

REPUBLIC OF SLOVENIA

LAW ON ASYLUM (LoA)

Official Gazette RS, no. 61/1999, RS 66/2000 (decision by the Constitutional Court; staying the execution of second sub-paragraph, second paragraph of Article 40 until the decision becomes final; "until the decision becomes final" means that it is allowed to file an appeal against the decision by the Constitutional Court concerning the suit against the decision, issued in the asylum procedure), RS 113/2000 (decision by the Constitutional Court; abolition of second sub-paragraph, second paragraph of Article 40), RS 124/2000 (amendment), RS 67/2001 (modifications and amendments; RS 98/2003 (modifications and amendments).

CHAPTER I

GENERAL PROVISIONS AND BASIC PRINCIPLES

Article 1

Right to asylum

1. This law lays down the principles, conditions and procedure for obtaining asylum status, its termination as well as the status, rights and obligations of refugees in the Republic of Slovenia.
2. The Republic of Slovenia shall grant asylum to aliens who request protection on the grounds stipulated in the Geneva Convention Relating to the Status of Refugees and the Protocol relating to the Status of Refugee (Official Gazette RS - IT, No. 9/92 - hereinafter: the Geneva Convention).
3. The Republic of Slovenia shall grant asylum on humanitarian grounds to aliens who request protection if their deportation to their country of origin might pose a threat to their safety or physical integrity in the sense of Convention on Human Rights and Fundamental Freedoms as amended by Protocol No. 3, 5 and 8 and complemented by Protocol No. 2 as well as its Protocols No 1, 4, 6, 7, 9, 10 and 11 (Official Gazette RS-IT, no. 7/94) under circumstances not laid down in the Geneva Convention.

Article 2

Definitions

For the purposes of this Law, the terms below shall have the following meanings:

"Refugee" is a person to whom the right to asylum has been recognised according to this Law;

"Asylum" is the protection granted to aliens in the Republic of Slovenia. In particular, such protection includes the right to stay in the Republic of Slovenia, the rights granted to refugees on the basis of the Geneva Convention as well as the rights guaranteed in this Law.

"Asylum application" is an application (claim) by which an alien is seeking protection according to paragraphs 2 and 3 of Article 1 of this Law;

"Asylum applicant" is an alien who has submitted an asylum application; he is considered as such from the moment of the submission until the adoption of the final decision.

"Alien" is every person who is not a citizen of the Republic of Slovenia.

"Safe Third Country" shall mean a country where the refugee stayed prior to arriving in the Republic of Slovenia provided:

1. he/she is there safe from persecution or human rights violations in the sense of Article 1, Paragraphs 2 and 3 of this Law,
2. he/she is able to satisfy his/her basic subsistence needs in that country,
3. he/she can legally return to that country and file an asylum application without any risk of being expelled or deported to a country where his/her life or freedom would be threatened.

"Country of Origin" is the country of foreigner's citizenship or a country in which a stateless person had the last residence.

A safe third country, mentioned in sub-paragraph six, previous paragraph, shall be determined by the Government of the Republic of Slovenia.

Article 3

Integrity of the family and rights of close family members

1. Pursuant to this Law, the right to asylum shall be recognised to close family members as well. In this Law, close family members are considered to be the spouse and minor unmarried children and parents of minor refugees. A close family member of an unaccompanied minor shall be considered as the authorised custodian of the child.
2. According to the paragraph above, the right to asylum is recognised to a spouse of a refugee only if the marriage was entered into before arriving in the Republic of Slovenia.
3. In the asylum procedure, family members referred to in the first paragraph of this Article shall have the same legal status as the asylum applicant.

Article 4

Grounds for exclusion

1. Right to asylum shall not be granted to persons reasonably suspected:
 - of having committed a crime against peace, a war crime or a crime against humanity as stipulated by international documents;
 - of having committed a serious non-political crime in a country other than the Republic of Slovenia before being admitted to the Republic of Slovenia as refugees;
 - of having committed acts, contrary to objectives and purposes of United Nations; and
2. Right to Asylum shall not be granted to persons who already enjoy the assistance or protection by bodies and agencies of the United Nations with the exception of the Office of the United Nations High Commissioner for Refugees (hereinafter Office of the UNHCR).
3. Right to asylum shall not be granted to persons, who have been recognised the same rights and duties as citizens of the Republic of Slovenia by competent authorities of the Republic of Slovenia.

Article 5

Termination of asylum

1. A refugee shall lose the refugee status:
 1. if he/she voluntarily seeks protection in the country of origin;
 2. if he/she voluntarily re-acquires citizenship after having lost it;
 3. if he/she acquires new citizenship and enjoys the protection of the country of his new citizenship;
 4. if he/she voluntarily returns to the country which he has left or stayed outside its territory on the grounds of fear of persecution;
 5. if the circumstances, on the grounds of which refugee status was granted to him, cease to exist;
 6. if the person in question has no citizenship and can due to the cessation of circumstances on the grounds of which refugee status was granted to him return to the country of his previous residence.

2. In sub-paragraphs (5) and (6) of the paragraph above, a refugee does not lose his refugee status if he can produce evidence of credible persecution and on these grounds continues to reject protection in the country of which he is citizen or in the country of his previous residence.

Article 6

Prohibition against forced removal or deportation

1. Forced removal or deportation of persons to a country where their life or freedom would be threatened or to a country where he could be exposed to torture or inhuman and degrading treatment or punishment is not allowed.
2. Persons, mentioned in the previous paragraph, whose right to asylum has not been recognized and may not be removed or deported, can be granted a special form of protection in the Republic of Slovenia, provided by this Law.

Article 7

Entry into the Republic of Slovenia

1. An alien who upon entry in the Republic of Slovenia declares his/her intention to submit an asylum application in the Republic of Slovenia shall be treated as an asylum applicant in accordance with this Law and he/she must be allowed to enter the State.
2. The Minister of the Interior shall prescribe in details the procedure and the treatment of persons mentioned in the paragraph above.

Article 8

Illegal entry in the Republic of Slovenia

- (1) The alien who will illegally enter into the Republic of Slovenia after this law enters into force shall lodge, without delay, her/his asylum applications with the competent authorities.
- (2) The person mentioned in the previous paragraph shall not be punished for illegal crossing of the state border.

Article 9

Assistance to asylum applicants

1. Asylum applicants shall be given opportunities to lodge their asylum applications as soon as possible.
2. An asylum applicant shall be informed of the procedure for acquiring asylum status and his rights and duties in such a procedure as well as about the right to contact NGOs which are providing help to refugees, in a language he can understand.
3. An asylum applicant shall have the right to select his legal counsellor (representative) or refugee counsellor as per Article 16 of this Law to assist him during the procedure.
4. Persons mentioned above selected by the asylum applicant as well as representatives of the Office of the UNHCR shall have the right to contact the asylum applicant at any time and at all stages of the procedure for asylum.
5. An asylum applicant shall have the right to request contacts with persons and representatives mentioned in the previous paragraph at any time.

Article 10

Duty of co-operation of authorities of the Republic of Slovenia with the Office of the UNHCR

1. In matters and questions regarding refugees and asylum seekers, the state and local authorities of the Republic of Slovenia shall provide the Office of the UNHCR and the assistance requested in the course of their tasks, particularly with respect to implementation of the Geneva Convention and other international instruments concerning refugees.

2. Competent authorities of the Republic of Slovenia shall report to the Office of the UNHCR on a regular basis and upon its request supply accurate data on:

the refugee situation in the Republic of Slovenia;

application and implementation of the Geneva Convention and other international documents concerning refugees; and

laws, regulations and other general legal acts in force or under preparation which concern refugees.

3. Competent authorities shall immediately inform the representative of the UNHCR in the Republic of Slovenia of any asylum application submitted, enable him to contact asylum applicants, inform him of the progress of individual procedures and decisions by competent authorities and enable him to make comments on these procedures and decisions.

Article 11

Asylum applicants' right to temporary residence

1. An asylum applicant who entered Slovenia pursuant to Article 7 of this Law and lodged an asylum application in accordance with this Law shall be allowed to reside in Slovenia for the time period necessary for completion of the procedure by virtue of a final decision.

2. The provision in the previous paragraph shall also apply to an alien who is in Slovenia and lodges an asylum application in accordance with this Law.

Article 12

Language in the asylum procedure and right to an interpreter

1. An asylum applicant shall be enabled to follow and participate in the procedure in a language he can understand. If the applicant does not understand the official language of the procedure he shall be provided the services of an interpreter.

2. The interpreter for asylum applicants shall be a court approved interpreter; however, if this is not possible interpreting can also be entrusted to a trustworthy person capable of interpreting into a language the asylum applicant can understand.

3. The interpreter is entitled to compensation payable out of budget of the Republic of Slovenia in accordance with rules on court approved interpreters.

4. An asylum applicant can provide his own interpreter at his own expense.

5. In the procedure, the asylum applicant is allowed to produce all documents in his/her language or in the language he/she understands. The competent authority shall provide a translation into Slovene of the documents that are necessary to make a decision on his/her asylum application.

Article 13

Female asylum applicants

1. Upon their reasonable request, female asylum applicants shall be entitled to have a female person to conduct the asylum procedure, according to possibilities.

2. The above shall also apply for providing interpreters.

Article 14

Unaccompanied minors

1. Unaccompanied minors are aliens who are under eighteen years of age and arrive in Slovenia, or upon their arrival remain in Slovenia unaccompanied by parents or other legally responsible person.

2. Prior to the commencement of the procedure, an unaccompanied minor who applies for asylum shall be assigned a legal representative by the competent authority of the Republic of Slovenia.
3. Asylum applications submitted by unaccompanied minors shall have priority and shall be resolved in the shortest time possible.
4. In the shortest time possible competent authorities shall establish the minor's identity and verify whether he is actually unaccompanied.
5. Unaccompanied minors shall not be deported to their country of origin or to a third country willing to accept them unless adequate reception and basic living conditions are provided for them in such a country.
6. In no case shall unaccompanied minors be deported contrary to the adopted international instruments.

Article 15

Legally incompetent persons

1. Legally incompetent persons who apply for asylum shall be assigned a legal representative prior to commencement of the procedure.
2. The legal representative shall be designated by the competent authority in accordance with the law.
3. A person referred to in first paragraph of this Article shall be entitled to all necessary protection and basic care.

Article 16

Refugee counsellors

1. For providing support and legal assistance to asylum applicants in asylum and procedural matters, the Minister of Justice shall appoint refugee counsellors.
2. Upon the asylum applicant's request, refugee counsellors shall:
 - inform asylum applicants of all issues concerning laws and other regulations as well as general legal acts in the field of asylum and asylum application;
 - provide assistance in lodging their asylum application;
 - provide general legal assistance;
 - represent them in the asylum procedure.
3. The Minister of Justice shall appoint counsellors from among lawyers who have passed the state legal exam and have adequate experience in asylum and refugee matters.
4. Refugee counsellors are entitled to be remunerated for the work they perform and be reimbursed for any expenses out of the budget of the Republic of Slovenia and according to criteria established by the Minister of Justice.

Article 17

General obligations of asylum applicants and refugees

1. Asylum applicants and refugees shall honour the laws and other regulations and general legal acts in force in the Republic of Slovenia.
2. Asylum applicants shall co-operate with the competent authorities of the Republic of Slovenia and subject themselves to their measures.

Article 18

Personal data protection

1. Personal data collected and obtained during the asylum procedure by competent authorities and other state authorities shall be protected in accordance with the Law on Personal Data Protection and the provisions of this Law.
2. All declarations, statements, explanations and data presented to authorities mentioned in the previous paragraph by an asylum applicant in the asylum procedure shall be considered as confidential.
3. Authorities mentioned in the first paragraph shall use particular care in protecting any declarations, statements, explanations and data presented in the procedure by an asylum applicant from the authorities of his country of origin.

Article 19

Integration assistance

The Republic of Slovenia shall establish conditions for the integration of refugees into the cultural, economic and social life of the Republic of Slovenia. In doing so, it shall pay special attention to:

organising Slovene language courses for refugees;

organising courses and other forms of further education and vocational training for refugees and

informing refugees about the Slovene history, culture and constitution.

Article 20

The authorities

1. Asylum procedures at first instance shall be conducted by the Ministry of the Interior.
2. The procedure may be conducted only by officers, adequately qualified in that subject.
3. An asylum applicant may file an appeal against a decision issued in the asylum procedure by the Ministry of Interior at the Administrative Court.
4. Asylum authorities shall have unhindered access to accurate and up-to-date information on the actual situation in the refugee's individual country of origin.
5. The Minister of the Interior shall determine the officials who conduct the first instance procedure.

Article 21

Relationship to the procedures pursuant to the Law on Aliens

1. According to the provisions of the Law on Aliens, an alien who has lodged an asylum application cannot apply for a temporary residence permit starting from the day of submitting the application until the final rejection of the application.
2. The provisions on forced removal of an alien shall also apply to the removal of an asylum applicant whose asylum application has been finally rejected and departure from Slovenia ordered, if not otherwise stipulated by this Law.

CHAPTER II ASYLUM PROCEDURE

Article 22

Tasks of the authorities in the procedure

The procedure shall establish whether the asylum applicant meets the conditions for acquiring asylum status in the Republic of Slovenia in accordance with this Law.

Article 23

Application of the Law on General Administrative Procedure

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

Article 24

Principles of the procedure

1. The procedure begins when an asylum application is lodged.
1. The competent authority shall enable the asylum applicant to exhaustively present, explain and prove all circumstances and facts which might be of importance for obtaining asylum.
2. The asylum applicant shall actively co-operate with the competent authority throughout the procedure. The asylum applicant shall present and explain all facts and circumstances known to him, facilitate the competent authority access to all available evidence and produce all documents and certificates in his possession which might be of importance for the procedure.
3. The competent authority shall establish the actual state of affairs and by virtue of official duty establish, verify and consider all facts and circumstances as well as obtain all available evidence which might be of importance for reaching a lawful and correct decision.
4. An asylum applicant has the duty to present all the facts and produce all the available evidence, necessary to decide upon his/her asylum application until the end of the hearing. He/she shall be made aware of this in the invitation letter.
5. The decision of the competent authority on the granting of asylum and recognition of refugee status or rejection of an application is not dependent on the production of any particular formal evidence. It is based exclusively on the full examination of all circumstances and facts, available evidence as well as the explanations and clarifications of the asylum applicant.
6. In the procedure the competent authority shall enable asylum applicants to protect and assert their rights guaranteed by the law in the easiest way possible. The competent official person conducting the procedure shall be in charge of preventing an applicant's lack of knowledge and experience from damaging his rights.
7. The competent authority shall enable asylum seekers to protect and exercise as easily as possible their rights according to the law. The official, responsible for conducting the procedure shall ensure that an eventual asylum applicants' lack of knowledge is not to the detriment of their respective rights.

Article 25

Lodging an asylum application

1. Asylum applications shall be lodged with the Ministry of Interior.
2. The alien as per Article 8 of this Law shall lodge the asylum application at the Ministry of Interior, at the Asylum Home or at the Police.
3. Aliens who are not in the Republic of Slovenia may lodge their asylum application at the diplomatic or consular missions of the Republic of Slovenia.
4. An alien who desires or expresses an intention to lodge an asylum claim with the state or local authority which is not competent for the matter, shall be referred to the competent authority.
5. The state or local authority (from the previous paragraph) to which an alien has addressed his desire or intention to lodge the asylum application shall put such a declaration on the record without delay. The record shall be signed by the asylum applicant as well as by the official of the state authority.
6. The Minister of Interior shall issue guidelines regarding acceptance, content and handling of an asylum application and a declaration on the record from the previous paragraph.

Article 26

Duties of border authorities

1. National border authorities and other state or local authorities which receive an asylum application shall immediately refer the alien to the Asylum Home; similarly an asylum application lodged or an official record on the declaration or intention of an alien to ask for protection in the Republic of Slovenia on the basis of Article 1, Paragraphs 2 or 3 of this Law, together with any other relevant data, shall be forwarded to the competent authority without delay.

2. The competent authority that conducts the asylum procedure has the duty to take the applicant's fingerprints and photographs.

Article 27

Limitation of movement

1. If necessary, the movement of an asylum applicant can be temporarily limited on the grounds of:

establishing the identity of the applicant; or

preventing the spread of contagious diseases; or

suspicion that the procedure is being misled or abused within the meaning of Article 36 of this Law; or

threatening life or property of other people.

2. Movement can be limited:

by means of prohibition of movement beyond a certain area; or

by means of prohibition of movement outside the asylum home or its branch; or

by means of prohibition of movement outside a certain border crossing if accommodation is available there.

3. Limitation of movement shall be ordered by a decision issued by the Ministry of the Interior. Limitation of movement may stay in effect until the grounds for it subsist but in any event 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 subsist.

4. An asylum applicant has the right to appeal against a decision on limitation of movement at the Administrative Court within three days after a decision has been served on him/her. The Administrative Court shall within 3 days call for a hearing and decide on the appeal. The appeal does not stay the execution of the decision.

Article 28

Unaccompanied minors in the asylum procedure

1. To an unaccompanied minor a legal guardian shall be appointed before the start of the asylum procedure.

2. While examining an asylum application lodged by an unaccompanied minor, the competent authority in co-operation with the legal guardian shall take into account the level of minor's mental maturity.

Article 29

Hearing of an asylum applicant

1. The competent authority shall hear every asylum applicant in person and without delay. If necessary, an asylum applicant may be heard several times.

2. By virtue of a hearing, the asylum authorities shall in particular establish:

- the identity of the asylum applicant and family members accompanying him;

- grounds on which his asylum application is based;
- the applicant's itinerary and his stops en route to Slovenia and whether he has asked for asylum in any other country; and
- all other facts and circumstances relevant to the decision.

3. The asylum applicant shall state all facts and circumstances which justify his fear of persecution and all facts and circumstances speaking against his forced removal from the Republic of Slovenia or deportation to a particular country. The asylum applicant shall submit to the competent authority all evidence available to substantiate his application and provide a credible and convincing explanation of all grounds which substantiate his application if there is no evidence.

4. An asylum applicant shall provide all personal data and data on his past experience relevant to the establishment of his identity or are in any other way relevant to the procedure.

5. The competent authority shall give an asylum applicant enough time to prepare for the hearing and enough time to seek the assistance and support of a legal representative or other counsellor which he deems necessary.

Article 30

Participation of other persons in the asylum procedure

1. The hearing of an asylum applicant shall not be open to the public.
2. The hearing of an asylum applicant and other acts in the asylum procedure may be attended by:
 - his legal representative;
 - a representative of the Office of the UNHCR; and
 - other counsellors selected by the asylum applicant to assist and support him and the legal representative or custodian of an unaccompanied minor person.
3. The competent authority shall communicate the date and place of a hearing to all persons entitled to be present at the hearing in due time.

Article 31

Notification of instigation of the procedure and the rights of the Office of the UNHCR

- (1) The competent authority must notify the representative of the Office of the UNHCR without delay about the instigation of the asylum procedure.
- (2) The representative of the Office of the UNHCR shall have the right to request data on any individual procedure and to inspect materials, documents and files on any individual procedure.
- (3) The representative of the Office of the UNHCR shall have the right to make contact with any asylum applicant and refugee at all stages of the procedure.

Article 32

Service

- (1) The asylum applicants must be within the reach of the asylum authority throughout the asylum procedure; any change of address must be communicated to the asylum authority without undue delay.
- (2) Official papers (summons, decisions, orders and other official papers) in the procedure shall always be served to the asylum applicant in person, to his lawful representative or to an authorised person. A document shall be deemed delivered when one of the aforementioned persons accepts it.
- (3) All mail in an asylum procedure shall be delivered in a language which the asylum applicant can understand, except orders and decisions, served to the asylum applicant in the language used during the procedure. The only papers to be translated into

the language the asylum applicant understands are findings of the competent authority, legal remedy and a brief summary of the explanation of grounds that shall contain essential elements on which the decision has been based.

Article 33

Establishing the facts of the case

(1) The competent authority must *ex officio* establish the facts of the case. For this purpose, it must collect and examine all the facts relevant to taking a lawful and correct decision. The competent authority shall, should it deem it necessary for determining the facts and circumstances which are or could be pertinent to establishing the actual state of affairs or to the exercise or protection of an asylum applicant's rights, conduct an additional hearing of the asylum applicant, examine the produced evidence and the given explanation of evidence, and acquire, if possible, further evidence which the asylum applicant has failed to submit.

(2) The competent authority must, whenever the authorised official conducting the procedure does not possess the professional expertise required to establish or examine a fact which is relevant for taking a decision on the asylum application, seek the opinion of a qualified expert.

(3) The competent authority must also seek an expert opinion on the request of the asylum applicant, his legal representative, authorised person or the representative of the Office of the UNHCR.

Article 34

Decision at first instance

1. The first instance authority shall take a decision by which it:

- approves an asylum application where it determines that the asylum applicant meets the criteria for granting asylum in the Republic of Slovenia pursuant the second and third paragraph of Article 1 of this Law; or
- rejects an asylum application as being unfounded and sets the time limits within which the applicant must leave the Republic of Slovenia.

2. By a decision approving the asylum application, the asylum authority, in compliance with this Law, shall grant refugee status to the applicant.

Article 35

Rejection of an asylum application

1. The competent authority shall reject an asylum application as being unfounded:

if it establishes that the asylum applicant does not meet the conditions for granting asylum and for recognising refugee status according to paragraph 2 and 3 of Article 1 in this law;

if there are any exemption reasons under Article 4 of this law;

2. The competent authority shall decide on the matter immediately and reject the asylum application as manifestly unfounded, if:

the application is based on unintentional misleading or if the procedure is being abused;

the asylum applicant came exclusively for economic reasons or if it is clear from his/her asylum application that he/she is not endangered by the persecution in the country of origin;

the asylum applicant's entry to the Republic of Slovenia has already been denied and the reasons for such a denial have not changed.

Article 36

Deception and abuse of the procedure

The procedure shall be regarded as the subject of deception and abuse:

- if the asylum seeker has founded his application on a false identity or on forged documents;
- if he presents false reasons to which he refers after filing an application;
- if he deliberately destroys his passport, any other official paper, document or ticket which might potentially be relevant to deciding on his asylum;
- if he conceals having lodged a previous asylum application in another country, in particular if he uses a false identity; or
- if he files an application with the purpose of postponing forced removal

Article 37

Pre-procedure for aliens arriving from safe third countries

1. The competent authority shall reject the asylum application by decision to any alien who arrives from a safe third country in the sense of Article 2 of this law.
2. An asylum applicant has the right to appeal against the rejected application within 3 days at the Administrative Court of RS. The Administrative Court decides on the appeal within 7 days.
3. An applicant whose asylum application has been rejected under paragraph 1 of this Article may receive a special certificate by the competent authority in which the reasons why the asylum application was not examined by Slovene authorities are set out and that the rejection has been substantiated by the fact that the asylum applicant can return to a safe third country.
4. The provision contained in paragraph 1 of Article 29 of this law does not apply in this procedure

Article 38

Appealing against a decision of the first instance

1. An asylum applicant has the right to appeal against a decision taken at the first instance to the Administrative Court.
2. In case the decision has been issued under paragraph 1 of Article 35 of this law, an appeal may be lodged within fifteen days after the receipt of the decision or within three days if the decision has been issued under paragraph 2 of Article 35 of this law.
3. An asylum applicant who, for justified reasons, could not lodge the appeal in the prescribed deadline shall be granted *restitutio in integrum* upon his request. A petition for *restitutio in integrum* should be submitted within three days upon termination of reason causing the delay. *Restitutio in integrum* can be requested within 3 months from the prescribed deadline. The competent authority shall decide on a petition for *restitutio in integrum* within three days upon its submission. During this period, the removal of an asylum applicant from the Republic of Slovenia cannot be enforced.

Article 39

Procedure at the second instance

1. The administrative court shall decide on the basis of findings assessed in course of the procedure at the first instance.
2. The administrative court shall: reject the appeal on the grounds that it is not permissible or that it was submitted too late; reject the appeal as being unfounded; entirely or partially change or cancel the first instance decision.
3. If the administrative court determines that the authority of the first instance established incomplete or erroneous facts of the case, or if the circumstances which gave rise to the decision of the first instance has changed, the court shall supplement the procedure, cancelling the above mentioned deficiencies by overruling the first instance decision with its own.
4. The administrative court shall decide on the appeal within 30 days upon its submission or in 7 days if an appeal has been lodged against the decision, taken under paragraph 2 of Article 35 of this law.

5 The supreme court shall decide on the appeal against the decision of the administrative court within fifteen days after the submission of the appeal.

6. The lodging of an appeal and the procedure at the administrative court are governed by the Law on Disputes as to Administrative Matters, unless it is otherwise provided by this Law.

Article 40

Forced Removal

1. An asylum applicant whose asylum application has been rejected by the final decision in the asylum procedure and who does not leave the territory of the Republic of Slovenia within the prescribed time shall be forcibly removed from the State pursuant to the Law on Aliens, unless he/she enjoys a special form of protection under this law. Until the decision on the special form of protection is final, the alien shall be accommodated at the authority, responsible for the removal from the State.

2. Removal under paragraph 1 shall not be enforced before the procedure has been closed by a final decision. The procedure shall be deemed final:

when the time limits for appealing against the first instance decision have expired and no appeal has been submitted, or when an appeal has been lodged after the expiry of the time limit, but no *restitutio in integrum* has been granted;

when the time limits for appealing against the decision by the administrative court have expired and the appeal has not been lodged; or the appeal has indeed been lodged after the expiry of a prescribed time limit and the *restitutio ad integrum* has not been granted.

when a judgement of the supreme has been served, by which the appeal has been rejected or when a decision by the supreme court has been served by which the appeal has been rejected.

Article 41

Lodging a new asylum application

The asylum applicant whose claim was already rejected in the Republic of Slovenia may file a new one only if he/she submits evidence proving that the circumstances which gave rise to the previous decision have significantly changed. If he/she fails to do so, the asylum authority shall reject the application without starting a new procedure.

Article 42

Withdrawal of an asylum application

1. Regardless of the stage of the asylum procedure, an asylum application shall be considered withdrawn and the procedure closed:

if the asylum applicant withdraws his asylum application;

if in spite of a received summon, the asylum applicant fails to attend the interview or oral hearing without prior excuse;

if the asylum applicant fails to notify the change of his address which leads to unsuccessful deliveries of summons or any other mail;

if the asylum applicant refuses to co-operate in establishing his/her identity; or

if it is clear from the official evidences of the competent authority conducting the procedure that the asylum applicant left the asylum home or its branch on his/her own free will and did not return there in three days after such an arbitrary departure.

(2) The asylum applicant, in cases mentioned in the second and third lines of the previous paragraph, may submit a petition for *restitutio in integrum* on justifiable grounds within three days from termination of reasons causing the delay in responding to the summons or in notifying the change of his/her address or causing his/her departure from the asylum home or its branch for more than three days.

(3) In its decision under paragraph 1 of this Article, the competent authority shall prescribe a time limit within which the asylum applicant must leave the Republic of Slovenia.

CHAPTER III

RIGHTS AND OBLIGATIONS OF ASYLUM APPLICANTS

Article 43

Rights of asylum applicants

1. Asylum applicants shall have the right to:

reside in the Republic of Slovenia until the asylum procedure has been finally closed;

the provision of basic living conditions;

basic health care;

financial assistance or an allowance;

free legal assistance for implementation of rights pursuant to this Law;

humanitarian aid;

elementary schooling.

(2) The Minister of Interior shall define all the details regarding rights from the previous paragraph in accordance with the Ministry of Education, the Ministry of labour, Family and Social Welfare, Education, Science, Sports and Justice.

(3) Asylum applicants may, upon their request be granted permission to engage in part-time employment or occasional work in a manner and under conditions defined in the Law on Temporary Refuge.

Article 44

Obligations of asylum applicants

Asylum applicants shall:

- conform with the laws and other regulations valid in the Republic of Slovenia, as well as with measures taken by state authorities;

- always be within the reach of the competent authorities;

- respond to the summonses of competent authorities and co-operate with them at all stages of the asylum procedure;

- communicate any change of address to the asylum authority within three days after the change; and

- comply with orders issued by competent authorities regarding the restricted movement.

Article 45

Asylum Home and accommodation in it

1. An Asylum Home shall be organised for accommodation of aliens who are under proceedings for acquisition of asylum. The Asylum Home shall be established and managed by the Ministry of Interior.

2. The Ministry of the Interior shall accommodate asylum applicants in the asylum home or its branch where they will be provided with supplies, including clothes, food and pocket allowance.

3. Asylum applicants who can rely on their own financial means or whose living expenses are covered in a different way shall contribute a proportionate share of funds to cover accommodation costs in the asylum home or its branch or residence costs of they are accommodated elsewhere.

4. The scope of funds for accommodation and supplies of asylum applicants, the amount and the manner of providing such funds for accommodation and supplies shall be determined by the minister of the Interior by the regulation, mentioned in paragraph 2 of Article 43, of this law.

Article 45a

Branches of asylum home

1. To place asylum seekers more evenly in different places, branches of the asylum home shall be established, necessary for their accommodation.

2. The Government of the Republic of Slovenia shall determine their number, criteria, requirements and conditions for the establishment of the branches, considering at the same time the possibility to establish them in individual local communities.

Article 46

Extent of health care

1. Asylum applicants shall have the right to health care.

2. The extent of health care services shall be the same as the extent of health services defined in the Law on Temporary Refuge.

CHAPTER IV

RIGHTS AND OBLIGATIONS OF REFUGEES

Article 47

Rights of refugees

1. Refugees who have been granted refugee status by virtue of Article 1, second and third paragraphs of this Law shall have the right to:

permanent residence;

financial assistance;

basic housing;

health care;

schooling and education;

assistance to integrate;

right to work and inclusion in programmes for active search of work.

(2) The Government of the Republic of Slovenia shall issue the rules concerning manners and requirements to ensure the rights, mentioned in the previous paragraph..

Article 48

Obligations of refugees

Refugees shall:

- comply with the constitutional order, laws, regulations and other general legal acts of the Republic of Slovenia,
- communicate their place of residence and any change of address to a competent administration unit within three days; and
- inform the competent authority of any employment they pursue.

Article 49

Permanent residence permit

A final decision by which asylum is granted and refugee status recognised to an asylum applicant shall also be used as a valid permit for permanent residence in the Republic of Slovenia.

Article 50

(NOTE: Articles 50, 51, 52, 53 and 54 apply only until the enforcement of the implementing rule in paragraph 2 of Article 47 /O.G. RS, no. 67-3564/2001 and will afterwards be deleted)

Right to financial assistance

1. A refugee who receives no income, does not own property and has no persons who are obliged and capable of maintaining him in compliance with regulations of the Republic of Slovenia, shall have the right to financial assistance in accordance to the Law on Social Security.
2. A refugee shall have the right to receive financial assistance referred to in paragraph 1 of this Article throughout the period in which he does not receive any income, but for no longer than three years after asylum is granted. The provisions of this paragraph shall not apply to refugees who are unfit for work according to the Law on Social Security.
3. A refugee who refuses to take up employment which he has been offered, or refuses to be involved in other forms of active employment policy, shall lose the right to financial assistance.
4. The centre of social work located in the territory of the refugee's residence shall be competent for deciding on the refugee's entitlement to financial assistance.
5. The refugee's close family members who live with him in Slovenia without possessing their own property or income shall also have the right to financial assistance, which shall equal 60% of the financial assistance provided in the first paragraph. Financial assistance allocated to the refugee's close family members depends on the entitlement and duration of the refugee's right to financial assistance.

Article 51

Allocation of basic housing

1. A refugee shall be allocated basic housing.
2. Should a refugee refuse the housing that he has been allocated, he shall lose the right to obtain assistance for housing and may choose his own, at his own costs.

Article 52

Extent of health care

Refugees and their close family members shall be entitled to health care as stipulated by the Law on Health Care and the Law on Health Insurance.

Article 53

Education

Refugees and their close family members shall be accorded the same treatment as Slovene citizens in terms of their rights to primary, secondary and higher education.

Article 54

Employment

1. Refugees and their close family members shall be accorded the same rights to employment as Slovenian citizens.
2. Considering a final decision on granting asylum, the National Employment Office shall *ex officio* issue personal working permits to refugees and their close family members.

Article 55

Access to courts of law and legal assistance

In matters relating to access to courts of law and the right to legal assistance refugees shall be accorded the same treatment as Slovenian nationals.

CHAPTER V

PERMITS AND DOCUMENTS

Article 56

Issuance of certificates, documents and visas

1. Asylum applicants shall be issued the following certificates, documents and visas:
 - certificate of the submission of an asylum application and documents;
 - asylum applicant identification card; and
 - permit for border crossing;
2. Refugees shall be issued the following documents and visas:
 - refugee passport;
 - refugee personal identification card; and
 - entry or exit visa, and entry-exit visa.
3. Certificates and documents listed under paragraph 1 of this Article shall be issued by the Ministry of the Interior in compliance with the provisions of this Law. Documents and visas referred to in paragraph 2 of this Article shall be issued by the Ministry of the Interior and the competent administrative units authorised by the Ministry in compliance with the provisions of this Law. An entry visa or an entry-exit visa shall be issued by the authority authorised for consular affairs in the Republic of Slovenia.

Article 57

Asylum applicant identification card

1. An asylum applicant identification card shall function as an identification document and as a temporary residence permit in the Republic of Slovenia.
2. An identification card shall also be issued to the close family members of the asylum applicant.

3. The asylum card shall be valid until the asylum procedure ends.

Article 58

Border crossing permit

1. In the course of an asylum procedure, an asylum applicant shall not be allowed to leave the Republic of Slovenia.
2. The competent asylum authority may exceptionally issue to the asylum applicant a special permit to exit and re-enter the Republic of Slovenia.

Article 59

Refugee passport

1. The refugee will be issued with a passport on request, filed with the competent authority pursuant to the law, regulating the acquisition of the passport for Slovene citizens, unless this law provides otherwise.
2. The application will be filed personally by the refugee who has already been 18 years old and acquired contractual capacity.
3. The application will be filed by the statutory representative of the refugee if he/she is younger than 18 or if he/she has been partly or entirely denied contractual capacity.
4. The competent authority will issue the applicant with the certificate on the reception of the application.
5. The passport for refugees may be acquired by the person enjoying valid refugee status. A juvenile, younger than 4 will receive the passport valid for 2 years; a juvenile between 4 and 18 years of age will receive the passport valid for 5 years; an adult refugee will receive the passport valid for 10 years.
6. The holder has to deliver the passport to the competent authority upon the expiration of his/her refugee status.

Article 60

Refugee identification card

1. Each refugee shall have a personal identification card.
2. A personal identification card shall be valid throughout the period in which a refugee enjoys refugee status.

CHAPTER VI

SPECIAL FORM OF PROTECTION IN THE REPUBLIC OF SLOVENIA

Article 61

Special form of protection

1. Under this law, the special form of protection means a permission for the foreigner whose asylum application has been rejected by a final decision, to stay temporarily in the Republic of Slovenia.
2. The special form of protection may be granted to the foreigner by the authority that conducted the asylum procedure on his/her request or *ex officio*.
3. The special form of protection shall be granted:

if removal from the country would contradict paragraph 1 of Article 6 of this law;

if conditions to protect the foreigner in the Republic of Slovenia exist pursuant to another regulation or an international agreement.

4. The competent authority may grant the special form of protection in the Republic of Slovenia for as long as these reasons exist but for no more than six months. Upon the proposal of the alien, the special form of protection may be extended.

5. The alien may lodge an appeal against the decision on the special form of protection within three days after the receipt of the decision. The Government of Slovenia shall decide the appeal within seven days. An administrative litigation is allowed against the decision on the appeal.

6. With the decision by which the alien is granted the special form of protection in the Republic of Slovenia, the competent authority shall accommodate him/her in the asylum home or its branch or determine the alien's domicile at a designated address.

7. An alien who has been granted the special form of protection in the Republic of Slovenia pursuant to this law, shall be issued with a special identity card; the form of this card shall be prescribed by the minister of the interior.

Article 62

Rights of aliens granted the special form of protection

An alien who has been granted the special form of protection in the Republic of Slovenia shall have the right to:

medical care;

legal aid;

housing and the provision of basic living conditions; and

elementary schooling.

Article 63

Cessation of the special form of protection

1. The special form of protection in the Republic of Slovenia shall cease to apply:

with the expiry of the time limits for which the special form of protection in the Republic of Slovenia was granted;

when the alien leaves the Republic of Slovenia; or

if the alien has been granted the residence permit on the basis of a different law or international agreement.

2. An alien who has lived in the Republic of Slovenia for two years without interruption on the basis of the special form of protection may, upon his/her request, be granted asylum on humanitarian grounds.

CHAPTER VI a

RECORDS

Article 63a

Types of records

1. In order to provide information, needed to perform the tasks, set out in this Act, the following records will be stored and kept:

filed asylum applications,

Applicants under 18 (minors) who are not accompanied by parents,

Asylum applicants, accommodated at the Asylum Home or its branches,

Asylum applicants, accommodated elsewhere (resettled),
Persons who have been granted asylum pursuant to Article 1 of this Act,
Persons whose asylum applications have been rejected,
Persons whose asylum applications have been dismissed,
Persons in respect of whom the asylum procedure has been discontinued,
Persons who applied for the special form of protection,
Persons who have been granted the special form of protection,
Persons whose application for the special form of protection has been rejected,
Persons whose applications for the special form of protection have been dismissed,
repeated asylum applications,
issued passports for refugees,
issued asylum applicant's cards,
issued personal identity cards for refugees,
issued cards for the special form of protection,
issued permits to cross the national border,
issued arrival and departure visas as well as arrival-departure visas.

Article 63b

Information to file an asylum application

1. An asylum application will be made on the form, prescribed by the executive regulation, set out in Article 25 of this Act.
2. The foreigner has the duty to give the competent authority the following information (data):

Personal name,

Other names or aliases,

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/she stayed after leaving the country of origin,

Date of arrival/entry inSlovenia(day, month, year),

Place of entry,

Mode of entry,

Identity documents (type of document, serial number, issuing date and place),

Education and profession,

National service,

Membership in a political party or organisation,

Previous asylum applications inSlovenia,

Asylum applications in other countries,

Police records,

Special needs or problems,

Information on family for unaccompanied children,

close family members accompanying the asylum applicant,

Other relatives, accompanying the asylum applicant,

Other relatives already staying inSlovenia,

close family members staying in the country of origin,

Family members living outside the country of origin,

Applicant's statement/declaration,

Other findings by the competent official.

3. Information on nationality, ethnic group or tribe, religion, education and membership in a political party or organisation are given by the applicant on the special form where he/she also writes the consent as regards the processing of the above data. The applicant will be made familiar in writing with the purpose of processing and using the data as well as with the period during which the data is to be stored.

Article 63c

Data to issue the asylum applicant's card

In order to be issued with the asylum applicant's card, the asylum applicant has to give the competent authority the data from the first, third, fourth, fifth, sixth, seventh and eighth sub-paragraph of the second paragraph of the above Article as well as the address of his abode in Slovenia and the personal identity number (PIN) if he/she has it.

Article 63č

Data to issue the personal identity card for the refugee, passport for the refugee and the special protection card

In order to be issued with the personal identity card for refugees, passport for refugees and the card for persons who have been granted the special form of protection, the person has to give the competent authority the data from the first, third, fourth, fifth, sixth, seventh, eighth and nineteenth sub-paragraph of the second paragraph of Article 63b of this Act and the address of the abode in Slovenia and PID if he/she has it. The person has to enclose two photographs of the prescribed size, showing his/her real image.

Article 63d

Archives and protection of personal data as regards issuing documents

1. Personal data collected pursuant to the second paragraph of Article 63b of this Act will be kept by the competent authority. Ten years after the procedure has been finally closed the data will be put into archives pursuant to the laws on archives and keeping such documents.
2. Personal data, set out in Articles 63c and 63č of this Act may not be used by authorised companies/enterprises or the authority manufacturing asylum applicant's cards, personal identity cards for refugees, passports for refugees and cards granting the special form of protection for the purposes of registering the data on the prescribed form and have to be erased 30 days after use.

Article 63e

Information in the records

1. Records, mentioned in Article 63a of this Act contain all information from the second paragraph of Article 63b of this Act.
2. Records, mentioned in Article 63a of this Act from its second to nineteenth sub-paragraph also contain information on the address of abode in Slovenia and the PID if the applicant has it.
3. Records, mentioned in Article 63a of this Act from the sixth, seventh, eighth, ninth, tenth, eleventh, twelfth and thirteenth sub-paragraph of the first paragraph also contain the time limit/deadline in which the applicant has to leave Slovenia.
4. Records contained in the third and fourth sub-paragraph of the first paragraph of Article 63a of the same Act also contain information on financial assistance or pocket allowance, humanitarian relief, received by the applicant as well as information on elementary education and part-time or permanent employment."

CHAPTER VII

PROTECTION OF PERSONAL DATA

Article 64

Collection, processing and communication of data

1. Bodies competent for implementation of this Law shall collect personal and other general data on asylum applicants, refugees and persons who were granted the special form of protection in the Republic of Slovenia to the extent necessary for performing their tasks as prescribed by this Law.
2. State authorities and other bodies and organisations which have data about persons referred to in paragraph 1 of this Article must communicate it to competent authorities should the latter so request.
3. Data referred to in paragraphs 1 and 2 of this Article must be collected and communicated in compliance with the Law on Personal Data Protection and the Convention on the Protection of Personal Data.
4. Data, collected by taking fingerprints and the asylum applicant's photographs may be used exclusively in connection with the examination of his/her asylum application and to determine the State, responsible for the examination of an asylum application.

Article 65

Communication of data to the country of origin

1. Data collected from persons referred to in the first paragraph of Article 64 shall not be communicated to the country of origin.
2. For the purpose of removing a person whose asylum 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 data, sex, nationality, data on family members, data on documents issued by the country of origin, and the current address in this country; and

fingerprints and photographs, if deemed necessary.

CHAPTER VIII

TRANSITORY AND FINAL PROVISIONS

NOTE: The provisions contained in Articles 50, 51, 52, 53 and 54 still apply but only until the enforcement of the implementing rule, set out in Article 21, of this law!

Article 66

Within six months of the enactment of this Law, the Minister of the Interior shall issue rules on the manner of its implementation; in regard of matters which are under competency of the Ministry of Work, Family and Social Affairs, the Minister of Interior shall issue rules agreed with the Minister of Work, Family and Social Affairs.

Article 67

On the day this Law enters into force the provisions of Articles 34 to 40 and 43 to 48 of the Law on Aliens (Official Gazette of the Republic of Slovenia, No. 1/91) shall cease to apply.

Article 68

Asylum applications which were lodged in compliance with the Law on Aliens and have not been decided on shall be processed according to this Law.

Article 69

Within six months of the enforcement of this Law an Asylum Home shall be established.

Article 70

Within three months of the enforcement of this Law, the Minister of Justice shall appoint refugee counsellors.

Article 71

Until suitable rules are issued on the basis of this Law, the following regulations are still to be used, unless they are contrary to this Law:

Decree on implementation of rights of aliens to whom refugee status had been recognised (Official Gazette of the R Slovenia, no. 19/91)

Regulation on how to handle applications for refugee status and their basic care (Off. Gazette of the R Slovenia, no. 25/91).

Article 72

This Law shall come into effect on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.

TRANSITIONAL AND FINAL PROVISIONS

Article 73

The minister of the interior will coordinate the forms of the documents, mentioned in Article 56 of this Act one year after the enforcement of this Law. The minister will also prescribe in detail the mode of keeping the records.

Article 74

Asylum applicant's cards, personal identity cards for refugees, passports for refugees and special protection cards may be used until they are expired, but no longer than two years after the enforcement of this Law.

No. 213-04/98-25/6

President of the National Assembly of the

Ljubljana, July 25, 2001

Republic of Slovenia

Borut Pahor -sgd