certificates on his written and oral knowledge of the language he interpreters to;
  - having certificates on successfully finishing schooling in his language, As a person who interprets from his mother tongue;
  - having adequate certificates on the previous experiences in interpretation
  - being willing to perform interpretation also at weekends and work-free days;
  - being able to respond to the need for interpretation within two hours
  - being able to provide a written translation within maximum five days
  - confirming with signing a statement that he does not avail his interpretation services to a diplomatic or consular representation of the country which language he interprets from.
  - Unpunished, not in the criminal procedure for criminal offence, which is persecuted ex officio and for which; a punishment of six-month imprisonment or a more severe punishment is charged.
- (4) Court interpreters, appointed on the basis of the law on courts, do not need to prove the criteria set out in sub-paragraphs 1 to 6 of the previous paragraph.
- (5) An advantage for being selected and appointed as an interpreter shall be with an interpreter who:

- Has obtained a wide general education, especially in the fields of anthropology, cultural, political and social sciences and is familiar with the current political situation in the country which language he interprets from;
- Is familiar with the appropriate translations of the expert terminology used in the procedures of recognition of international protection.

(6) An interpreter shall be dismissed:

- if it is established that he no longer meets the criteria set out in the law;
- If he is finally convicted for an intentionally committed criminal offence, persecuted ex officio, and sentenced to 6 months of imprisonment or a more severe penalty;
- On his own wish.

(7) The list of interpreters shall be on the website of the Ministry. The interpreters shall be reimbursed the costs relating to the performed interpretation in accordance with the contract stipulated in Para 2 of this Article. Accordingly, the rules on the costs in administrative procedures are not applicable. Financial resources for the interpreters' fees shall be provided from the budget of the Republic of Slovenia.

## Article 12

(Exclusions in appointing interpreters)

(1) If a need occurs for interpretation to a language, for which the interpreter has not yet been appointed on grounds of an invitation for tenders, the Ministry shall enter into an adequate contract with the interpreter until an invitation for tenders is successfully performed. The financial resources for interpretation fees shall be ensured from the budget of the Republic of Slovenia.

(2) If such possibility exists, the Ministry may require another EU member state for assistance in interpretation to a language for which Slovenia is unable to provide an interpreter. It is also possible to facilitate interpretation by means of modern electronic media. The resources for covering the costs of this interpretation shall be ensured from the budget of the Republic of Slovenia. The fees shall be defined in a corresponding contract.

## Article 13

(Refugee counselors)

- (1) For providing support and legal assistance to the applicants in procedures for international protection before the Administrative Court of the Republic of Slovenia (in the following: the Administrative Court) and the Supreme Court of the Republic of Slovenia (in the following: the Supreme Court), the Minister shall appoint refugee counsellors. The appointment procedure shall be conducted according to the provisions of the Law regulating the general administrative procedure.
- (2) An invitation for tenders for refugee counsellors shall be published by the Ministry in the Official Gazette of the Republic of Slovenia. The decision on appointment of a refugee counsellor shall be final.
- (3) A person may be appointed as a refugee counsellor when fulfilling the following conditions;
  - being a citizen of the Republic of Slovenia;
  - having contractual capacity and general health capability;
  - being a university graduated jurist;
  - having passed the state legal examination;
  - having active knowledge of Slovene language;
  - being trustworthy for performing duties of a refugee counsellor.
  - having no criminal record and not being in a criminal proceedings for a crime, persecuted ex officio, For which a punishment of six-month imprisonment or a more severe punishment is charged.
- (4) A refugee counsellor shall be dismissed:
  - If it is established that he ceased to fulfil the conditions prescribed by Law;
  - If he has been finally convicted of intentionally committed criminal offence which is prosecuted ex-officio and for which imprisonment sentence for six months or more severe punishment is prescribed;
  - On his own wish.
- (5) The list of refugee counsellors shall be published on the website of the Ministry. Refugee counsellors shall be entitled to remuneration for the legal assistance they provide in the procedures before the Administrative or the Supreme Court and to

reimbursement of expenses out of the budget of the Republic of Slovenia according to criteria established by the Minister.

- (6) The refugee counsellors shall not be eligible for remuneration for the performed activities and the reimbursement of costs, when:
- The applicant himself has sufficient resources;
  - The refugee counsellor lodged an application when the latter was not permitted;
  - In cases when the procedure has been stopped due to withdrawal of the application.

Article 14  
(The role of UNHCR)

- (1) UNHCR shall obtain information from the responsible authority on:
- The refugee situation in the Republic of Slovenia;
  - Application and implementation of the Geneva Convention and other international documents concerning refugees;
  - Laws, regulations and other general legal acts in force or under preparation which concern refugees.
- (2) UNHCR has the right to have access:
- To persons referred to in sub-paragraph 6 of Para 1 of Article 3 of this Law and applicants on the territory of the Republic of Slovenia and in airport and port transit zones;
  - To information on the number of lodged applications and the course of the procedures;
  - Decisions taken in these procedures.
- (3) Sub-paragraphs 2 and 3 of the previous Para can only be performed with the consent of the applicant.
- (4) Provisions on the work of UNHCR in the Republic of Slovenia apply also to organizations working on behalf of UNHCR. UNHCR shall inform the responsible authority on a transfer of tasks, manner and scope of performance of the organizations in the Republic of Slovenia. UNHCR and the organization may conclude an agreement on the transfer of tasks and the scope of performance.

Article 15  
(Vulnerable groups)

- (1) Specific care and attention shall be provided to persons with special needs, especially children, unaccompanied children, the elderly, pregnant woman, single parents with children, and victims of rape, torture or other forms of psychological, physical or sexual violence.
- (2) Special needs and vulnerability, in accordance with this Law, shall be established on the basis of a needs assessment for each individual applicant, refugee or person under subsidiary protection.
- (3) When accommodating vulnerable applicants with special needs, refugees or persons under subsidiary protection, their specific situation with regard to material conditions of reception, medical and psychological counselling and care shall be taken into consideration.

Article 16  
(Separated child)

- (1) In the procedures, where the applicant is a separated child, it is necessary to:
  - Take into consideration the principle of the child's best interest;
  - Establish the child's identity as soon as possible and start with the process of tracking down the child's parents or other relatives;
  - Ensure priority treatment of the child's application;
  - Appoint the child a legal representative prior to the commencement of the procedure.
- (2) The separated child shall participate in the procedure by order of this Law in a manner suitable and adjusted to his age and mental development stage.
- (3) A decision on the appointment of a legal representative shall be issued by the local Center for Social Work. The legal representative may be the child's relative or companion or a representative of the organization specializing in working with children and youth.

- (4) Prior to submitting the application, the separated child shall be, if he so wishes, orally informed on the content of the leaflet on the applicants' rights and obligations. The manner in which this provision of information is performed shall be adapted to the child's age and the level of his mental development.
- (5) The responsible authority shall provide suitable accommodation and care for the separated child. The relevant authority shall inform the legal representative on the manner in which the accommodation and care are provided.
- (6) According to this Law, a separated child accompanied by his legal representative shall participate in all stages of the procedure.
- (7) Provisions of this Article shall not apply for a separated child who obtained a contractual capacity by entering into wedlock.

#### Article 17

##### (Family reunification)

- (1) In its work, the responsible authority shall take into account the principle of family reunification.
- (2) A person under international protection may apply for reunification with his family members, defined in the sub-paragraph 15 of Article 3 of this Law. A request for family reunification and the means of proof for it shall be lodged with the responsible authority.
- (3) If the responsible authority establishes that the criteria for family reunification are not met, it shall reject the request referred to in the previous Para of this Article.
- (4) If the relevant authority establishes that the criteria for family reunification are fulfilled, it shall issue a decision granting the family members equal status as the person lodging the request. The family members' obtained status shall cease on the day of cessation of status of the person lodging the request.

- (5) In cases where the family members are out of the territory of the Republic of Slovenia, the decision from the previous Para of this Article shall function as an entrance permit to the Republic of Slovenia.

#### Article 18

(Female applicant for international protection)

- (1) Upon her request, female applicant may be entitled to a female person conducting the procedure.
- (2) If possible, the female applicant shall be provided with assistance of a female interpreter.

#### Article 19

(Applicant who cannot participate in the procedure independently)

- (1) An applicant who cannot understand the significance of the procedure due to a temporary or permanent mental disability or illness or any other reason, shall be immediately appointed a legal representative for this procedure by the local Center for Social Work.
- (2) A local Centre for Social Work shall issue its decision upon a proposal of the responsible authority and on grounds of a medical certificate on the condition of health of the applicant.
- (3) The applicant referred to in the first paragraph of this Article shall be entitled to all necessary protection and basic care.

#### Article 20

(Principle of non-refoulement)

- (1) Forced deportation or return of a person to a country where his life or freedom would be threatened due to his race, religion, nationality, membership in a particular social group or political opinion, is not allowed.

### CHAPTER III



## ESTABLISHING GROUNDS FOR INTERNATIONAL PROTECTION

### Article 21

(Substantiating the application – subjective elements)

- (1) The applicant shall present all facts and circumstances substantiating his fear of persecution or serious harm.
- (2) The applicant shall submit all documentary and available evidence to substantiate his application until the personal interview ends in a regular procedure, and until a certain deadline set in the accelerated procedure. The applicant has to be notified upon this deadline.
- (3) When the applicant cannot submit any evidence in the procedure, the responsible authority shall take into account that:
  - The applicant has made a genuine effort to substantiate his application;
  - The applicant gave a satisfactory explanation regarding any lack of other relevant elements;
  - The applicant's statements are found to be coherent and plausible and do not run counter to available specific and general information relevant to the applicant's case;
  - The applicant has applied for international protection at the earliest possible time, unless the applicant can demonstrate good reason for not having done so;
  - The general credibility of the applicant has been established.

### Article 22

(Responsible authority's assessment – objective elements)

- (1) The competent authority shall *ex officio*, according to Article 23 of this Law, establish the actual state and issue a lawful and correct decision.
- (2) In the procedure, the relevant authority shall verify the applicant's statements on grounds of information on the country of origin from sub-paragraphs 8 and 9 of Article 23 of this Law.
- (3) Country of origin information referred to in the previous paragraph of this Article, which are publicly accessible, shall be considered as notorious facts.

- (4) If the applicant's general credibility is not established, the responsible authority shall not consider the country of origin information referred to in the previous paragraph of this Article.

#### Article 23

##### (Assessment of facts and circumstances)

- (1) In establishing the grounds for international protection, the public official considers especially:
- The information and the statement presented in the application;
  - Information obtained from the personal interview
  - Evidence submitted by the applicant;
  - All documentation submitted by the applicant regarding the applicant's age, background, including the relatives' background, identity, nationality, countries and places of previous residence, previous applications, travel routes, identity and travel documents and the reasons for submitting the application;
  - Evidence obtained by the responsible authority
  - Official information available to the responsible authority
  - Documentation obtained prior to the submission of application;
  - General information on the country of origin, particularly on the social and political situation and the adopted legislation;
  - Specific detailed and in-depth information on the country of origin which refers explicitly to the concrete individual case. The information can entail also the manner of implementation of laws and regulations of the country of origin;
  - The fact that an applicant has already been subject to persecution, referred to in Article 26 of this Law, or serious harm, defined in Article 28 of this Law, or to direct threats of such persecution or such harm, unless reasonable grounds exist to consider that such persecution or serious harm will not be repeated or threats realized.

#### Article 24

##### (Actors of persecution and serious harm)

By order of this Law, actors of persecution or serious harm shall include:

- The State;

- Political Parties or organizations controlling the State or a substantial part of the territory of the State;
- Non-State actors, if proven that the actors mentioned in the first two sub-paragraphs, including international organisations, are unable or unwilling to provide protection against persecution or serious harm.

Article 25  
(Actors of protection)

According to this Law, actors of protection shall include:

- The State;
- Political Parties or organizations, including international organizations, controlling the State or a substantial part of the State's territory.

Protection is generally provided when the actors mentioned in paragraph 1 of this Article take reasonable steps to prevent the persecution or suffering of serious harm, inter alia, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and the applicant has access to such protection.

Article 26  
(Characteristics of acts of persecution)

Acts of persecution in the sense of article 1 A of the Geneva Convention shall:

- Be sufficiently serious by their nature or repetition as to constitute a severe violation of basic human rights, in particular the rights from which derogation cannot be made under Article 15(2) of the European Convention;
- Be an accumulation of various measures, including violations of human rights, which is sufficiently severe as to affect an individual in a similar manner as mentioned in the previous sub-paragraph.

As acts of persecution in the sense of paragraph 1A of the Geneva Convention shall be considered:

- Acts of physical or mental violence, including acts of sexual violence;

- Legal, administrative, police, and/or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;
- Prosecution or punishment, which is disproportionate or discriminatory;
- Denial of judicial redress resulting in a disproportionate or discriminatory punishment;
- Prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts falling under the exclusion clauses as set out in Para 1 of Article 5 of this Law;
- Acts of a gender-specific or child-specific nature.

## Article 27

### (Reasons for persecution)

(1) The reasons for persecution shall be as follows:

- Membership of a certain race or ethnic community
- Membership of a certain religion
- Nationality
- Membership of a certain social group
- Holding a particular political opinion.

(2) The reason presented in the first sub-paragraph shall refer particularly to color, descent, or membership of a particular ethnic group.

(3) The reason presented in the second sub-paragraph shall refer particularly to holding of theistic, non-theistic and atheistic beliefs, the participation in, or abstention from, formal worship in private or in public, either alone or in community with others, other religious acts or expressions of view, or forms of personal or communal conduct based on or mandated by any religious belief;

(4) The reason presented in the third sub-paragraph entail the concept of nationality, which shall not be confined to citizenship or lack thereof but shall in particular include membership of a group determined by its cultural, ethnic, or linguistic identity, common geographical or political origins or its relationship with the population of another State;

- (5) On grounds of the reason presented in sub-paragraph 4, a group shall be considered to form a particular social group when:
- members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and
  - that group has a distinct identity in the relevant country, because it is perceived as being different by the surrounding society;
- (6) Depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of sexual orientation. Sexual orientation cannot be understood to include acts considered to be criminal in accordance with national law of the Republic of Slovenia.
- (7) The reason stated under sub-paragraph 5 entails the concept of political opinion, which shall in particular include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution mentioned in Article 24 and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant.
- (8) A causal link shall be established between the acts and reasons for persecution.

## Article 28

(Serious harm)

Serious harm shall consist of:

- Death penalty or execution; or
- Torture or inhumane or degrading treatment or punishment of an applicant in the country of origin; or
- Serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

## CHAPTER IV

### PROCEDURE FOR RECOGNITION OF INTERNATIONAL PROTECTION

## Article 29

### (Procedure)

In the procedure of international protection it shall be established whether the applicant meets the conditions for obtaining international protection in the Republic of Slovenia.

## Article 30

### (Application of the Law on General Administrative Procedure)

In the procedure, the Law on General Administrative Procedure shall be applied except where stated otherwise by this Law.

## Article 31

### (Time frames for issuing a decision)

- (1) The authority competent for the first instance of the procedure shall take a decision in the shortest time possible, without prejudice to an adequate and complete examination.
- (2) If the responsible authority is not able to decide on the application within six months, it shall notify the applicant in writing on the delay and present another time-frame when the decision can be expected. In case of a further postponement of the deadline, the responsible authority shall again serve a notification to the applicant.

## Article 32

### (Relation to the procedures set out in the Law relating to aliens)

- (1) An applicant shall not be able to apply for a residence permit in the Republic of Slovenia in the period from the submission of his application and until the decision on the application is final.
- (2) A person who has not been recognized international protection shall be considered an alien once the decision becomes final.

Article 33  
(Responsible authority)

The responsible authority decides the procedure for recognition of international protection on the first instance.

Article 34  
(Uniform asylum procedure)

The responsible authority shall establish the grounds for recognition of international protection in a uniform procedure, where it first assesses the grounds for the recognition of refugee status and only if these do not exist, grounds for recognition of subsidiary form of protection shall be established.

Article 35  
(Entry into the Republic of Slovenia)

- (1) An alien who legally entered the Republic of Slovenia shall express his intent to file an application as soon as possible.
- (2) If an alien entered the Republic of Slovenia illegally, he shall express his intent to file an application as soon as possible. In this case, he shall not be prosecuted for violation of illegal crossing of the state border.

Article 36  
(Registry form)

- (1) An alien, who expresses an intent to lodge an application for international protection for the first time, is directed to the Police, who shall establish his identity, the route he took to arrive to the Republic of Slovenia and shall take the person's statement on the grounds for international protection.
- (2) After the statement is taken and an assessment is made according to the previous paragraph, a Police officer fills out the registry form.

#### Article 37

##### (Asylum Home premises)

- (1) After the procedure with the Police, an alien, who expresses an intent to lodge an application for international protection for the first time, is accommodated in the reception area of the Asylum Home where he is provided with appropriate food, essential hygienic material and access to emergency health assistance.
- (2) The person referred to in the previous paragraph of this Article, who voluntarily leaves the reception premises of the Asylum Home shall be processed according to the Law relating to aliens. The person shall be informed on this provision immediately after his accommodation in the reception premises of the Asylum Home in a language the person understands, which he shall confirm with a signature.

#### Article 38

##### (Medical screening)

After a sanitary-disinfecting and preventive medical screening shall be performed and after lodging a complete application, which has to be taken in the shortest time possible, the applicant shall be accommodated in the Asylum Home.

#### Article 39

##### (Photographing and fingerprinting)

With the aim of establishment and verification of identity and implementation of the Regulations 2003/343/EC and 2000/2725/EC, the public official photographs and performs fingerprinting of the person referred to in sub-paragraph 6 of Para 1 of Article 3 of this Law, prior to the submission of his application.

#### Article 40

##### (Beginning of the procedure)

The procedure shall begin when a complete application for international protection is lodged.

#### Article 41

##### (Location of lodging an application)



- (1) An application of a person on the territory of the Republic of Slovenia shall be lodged with the responsible authority. According to this Law, the responsible authority may conduct the procedure at locations other than its headquarters.
- (2) An alien may express his intent to submit an application to any state body or body of local community in the Republic of Slovenia, which then notifies the responsible authority.
- (3) An application can be lodged also at the diplomatic or consular missions of the Republic of Slovenia in third countries.
- (4) According to the procedure stated in Article 58 of this Law, the application shall be lodged in airport and harbour transit areas or on board of a ship in anchorage.

#### Article 42

##### (The manner of lodging the application)

- (1) Each adult shall lodge application individually and on his own behalf.
- (2) His legal representative shall lodge application for a minor applicant. The minor applicant is present at the lodging of the application. The participation of a minor applicant in the procedure depends on his age, mental development stage and capability of understanding the significance of the procedure.
- (3) A minor applicant older than 15 years of age shall give the statement referred to in subparagraph 32 of Article 119 of this Law himself in the presence of a legal representative.
- (4) The applicant's legal representative lodges the application of the applicant stipulated in Article 19 of this Law. The applicant's participation in the procedure depends from his capability of understanding the significance of the procedure.
- (5) When the responsible authority's decision in the case of the legal representative is issued but not yet final and the legal representative lodges an application on behalf of his child, born in the Republic of Slovenia, the application shall immediately be transferred to the Court of competent jurisdiction, which joins the procedures.

Article 43

(Taking the application)

- (1) The application shall be taken by a public official. The public official shall, together with the applicant, fill out the application form, consisting of information set out in sub-paragraphs 1 to 31 of the second paragraph of Article 119 of this Law. Further, the applicant shall autonomously present his statement on the reasons for lodging the application. The public official shall complement the statement on grounds of additional questions. The public official shall call upon the applicant to submit all evidence for proving the applicant's identity and all evidence that support his claim.
- (2) In establishing the applicant's identity, provisions of the Law relating to aliens shall reasonably apply.
- (3) At taking the application, basic procedural guaranties stipulated in the sub-paragraphs 1, 2 and 3 of Article 8 shall be considered, as well as the requirements of a personal interview set out in Article 47 of this Law.
- (4) Form, content and manner of taking the application shall be defined by the Minister in an executive regulation.

Article 44

(Appointment of an expert)

- (1) When expert knowledge is needed for establishing and assessing a fact significant for the decision on an application in this procedure and the public official conducting the procedure does not possess the expertise required, an expert opinion is acquired.
- (2) The expert shall submit his opinion in writing. The expert opinion shall be sent to the applicant or his legal representative or authorized person for their information and a deadline is set for submission of potential comment.
- (3) If so needed, the expert may present his opinion at the personal interview, where the responsible authority's official and the applicant or his legal representative or authorized person has the possibility to pose additional questions.

Article 45

(Personal interview)

- (1) Before a decision is taken, the responsible authority shall perform individually a personal interview with the applicant. The responsible authority may conduct several personal interviews for a single case, if that proves necessary for a complete determination of the actual situation.
- (2) By virtue of a personal interview the public official shall in particular establish:
  - The identity of the applicant and the family members accompanying him;
  - Grounds on which his application is based;
  - The applicant's itinerary to the Republic of Slovenia;
  - All other facts and circumstances relevant to the decision.

Article 46

(Omission of a personal interview)

- (1) The personal interview may be omitted where:
  - The responsible authority is able to take a decision in the accelerated procedure already on grounds of facts and circumstances referred to in sub-paragraphs 1, 2, 3, 4, 5, 6, 7, and/or 8 of Article 23 of this Law, if the latter occur;
  - In cases of persons referred to in Article 19 of this Law;
  - In cases of processing the application in the context of the Dublin procedure and procedures according to the concepts of the national and the European safe third country and the first country of asylum.
- (2) The persons referred to in the previous paragraph can submit additional information to the responsible authority.

Article 47

(Requirements for a personal interview)

- (1) A personal interview shall never be open for the public.
- (2) The exclusion of the public shall not apply to the applicant's legal representative and counsellor and upon the applicant's consent, also a representative of UNHCR.

- (3) Upon the applicant's explicit wish the personal interview may also be attended by a person, selected by the applicant for assistance or support.
- (4) The public official conducting the procedure may, upon the applicant's consent, allow the personal interview to be attended also by another public official or an employee of the responsible authority as well as scientists, students and public workers, if that bears significance for the scientific work and for the institution.
- (5) Prior to the commencement of the personal interview, all participants shall be informed on the confidentiality of the procedure according to this Law and on the provisions relating to personal data protection.
- (6) The public official shall conduct the personal interview in a manner, which allows the applicant to present the grounds for his application in a comprehensive manner. The manner of conduct of the personal interview shall be adapted to the applicant's personality and personal and general circumstances, including the applicant's cultural origin or vulnerability.
- (7) Questions that already imply the answers, as well as questions implying that the applicant has already made a statement on something, which in effect he did not, shall not be allowed.

#### Article 48

##### (Report)

- (1) A report shall be made on the process of taking the application and the personal interview. The report shall be considered a public document.
- (2) The report shall include:
  - The name and address of the headquarters of the responsible authority
  - Date and time of commencement and conclusion of the process of taking the application or a personal interview;
  - Personal names of all participants and their roles in the procedure.
- (3) If the process of taking the application or a personal interview is performed outside of the headquarters of the responsible authority, the report shall include also the reason

for, and the location where the application is taken or a personal interview is conducted.

- (4) The report shall contain a detailed description on the conduct and content of the performed procedure and the acquired statements. The report shall include all public official's questions and findings. The statements and testimonies made by the applicant, his legal representative, counsellor, expert person and UNHCR representative are reported literally and in first person.
- (5) Upon the conclusion of the process of taking the application or conducting a personal interview, the report shall be read to all the participants. Any comments provided by the persons stated in the previous paragraph of this Article shall be added at the end of the report. All the participants shall sign the report. Where the applicant cannot or is not able to sign his name, this fact shall be added to the report.
- (6) If persons from Para 4 of this Article refuse to confirm the report with their signatures, this fact and the reasons for the refusal shall be noted as the public official's comments to the report. The refusal of the confirmation of the report shall not prevent the responsible authority from taking a decision on the application.
- (7) The process of taking the application and the personal interview may be recorded also by audio-video electronic devices.

#### Article 49

##### (Service)

If the applicant has a representative, records (invitations, decisions, orders and other official records) in the procedure shall be served personally on the latter. The responsible authority may also serve the records on the applicant personally. In this case, the date of service is considered as the date of the personal service to the representative.

#### Article 50

##### (Withdrawal of the application)

- (1) Applicant may withdraw his application in oral or written way, regardless of the stage of the procedure.

- (2) An application shall be considered as withdrawn when:
- In spite of a received summon, the applicant fails to attend the interview or oral hearing without prior justification;
  - The applicant fails to notify the responsible authority on the change of his address and thus the summons or other mail cannot be delivered to even in a repeated attempt;
  - It appears clearly from the official records kept by the responsible authority that the applicant has left the Asylum Home or its branch without due notice and has not returned within 3 days from his arbitrary departure;
  - Within three days from the notice made by the landlord or the Head of the institution to the responsible authority, the applicant has not returned to his declared residence according to Article 83 of this Law.
- (3) The procedure relating to the application, which is considered withdrawn, shall be stopped by the order of the responsible authority. The applicant shall leave the Republic of Slovenia immediately after the order becomes final.

#### Article 51

##### (Applicant's limitation of movement)

- (1) If necessary, the applicant's movement may be temporarily limited on grounds of:
- Establishing the identity of the applicant;
  - , Suspicion on misleading and abuse of the procedure, especially for reasons stated in sub-paragraphs four, five, six, seven, eight, nine, ten, twelve, fifteen and sixteen of the Article 55 of this Act, or
  - Prevention the threat to other persons' life or property, or
  - Prevention of the spread of contagious diseases;
- (2) Movement may be limited:
- To an area of the Asylum Home or its branch
  - To a designated facility of the Asylum Home or other appropriate facility of the Ministry.
- (3) Limitation of movement shall be ordered by a decision issued by the Ministry. The written detention order shall be issued by the responsible authority within 48 hours from the oral sentence of the order. The limitation of movement may stay in effect until the grounds for it subsist, but not longer than three months. If after that time the

grounds for the limitation of movement still exist, the limitation may be extended for a further period of one month.

- (4) An applicant has the right to appeal against the written detention order at the Administrative Court within three days after a decision has been served on him. The Administrative Court shall call for a hearing and decide on the appeal within three working days.

## CHAPTER V

### FIRST INSTANCE PROCEDURE

#### Article 52

(Decision taken by the responsible authority at the first instance)

- (1) The first instance authority shall take a decision by which it:
  - Approves an asylum application in a regular or accelerated procedure, where it determines that the applicant meets the criteria for acquiring refugee status in the Republic of Slovenia pursuant to this Law or a subsidiary protection status as set out in this Law;
  - Rejects an application as being unfounded in the regular procedure;
  - Rejects an application as being unfounded in the accelerated procedure.
- (2) The person has to leave the Republic of Slovenia immediately after the decision of the responsible authority becomes final. With regard to the personal circumstances, the responsible authority may set a time-frame for the applicant to leave the country.
- (3) If a person resides outside of the Asylum Home or its branches in accordance with the Article 83 of this Law, the responsible authority notifies the Police on the executability of the decision.
- (4) A person accommodated at the Asylum Home or its branches is handed over to the Police as soon as the execution of the responsible authority's decision is possible or the decision becomes final, the responsible authority [nonsense in the original].

## Article 53

### (Rejection of the application in a regular procedure)

The responsible authority shall reject an application as being unfounded if:

- It establishes that the applicant, in considering the facts and circumstances of Article 23 of this Law, does not meet the conditions for granting international protection;
- Any exclusion reasons under Article 5 of this Law exist;

## Article 54

### (Decision in an accelerated procedure)

The responsible authority may decide on the application in an accelerated procedure when it is able to fully establish the actual situation on grounds of facts and circumstances set out in sub-paragraphs 1 to 8 of Article 23 of this Law, providing that they have been submitted.

## Article 55

### (Reasons for rejection of the application in an accelerated procedure)

The responsible authority shall reject an application in an accelerated procedure as being unfounded if:

- The applicant came to the Republic of Slovenia due to economic reasons exclusively;
- The applicant, in submitting his application has only raised issues that are insufficient, not relevant or of minimal relevance to the examination of whether he qualifies for international protection according to this Law;
- The applicant clearly does not meet the conditions from international protection according to Articles 26 and 28 of this Law;
- The applicant has misled the authorities by presenting false reasons, in particular when his statements are inconsistent, contradictory, improbable and inconsistent with the information on the country of origin referred to in sub-paragraph 8 of Article 23 of this Law.
- The applicant has failed without reasonable cause to make his application earlier, having had opportunity to do so;
- The applicant has submitted the application merely in order to delay or frustrate the enforcement of his removal from the country;



- The applicant refuses to have his fingerprints and photograph taken;
- The applicant has grounded his application on false information with respect to his identity or forged documents or has withheld relevant information or documents with respect to his identity and/or nationality;
- -The applicant has intentionally destroyed or alienated a travel document, an identity document with a photograph, revealing his identity or nationality or other document containing a photograph that would have helped establish his identity or nationality;
- The applicant has intentionally destroyed or alienated other documentation (documents, tickets, certificates etc.) that could bear significance in establishing his identity, nationality or eligibility for obtaining international protection;
- The applicant, in spite of his assurance, failed to submit documentation and facts from sub-paragraph 4 of Article 23 of this Law in the set time-frame;
- The applicant has filed another application for asylum stating other personal data;
- The applicant is coming from a safe country of origin;
- The applicant presents a danger to the national security or public order of the state, and due to these reasons, a title of execution of leaving the country has been served on him as a secondary sentence, or the title of execution for leaving the country has already been exercised, while the deadline for prohibiting him entry to the European Union has not yet expired;
- The applicant has withheld the fact that he already filed an application in another state, particularly in case of him/her stating other personal data;
- The applicant has made an attempt to illegally enter another state before the decision of the responsible authority was taken and was apprehended by the Police, or has already performed an illegal entry to another state and has been returned to the Republic of Slovenia.

## CHAPTER VI

### SPECIFIC PROCEDURES

#### Article 56

##### (Subsequent application)

- (1) A third country national or a stateless person, whose claim was already finally rejected in the Republic of Slovenia or in case of explicit withdrawal of the application, may file a subsequent application only if he submits new evidence that significantly

increase the probability of him meeting the conditions for obtaining international protection by order of this Law.

- (2) 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 person referred to in the previous paragraph of this Article with no fault of his own could not have submitted it during the first procedure.

#### Article 57

##### (Subsequent application procedure)

- (1) The person from the first paragraph of the previous Article lodges a request for the introduction of the procedure of subsequent application. In the request, the person has to autonomously submit the evidence supporting the new procedure. In lodging the request, provisions set out in Articles 47 and 48 of this Law are reasonably applied. The person is entitled to all procedural guarantees stipulated in Article 8 of this Law.
- (2) If the legal representative, after submitting his request for a subsequent application for, submits a first application for a child born in the Republic of Slovenia, the latter application shall be considered as a request from the first paragraph of this Article.
- (3) The responsible authority decides on the request with an order. If the responsible authority establishes that conditions from the second paragraph of the previous Article of this Law are met, it shall allow the lodging of a subsequent application and acts according to Article 43 of this Law. In the opposite case, it shall reject the request for a subsequent application with an order.
- (4) If a subsequent application is lodged, a person referred to in the first paragraph of the previous Article of this Law shall be, based on the order of the Police, issued on the grounds of the aliens legislation accommodated with the body, responsible for persons' removal from the country.
- (5) If a person referred to in the first paragraph of the previous Article of this Law withdraws his request for a subsequent procedure before the responsible authority takes a decision, the procedure shall be stopped with an order.

- (6) A person referred to in the first paragraph of the previous Article of this Act shall become an applicant on the day of submission of a complete subsequent application.

#### Article 58

##### (Procedures at the airports and harbors)

- (1) If an alien expresses intent to submit application when being in the transit zone at the airport or on board of a ship anchored in the port or harbour, the application shall be taken by the responsible authority, which shall decide upon it in the shortest time possible. Until a final decision in an accelerated procedure is issued or until a decision in the context of the Dublin procedure, the procedure of the national or the European safe third country and the first country of asylum becomes final, the person shall remain in the area mentioned.

If the applicant is being decided upon in a regular procedure, the applicant shall be, after sanitary and preventive health examination, accommodated in the Asylum Home.

- (2) The persons referred to in the previous paragraph shall be granted the procedural guarantees stipulated in Article 8 of this Law.
- (3) All further procedural acts by order of this Law shall be performed within the areas referred to in the first paragraph of this Article.
- (4) The Minister shall define the conditions and manner of accommodation in the transit zone at the airport or the port with an executive regulation.

#### Article 59

##### (Dublin procedure)

The responsible authority may, until handing over to the responsible state, accommodate him in accordance with second, third and fourth paragraph of the article 51 of this Act if:

- in case he is in possession of a visa or residence permission of another member state, which is considered as a reason for determination of the responsible member

- state in accordance with Regulation 2003/343/EC, or
- in case that there is an evidence or an indirect circumstances from the Regulation 2003/343/EC, including data from the Chapter III of the Regulation 2725/2000/EC, on the basis of which it can be determined that the applicant has upon his arrival from the third country illegally crossed the border of the member state, or
- on the day of receiving a positive fingerprint match in the Eurodac database in accordance with the Regulation 2000/2725/EC, or
- when he had received an order stipulating that the Republic of Slovenia will not consider his application in accordance with the regulation 2003/343/EC.

(1) Accommodation, as defined in previous paragraph, does not mean taking over the responsibilities for being responsible for this application in accordance with Regulation 2003/343/EC.

(2) A withdrawal of application during the course of the Dublin procedure is not considered as a statement on the withdrawal of application as specified in the first subparagraph of Para 1 of Article 50 of this Law and does not affect the execution of the order in accordance with the Regulation 2003/343/ES.

## CHAPTER VII

### THE CONCEPT OF SAFE COUNTRIES AND OTHER INSTITUTES

#### Article 60

(National concept of the safe third country)

A safe third country shall be a country where the applicant stayed prior to his arrival to the Republic of Slovenia and which is therefore competent for a substantial examination of the application.

#### Article 61

(Criteria for establishing a safe third country)

- (1) A country shall be declared a safe third country when meeting the following criteria:
- Life and liberty are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;
  - The principle of non-refoulement in accordance with the Geneva Convention is respected;

- The prohibition of removal, in violation of the right to freedom from torture and cruel, inhuman or degrading treatment as laid down in international law, is respected; and
  - The possibility exists to request refugee status and, if found to be a refugee, to receive protection in accordance with the Geneva Convention.
- (2) A safe third country shall be defined by the government on grounds of criteria set in the previous paragraph.
- (3) The Government of the Republic of Slovenia shall inform the European Commission on designating a certain country as a safe third country.

#### Article 62

##### (Concept of a European safe third country)

- (1) A European safe third country shall be a country where the applicant stayed prior to his arrival to the Republic of Slovenia and which is therefore competent for examining his application on merits.
- (2) The condition for commencing a procedure according to this concept shall be the applicant's attempt to make an illegal entrance or applicant's actual illegal entrance to the territory of the Republic of Slovenia from a European safe third country.
- (3) The responsible authorities shall apply the concept of the European safe third country in accordance with the decision of the EU Council in line with the Article 36 of the Directive 2005/85/EC; which publishes a common list of safe third countries.

#### Article 63

##### (Procedure)

- (1) In procedures according to Articles 60 and 62 of this Law, the relevant authority shall reject the application of an alien who is arriving from a safe third country with an order.
- 2) Throughout the procedure, the applicant may object that the country of concern is a safe country for the applicant.

#### Article 64

(Informing the bodies of the safe third country)

- (1) In the procedures of the concepts of the European and the national of a safe third country, stipulated in Articles 60 and 62 of this Law, the responsible authority shall provide the applicant with a document, by which it informed the safe third country that his application in the procedure for international protection has not been examined on merits. The notification shall be translated in a language of the safe third country.

#### Article 65

(Safe country of origin concept)

- (1) The responsible authority shall apply the concept of a safe country of origin according to the decision of the Council on grounds of Article 29 of the Directive 2005/85/EC, which adopts a minimum common list of safe countries of origin.
- (2) The Republic of Slovenia may request from the European Commission to submit a proposal to the EU Council for removing a certain country from the minimum common list of safe countries of origin and shall notify the Council on this. The Republic of Slovenia shall not apply the concept of a safe country of origin to the country it proposed to remove from the list, until the Council reaches a final decision or for the maximum period of three months from the Council's notification.
- (3) On grounds of criteria stipulated in Article 30 of the Directive 2005/85/EC, the Government of the Republic of Slovenia may create an additional list of safe countries of origin. On that it shall notify the European Commission.

#### Article 66

(Conditions)

The conditions for applying the concept of the safe country of origin shall be as follows:

- The applicant has the nationality of that country or he is a stateless person who has previously had a permanent residence in that country;

- The applicant has not presented any serious grounds for not considering the country as a safe country of origin in his particular circumstances.

Article 67

(Concept of the first country of asylum)

(1) A first country of asylum is a country where:

- The applicant has been granted refugee status that is still valid; or
- The refugee enjoys actual protection in, including benefiting from the principle of non-refoulement.

(2) The condition for the application of this concept is that the applicant is being re-admitted to that country.

(3) In applying the concept of the first country of asylum, the responsible authority acts according to the Article 63 of this Law.

Article 68

(Internal protection)

Internal protection shall mean protection in a part of the applicant's country of origin or in case of a stateless person in a part of the applicant's country of former habitual residence where there is no well-founded fear of persecution and no real risk of suffering serious harm, and the applicant can reasonably be expected to stay in that part of the country. In examination, general circumstances prevailing in this part of the state and asylum applicant's personal circumstances shall be considered.

Article 69

(Refugees sur place)

(1) A well-founded fear from persecution or a real risk of suffering serious harm may be based on events and activities which have taken place or to which the applicant participated after he left the country of origin. This shall be considered particularly

where it is established that these activities constitute the expression and continuation of convictions or orientations held by the applicant in the country of origin.

- (2) If the applicant performed the activities since his departure from the country of origin with a sole purpose of creating the circumstances needed to be recognized international protection according to this Law, with the aim of contributing to an assessment that upon his return to the country of origin the applicant would be subject to persecution and serious harm, he shall not be granted international protection.

## CHAPTER VIII

### THIRD COUNTRY NATIONALS AND STATELESS PERSONS WHO MEET THE CRITERIA FOR RECOGNITION OF REFUGEE STATUS AND ARE ADMITTED TO THE REPUBLIC OF SLOVENIA ON GROUNDS OF AN ANNUAL QUOTA

#### Article 70

##### (Definition of annual quota)

- (1) Refugee status may be granted to third country nationals and stateless persons who are admitted to the Republic of Slovenia on grounds of annual quota.
- (2) The annual quota of persons who may be recognized refugee status on grounds of previous paragraph shall be defined by the Government of the Republic of Slovenia upon a proposal of the Ministry.
- (3) Upon preparation of the proposal referred to in the previous paragraph of this Article, the Ministry shall take into consideration world migration trends, crisis areas in the world, integration capacities of the Republic of Slovenia and other important circumstances.
- (4) The Minister shall prepare conditions and modes regarding implementation of procedures regarding international protection for third country national, who fulfill obligations for recognition of refugee status and are admitted to the Republic of Slovenia on grounds of quota.

#### Article 71

##### (Criteria)



Based on annual quota, persons referred to in the previous Article of this Law may be granted refugee status, when:

- They are in a country where they are protected from persecution, while the living conditions there are inappropriate for the integration of refugees, and
- They meet the criteria for recognition of refugee status according to this Law.

Article 72  
(Procedure)

(1) The responsible authority shall conduct an examination of conditions set out in the previous Article of this Law in the country referred to in the second sub-paragraph of previous Article of this Law.

(2) The responsible authority shall decide on the recognition of refugee status on grounds of the criteria set out in this chapter. In deciding, a report shall be taken into consideration prepared for each individual by a public official of the responsible authority or UNHCR in the country referred to in the first sub-paragraph of the previous Article of this Law. The report shall contain:

- An opinion on the conditions for integration of refugees in the country referred to in the first sub-paragraph of previous Article of this Law, and
- An opinion on meeting the criteria for recognizing refugee status according to this Law, where full documentation on the case should also be enclosed.

Article 73  
(Entry to the country)

(1) On grounds of their recognized refugee status, the Republic of Slovenia organizes the arrival of refugees from the country referred to in the second sub-paragraph of Article 71 of this Law.

(2) Before entering to the Republic of Slovenia, refugees are medically screened.

CHAPTER IX  
PROCEDURE OF JUDICIAL PROTECTION

Article 74  
(Judicial protection)

- (1) Against a decision made by the first instance, an appeal with the Administrative Court may be lodged.
- (2) 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 3 days following the service of the decision.
- (3) An appeal against any order issued in line with this Law, except from the paragraph 4 of Article 57 of this Law, may be submitted within 3 days following the service of the order
- (4) An appeal against a decision on the rejection of the application holds the execution.
- (5) Against the decisions issued by the Administrative Court, an appeal may be submitted to the Supreme Court.

Article 75  
(Rules of the procedure)

- (1) The Administrative Court shall decide on the appeal against a decision taken in a regular procedure within 30 days, or against a decision taken in the accelerated procedure within 7 days after the submission of the appeal.
- (2) The Administrative Court has to decide on the appeal against an order issued in accordance with this Law within 7 days, unless stipulated differently with this Law.
- (3) The Supreme Court shall decide on the appeal within 15 days upon its submission.
- (4) In view of the implementation of the procedure of judicial protection according to this Law, a Law relating to administrative dispute is applied, unless specified differently in this Law.

Article 76  
(Obligation to leave the Republic of Slovenia)

- (1) If a person does not leave the Republic of Slovenia immediately or within the set time-frame after the decision's executability, he shall be removed from the country in line with the Law relating to aliens.
- (2) The Police shall inform the responsible authority in a timely manner on the removal of persons included in the procedures according to this Law from the Republic of Slovenia.

Article 77  
(Constitutional Complaint)

A constitutional complaint may be submitted within 15 days from the service of an individual act.

CHAPTER X  
RIGHTS AND OBLIGATIONS OF APPLICANTS FOR INTERNATIONAL  
PROTECTION

Article 78  
(Rights of applicants)

- (1) The applicant shall have the right to:
  - Reside in the Republic of Slovenia;
  - Follow the procedure in a language he understands;
  - Obtain information;
  - Basic care in the case of accommodation in the Asylum Home;
  - Financial assistance in the case of private accommodation;
  - Free legal aid in procedures before the Administrative and the Supreme Court until a decision becomes final;
  - Health care;
  - Schooling and education;
  - Work and employment;
  - Humanitarian assistance.
- (2) An applicant shall become eligible for the rights stated in the previous paragraph with lodging a complete application and shall remain eligible until the execution of the decision of the responsible authority or at most until the decision becomes final.

- (3) The Minister responsible for internal affairs, in co-operation with the Ministers competent for health, work, family and social affairs and education and sport, defines more detailed criteria and ways of ensuring the rights set out in the previous paragraph and Article 15 of this Act.

Article 79

(Right to basic care)

The right to basic care shall entail:

- Accommodation
- Food
- Clothing and footwear
- Personal hygiene necessities

Article 80

(Asylum Home and accommodation at the Asylum Home)

- (1) The Asylum Home shall be designated for the accommodation of applicants. The Asylum Home is established by the Ministry, which may, on the basis of a public invitation for tenders, transfer the management of the activities and accommodation in the Asylum Home to a selected association, institution, or other non-profit legal entity active in the field of accommodation of applicants.
- (2) Applicants residing at the Asylum Home shall respect the house rules issued by the Minister.
- (3) Applicants shall be accommodated in the Asylum Home or its branches where basic care shall be provided.
- (4) Costs for accommodation from the previous paragraph are covered by the Ministry.
- (5) Asylum applicants who can rely on their own financial resources or whose living expenses are provided for in some different way shall bear their expenses or contribute a proportionate share of funds for covering their cost for accommodation in the Asylum Home or its branches. The criteria and the manner of determining whether the applicant

has sufficient means shall be set out in the executive regulation referred to in paragraph 3 of Article 78 of this Law.

- (6) If the responsible authority establishes that at the time of accommodation to the Asylum Home the applicant possessed or has later acquired sufficient financial resources for a living, with which he could thus cover the costs of stay at the Asylum Home, the authority may require from the applicant to reimburse the costs.

#### Article 81

(Asylum Home's branches)

- (1) With the aim to ensure proportionate dispersion of applicants in the territory of the Republic of Slovenia, Asylum Home branches for accommodation of applicants shall be established.
- (2) The Government of the Republic of Slovenia shall determine the number, criteria and conditions for the establishment of the Asylum Home's branches by taking into account the probability of their establishment within individual local communities.

#### Article 82

(Assistance with maintenance activities at the Asylum Home)

- (1) At the Asylum Home, an applicant may assist with activities relating to maintenance. For adequately performed work he shall receive remuneration in accordance with the tariff of the Ministry.
- (2) The type of tasks is defined in the regulation from the third paragraph of Article 78 of this Law.

#### Article 83

(Accommodation outside Asylum Home)

- (1) After his application was taken, the competent authority may in exceptional cases accommodate an applicant outside the Asylum Home if accommodation cannot be provided at the Asylum Home or its branches;

- (2) The competent authority may allow the applicant to accommodate at a private address if the following conditions are fulfilled:
- Accommodation at the Asylum Home or its branches cannot be provided
  - Personal interview with the applicant has already been performed.
- (3) Regardless of the conditions stated in the previous paragraph, the responsible authority may approve the applicant's accommodation at a private address, if the authority establishes substantiated medical or other reasons supporting that. Whether the reasons are substantiated or not shall be established by a commission, appointed by the Minister.
- (4) Asylum applicants accommodated in accordance with the second and the third paragraph of this Article that have no income or whose accommodation and care are not provided free of charge, shall obtain financial assistance in the amount set by the regulation from the third paragraph of Article 78 of this Law.
- (5) The landlord shall immediately inform the competent authority about the arbitrary departure of the applicant accommodated at the private address.
- (7) In case of extraordinary circumstances, the Government of the Republic of Slovenia may issue an order defining the manner and criteria of accommodation and care of the applicants.

Article 84  
(Health care)

- (1) The extent of health care services shall include the right to:
1. Emergency medical care, emergency ambulance transportation upon a doctor's decision, and emergency dental care;
  2. Essential treatment according to the decision by the physician responsible for treatment, which shall consist of:
    - The preservation of vital functions, stopping serious bleeding or preventing fatal bleeding;
    - The prevention of a sudden deterioration of health that could cause permanent damage to individual organs or vital functions;
    - Treatment of shock;

- Services relating to chronic diseases and states of illness the abandonment of which could directly and imminently result in disability and other permanent health defects and in death;
  - Treatment of states of fever and prevention of the spread of an infection that could lead to a septic state;
  - Treatment and prevention of poisoning;
  - Treatment of bone fractures, sprains and other injuries requiring emergency medical assistance;
  - Medications included in the positive list in accordance with a list of exchangeable medications' substitutes issued on the basis of a prescription for treatment of the states specified above;
  - Medical care for women: contraceptives, abortion and medical care during pregnancy and at giving birth.
- (2) A vulnerable person with special needs and exceptionally some other applicant shall have the right to additional medical services, approved and defined by the commission referred to in the third paragraph of the previous Article of this Law.
- (3) In view of the protection of public health in the Republic of Slovenia, medical screening of applicants may be required.

#### Article 85

##### (Employment and work of applicants)

- (1) An applicant may work if his identity is indisputably established. He may start working one year after lodging the application, if in this period of time the relevant authority did not yet take a decision and this delay cannot be attributed to the applicant.
- (2) The asylum applicant shall acquire a work permit in line with the established regulations in the field of the employment and work of aliens.
- (3) The asylum applicant may obtain a work permit for the period of three months with a possibility of its extension or cessation in case of finality of his asylum procedure.
- (4) The applicant may be given access to vocational training, in accordance with paragraph 3 of Article 78 of this Law.

#### Article 86

##### (Schooling and education)

- (1) In accordance with the regulations setting out the obligatory primary education, the applicants are granted the right to primary education.
- (2) The applicant is enabled access to education at the vocational and secondary schools under the same criteria that apply to citizens of the Republic of Slovenia.

#### Article 87

##### (Humanitarian assistance)

Humanitarian assistance provided mostly by the non-governmental, intergovernmental and governmental organizations active in the humanitarian field of work, entails mostly the provision of material, cultural and psychosocial assistance, organized babysitting services, education of children, youth and adults and other forms of assistance to the applicants.

#### Article 88

##### (Obligations of an applicant)

The applicant shall:

- Conform with the Laws and other regulations in force in the Republic of Slovenia,
- Always be within reach of the responsible authorities, respond to the summonses of responsible authority and comply with its measures;
- Immediately submit all evidence relevant for the processing of his application to the public official
- Co-operate in establishment of his identity
- Allow the public official to perform screening of the applicant and the objects in his possession upon his entrance to the Asylum Home or its branch
- Allow the public official to take his photograph, fingerprints and, upon previous notice, to record his oral statements presented in the course of the procedure.
- Substantiate his application in the shortest time possible and present the true circumstances and facts supporting the application.
- Present a convincing and credible explanation of the reasons supporting the application, in particular when there is no other evidence available.



## CHAPTER XI

### RIGHTS AND OBLIGATIONS OF PERSONS WITH INTERNATIONAL PROTECTION

#### Article 89

##### (Rights of refugees)

(1) A refugee shall have the right to:

- Information on the status, rights and obligations of persons with international protection in the Republic of Slovenia
- Permanent residence in the Republic of Slovenia;
- Accommodation in the accommodation capacities of the Ministry
- Financial assistance for private accommodation;
- Health care;
- Social care
- Schooling and education;
- Employment and work
- Assistance with integration;

(2) The Government of the Republic of Slovenia shall adopt a regulation defining the manner and criteria of eligibility for the rights stated in the previous paragraph.

#### Article 90

##### (Provision of information)

(1) In the Slovene language and in a language the refugee can understand, the Ministry shall provide a refugee with information necessary for facilitation of his integration, particularly in the field of accommodation, financial assistance, social and health care, education, employment and free legal assistance.

#### Article 91

(Permanent residence in the Republic of Slovenia)

A decision according to which the applicant is recognized refugee status shall be considered as a permanent residence permit in the Republic of Slovenia from the day the decision has been served.

Article 92

(Accommodation in the accommodation facilities of the Ministry)

- (1) From day of service of the decision on the recognition of refugee status, a refugee shall be accommodated in an integration house or in other accommodation facilities of the Ministry, for a maximum period of one year, unless the refugee has obtained private accommodation. In such case, he covers the costs.
- (2) A refugee shall be accommodated in an Integration House or other accommodation capacities of the Ministry for a maximum period of one year upon obtaining the status of refugee, unless the refugee has obtained private accommodation.
- (3) In case of family reunification on the basis of this Act, the procedure of accommodating of family members shall start upon the day of arrival of family members. Due to family unity, a refugee who exercised his right to family reunification shall be accommodated together with the family.
- (4) If a refugee, who has exercised a right to family reunification in accordance with this Act, later on again exercises this right for other family members, these family members are entitled to accommodation only until a right to family reunification from the previous paragraph of this Article expires.
- (2) The Integration House shall be established by the Ministry, which can, on the basis of a public invitation for tenders, authorize a selected association, institution, or other non-profit legal entity, for managing the activities and accommodation in the Integration House.
- (3) Organization of the accommodation of refugees at the Integration House or other accommodation facility of the Ministry shall be defined by house regulations, issued by the Minister.

## Article 93

### (Financial assistance for private accommodation)

(1) A refugee accommodated in private accommodation after expiry of accommodation in the integration house or other accommodation facilities of the Ministry, who does not have any means for living or his living expenditures are not guaranteed to him in any other manner, shall be eligible for financial assistance for private accommodation for a maximum period of two years after expiry of accommodation in the integration house or other accommodation facilities of the Ministry. The Ministry provides the financial means.

(2) A refugee who in the first year after being granted refugee status did not exercise a right to accommodation in the integration house or other accommodation facilities of the Ministry, and was accommodated in private accommodation, is not eligible for financial assistance for private accommodation.

(1) A refugee who was as an unaccompanied minor accommodated in a special centre for accommodation of minors or in other facility, suitable for minors, and has become an adult during his accommodation, is eligible for financial assistance for private accommodation in the following two years after completion of his accommodation in these centres.

(2) In case that the Ministry cannot provide accommodation in the integration house or other accommodation facilities of the Ministry, a refugee is eligible for financial assistance for private accommodation for a maximum period of three years after granting him refugee status, and family members from the time of their arrival.

(3) The procedure, the amount and the manner of determination and provision of financial assistance for private accommodation are defined in the regulation referred to in the second paragraph of Article 89 of this Law.

## Article 94

### (Health care of refugees)

(1) Refugees are entitled to health care under the same conditions as the nationals of the Republic of Slovenia.

(2) Refugees with special needs e.g.: pregnant women, disabled people, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence or minors who have been victims of any form of abuse, neglect, exploitation,

torture, cruel, inhuman and degrading treatment or who have suffered from armed conflict shall be granted adequate health care under the same criteria as the nationals of the Republic of Slovenia.

- (3) If a refugee has no financial means of his own or his living is not provided for in any other way, the costs of the additional health security shall be covered by the Ministry.

#### Article 95

(Social care of refugees)

In exercising the social care rights, refugees shall be treated equally as nationals of the Republic of Slovenia.

#### Article 96

(Separated child with a refugee status)

- (1) In working with separated children with refugee status, one shall:
  - Consider the principle of the best interest for the child;
  - Begin with the procedure of tracking down the child's parents or other relatives as soon as possible;
  - Appoint a legal representative immediately after the recognition of international protection.
- (2) A decision on the appointment of a legal representative is issued by a local Center for Social Work. As a legal representative a relative or a separated child's companion or a representative of the organization specialized in working with children may be appointed.
- (3) A separated child with refugee status shall be accommodated together with adult relatives, foster family or in special centers for accommodation of children or in another form of accommodation suitable for children.
- (4) As far as possible, siblings shall be provided with a joint care and accommodation, taking into account in particular their age and degree of maturity.

(5) The public officials working with separated children shall be adequately qualified.

#### Article 97

##### (Schooling and education of refugees)

- (1) Refugee minors have equal rights in the field of elementary and secondary school education as nationals of the Republic of Slovenia.
- (2) Adult refugees are granted equal access to the general education system and under the same conditions as aliens legally residing in the Republic of Slovenia.
- (3) The costs relating to nostrification of foreign diplomas, certificates and other evidence of formal qualifications of refugees shall be covered by the Ministry.

#### Article 98

##### (Employment and work of refugees)

- (1) Refugees exercise the rights in the field of employment and work according to the regulations relating to employment and work of aliens.
- (2) Refugees exercise the rights deriving from an unemployment status in accordance with the regulations related to employment and insurance for the case of unemployment.

#### Article 99

##### (Assistance with integration)

A refugee is provided assistance with integration for a maximum period of three years from the day of recognition of refugee status in the Republic of Slovenia. The assistance consists mostly of the following:

- Preparation and implementation of a personal integration plan;
- Organization of Slovene language classes;

- Organization of classes of familiarizing with the Slovene history, culture and constitutional system of the Republic of Slovenia.

#### Article 100

##### (Obligations of a refugee)

- (1) A refugee shall comply with the constitutional order, Laws, regulations and other general legal acts of the Republic of Slovenia and measures of the state bodies.
- (2) A refugee is obliged to notify the authority responsible for integration on all changes that affect the exercise of his rights and fulfilling of obligations, particularly on:
  - Financial social assistance, income and estate;
  - Taking the Slovene language exam;
  - Successfulness in education at all stages of schooling;
  - Employment
  - Change of address of residence
  - Change of name
  - Change of marital status
  - Admission to the nationality of the Republic of Slovenia.
- (3) A refugee shall report on the new facts and circumstances or changes from the previous paragraph within eight days from the day of their occurrence or the day the refugee was informed about them.

#### Article 101

##### (Rights of a person with subsidiary protection)

A person with subsidiary protection shall have equal rights and obligations as a refugee, with an exception of the right set out in the second sub-paragraph of the first paragraph of Article 89 of this Law.

#### Article 102

##### (Temporary residence in the Republic of Slovenia)

- (1) A decision with which the applicant was recognized subsidiary protection in the Republic of Slovenia shall function as a temporary residence permit in the Republic of Slovenia from the day of its service and for the period of three years.
- (2) In case the person's subsidiary protection status was prolonged, the decision on the prolongation shall function as a temporary residence permit for a period of two years.

#### Article 103

##### (Obligations of a person with subsidiary protection)

A person with subsidiary protection shall have equal obligations as a refugee.

#### Article 104

##### (Return to the country of origin)

- (1) The Ministry shall provide assistance with return to those refugees or persons under subsidiary protection who wish to return to their homes.
- (2) Applicants, refugees or persons under subsidiary protection who opt for return to their county of origin shall be eligible for the rights and obligations as set in this Act until the day of their departure from the country.
- (3) If an applicant, a refugee or a person under subsidiary protection does not have any own financial means, the Ministry covers costs of the return.

### CHAPTER XII

#### PROCEDURE FOR PROLONGATION AND REJECTION OF PROLONGATION OF SUBSIDIARY PROTECTION

- (1) 45 days prior to cessation of his status, the Ministry shall send the person who was recognized subsidiary protection a written notification and a form for prolongation of subsidiary protection in the Republic of Slovenia.

- (2) The form referred to in the previous paragraph shall be defined with the executive regulation stipulated in the second sub-paragraph of Article 89 of this Law.
- (3) If the person from the first paragraph shall wish to prolong the subsidiary protection, he shall have to return a completed form to the responsible authority prior to cessation of this status.
- (4) The completed form, received by the responsible authority shall be considered as application for prolongation of subsidiary protection.

#### Article 106

##### (Procedure)

- (1) In the procedure, the responsible authority shall conduct a personal interview with the person from the previous Article in order to examine the existence of reasons for renewal of subsidiary protection.
- (2) If reasons for renewal exist, the responsible authority shall issue a decision renewing the subsidiary protection to the person from the previous paragraph for two years. The period of uninterrupted legal stay in the Republic of Slovenia shall include also the time before the decision on the renewal of subsidiary protection was issued.
- (3) If the person does not meet the criteria for a renewal, the responsible authority shall issue a decision rejecting the application for the renewal of subsidiary protection.
- (4) Until the decision is final, the person from previous article shall be eligible for the rights stipulated in Article 101 of this Law.
- (5) Against a decision referred to in the second and third paragraph of this Article an appeal may be lodged within 15 days from the service. The Administrative Court has to decide on the appeal within 30 days from its service.

### CHAPTER XIII

#### PROCEDURES OF CESSATION AND WITHDRAWAL OF INTERNATIONAL PROTECTION

#### Article 107



(Cessation)

In case of the first, second, third and fourth sub-paragraph of Para 1 of Article 4 of this Law, the responsible authority issues a decision for cessation of refugee status. Against this decision, an appeal may be submitted with the Administrative Court.

Article 108

(Withdrawal)

In cases of Para 1 and 4 of Article 6 of this Law, the international protection is withdrawn.

Article 109

(Beginning of the withdrawal procedure)

The responsible authority may start the withdrawal procedure at any time. The authority shall inform the person with international protection on the reconsideration of the person's eligibility for international protection by means of a written notification. In this notification also reasons for the introduction of this procedure shall be stated.

Article 110

(Withdrawal procedure)

- (1) Prior to taking a decision, the responsible authority shall perform a personal interview with a person in the procedure for withdrawing his international protection, where the person shall be given the opportunity to state the reasons why the international protection should not be withdrawn. In performing a personal interview, provisions of Article 8 of this Law shall be reasonably applied.
- (2) If the international protection is withdrawn due to reason from the fifth and sixth sub-paragraph of Para 1 and 2 of Article 4 of this Law, the responsible authority shall obtain up-to-date information stipulated in sub-paragraphs 8 and 9 of Article 23 of this Law.

- (3) the responsible authority shall not obtain information from the alleged actors referred to in Article 24 of this Law in a manner that would result in the actor(s) being directly informed of the fact that the person concerned has been recognized international protection in the Republic of Slovenia, which would jeopardize the physical integrity of the person and his dependants, or the liberty and security of his family members still living in the country of origin.

#### Article 111

(Decision for withdrawal)

- (1) A responsible authority issues a decision on the withdrawal of the international protection, against which an application may be submitted with the Administrative Court.
- (2) When the decision on the withdrawal of the international protection becomes final, the person is no longer eligible for the rights stipulated in Chapter IX and is also deprived of all documentation the person obtained on grounds of his status.

### CHAPTER XIV

#### DOCUMENTS

#### Article 112

(Identification card of the applicant)

- (1) The applicant's identification card shall function as an identification document and as a temporary residence permit in the Republic of Slovenia.
- (2) The applicant shall be issued the identification card from the previous paragraph within three days after the submission of his application the latest.
- (3) The identification card shall be issued with a validity of maximum 60 days, with a possibility of its renewal.

### Article 113

#### (Identification card of a refugee)

- (1) The refugee's identification card shall function as an identification document which enables the exercise of rights according to this Law.
- (2) The refugee identification card shall be issued with a validity of five years.
- (3) The refugee shall report immediately or the latest within three days from its missing, the disappearance, loss or theft of his refugee identification card to the responsible authority that issued it and shall submit a statement on the circumstances of its disappearance.
- (4) If in a period of three years, a refugee shall lose or alienate two or more identification cards, the new card issued to him shall have a validity of one year, unless the refugee shall prove that he handled the card with due diligence.

### Article 114

#### (Identification card of a person with subsidiary protection)

- (1) The identification card on subsidiary protection shall function as a document confirming the subsidiary protection status and shall enable the exercise of rights according to this Law.
- (2) The identification card on subsidiary protection shall be issued with a validity set until the date specified in the decision on the recognition of subsidiary protection.
- (3) A person under subsidiary protection shall report immediately or the latest within three days from its missing, the disappearance, loss or theft of his refugee identification card to the responsible authority that issued it and shall submit a statement on the circumstances of its disappearance.

- (4) If in the period of three years [a person under subsidiary protection] shall lose or alienate two or more identification cards, a new card issued to him shall have the validity of six months, unless [the person] shall prove that he handled the card with due diligence.

Article 115  
(Refugee passport)

- (1) A refugee shall be issued a passport upon submission of an application in compliance with Law regulating acquisition of passports by citizens of the Republic of Slovenia, unless otherwise specified by this Law.
- (2) A refugee of 18 years of age or more, or who has obtained contractual capacity shall submit an application personally. On behalf of a refugee under 18 years of age, or who is partly or fully deprived of his contractual capacity, an application for a passport shall be submitted by the legal representative.
- (3) An authority competent for issuing passports shall issue a certificate to the applicant on receiving his application.
- (4) A refugee passport shall be valid for a period no longer than one year.
- (5) After its expiration, a refugee passport referred to in the previous paragraph may be renewed upon the refugee's application.
- (6) Passport is prolonged for the period not longer than one year.
- (7) A refugee is exempt from covering the costs and taxes for the issuance and renewal of a refugee passport, if he does not have the resources for that.
- (8) The provision of the previous paragraph shall not apply when in the period of 2 years a refugee has lost or alienated two or more passports, unless he can prove that he acted with due diligence and reported the alienation to the Police.
- (9) After a cessation or withdrawal of refugee status, a refugee shall deliver the passport to the Ministry.

Article 116

(Passport for persons with subsidiary protection)

- (1) A person with subsidiary protection shall use his national passport.
- (2) If the person from the previous paragraph is unable to obtain a national passport and humanitarian reasons exist, which require his presence in another State, the person shall be issued a passport of an alien in line with the Law relating to aliens, unless compelling reasons of national security or public order require otherwise.

Article 117

(Form and content of documents)

- (1) The manner, form and content of the applicant's identification card are defined in the executive regulation from Para 3 of Article 78 of this Law.
- (2) The manner, form and content of the refugee identification card and the identification card on subsidiary protection are defined in the executive regulation from second paragraph of Article 89 of this Law.

CHAPTER XV

(RECORDS)

Article 118

(Types of records)

With the aim of obtaining data necessary for performance of duties set out in this Law, records shall be made and kept on the following:

- Applications lodged;
- Children-applicants unaccompanied by their parents;
- Applicants accommodated in the Asylum Home or its branches;
- Applications and decision of the Commission;

- Applicants residing out of Asylum Home;
- Persons who have been recognized refugee status;
- Persons who have been recognized refugee status on grounds of the annual quota;
- Persons who have been recognized subsidiary protection;
- Persons whose application was rejected in an accelerated procedure;
- Persons whose application was rejected in a regular procedure;
- Persons whose application was rejected on grounds of Para 3 Article 42 of this Law;
- Persons whose application was dismissed on grounds of Article 60 of this Law;
- Persons whose application was dismissed on grounds of Article 62 of this Law;
- Persons whose application was dismissed on grounds of Article 67 of this Law;
- Persons whose application was dismissed on any other grounds;
- Orders issued according to Article 59 of this law;
- Persons, whose asylum procedure was stopped;
- Subsequent applications;
- Requests for the introduction of a subsequent procedure,
- Dismissed requests for subsequent procedure;
- Requests for renewal of the subsidiary protection status;
- Rejected requests for renewal of the subsidiary protection status;
- Withdrawn requests for renewal of the subsidiary protection status;
- Dismissed requests for renewal of the subsidiary protection status;
- Renewed statuses of subsidiary protection;
- Cessation of refugee status;
- Withdrawal of refugee status;
- Withdrawal of subsidiary protection;
- Requests for family reunification;
- Rejected requests for family reunification;
- Approved cases of family reunification;
- Issued asylum seeker's identification cards;
- Issued refugee identification cards;
- Issued refugee passports;
- Issued identification cards on subsidiary protection.

#### Article 119

(Data for submission of an application)

(1) The application shall be submitted on a form prescribed in the executive regulation referred to in Article 43 of this Law.

(2) Persons from sub-paragraph 6 of Para 1 of Article 3 of this Law shall include in their application to a responsible authority the following data:

- Name;
- Other names or nicknames;
- Date of birth (day, month, year);
- Gender,
- Place of birth (country, city, place),
- Citizenship,
- Marital status,
- Last permanent address (country, city, place)
- Nationality,
- Ethnic group or tribe,
- Religion,
- Language,
- Date of departure from the country of origin (day, month, year),
- Countries where he stayed after leaving the country of origin,
- Date of entry in the Republic of Slovenia (day, month, year),
- Point of entry,
- Mode of entry,
- Identification documents (type of document, serial number, issuing date and place),
- Education and profession,
- Military service,
- Membership in a political party or organisation,
- Previous asylum applications in the Republic of Slovenia,
- Asylum applications in other countries,
- Criminal records,
- Special needs or concerns,
- Information on family in case of separated children,
- Close family members accompanying the asylum seeker,
- Other relatives, accompanying the asylum seeker,
- Other relatives already residing in the Republic of Slovenia,
- Close family members staying in the country of origin,
- Family members living outside the country of origin,
- Applicant's statement/declaration.

- (3) The responsible authority ex officio provides the applicant with the 'PIN' (Personal Identity Number/ 'EMŠO') number.

#### Article 120

(Information on persons with international protection)

For the purpose of implementation of this Law, the Ministry collects and processes the following information on the persons under international protection:

- Name;
- Name, nationality, date and place of birth of the legal representative;
- Name, nationality, date and place of birth of the guardian;
- Date and place of birth;
- Maiden name;
- Gender;
- Married, unmarried or other form of a partner relationship regulated with the law;
- Nationality;
- Membership of nation, if the refugee or a person under subsidiary protection consents to that in writing;
- Religion, if the refugee or a person under subsidiary protection consents to that in writing;
- Address of permanent residence in the Republic of Slovenia;
- Address of temporary residence in the Republic of Slovenia;
- Education and profession, if the refugee or a person under subsidiary protection consents to that in writing;
- Number, date of issuance and type of identification document;
- Number and date of issuance of the passport of a refugee or a person with subsidiary protection;
- Names and addresses of permanent or temporary residence of family members in the Republic of Slovenia;
- Information on health condition, if the refugee or a person under subsidiary protection consents to that in writing;
- Information on schooling, education and proficiency obtained in the Republic of Slovenia;
- Information on employment, income and estate;
- Information on integration measures performed.



## Article 112

### (Information on integration measures)

Records from sub-paragraph 20 of previous Article of this Law include the information on:

- Preparation and execution of a personal integration plan;
- Attendance of the Slovene language courses;
- Attendance of the course of familiarizing with the culture, history and constitutional system of the Republic of Slovenia;
- Inclusion in the social security system;
- Inclusion in the system of health care.

## Article 122

### (Collection of data)

The Ministry collects the information from Articles 119, 120 and 121 of this Law directly from the applicants, refugees and persons with subsidiary protection or other persons or from the already existing data bases.

## Article 123

### (Data required for the issuance of the applicant's identification card)

For the issuance of applicant's identification card, data from the first, third, fourth, fifth, sixth sub-paragraph of Para 2 of Article 119 of this Law, as well as the data on the address of his residence in Slovenia and the personal identity number (PIN) is used.

## Article 124

### (Data required for issuance the identification card of a refugee)

For the issuance of the refugee identification card, data from sub-paragraphs 1, 4, 6, and 11 of Article 120 of this Law, as well as the personal identity number (Pin) is used.

## Article 125

(Data required for the issuance the identification card on subsidiary protection)

For the issuance of the refugee [- flaw in the original] identification card, data from sub-paragraphs 1, 4, 6, and 12 of Article 120 of this Law, as well as the personal identity number (PIN) are used.

## Article 126

(Data required for the issuance of the refugee passport)

For the issuance of the refugee passport, data from sub-paragraphs 1, 4, 6, 8 and 11 of Article 120 of this Law are used.

## Article 127

(Information included in the records)

- (1) In processing records from Article 118 from this Law, all information from Para 2 and 3 of Article 119 is used.
- (2) All records from the first paragraph of Article 118 of this Law, with an exception of the first sub-paragraph of that Article contain also information on the residence address in the Republic of Slovenia.
- (3) The record from the third sub-paragraph of Para 1 of Article 118 of this Law contains also information on elementary education, maintenance activities referred to in Article 82, applicant's work referred to in Article 85, additional medical services stated in Article 84 and humanitarian relief.
- (4) Record from the fifth sub-paragraph of Para 1 of Article 118 of this Law contains also data on elementary education, financial assistance received, applicant's work referred to in Article 86, additional medical services from Article 84 of this Law and humanitarian relief.

## CHAPTER XVI

## PERSONAL DATA PROTECTION

### Article 128

(Collection, processing and communication of personal data)

- (1) Bodies competent for implementation of this Law shall collect personal and other general data from applicants and persons who were recognized international protection in the Republic of Slovenia to the extent necessary for performing the bodies' tasks as prescribed by this Law.
- (2) State authorities and other bodies and organizations which possess data on persons referred to in paragraph 1 of this Article shall communicate it to the authority responsible for the implementation of this Law, should the latter so request.
- (3) On grounds, stipulated in the Law, the authorities competent for its implementation shall communicate personal data, photographs and data obtained from fingerprinting of persons referred to in Para 1 of this Article, to other state bodies.
- (4) Collection, processing and communication of data from the first, second and third paragraph shall be obtained and protected in accordance with provisions regulating personal data collection. [small error in the original]
- (5) Data, collected by fingerprinting and the applicant's photographs shall be communicated to an EU member state for implementation of Regulation 2003/343/EC.

### Article 129

(Communication of data)

- (1) The responsible authority shall protect all confidential data relating to asylum that the applicant and a person who has been recognized international protection in the Republic of Slovenia submitted in the procedure stipulated in this Law from the bodies of his country of origin.
- (2) For the purpose of a removal of a person whose application has been rejected or dismissed and for whom deportation into the country of origin has been ordered, the following data may be communicated to the authorities of a foreign country:

- First and family names, birth date, sex, nationality, data on documents issued by the country of origin, and the last address in that country; and
- Fingerprints and photographs, if deemed necessary.

#### Article 130

(Data protection)

In implementing this Law, the responsible authority shall process all confidential data relating to asylum that the applicant and the person with international protection in the Republic of Slovenia submitted in the procedure stipulated in this Law in accordance with regulations relating to personal data protection.

#### Article 131

(Archives and protection of personal data as regards issuing documents)

A company or body competent for manufacturing applicant's identification cards, identification cards for refugees, identification cards on subsidiary protection and refugee passports may use personal data, set out in Articles 112, 113, 114 and 115 of this Act for the purposes of registering the data on the prescribed documents' forms and has to destroy them 30 days after use.

#### Article 132

(Archiving of records)

- (1) Records and personal information collected on grounds of Article 118 and Para 2 of Article 119 are considered as documentary material.
- (2) The documentary material from Articles 118, Para 2 of 119 and 120 of this Law shall be archived as permanent records, while the information from Article 121 shall be archived for 10 years.

## CHAPTER XVII

### TRANSITORY AND FINAL PROVISIONS

### Article 133

- (1) Health care of persons under international protection is provided by the Ministry responsible for health issues. The Ministry shall align the regulations in the field of health and health insurance with the provisions of this Law within one year after this Law enters into force.
- (2) Third paragraph of Article 94 will entry into force with the day of enforcement of regulations from the previous paragraph of this Article.
- (2) Social care of persons under international protection is provided by the Ministry responsible for social affairs, which shall align the regulations relating to social security with provisions of this Law within one year.
- (3) Family care of persons under international protection, separated children and training of persons referred to in the previous Para of this Article is ensured by the Ministry, competent for social affairs, who has to align regulations on social and family care with provision of this Law within one year.

### Article 134

- (1) Executive regulations from Para 5 of Article 13, Para 4 of Article 43, Para 3 of Article 78 and Para 2 of Article 89 and Para 4 of Article 92 of this Law shall be aligned with provision of this Law within one year after the Law enters into force.
- (2) The Instructions on the procedure and ways of dealing with aliens entering the Republic of Slovenia and wish to apply for asylum and taking, content and processing of lodged asylum applications or statements recorded (Off. G. No. 65/00), Regulations on remuneration and reimbursement of costs to the refugee counselors (Off. G. No. 74/06), Regulation on ways and conditions of ensuring the rights of asylum seekers (Off. G. No. 121/06) and Decree on rights and regulations of refugees in the Republic of Slovenia (Off. G. No. 33/04 and 129/04) shall apply from the day this Law enters into force until adoption of the regulation from Para 1 of this Article, provided that they are not contrary to the provisions of this Law.

- (2) The documentation from Articles 112, 113, 114 and 115 of this Law shall be issued within six months from the time of entry into force of executive regulations from paragraph 3 of Article 78 and Para 2 of Article 89 of this Law.
- (3) Until documents for refugees are issued, Article 59 of the Asylum Act (Off. G. No. 51/06 – official consolidating text - and the decision of the Constitutional Court of the Republic of Slovenia) shall apply.

#### Article 135

The executive regulation referred to in Article 58 of this Law shall be passed within six months after the establishment of adequate accommodation capacities at the airports or ports.

#### Article 136

- (1) Records from Chapter XV of this Law shall be created within one year after this Law's entry into force.
- (2) Records from Chapter VI. A of the Asylum Act (Off. G. No. 51/06 – official consolidated text and 134/06 – Constitutional Court decision) shall be used from the day of this Law's entry into force, provided that they are not contrary to the provisions of this Law.

#### Article 137

Organisations working on behalf of UNHCR in the Republic of Slovenia, shall inform the responsible authority of the transfer of tasks and the manner and scope of activity on behalf of UNHCR in the Republic of Slovenia within six months after this Law's entry into force.

#### Article 138

Public invitation for tenders for refugee counsellors shall be published within six months from the date of this Law's entry into force. Until a list of refugee counsellors is published

in the Official Gazette of the Republic of Slovenia, the tasks of the refugee counsellors shall be performed by the currently selected refugee counsellors.

#### Article 139

The public invitation for tenders for interpreters shall be published within six months upon this Law's entry into force. Until a list of interpreters is published in the Official Gazette of the Republic of Slovenia, interpretation shall be performed by the interpreters that have concluded contract with the responsible authority.

#### Article 140

- (1) Procedures started according to the Asylum Act (Off. G. No. 51/06 - official consolidating text - and the decision of the Constitutional Court's of the Republic of Slovenia), shall continue and stop according to this Law.
- (2) Persons with recognized subsidiary protection according to the Asylum Act (Off. G. No. 51/06 - official consolidating text - and the decision of the Constitutional Court's of the Republic of Slovenia), maintain their right of permanent residence in the Republic of Slovenia.
- (3) Conditions for accommodation on private addresses on the grounds of the Asylum Act (Official Gazette No. 51/06 – officially consolidated text and decision No. 134/06 of the Constitutional Court of the Republic of Slovenia), are revised considering the grounds and conditions laid in Article 82 of this Act. In case that persons do not fulfill defined conditions, they are accommodated in the Asylum Home or its unit.

#### Article 141

With this Law's entry into force, the Asylum Act (Off. G. No. 51/06 – official consolidated text and 134/06 decision of the Constitutional Court of the Republic of Slovenia) ceases to be in force.

#### Article 142

This Law enters into force 30 days after its publishing in the Official Gazette of the Republic of Slovenia.