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International and Regional Instruments

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB	1	a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes	UNHCR, State Parties to the 1954 Convention Relating to the Status of Stateless Persons: http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3bbb0abc7&query=1954%20convention
IOB	1	b		If yes, when was ratification/accession?		6 July 1992 (succession)	
IOB	1	c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	No	
IOB	1	d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes	Article 8 of the Constitution of the Republic of Slovenia provides for the direct application of duly ratified and published treaties: http://www.us-rs.si/en/about-the-court/legal-basis/
IOB	2	a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	No	United Nations Treaty Collection, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtdsg_no=V-4&chapter=5&clang=en
IOB	2	b		If yes, when was ratification/accession?		Does not apply	
IOB	2	c		Are there reservations in place? Please list them.	As above	Does not apply	
IOB	2	d		Does the Convention have direct effect?	As above	Does not apply	

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IOB	3	a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	No	Council of Europe Treaty Office: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/166/signatures?p_auth=4UYTHUJV
IOB	3	b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	Yes. No, there are no reservations in place.	Council of Europe Treaty Office: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005
IOB	3	c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	No	Council of Europe Treaty Office, http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200/signatures?p_auth=4UYTHUJV
IOB	3	d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive). Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Returns Directive)	Yes, Slovenia is bound by Directive 2008/115/EC. There are no reservations in place.	EUR-Lex : http://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32008L0115
IOB	3	e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child 1989	Yes. No, there are no reservations in place.	United Nations Treaty Collection: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en
IOB	3	f		State Party to International Covenant on Civil and Political Rights 1966?	International Covenant on Civil and Political Rights 1966	Yes. No, there are no reservations in place.	United Nations Treaty Collection: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-4&chapter=4&lang=en

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				Please list any relevant reservations.			
IOB	3	g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights 1966	Yes. No, there are no reservations in place.	United Nations Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-3&chapter=4&clang=en
IOB	3	h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women 1979 Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness.	Yes. No, there are no reservations in place.	United Nations Treaty Collection: https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-8&chapter=4&lang=en
IOB	3	i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984	Yes. No, there are no reservations in place.	United Nations Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&lang=en
IOB	3	j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination 1965	Yes, Slovenia currently has one reservation to Article 14 of the Convention (recognition of competence of the Committee on the Elimination of Racial Discrimination): 'The Republic of Slovenia recognizes to the Committee on the Elimination of Racial Discrimination competence [...], with the reservation that the Committee shall not consider any communications unless it has ascertained that the same matter has not been, and is	United Nations Treaty Collection: https://treaties.un.org/Pages/Declarations.aspx?index=Slovenia&lang=en&chapter=4&treaty=323#EndNotesSection

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						not being, examined under another procedure of international investigation or settlement.'	
IOB	3	k		State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990	No.	OHCHR, Status of Ratification Interactive Dashboard: http://indicators.ohchr.org/

Stateless Population Data

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP	1	a	Availability and sources	Does the Government have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p>Gen. Rec. 32, CEDAW: States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union (2015): Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p>UNHCR (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>Institute on Statelessness and Inclusion (2014): States should strengthen measures to count stateless persons on their territory.</p>	<p>No. The Statistical Office of the Republic of Slovenia (the main producer and coordinator of national statistics in Slovenia) does not collect data on the stateless population.</p> <p>The 2002 census questionnaires returned with 2,527 people identified as having 'unknown nationality' status. However, the data is unreliable: it cannot be determined if no data on nationality was collected or if respondents identified as stateless. These figures were not included in the official report of the 2002 census.</p> <p>The only other institution gathering data on statelessness is the Ministry of the Interior, from administrative procedures in which individuals claimed that they were stateless. In the period 2009-2013, five people acquired Slovenian nationality through facilitated naturalisation proceedings for stateless persons as prescribed by the Citizenship Act. Under the 'Immigration Act' permanent residence permits were issued to 13 stateless people. International protection was granted to one stateless person.</p> <p>There is no information about stateless people in either the 2016 or 2017 reports of the Ministry of Interior, and 2018</p>	<p>Information provided by the Statistical Office of the Republic of Slovenia upon request, 30.6.2017</p> <p>Ending Childhood statelessness: A Study on Slovenia, ENS, 2015 http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf</p> <p>Republic of Slovenia, Statistical Office: https://www.stat.si/StatWeb/ (Slovenian - SL) NB. Statistical data on migrants was formerly published on the Government website, but this was reorganised in 2019 and is no longer available at the former link (http://www.mnz.gov.si/si/mnz_za_vas/tujci_v_sloveniji/statistika/)</p>

Statelessness Population Data – 2019

						reports are unavailable on the government website.	
POP	1	b		Do government authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	<p>Yes. The official statistics of the Ministry of Interior contain the categories “stateless” and “persons of unknown nationality”. In the annual reports the term “unknown nationality” refers to the nationality of asylum seekers. In 2015, one asylum seeker of unknown nationality was recorded. There is no more recent data. An in-depth study on statelessness in Slovenia by the NGO Peace Institute concluded that the Romani population and ‘erased persons’ are the two groups that have been disproportionately exposed to statelessness. However, there are no sources of statistics or estimates on the scale of statelessness within these two groups. The Ministry of Interior holds data on the nationalities of asylum applicants. For example (most did not stay in Slovenia):</p> <ul style="list-style-type: none"> • Syrians: 2017 – 94; 2016 – 281; 2015 – 17; 2014 – 91; 2013 – 66. • Palestinians: 2017 – 12; 2016 – 2; 2015 – 0; 2014 – 1; 2013 – 1. • Unknown: 2017 – 1; 2016 – 2; 2015 – 1; 2014 – 1; 2013 – 2. • Stateless: in 2017, 6 stateless people were relocated from Greece to Slovenia under the EU Relocation scheme. The Ministry also holds information on the nationalities of people who received international protection, for example: 	<p>Republic of Slovenia, Statistical Office: https://www.stat.si/StatWeb/ (SL) NB. Statistical data on migrants was formerly published on the Government website, but this was reorganised in 2019 and is no longer available at the former link (http://www.mnz.gov.si/si/mnz_za_v_as/tujci_v_sloveniji/statistika/)</p> <p>Bajt, Veronika, Kogovšek Šalamon, Neža (2014). Brezdržavljanost v Sloveniji (Statelessness in Slovenia). Dve domovini / Two Homelands 39, 7-18</p>

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						<ul style="list-style-type: none"> • Syrian: 2017- 97; 2016 – 88; 2015 – 10; 2014 – 11; 2013 – 7. • Palestinian: 2017 – 8; 2016 – 0; 2015 – 0; 2014 – 1; 2013 – 2. • Unknown: none (2013 -2017). <p>At the time of writing data was not available for 2018-2019.</p>	
POP	1	c		What is UNHCR’s estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	There is no official UNHCR estimate for the stateless population in Slovenia. UNHCR stated in 2016 that: ‘In Slovenia, where a certain group of people lost their legal status after the country declared its independence in 1991, the number of stateless people is yet unknown.’	UNCHR, Stateless people: Searching for citizenship, 14 Dec 2016: http://www.unhcr.org/ceu/78-enwho-we-helpstateless-people.html.html
POP	1	d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	An in-depth study on statelessness in Slovenia by the NGO Peace Institute concluded that due to lack of data, further research was needed, especially on the Roma population and ‘erased persons’ (groups that have been disproportionately exposed to statelessness).	Bajt,Veronika, Kogovšek Šalomon, Neža (2014). Brezdržavljskost v Sloveniji (Statelessness in Slovenia). Dve domovini / Two Homelands 39, 7-18
POP	1	e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	No.	
POP	1	f		Are there issues with the reliability of data or indications that the stateless population may be over/under	As above	Yes. The only available data is provided by the Ministry of Interior from administrative procedures in which individuals claim that they are stateless. It is likely that more stateless people than the small number who are visible in the Ministry’s statistics live in Slovenia, but	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf

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				reported? If yes, please describe.		these individuals have so far remained unrecognised and undetected as stateless.	
POP	1	g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the Govt also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above	International protection was granted to 1 stateless person. Between 2013 and 2017, 7 asylum seekers of unknown nationality were recorded (see also POP1d). No data was available for 2018-19 at the time of writing.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf Republic of Slovenia, Statistical Office: https://www.stat.si/StatWeb/ (SL) NB. Statistical data on migrants was formerly published on the Government website, but this was reorganised in 2019 and is no longer available at the former link (http://www.mnz.gov.si/si/mnz_za_vas/tujci_v_sloveniji/statistika/)
POP	2	a	Stateless in detention data	Does the Government record and publish figures on stateless people held in immigration detention? If yes, please provide.	As above and see also norms in Detention section.	As at June 2017, there was 1 stateless person and 1 person of unknown nationality in immigration detention centers. Between 2012–2017 there were 3 stateless persons and 2 persons of unknown nationality in immigration detention centres.	Information provided by the Centre for Foreigners upon request, by email on 29.6.2017.
POP	2	b		Does the Government record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	All were released. No other information is available.	Information provided by the Centre for Foreigners upon request, by email on 29.6.2017.

Statelessness Determination and Status

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS	1	a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	UN Convention Relating to the Status of Stateless Persons, 1954 : Articles 1(1) & 1(2).	The national definition is narrower than the 1954 Convention. According to the 'Immigration Act': a stateless person is a foreigner who is not deemed to be a national of any country in accordance with the legal acts of individual countries. Under the 1954 Convention: a person who is not considered a national by any State under the operation of its law, which means also ministerial decrees, regulations, orders, judicial case law, and where appropriate, customary practice. According to UNHCR, the term "in accordance with the legal acts" is narrower than "under the operation of its law". Slovenian law does not contain any exclusions to the definition.	Article 2, Immigration Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL) UNHCR, Handbook on the Protection of Stateless Persons, 2014: http://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/04/CH-UNHCR_Handbook-on-Protection-of-Stateless-Persons.pdf Kogovšek Šalamon, Neža (2012), A Study and Comparison of National Legislation in Slovenia and International Standards Related to Statelessness: http://www.unhcr.org/ceu/assets/files/content/resources/pdf/en/evaluation_and_research/Slovenia_Statelessness_study.pdf

SDS	1	b	Existence of a dedicated SDP	<p>Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated.</p> <p>1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure (proceed to Question 2a).</p> <p>2. There is no dedicated SDP but there are other administrative procedures through which statelessness can be identified (e.g. residence permit or naturalisation applications, refugee status determination, ad hoc procedures) (proceed to Question 10a).</p>	<p>UNHCR (2014) : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p> <p>UNHCR (2016): Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.</p>	<p>Group 2: there is no dedicated SDP procedure but there are other administrative procedures through which statelessness can be identified.</p>	<p>Ending Childhood statelessness: A Study on Slovenia, ENS, 2015: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf</p>
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				<p>3. There is a dedicated Stateless Status but no formal procedure for determining this (proceed to Question 16a).</p> <p>4. None of the above. Are there other possibilities for stateless people to regularise their stay without their statelessness being determined (proceed to Question 17a)?</p>			
SDS	10	a	Alternative administrative procedures through which statelessness can be identified	<p>If there is no dedicated SDP, are there other administrative procedures through which statelessness can be identified (e.g. residence permit or naturalisation applications, refugee status determination, ad hoc procedures) If yes, provide details and then proceed to</p>	<p>ENS (2013): For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one.</p> <p>Hoti v. Croatia ECtHR (2018): [the State has a] positive obligation to provide an effective and accessible procedure or a combination of procedures enabling the applicant to have the issues of [their] further stay and status determined.</p>	<p>Statelessness can be identified through procedures under the ‘Immigration Act’ (procedures for granting temporary or permanent residence permits, if a person claims statelessness) or under the ‘Citizenship Act’ (if the person is applying for nationality as a stateless person).</p>	<p>Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 5: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf</p> <p>Immigration Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p> <p>Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5130 (SL)</p>

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				question 11a. If no, proceed to question 15a.			
SDS	11	a	Access to procedures	How is statelessness identified through other procedures?	UNHCR (2016) : Efficient referral mechanisms should be established, while officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.	If a person claims statelessness, the authorities determine all circumstances that connect the individual to a certain country with a view to ascertaining what/whether nationality is held. In principle, there are three types of connection to another state: the country of birth, the country of long-term residence, the county of the parents' nationality/birth.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 9: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
SDS	11	b		Are there obligations in law on authorities to consider a claim for statelessness made within another procedure?	UNHCR (2016) : Access to the procedure must be guaranteed.	Authorities consider the individual's statelessness if the person claims to be stateless and it is relevant for the procedure.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 9: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
SDS	11	c		Are there clear, accessible instructions on how to make a claim for statelessness?	UNHCR (2014) : For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.). UNHCR (2016) : Information on the procedure and counselling services must be available to potential applicants in a language they understand.	No.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 9: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
SDS	11	d		Is the examination of statelessness claims conducted by a centralised body with relevant	UNHCR (2014) : States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely	The examination is conducted by localised administrative units, which are territorial bodies of the state administration, competent to decide on applications for a residence permit/nationality.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 3: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf

Statelessness Determination and Status - 2019

				expertise? Please note the competent authority and evaluate appropriateness to national context.	to develop the necessary expertise. UNHCR (2016) : It is important that examiners develop expertise while ensuring that the procedures are accessible.		
SDS	11	e		Is there training to inform different government bodies about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	UNHCR Executive Committee (2006) : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	No.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 9: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
SDS	11	f		Is there cooperation between agencies that may have contact with stateless people to refer cases for status determination?	UNHCR (2016) : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	There is no information on such cooperation. Previous studies show that the issue of statelessness is not considered as a relevant topic by the authorities.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 4: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
SDS	12	a	Assessment	Who has the burden of proof when determining statelessness (in law and practice)?	UNHCR (2014) : The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts). UNHCR (2016) : SDPs must take into consideration the difficulties inherent in proving statelessness. UNHCR Expert Meeting (2010) : Individuals must cooperate to establish relevant facts. The burden should shift to the State if an	The burden of proof lies with the applicant who claims to be stateless.	Bajt, Veronika, Kogovšek Šalamon, Neža (2014). Brezdržavljanost v Sloveniji (Statelessness in Slovenia). Dve domovini / Two Homelands 39, p. 15

					individual can demonstrate they are not a national, on the basis of reasonably available evidence. Hoti v. Croatia ECtHR (2018) : State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.		
SDS	12	b		What is the standard of proof? Is it the same as in refugee status determination procedures?	UNHCR (2014) : States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree'). Inter-Parliamentary Union (2018) The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence. Hoti v. Croatia ECtHR (2018) : If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.	The standard of proof is the same as in administrative procedures in general: certainty (which excludes any doubts). This standard is significantly higher than the one used in asylum applications: reasonable likelihood.	Article 8, General Administrative Procedure Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1603 (SL) Administrative Court of the Republic of Slovenia No. I U 622/2016: http://www.sodnapraksa.si/?q=id:2015081111401658&database[SOVS]=SOVS&database[IESP]=IESP&database[VDSS]=VDSS&database[UPRS]=UPRS&submit=i%C5%A1%C4%8Di&page=0&id=2015081111401658 (SL)
SDS	12	c		Is there clear guidance for decision makers on how to determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?	ENS (2013) : Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.	No. There are no guidelines.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf

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SDS	13	a	Procedural safeguards	Is free legal aid available during the procedure?	<p>UNHCR (2014): Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means.</p> <p>ENS (2013): If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.</p>	No. The national legal aid scheme is available only for court proceedings. At the first instance, the applications are decided upon by local administrative units. Legal aid is therefore available only during judicial review.	Article 7, Legal Aid Act: http://www.pisrs.si/Pis.web/pregledPr edpisa?id=ZAKO1265 (SL)
SDS	13	b		Is an interview always offered (unless granting without interview)?	UNHCR (2014) : The right to an individual interview [is] essential.	Not always. In accordance with the general administrative procedure rules, the statement of the applicant may be used as evidence if there is a lack of other evidence.	Article 188, General Administrative Procedure Act: http://www.pisrs.si/Pis.web/pregledPr edpisa?id=ZAKO1603 (SL)
SDS	13	c		Is free interpreting offered for interviews?	<p>UNHCR (2014): The right to assistance with interpretation/translation [is] essential.</p> <p>ENS (2013): Assistance should be available for translation and interpretation.</p>	Yes, but not free of charge. Applicants who do not understand the language have the right to an interpreter, but costs are covered by the applicant.	Articles 62 & 113, General Administrative Procedure Act: http://www.pisrs.si/Pis.web/pregledPr edpisa?id=ZAKO1603 (SL)
SDS	13	d		Are decisions (refusals and grants) given in writing with reasons?	UNHCR (2014) : States are encouraged to incorporate the safeguard that decisions are made in writing with reasons.	Yes, in writing, with reasons.	Article 210, General Administrative Procedure Act: http://www.pisrs.si/Pis.web/pregledPr edpisa?id=ZAKO1603 (SL)
SDS	14	a	Stateless status	Does recognition of statelessness result immediately in automatic permission to stay/legal status? If not, please describe	UNHCR (2014) : The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such	No. The identified stateless person must fulfil the conditions for the status applied for i.e. residence permit/nationality. Permission to stay is issued by the Police in removal procedures, if the person cannot be removed from the country.	Immigration Act: http://www.pisrs.si/Pis.web/pregledPr edpisa?id=ZAKO5761 (SL) Citizenship Act: http://www.pisrs.si/Pis.web/pregledPr edpisa?id=ZAKO5130 (SL)

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				any additional requirements.	permission would fulfil the object and purpose of the treaty.		Article 73, Immigration Act: http://www.pisrs.si/Pis.web/pregledPr edpisa?id=ZAKO5761 (SL)
SDS	14	b		How long is initial status granted for and is it renewable?	UNHCR (2014) : It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable.	It depends on the type of status the person applies and fulfils conditions for. Permission to stay under Article 73 of the Immigration Act is issued for 6 months and can be renewed. A temporary residence permit may be issued with a validity of up to one year and can be renewed. A permanent residence permit is unlimited.	Immigration Act: http://www.pisrs.si/Pis.web/pregledPr edpisa?id=ZAKO5761 (SL) Citizenship Act: http://www.pisrs.si/Pis.web/pregledPr edpisa?id=ZAKO5130 (SL) Article 73, Immigration Act: http://www.pisrs.si/Pis.web/pregledPr edpisa?id=ZAKO5761 (SL)
SDS	14	c		What other rights are granted to recognised stateless people (e.g. travel document, work, healthcare, social security, education, housing, family reunion etc.)?	UN Convention Relating to the Status of Stateless Persons, 1954 UNHCR (2014) : The status granted to a stateless person in a State Party must reflect international standards.	Individuals with permission to stay have the right to emergency healthcare, basic financial assistance and access to primary education for minors. The rights attached to a residence permit are not provided by the Immigration Act, but by many different sources of the law. In general, it can be said that persons with a permanent residence permit have almost the same rights as nationals apart from the right to vote in national elections and to run for office (but they can vote in local elections); and the right to social housing. For people with a temporary residence permit, it depends on the type (i.e. for work, study, family reunion) but the scope of rights is much narrower. It does not include the right to financial social assistance.	Immigration Act: http://www.pisrs.si/Pis.web/pregledPr edpisa?id=ZAKO5761 (SL) Citizenship Act: http://www.pisrs.si/Pis.web/pregledPr edpisa?id=ZAKO5130 (SL) Article 73, Immigration Act: http://www.pisrs.si/Pis.web/pregledPr edpisa?id=ZAKO5761 (SL)
SDS	15	a	Access to nationality	In what timeframe do stateless people acquire the right to	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 32 UNHCR (2016) : It is recommended	If the competent authority considers it to be in accordance with the national interest, it may at its discretion, naturalise	Citizenship Act: http://www.pisrs.si/Pis.web/pregledPr edpisa?id=ZAKO5130 (SL)

				<p>apply for naturalisation and how does this compare to others with a foreign nationality? Please describe the procedure and note whether this is facilitated for stateless people (e.g. exemption from nationality/language tests, fee waiver).</p>	<p>that States Parties facilitate, as far as possible, the naturalisation of stateless persons. Council of Europe Committee of Ministers (1999): Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. ENS (2013): The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.</p>	<p>a person without nationality (a stateless person) if they have been living in Slovenia continuously for 5 years prior to submitting the application. To acquire nationality, the stateless person must have a temporary or permanent residence permit and:</p> <ul style="list-style-type: none"> - be at least 18 years-old - have guaranteed funds to ensure their material and social security and that of any dependents; - have a command of the Slovenian language for the purposes of everyday communication, proven by a certificate in basic level Slovenian; - have not been sentenced by a final judgement to an unsuspended prison sentence of more than three months, or a suspended prison sentence of more than one year; - naturalisation poses no threat to the public order or the security or defence of the State; - have settled all tax obligations. <p>In comparison to other applicants, stateless persons do not need to prove their release from another nationality and can apply for nationality after 5 years' residence, reduced from the standard 10 years. There is a fee of 181.20 EUR for adults and children. Only one fee is paid per family. There is a possibility for exemption for those in financial need under the laws of reciprocity and there is no provision for this to apply to stateless persons.</p>	<p>Administrative Fees Act, Article 21 & 25: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO2146 (SL)</p> <p>Administrative Fee Tariff, Tariff no.12</p>
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Detention

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET	1	a	Detention screening	Are immigration detention powers provided for in law? Please provide the legal source(s).	ICCPR Article 9(1) ECHR Article 5 (1)	Yes.	Article 76, Immigration Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)
DET	1	b		Does domestic law allow immigration detention for purposes other than those listed under ECHR 5(1)(f)?	ECHR Article 5(1)(f)	The police may detain a foreign national, without legal residence, if there is a risk of absconding or they did not leave the country within the prescribed time limit and there are circumstances that prevent their immediate deportation. This provision is also used in cases of foreign nationals whose identity is unknown.	Article 76, Immigration Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)
DET	1	c		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	ICCPR Article 7 : Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment. Auad v Bulgaria ECtHR (2011) : The only issue is whether the authorities were sufficiently diligent in their efforts to deport the applicant. EU Returns Directive : Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.	No. The law does not require the authorities to identify the country of removal before detaining a person. The legislation does not provide information on any procedural step to follow before removal. However, the police would detain a person in the Centre for Foreigners if the legal conditions were fulfilled. Only after detention would they consider alternatives and engage in identifying the country of removal and/or barriers to removal.	Article 76, Immigration Act, http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)
DET	1	d		Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	Auad v Bulgaria ECtHR (2011) Mikolenko v. Estonia ECtHR (2009) : Detention may only be justified as long as deportation proceedings are being conducted with due diligence. UNHCR (2014) : Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary. Equal Rights Trust (2012) : States must identify stateless persons within their territory or subject to their	No. The law does not mention statelessness as a relevant fact.	Article 76, Immigration Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)

					jurisdiction as a first step towards ensuring the protection of their human rights. International Commission of Jurists (2014) : The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.		
DET	1	e		Are stateless people detained in practice?		Yes. As of June 2017, 1 stateless person and 1 person of unknown nationality were detained. 3 stateless people and 2 people of unknown nationality were detained between 2012–2017. No further data is available for 2018-19.	Information provided by the Centre for Foreigners upon request, by e-mail, 29.6.2017
DET	1	f		Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives have been exhausted in each individual case?	UNHCR (2014) : Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. EU Returns Directive : Article 15(1)	Detention as a last resort is not explicitly stipulated by the law. However, the authorities are required by the Constitution to implement a proportionality test before depriving a person of their liberty. The Immigration Act states that the police shall order restriction of movement, accommodating (detaining) the person at the Centre for Foreigners or elsewhere. The Act also gives the police the possibility to replace the measure of obligatory accommodation at the Centre for Foreigners with more lenient measures. As a result, the police in practice will systematically consider alternatives. However, they will first issue a detention decision and consider alternatives at a later stage.	Articles 76 & 81, Immigration Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL) European Migration Network, Thematic Study 2014, The use of detention and alternatives in the context of migration policies, National contribution of Slovenia, p.10: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/25b-slovenia_detention_study_august2014_sl.pdf (SL)
DET	1	g		Are individual vulnerability assessments carried	ENS (2015) : Arbitrary and disproportionately lengthy detention can ensue when the particular	Vulnerability assessment is not formally prescribed by law but in practice it is performed within the general assessment	European Migration Network, Thematic Study 2014, The use of detention and alternatives in the

				<p>out before a decision to detain (or soon after)? Please note whether statelessness is considered to be a factor increasing vulnerability.</p>	<p>vulnerabilities of stateless people are not addressed. EU Returns Directive: Article 16(3) EU Returns Handbook (2017): Attention should be paid to the specific situation of stateless persons. Council of the European Union (2013): European entities should assess the situation of LGBTI persons in detention.</p>	<p>of each individual case. Vulnerable groups are not exempted from detention. The law only prescribes for them to be accommodated separately, to ensure privacy. Stateless persons are not explicitly defined as vulnerable.</p>	<p>context of migration policies, National contribution of Slovenia, p.10: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/25b-slovenia_detention_study_august2014_sl.pdf (SL)</p> <p>Article 76(3), Immigration Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p>
DET	2	a	Alternatives to immigration detention	<p>Are alternatives to detention established in law and considered prior to any decision to detain?</p>	<p>ICCPR Article 9 FKAG v Australia HRC (2013): Any decision relating to detention must consider less invasive means of achieving the same ends. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. UNHCR (2014): Detention can only be justified where other less invasive or coercive measures have been considered and found insufficient. Human Rights Council (2012): The obligation to always consider alternatives before resorting to detention should be established by law. EU Returns Directive: Article 15(1) Equal Rights Trust (2012): States have an obligation to consider and apply appropriate and viable alternatives to</p>	<p>Yes, there are alternatives to detention, referred to by the law as more lenient measures [<i>milejši ukrepi</i>]. According to the law, the police may, ex officio or at the request of the person concerned, replace the measure of obligatory accommodation at the Centre with more lenient measures provided that this also enables deportation of the person from the country. It further states that the police may issue a decision allowing someone to stay outside the Centre, where the police may determine a place of residence. In this event, the police may restrict the person's movement to their place of residence and impose an obligation to report regularly to the nearest police station. In practice, the police will first issue a detention order and systematically consider alternatives after. The law does not explicitly stipulate a time limit or periodic review of alternatives.</p>	<p>European Migration Network, Thematic Study 2014, The use of detention and alternatives in the context of migration policies, National contribution of Slovenia, p.10: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/25b-slovenia_detention_study_august2014_sl.pdf (SL)</p> <p>Article 73, Immigration Act : http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p> <p>Article 79(a), Immigration Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p>

					immigration detention that are less coercive and intrusive. International Detention Coalition (2015) : Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.	Case law available online does not include judicial review of alternatives (only detention).	Immigration Act, Case law: http://www.pisrs.si/Pis.web/pregledPredpisaSodnaPraksa?id=ZAKO5761 (SL)
DET	2	b		Is there evidence that immigration detention is used in practice prior to all alternatives being considered?	As above.	Yes. As stated above (DET 1f), the police will first issue a detention decision and consider alternatives after. The police claim that they systematically consider alternatives in all cases, however case law available online shows that this is not always the case.	European Migration Network, Thematic Study 2014, The use of detention and alternatives in the context of migration policies, National contribution of Slovenia, p.10: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/25b-slovenia_detention_study_august2014_sl.pdf
DET	3	a	Procedural safeguards	Is there a maximum time period for immigration detention set in law? What is it?	UN Human Rights Council (2010) : A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. UNHCR (2012) : To guard against arbitrariness, maximum periods of detention should be set in national law. EU Returns Directive : Article 15(5) Equal Rights Trust (2012) : Detention should always be for the shortest time possible.	The maximum time limit is six months. Detention can be extended for another 6 months, if the person could not be removed from the country due to non-cooperation, delay in getting documentation from third countries, or if identity checks are still on-going, and if it is realistic to expect that the person can be removed from the county within the extended time limit. The provision of the law is written in a way that detention can be extended even if the delay is not a result of the individual's non-cooperation. Stateless people can be cooperating with the authorities, but if there is a delay with	Articles 76(1) and 79(1), Immigration Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)

						getting documentation from a third country or if they are still confirming their identity, the detention can be extended.	
DET	3	b	Does law/policy provide that individuals must be informed in writing of the reasons for their immigration detention?	<p>UN General Assembly (1988) : Anyone who is arrested shall be informed at the time of the reason for his arrest.</p> <p>EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law.</p> <p>Equal Rights Trust (2012) : Stateless detainees shall receive their order of detention in writing and in a language they understand.</p> <p>International Commission of Jurists (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it.</p>	Yes. The Police issues a written decision, including reasons for detention.	Article 78(1), Immigration Act : http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)	
DET	3	c	Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	Equal Rights Trust (2012) : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.	The law prescribes that all detainees must be regularly informed of their rights and obligations.	It was not possible to find sources, whether this happens in practice. Article 76(7), Immigration Act : http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)	

DET	3	d	Are there regular periodic reviews of detention before a court or independent body, which can order release?	<p>Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p> <p>Equal Rights Trust (ERT) (2012) : To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities.</p>	<p>Yes. Since 2014, there are ex officio periodic reviews of detention. However, before the end of the first three months, the review is performed by the Ministry of the Interior. Ex officio judicial review only takes place if detention is extended for more than 3 months (after the initial 6 months have expired). According to the law, the aim of the review is to determine if the grounds for detention still exist. Online available case law does not indicate that detainees would also be released if it became evident that their removal will not be possible within reasonable time.</p>	<p>Article 79(a), Immigration Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p> <p>There are a handful of judgements on detention from the national courts, but this question has not yet been clarified by Slovenian case law.</p> <p>Administrative Court of the Republic of Slovenia, Decision No. I U 1201/2015, 11.2.2016: http://www.sodnapraksa.si/?q=id:2015081111398511&database[SOVS]=SOVS&database[IESP]=IESP&database[VDSS]=VDSS&database[UPRS]=UPRS&submit=i%C5%A1%C4%8Di&page=0&id=2015081111398511 (SL)</p>
DET	3	e	What remedies are available to challenge detention? Please any obstacles to accessing effective remedies in practice.	<p>ICCPR Article 9(4) ECHR: Article 5(4) Kim v Russia ECtHR (2014) : The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p> <p>Alimuradov v. Russia ECtHR (2019): The individual must have at their disposal a procedure for judicial review of the lawfulness of detention capable of leading to release.</p>	<p>Detainees may file a lawsuit at the Administrative Court of the Republic of Slovenia, but there are two main obstacles: the deadline for filing the lawsuit is only 3 days; and there is no free legal aid available for procedures concerning detention (only for returns procedures). As a consequence, case law concerning detention is scarce.</p>	<p>Article 78, Immigration Act : http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p> <p>European Migration Network, Thematic Study 2014, The use of detention and alternatives in the context of migration policies, National contribution of Slovenia, p.11: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/25b-slovenia_detention_study_august2014_sl.pdf</p>

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							Case law on Article 78, Immigration Act: http://www.pisrs.si/Pis.web/pregledPredpisaSodnaPraksa?id=ZAKO5761&loadAll=true&izbranClen=78 (SL) (most deal with failure of the police to properly consider alternatives and respect the principle of proportionality when ordering detention)
DET	3	f	Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	Equal Rights Trust (2012) : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. ENS (2015) : The detaining state should have rules in place that govern the process of re-documentation and/or ascertaining entitlement to nationality.	No such rules/guidance could be identified.	N/A.	
DET	3	g	Is free legal aid available to challenge detention? Please describe any barriers to accessing legal aid in practice.	UNHCR (2014) : Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. EU Returns Directive : Article 13(3)	No, there is no free legal aid to challenge detention.	Immigration Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL) European Migration Network, Thematic Study 2014, The use of detention and alternatives in the context of migration policies, National contribution of Slovenia, p.11: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/25b-	

							slovenia detention study august2014_sl.pdf
DET	4	a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their stateless status) and protected from re-detention?	UN Convention Relating to the Status of Stateless Persons, 1954 : Article 27 UNHCR (2014) : Being undocumented cannot be used as a general justification for detention. ENS (2015) : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention. Equal Rights Trust (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	Between 2012 and 2017, one stateless person, released from detention, was issued permission to stay and a special identity card, issued by the police. The card includes information on the person's nationality/statelessness (if the person has no nationality, this will be written on the card). If statelessness was determined by the police during the procedure, the written decision will include this information.	Information provided by the Centre for Foreigners upon request by email, 29.6.2017 Civil Register Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3354 (SL)
DET	4	b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	Saïd Shamilovich Kadzoev v Direksia Migratsia' pri Ministerstvo na vatreshnite raboti ECJ (2009) : After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release. Equal Rights Trust (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	If removal from the country is not possible, the person is issued permission to stay. Permission to stay is issued for 6 months and can be extended if the reasons that prevent removal (as stipulated by the law) continue to exist. Individuals with permission to stay have the right to emergency healthcare, basic financial assistance and access to primary education.	Article 73, Immigration Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)
DET	4	c		If re-detention occurs, is the cumulative time spent in detention counted towards	Equal Rights Trust (2012) : When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention	There is no provision in the law that cumulative time spent in detention is counted towards the maximum time limit.	Article 76, Immigration Act : http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)

				any maximum time limits?	on previous occasions is taken into consideration.		
DET	5	a	Return & readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	UNHCR (2014) : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	Slovenia’s bilateral readmission agreements with Austria and Hungary do not mention stateless people or any differential treatment due to stateless people in situations covered by the agreement. Readmission agreements with Croatia and Italy prescribe the same treatment for stateless people as for third country nationals. However, under Article 3 of the Agreement, the obligation to admit does not apply for third country nationals or stateless people to whom the applicant Contracting Party has recognised the status of a stateless person under the Convention Relating to the Status of Stateless Persons of 1954.	Act ratifying the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Croatia on the readmission of persons whose entry or residence is illegal: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4624 (SL) Act ratifying the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Italy on the readmission of persons on the joint border: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1121 (SL)
DET	5	b		Are you aware of cases of cases of stateless people being returned under such agreements?		We are not aware of any cases. Civil society does not have access to proceedings under readmission agreements so there is no monitoring of cases and information is not publicly available.	Peace Institute casework/practice.

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS	1	a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to be granted nationality? [If yes, continue to PRS1b. If no, proceed to PRS1h]	<p>UN Convention on the Reduction of Statelessness, 1961: Article 1</p> <p>European Convention on Nationality, 1997: Article 2</p> <p>Convention on the Rights of the Child 1989: Article 7</p> <p>Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless.</p> <p>European Parliament (2018): The EU and its MS should ensure that childhood statelessness is adequately addressed in national laws in full compliance with Article 7 CRC.</p>	Yes.	Article 9, Citizenship Act of the Republic of Slovenia: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS	1	b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<p>UNHCR (2012): The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application.</p> <p>ENS (2015): The 1961 Convention and the ECN oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.</p>	Yes, it is automatic.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)

PRS	1	c	Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<p>UNHCR (2012): The test is not an inquiry into whether a child's parents are stateless.</p> <p>ENS (2015): Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.</p>	Yes, the provision requires that the parents are stateless or of unknown nationality. The provision also extends to children of unknown parents.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS	1	d	Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	<p>UNHCR (2012): A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.</p>	No. Children born stateless do not have to prove they cannot acquire another nationality to be granted nationality through birth on the territory in Slovenia. However, the statelessness of the parents would be examined. Research indicates that there is an issue of "persistent assumption of nationality". The authorities deem that a person in fact has a nationality or could acquire nationality and therefore do not consider them stateless. This assumption possibly affects the stateless child as the parents may be referred to another country to resolve their nationality and that of their children, rather than following the provision of Article 9 of the Citizenship Act (which in practice has never been used).	<p>Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)</p> <p>Bajt, Veronika, Kogovšek Šalamon, Neža (2014). Brezdržavljanost v Sloveniji (Statelessness in Slovenia). Dve domovini / Two Homelands 39, 7-18.</p> <p>Ending Childhood statelessness: A Study on Slovenia, ENS, 2015: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf</p>
PRS	1	e	Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if	<p>UN Convention on the Reduction of Statelessness, 1961: Article 1(2)</p> <p>UNHCR (2012): States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five</p>	No. Article 9 of the Citizenship Act prescribes automatic acquisition of nationality at birth.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)

				<p>this must be legal residence.</p>	<p>years preceding an application nor ten years in all.</p> <p>Convention on the Rights of the Child, 1989: Articles 3 & 7</p> <p>Committee on the Rights of the Child (2015): Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions.</p> <p>European Convention on Nationality, 1997: Article 6(2)(b)</p>		
PRS	1	f		<p>Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.</p>	<p>Committee on the Rights of the Child (2011): The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State.</p> <p>ENS (2015): Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.</p>	No.	<p>Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)</p>
PRS	1	g		<p>What are the age limits (if any) for making an application for nationality for a stateless person born on the territory?</p>	<p>UN Convention on the Reduction of Statelessness, 1961: Article 1(2)</p> <p>UNHCR (2012): Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21.</p> <p>ENS (2015): Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.</p>	<p>There are no age/time limits prescribed as the law states that the child acquires nationality automatically at birth.</p>	<p>Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)</p>

PRS	1	h		Are there specific provisions to protect the right to a nationality of children born to refugees?	UNHCR (2012) : Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.	No.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS	2	a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	UN Convention on the Reduction of Statelessness, 1961 : Article 2 European Convention on Nationality, 1997 : Article 6(1)(b)	Yes. Acquisition is automatic.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS	2	b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	UNHCR (2012) : At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.	No, there is no age/time limit. According to the law, a case of any child under the age of 18 could be examined under the stated provision. However, the provision has never been used in practice.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS	2	c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR (2012) : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	No, but there are some ambiguities: Slovenian nationality can be withdrawn upon the request of the parents, if before the child's 18 th birthday it is determined that the parents are foreign nationals. The general conditions for loss of nationality are stated in a different Article of the Citizenship Act, requiring proof that the person has or will be granted another nationality. This should also apply in the case of foundlings. However, the provision on the withdrawal of nationality of foundlings does not contain an explicit safeguard.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 15: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf

PRS	3	a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	UN Convention on the Reduction of Statelessness, 1961 : Article 5 ENS (2015) : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	It is a possibility. However, before dismissal of nationality, proof needs to be provided that the child will acquire another nationality (or proof that the child already has another nationality). The adopted child's nationality may cease only if required by the adoptive parent who is a foreign national.	Articles 18 & 23, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS	3	b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	European Convention on Nationality, 1997 : Article 6(4)(d) Committee on the Rights of the Child (2015) : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	Yes. If at least one of the adoptive parents is a Slovenian national, the adopted child acquires Slovenian nationality, if, according to the regulations of the country of which the adoptee is a national, the same relationship as between parents and children is established between the adoptive parent and the adoptee. The law indicates automatic acquisition as it refers to the conditions of Articles 4-6 of the Citizenship Act, which regulate acquisition of nationality by descent (automatic). Automatic acquisition eliminates the risk of statelessness during the process. The general rules for children born abroad to one national and one non-national parent (to which the relevant rule refers) require the parent to register the child before they turn 18. Registration is unnecessary if the child would otherwise remain without nationality. The child in such case acquires Slovenian nationality automatically. Under Slovenian law, only children (under 18) may be adopted.	Article 7, Articles 4-6 Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)

PRS	4	a	ius sanguinis	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	<p>UN Convention on the Reduction of Statelessness, 1961: Article 4</p> <p>UNHCR (2012): Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.</p>	Yes. If both parents are nationals, the child acquires Slovenian nationality automatically at birth, regardless of where they are born. If only one parent is a national and the child is born abroad, the child acquires nationality automatically at birth, provided that the other parent is unknown or of unknown nationality or without nationality. This provision seems discriminatory, but the law prescribes another safeguard against statelessness: a child born abroad whose one parent had Slovenian nationality at the time of birth and the other was a foreign national, shall acquire nationality of the Republic of Slovenia by origin, if the child is registered as a Slovenian national before their 18 th birthday; or if the child returns to Slovenia with the parent of Slovenian nationality before the age of 18 and obtains actual permanent residence in the Republic of Slovenia.	Articles 4 & 5, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS	4	b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to	<p>Genovese v. Malta ECtHR (2011): The state must ensure that the right to nationality is secured without discrimination.</p> <p>CEDAW Gen. rec. No. 32, 2014: Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed.</p> <p>UNHCR (2014): Action 4</p>	Not in the case of a child who would otherwise be stateless. Registration of the child (born abroad to a Slovenian and a foreign national) is unnecessary if the child would otherwise remain without nationality. The child in such case acquires Slovenian nationality automatically.	Article 5(2), Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)

				confer nationality, etc.)?			
PRS	5	a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the legal status and/or documentation of parents?	<p>Convention on the Rights of the Child, 1989: Article 7</p> <p>International Covenant on Civil and Political Rights, 1966: Article 24(2)</p> <p>Council of Europe (2009): Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown.</p> <p>UNHCR (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents.</p> <p>UNHCR (2014): Action 7</p> <p>UN Sustainable Development Goal 16.9</p>	Yes. All children born in Slovenia have access to the birth registration procedure; regardless of their parents' status in Slovenia.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 18: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
PRS	5	b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<p>UN Human Rights Council, Resolution A/HRC/RES/20/4: Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members.</p> <p>Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017): Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.</p>	Yes.	https://e-uprava.gov.si/podrocja/osebni-dokumenti-potrdila-selitev/potrdila-izpiski/izpisek-iz-mr-o-rojstvu.html

PRS	5	c	Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	Convention on the Rights of the Child, 1989: Articles 3 & 7	The child's nationality is determined and recorded only if the child is considered to be a Slovenian national. If the child is a foreign national born in Slovenia, nationality is not recorded.	Article 4, Civil Register Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3354
PRS	5	d	If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines and competent authority.	Convention on the Rights of the Child, 1989: Articles 3 & 7	No, if the child is not a Slovenian national, there is no procedure for later determination of nationality. Regarding births of children born to foreign nationals, there are reports of practices of administrative authorities that prevent registering paternity. If the parents do not produce a marriage certificate upon birth, civil registrars sometimes refuse to register paternity and refuse to correct the record even if the parents submit the marriage certificate later. In one such case the Ministry of Interior granted the appeal of the parents. However, the reasoning indicates that the decision would be different if the parents were not married; the civil registrar would not record paternity based on a later	Article 4, Civil Register Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3354 Interview with the representative of the Slovenian Red Cross, 12 December 2019. Slovenia, HR Ombudsperson, Annual Report for 2018, p. 280: http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/LP_2018.pdf .

						acknowledgement of paternity. In a similar case, the Human Rights Ombudsperson stated that all children have the right to personal identity, regardless of their nationality. In this case, the child was born to foreign nationals who were not married and the administrative unit refused to register paternity. The Ombudsperson stated that the authorities did not act in accordance with the law and the bylaws and violated the child's right to personal identity.	
PRS	5	e		Are there credible reports to suggest that children are prevented from registering in practice because of parents' legal status or other reasons (please specify)?	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed.	No.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 19: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf

PRS	5	f	Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)?	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status.	No.	No legal source contains such obligation.
PRS	5	g	Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	Committee on the Rights of Migrant Workers and Members of their Families & Committee on the Rights of the Child (2017) : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. UN Human Rights Council, Resolution A/HRC/RES/20/4 : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.	Yes. The time limit for the declaration of birth is 15 days. Late birth registration is possible, but punishable by a fine. However, in practice, the time limit is always respected, as the vast majority of children are born in healthcare facilities, which are responsible to make the declaration of birth with the civil registry officer.	Article 8, Register of Deaths, Births and Marriages Act No sources indicating issues with late birth registration in practice were identified. Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 19: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
PRS	5	h	Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including	As above	Yes. Failure to make the declaration within the time limit is punishable by a fine. Natural persons may pay a fine between 100 and 200 EUR and legal persons (e.g. a hospital) may pay a fine between 1,000 and 4,500 EUR.	

				the competent authority and procedural deadlines.			
PRS	6	a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR (2014): Action 7	No. Birth registration does not seem to be an issue in Slovenia.	No source indicating such programmes could be identified.
PRS	6	b		Are there particular sections of the population - such as minority groups - believed to be stateless/at risk of statelessness? Please provide details and source of information.	UN Convention on the Reduction of Statelessness, 1961: Article 9 UNHCR (2014): Action 4 UN Human Rights Council (2019): States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	An in-depth study on statelessness in Slovenia by the NGO Peace Institute concluded that the Roma population and 'erased persons' are the two groups that have been disproportionately exposed to statelessness. However, there are no sources of statistics or estimates on the scale of statelessness within these two population groups.	Bajt, Veronika, Kogovšek Šalamon, Neža (2014). Brezdržavljanost v Sloveniji (Statelessness in Slovenia). Dve domovini / Two Homelands 39, 7-18
PRS	6	c		Has the Government implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations,	UN Convention on the Reduction of Statelessness, 1961 UNHCR (2014): Actions 1 & 8 UNHCR (2015): States parties to the 1954 Convention are required to help stateless persons become naturalised citizens.	No recent measures. Not directly intended at reducing statelessness, but to regulate the status of nationals of other republics of the former Yugoslavia (and in the attempt to address the violations caused by the Erasure), in 2002 an Amendment to the Citizenship Act was adopted. The law prescribed more lenient conditions for acquiring nationality for persons who were permanent residents of the Republic of Slovenia on 23 December 1990 and have since uninterruptedly resided in Slovenia. However, the measure was valid	Article 19, Act Amending the Citizenship of the Republic of Slovenia Act (ZDRS-Č): http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3460 (SL)

				reform of discriminatory laws, etc.)		only for one year after the amendment entered into force.	
PRS	7	a	Withdrawal of nationality	Are there provisions on loss and/or deprivation of nationality established in law? Please describe and state whether there is a safeguard against statelessness in law and practice.	UN Convention on the Reduction of Statelessness, 1961 : Article 8 European Convention on Nationality, 1997 : Article 7(3) Universal Declaration of Human Rights : Article 15(2)	Yes. The rules are part of the Citizenship Act. In all cases the law requires that the person has another nationality or proves he or she will acquire one.	Articles 18, 22, 25, 26 of the Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS	7	b		Who is the competent authority for withdrawal of nationality and what procedural safeguards are in place (legal aid, judicial oversight, appeal, time limit, subject to prior sentencing)?	UN Convention on the Reduction of Statelessness, 1961 : Article 8(4) European Convention on Nationality, 1997 : Article 11	For decisions on deprivation, local administrative offices are competent. Deprivation is only possible if the person resides abroad and also has a foreign nationality, if their actions harm international or other interests of the Republic of Slovenia. The possibilities of appeal are the same as in administrative procedures in general. There is no legal aid in administrative proceedings. In exceptional cases, the proceedings may be initiated without involving the person affected in the proceedings.	Articles 26 of the Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS	7	c		Are withdrawal provisions applied in practice?		Loss of nationality is only at the request of the person, and in such cases, they need to prove that they already have another nationality or that they will acquire one. In the case of deprivation of nationality as described above, there have been cases of former-Yugoslav army officers who acquired nationality after 1991 and were later deprived of it.	Case law concerning Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisaSodnaPraksa?id=ZAKO13&loadAll=true&izbranClen=19 (SL)

Jurisprudence and Training

Cat	Q	Sub	Subtheme	Question	International Norms & Good Practice	Answer	Source
LIT	1	a	Published judgements	Number of published judgements adjudicating statelessness (broken down by level of jurisdiction). Please list.		None.	Sodna praksa (Case law), available at: https://www.sodnapraksa.si (SL)
LIT	1	b		Number of published judgements mentioning statelessness (broken down by level of jurisdiction). Please list.		There are 7 judgements mentioning statelessness, all issued by the Supreme Court of the Republic of Slovenia.	Sodna praksa (Case law), available at: https://www.sodnapraksa.si (SL)
LIT	2	a	Legal training	Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	UNHCR (2016) : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for stateless status and refer them to appropriate channels. UNHCR (2010) : It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.	No.	No sources on such training could be identified.

LIT	3	a	Pro Bono	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR (2014) : Applicants must have access to legal counsel.	No.	N/A.
LIT	4	a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		Yes, but not many.	<p>Zorn, Jelka (2009). A Case for Slovene Nationalism: Initial Citizenship Rules and the Erasure. Nations and Nationalism 15/2, 280–298</p> <p>Kogovšek Šalamon, Neža (2012). A Study and Comparison of National Legislation in Slovenia and International Standards Related to Statelessness: https://www.academia.edu/10088725/A_Study_and_Comparison_of_National_Legislation_in_Slovenia_and_International_Standards_Related_to_Statelessness_2012</p> <p>Kogovšek Šalamon, Neža, Erased: Citizenship, Residence Rights and the Constitution in Slovenia, Frankfurt am Main: Peter Lang, 2016: https://www.peterlang.com/view/product/25006?rskey=oC7rw0&result=1</p> <p>Bajt, Veronika, Kogovšek Šalamon, Neža (2014). Brezdržavljanost v</p>

							Sloveniji (Statelessness in Slovenia). Dve domovini / Two Homelands 39, 7-18: https://www.researchgate.net/publication/290715611_Statelessness_in_Slovenia
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