

SLOVENIA

1 Arrivals

1 Total number of applications for asylum lodged, with monthly breakdown and percentage variation between years

Table 1:

Month	2003	2004	Variation +/- (%)
January	102	60	- 41,2
February	119	118	+ 0,8
March	57	130	+ 128,1
April	72	148	+ 105,5
May	89	112	+ 25,8
June	112	52	- 53,6
July	109	51	- 53,2
August	89	86	- 3,4
Sept.	100	91	- 9
October	75	107	+ 42,7
November	84	104	+ 23,8
December	58	114	+ 96,6
Total	1,066	1,173	+ 10

Source: Ministry of internal affairs

2 Breakdown according to the country of origin/nationality of applicant, with percentage variation

Table 2:

Country	2003	2004	Variation +/- (%)
Serbia and M	181	394	+ 117.7
Albania	15	195	+ 1200
Turkey	192	187	-2.6
Bosnia Herzegovina	48	109	+ 127.1
FYR Macedonia	67	65	- 3
Georgia	38	38	0
Moldova	31	31	0
Others	494	154	+220.8

Source: Ministry of internal affairs

Comments

There is no official reason given for the increase in applications, however the increase in the number of asylum seekers from Serbia and Montenegro is in our opinion due to the eruption of mass demonstrations in March 2004 leading to inter – ethnic violence and civil unrest not witnessed since 1999. After the outbreak of inter-ethnic conflict in Kosovo, many members of ethnic minorities fled Serbia and Montenegro and came to Slovenia to seek protection from persecution (See additional information in Serbia & Montenegro report). The reason for the dramatic increase in asylum seekers fleeing Albania is due to the failure of the Albanian police authorities to protect individuals from persecution due to blood feud.

3 Persons arriving under family reunification procedure

None.

4 Refugees arriving as part of a resettlement programme

None.

5 Unaccompanied minors

105 unaccompanied minors applied for asylum in 2004 according to UNHCR, Ljubljana. Nationality breakdown is not available.

2 Recognition Rates

6 The Statuses Accorded at First Instance and Appeal Stages as an Absolute Number and Percentage of Overall Decisions

Table 3:

Statuses	First instance and Appeal 2003		First instance and Appeal 2004	
	Number	%	Number	%
No status awarded	165	81,6	371	90.4
Convention status	17	8,4	19	4.6
Asylum on Humanitarian grounds	20	10	20	4.9
Total	202	100	410	99.9

Source: Ministry of internal affairs (for year 2004), UNHCR, Ljubljana (for year 2003).

Comments

Statistical data is available only in cumulative numbers for first instance and appeal. In Slovenia people who are awarded Convention Status are awarded permanent residence.

7 Refugee recognition rates (1951 Convention: as an absolute number and as a percentage of total decisions) according to country of origin, at first instance and appeal stages

Table 4:

Statuses	2003		2004	
	First instance Number	Appeal %	First instance Number	Appeal %
Serbia and Montenegro	6	1.5	0	0
Georgia	4	1	0	0
Iran	4	1	0	0
Bosnia and Herzegovina	2	0.5	0	0
Congo	1	0.25	0	0
Burundi	1	0.25	0	0
Total	19	4.6	0	0

Source: Ministry of Internal Affairs

8 Subsidiary and other status granted (as an absolute number and as a percentage of total decisions) according to country of origin, at first instance and appeal stages

Table 5:

	2003		2004			
	First instance Number	Appeal %	First instance Number	Appeal %	Number	%
Serbia and Montenegro			9		0	0
Macedonia			3		0	0
Sierra Leone			2		0	0
Russia			1		0	0
Total			17*		0	0

Source: Ministry of internal affairs

Comments

* There were 20 subsidiary statuses granted according to the www.mnz.si/si/1334.php (Ministry of internal affairs), but MNZ internal statistics recorded that only 17 statuses were granted.

3 Returns, Removals, Detention and Dismissed Claims

9 Persons returned on safe third country grounds

Twelve.

10 Persons returned on safe country of origin grounds

Slovenia does not have any provisions that would allow the government to send back applicants on the grounds of safe country of origin.

11 Number of applications determined inadmissible

Twenty.

12 Number of asylum seekers denied entry to the territory

No data. There is no NGO monitoring of the borders so it is only possible to speculate.

13 Number of asylum seekers detained, the maximum length of and grounds for detention

Article 27 of the Law on Asylum states that if necessary, the movement of an asylum applicant can be temporarily limited on the grounds of:

- establishing the identity of the applicant;
- preventing the spread of contagious diseases;
- suspicion that the procedure is being misled or abused within the meaning of Article 36 of this Law;
- threat to the lives or property of other people;

Movement can be limited by prohibition of movement;

- beyond a certain area;
- outside the asylum home or its branch;
- outside a certain border if accommodation is available there.

Limitation of movement is ordered in a decision issued by the Ministry of the Interior. Limitation of movement may stay in effect until the grounds for it cease to exist, but this should be for no longer than

three months. If the grounds for limitation of movement still exist after that period the limitation can be extended for a further period of one month. Limitation of movement on the grounds of preventing the spread of contagious diseases shall stay in effect until the grounds thereof cease to exist.

Comments

There are no figures available for those detained in 2004.

14 Deportations of rejected asylum seekers

An asylum seeker whose application has been rejected can voluntarily leave the country within the time determined by the Ministry of the Interior (usually three days) after the procedure is final. In this case the Ministry notifies the border guards of the crossing of the border of the person concerned.

If a person refuses to leave the country voluntarily within the given time, the authorities will transfer them to the Centre for Foreigners (detention centre) where they are detained until the State authorities organise their transfer back to their country of origin. There is no legal limit to the length of time of detention.

123 asylum seekers were rejected in 2003 and there were 317 asylum applications rejected in 2004. The number of deportations of rejected asylum seekers is not available.

15 Details of assisted return programmes, and numbers of those returned

No data.

16 Number of asylum seekers sent back to the Member State responsible for examining the asylum application under the Dublin II Regulation.

The number of requests to other Member States was in total 53 from May 2004 – December 2004. However the number of actual transfers of asylum seekers to other MS responsible for examining the applications was in total 7.

4 Specific Refugee Groups

17 Developments regarding refugee groups of particular concern

Slovenian NGOs working in the asylum field have been lobbying for unaccompanied minors to be placed outside the Asylum Home and there was some progress in this. However, all the talks with the Interior Ministry on this subject stopped and there have been no further developments.

5 Legal and Procedural Developments

18 New legislation passed

No new legislation on asylum was passed last year, except that in May 2004 all the relevant EU laws came into force. The most important new legislation included The Dublin II Regulation, which came into force in Slovenia in May 2004, the Qualification Directive, which came into force in November 2004, and the Reception Directive which came into force in February 2005. During most of the last year there was an ongoing political debate on the subject of a New Temporary Asylum Act. The Act was discussed in the Parliamentary committees but it has not yet been adopted. Several NGOs, working in the asylum field, were not satisfied with the way the political debate was handled, as they were only invited to give their comments at the end of the procedure. Moreover they were only given three days to give their comments and none of these were adopted in the legislation. The NGOs are still lobbying

for the improvement of the aforementioned Act and are trying to get at least some of the provisions of the proposal altered.

19 Changes in refugee determination procedure, appeal or deportation procedures

There were no legal changes in the refugee determination procedure during the first half of the year 2004. However, in the last half of 2004 and especially during the last few months of 2004 there has been a noticeable change in the implementation of the asylum procedure in Slovenia, as the number of decisions made in accelerated procedures (manifestly unfounded claims) increased dramatically. The decisions in these cases are issued within two weeks after the asylum application has been lodged. The belief is that the applicant is not subject to a threat of persecution in his/her country of origin and that he/she left his/her country for economic reasons or that he/she is abusing the procedure. In our opinion the increased use of the accelerated procedures is reducing the legal safety of asylum applicants in Slovenia and is a way to process as many asylum seekers as possible even though there is a high risk that people in need of protection will not have their applications properly assessed.

20 Important case law relating to the qualification for refugee status and other forms of protection

There was a very interesting case in which a single, Muslim woman was awarded Convention Status, as she feared persecution due to membership of a particular social group. This is one of the first statuses to be given to a woman as a member of a particular social group defined by gender.

21 Development s in the use of the exclusion clauses of the Refugee Convention in the context of the national security debate

No developments.

22 Developments regarding readmission and cooperation agreements

No information available.

6 The Social Dimension

23 Changes in the reception system

In the last few months there have been several changes to the reception system in Slovenia. Firstly the Ministry of Internal affairs adopted a measure, according to which, persons awaiting the lodging of their application, are detained in the pre-reception area in order to prevent them from absconding and moving to other (member) states to lodge an application. The regime in the Asylum Home can no longer (regarding the pre-reception stage) be considered "open" as it was prior to 31st March 2005. Those detained here cannot leave the fenced area of the asylum home, if they do it is presumed that they are withdrawing their statement (given at the police station) that they intend to file an asylum claim.

Asylum seekers are still only allowed to work eight hours per week, which in reality stimulates illegal work by asylum seekers. As most of the work is illegal there is no protection of their employment rights, which leads to abuse of asylum seekers; they are paid minimum salaries and in many cases not paid any salary at all. Before May 2005 asylum seekers had the right to reside outside the Asylum Home if they had a guaranteed place of abode. Also if they resided outside the Asylum Home they had the right to a higher allowance (200 euro). Recently the Ministry of the Interior revoked this right and decided that asylum seekers are to reside in the Asylum Home until the Asylum procedure is finalised.

24 Changes in the social welfare policy relevant to refugees

Refugees and minors are still paid only 1,000 sit per month (5 euro) and no change in this is expected in the short term.

25 Changes in policy relating to refugee integration

According to the statement of the Minister of the Interior in February 2005 the policy relating to the integration of refugees will remain the same for 2005 until 2007. The ministry will continue to exercise integration measures in cooperation with other Ministries and with the UNHCR, IOM and other international organisation and NGOs. They will also prepare a detailed integration policy for Slovenia. The Ministry guarantees that all international standards i.e. EU directives and other International refugee law instruments will be respected while ensuring easier integration of refugees in Slovenia.

26 Changes in family reunion policy

No information available.

7 Other Policy Developments

27 Developments in resettlement policy

No information available.

28 Developments in return policy

No information available.

29 Developments in border control measures

According to the Ministry of Interior Affairs, the priorities for 2005 are to establish efficient security of the State border, to prevent illegal migration and to fulfil all the conditions required for the Schengen order to be implemented. The evaluation of the Schengen action plan is coming into its final phase and according to the authorities, there are only a few more adjustments to be made, mostly in the human resources department and some technical organisational improvements.

30 Other developments in refugee policy

Recently in Slovenia there have been some dramatic changes in the refugee policy. Firstly on the recommendation of the Police sector, the Ministry of Interior is now detaining asylum seekers prior to the lodging of their asylum applications. If they want to leave the facilities of the Asylum Home, they have to sign a document, stating that they are withdrawing their intention to lodge an asylum application in Slovenia. Also the dialogue between NGOs working in the asylum field and government is presently at a very low level as the new government is not very open to cooperation. Moreover the refugee counsellors, who offer legal aid and support to asylum seekers, have not been reimbursed for their costs for representing people in asylum procedures for almost a year now, which is why there has been a dramatic decrease of lawyers and refugee counsellors who are still willing to offer legal aid. This is clearly limiting the procedural safeguard and legal safety of asylum seekers in Slovenia.

8 Political Context

31 Government in power during 2004

In the autumn of 2004 there were general elections in Slovenia and the previous government changed. For the first time in 12 years the Liberal party of Slovenia and the Social Democrats were in opposition and the coalition of Social Democrats of Slovenia, The Slovenian People's Party and New Slovenia are now the government in power.

32 Governmental policy vis-à-vis EU developments

Governmental policy mirrors recent EU developments, as the Slovenian Government is trying to prevent illegal migration motivated by economic concerns and the abuse of the asylum procedure and accelerate the decision-making process.

33 Asylum in the national political agenda

Asylum is not a priority in the national political agenda. According to a statement by the Ministry of

Biography

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FOUNDATION GEA 2000

Foundation Gea 2000 is a non-governmental organisation, which focuses on providing legal aid and social support to the most vulnerable groups in the society. Its beneficiaries are therefore refugees, immigrants, asylum seekers, "erased" 30,000 citizens whose resident names were deleted from the Nation's civil registers in 1992, among whom special attention is directed to unaccompanied minors, stateless persons, temporarily protected refugees and others in need of assistance.

WWW.FUNDACIJA-GEA2000.SI