

Contents

International and Regional Instruments	3
1954 Convention	3
1961 Convention	3
Other conventions.....	3
Stateless Population Data	7
Availability and sources.....	7
Stateless in Detention data	10
Statelessness Determination and Status	11
Definition of a stateless person.....	11
Existing SDP procedure.....	11
Alternative administrative procedures for identification.....	12
Access to procedures	12
Assessment.....	13
Procedural Protections.....	14
Stateless Status	15
Detention	16
Detention screening	16
Alternatives to immigration detention.....	19
Procedural safeguards.....	20
Protections on release.....	25
Return & readmission agreements	27
Prevention and Reduction	28
Stateless born on territory	28
Foundlings	32
Adoption.....	33

ENS Statelessness Index Survey: Slovenia

Ius sanguinis and discrimination	34
Access to birth registration	36
Late Birth Registration	38
Reduction	39
Withdrawal of nationality	40
Jurisprudence and Training	42
Published	42
Judgements	42
Legal training	42
Pro Bono	42
Literature	43

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?	<ul style="list-style-type: none"> • 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.	<ul style="list-style-type: none"> • Best practice is no reservations. If there are, they should have little or no effect on the rights of stateless persons. 	No	
IOB	1	d		Does the Convention have direct effect?	<ul style="list-style-type: none"> • Best practice is that the Convention has direct effect, though this may depend on 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?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961 	No	United Nations Treaty Collection, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtmsg_no=V-4&chapter=5&clang=en
IOB	2	b		If yes, when was ratification/accession?		<i>Does not apply</i>	
IOB	2	c		Are there reservations in place? Please list them.	As above	<i>Does not apply</i>	
IOB	2	d		Does the Convention have direct effect?	As above	<i>Does not apply</i>	
IOB	3	a	Other conventions	State party to European Convention on Nationality 1997? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • 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

International and Regional Instruments – March 2019

IOB	3	b		State Party to European Convention on Human Rights 1950? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • 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? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • 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). Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • 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? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • 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? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • 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
IOB	3	g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • 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? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • 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? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • 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 1965? Are there reservations in place? Please list them.	<ul style="list-style-type: none"> • 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): <i>'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 not being, examined under another procedure of international investigation or settlement.'</i>	United Nations Treaty Collection: https://treaties.un.org/Pages/Declarations.aspx?index=Slovenia&lang=en&chapter=4&treaty=323#EndNotesSection
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?	<ul style="list-style-type: none"> • 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/

International and Regional Instruments – March 2019

				Are there reservations in place? Please list them.			
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Stateless Population Data

Cat	Q	Sub	Subtheme	Question	International Norms / Good Practice	Answer	Source
POP	1	a	Availability and sources	Does the Govt have a category for statelessness in its data collection system (e.g. in the census)? If so, what are the Govt figures for the total stateless population on the territory? Is the data disaggregated? If so, how?	<ul style="list-style-type: none"> • Gen. Rec. 32 of CEDAW (para. 39): States parties should... gather, analyse and make available sex-disaggregated statistical data and trends... • European Council, Conclusions of the Council and the Representatives of the Governments of the Member States on Statelessness: Recognise the importance of exchanging good practices...concerning the collection of reliable data on stateless persons... • UNHCR Global Action Plan to End Statelessness 2014-2024 (Action 10): Improve quantitative and qualitative data on stateless populations... • Institute on Statelessness and Inclusion (The World's Stateless) pg.11: States should adopt and/or strengthen measures to count stateless persons on their territory... 	<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 citizenship' status. However, the data is unreliable: it cannot be determined if no data on citizenship 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 citizenship through facilitated naturalisation proceedings for stateless persons as prescribed by the Citizenship Act. Under the 'Aliens 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.</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>Annual reports of the Ministry of Interior: http://www.mnz.gov.si/si/zakonodaja_in_dokument/pomembni_dokumenti/ (Slovenian - SL)</p>

Stateless Population Data – March 2019

POP	1	b		Do Govt authorities define categories of persons who may overlap with stateless (e.g. unknown nationality, unspecified nationality, other)? Are statistics on these available? If, yes, please indicate categories and statistics.	As above	Yes. The official statistics of the Ministry of Interior contain the categories “stateless” and “persons of unknown citizenship”. In the annual reports the term “unknown citizenship” refers to the nationality of asylum seekers. In 2015, one asylum seeker of unknown citizenship was recorded. There is no more recent data.	Annual reports of the Ministry of Interior: http://www.mnz.gov.si/si/zakonodaja_in_dokumenti/pomembni_dokumenti/ (SL)
POP	1	c		What is the UNHCR estimate for the population of stateless persons and/or those at risk of statelessness on the territory? What is UNHCR's source for this information?	As above	There is no official UNHCR estimate for the stateless population in Slovenia. UNHCR stated in 2016 that: <i>'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.'</i>	UNCHR, Stateless people: Searching for citizenship, 14 Dec 2016: http://www.unhcr.org/ceu/78-en-who-we-helpstateless-people.html.html
POP	1	d		Are there indirect (proxy) sources of statistics on stateless persons? E.g. categories of persons for which statistics are available where stateless persons may be more highly represented (e.g. relevant country of origin or profiles (e.g. Palestinians or Syrian Kurds)? Please provide explanation and figures.	As above	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 groups. The Ministry of Interior holds data on the nationalities of asylum applicants. For example (most did not stay in Slovenia): <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. 	Bajt, Veronika, Kogovšek Šalomon, Neža (2014). Brezdržavljanost v Sloveniji (<i>Statelessness in Slovenia</i>). <i>Dve domovini / Two Homelands</i> 39, 7-18 Statistical data on migrants of the Ministry of Interior: http://www.mnz.gov.si/si/mnz_za_vas/tujci_v_sloveniji/statistika/ (SL)

Stateless Population Data – March 2019

						The Ministry also holds information on the nationalities of people who received international protection, for example: <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). 	
POP	1	e		Have there been surveys or mapping studies done to estimate the population of stateless persons in the country?	<ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-2024: Action 10 	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 Šalamon, Neža (2014). <i>Brezdržavljanost v Sloveniji (Statelessness in Slovenia). Dve domovini / Two Homelands</i> 39, 7-18
POP	1	f		Are there other sources of estimates for the population of stateless persons (not covered by the above)? If so, list sources and figures.	As above	No.	
POP	1	g		Are there issues with reliability of stateless data? If yes, please describe why.	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 these individuals have so far remained unrecognised and undetected as stateless.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
POP	1	h		Are there indications that the stateless population is either over or under reported? Please describe.	As above	As above.	As above.
POP	1	i		Please provide any available figures on stateless refugees or asylum seekers (if there is data, please clarify whether Govt also	As above	International protection was granted to 1 stateless person. Between 2013 and 2017, 7 asylum seekers of unknown citizenship were recorded (see also POP1d).	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015:

Stateless Population Data – March 2019

				counts stateless refugees and asylum seekers in the stateless population to avoid under/over reporting).			http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf Annual reports of the Ministry of Interior: http://www.mnz.gov.si/si/zakonodaja_in_dokumenti/pomembni_dokumenti/ (SL)
POP	2	a	Stateless in Detention data	Number of stateless persons in immigration detention	As above and see also norms in Detention section.	As at June 2017, there was 1 stateless person and 1 person of unknown citizenship in immigration detention centers. Between 2012–2017 there were 3 stateless persons and 2 persons of unknown citizenship in immigration detention centres.	Information provided by the Centre for Foreigners upon request, by email on 29.6.2017.
POP	2	b		Are there statistics on individuals released from immigration detention who were un-removable, their country of origin and length of detention? 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
IDP	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.	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: Article 1(1) and 1(2). 	The national definition is narrower than the 1954 Convention. According to the 'Aliens 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.	<p>Article 2, Aliens Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p> <p>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</p> <p>Kogovšek Šalomon, 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/Slovenija_Statelessness_study.pdf</p>
IDP	1	b	Existing SDP procedure	<p>Which of the following best describes the situation in your country?</p> <p>2. There is no dedicated SDP procedure but there are other administrative procedures by which statelessness can be identified (e.g. through citizenship, residence permit and international protection procedures or ex-officio) (proceed to Question 10a).</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: ... it is implicit in the 1954 Convention that States must identify stateless persons within their jurisdictions so as to provide them appropriate treatment in order to comply with their Convention commitments. • UNHCR (Good Practices Paper 6): Establishing a statelessness determination procedure is the most efficient means for States Parties to the 1954 Convention to identify the beneficiaries of that Convention. • European Council, Conclusions of the Council and the Representatives of the 	Group 2: there is no dedicated SDP procedure but there are other administrative procedures through which statelessness can be identified.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf

Statelessness Determination and Status – March 2019

					Governments of the Member States on Statelessness : Recognise the importance of exchanging good practices among Member States concerning... procedures for determining statelessness.		
IDP	10	a	Alternative administrative procedures for identification	If there is no dedicated SDP in your country , are there other administrative procedures by which statelessness can be identified (e.g. through citizenship, residence, and international protection procedures or ex-officio)?	<ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one. 	Statelessness can be identified through procedures under the ‘ Aliens 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 citizenship as a stateless person).	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 5: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf Aliens Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL) Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5130 (SL)
IDP	11	a	Access to procedures	How is statelessness identified in the course of other procedures?	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): 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 citizenship 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
IDP	11	b		Are there obligations in law on authorities to consider a claim for statelessness made within another procedure?	See norm above at question IDP 2e.	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
IDP	11	c		Are there clear instructions on how to make a claim for statelessness within the particular administrative procedure?	See norm above at question IDP 2b.	No.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 9: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf

Statelessness Determination and Status – March 2019

IDP	11	d		Is the examination of statelessness conducted by a centralized or localised body?	See norm above at question IDP 2j.	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/citizenship.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 3: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
IDP	11	e		Is there training to inform different governmental bodies about statelessness and determination procedures? Is there training of public officials in identifying statelessness? If yes, please provide details (i.e. who provides the training to whom and how often?)	See norm above at question IDP 2k.	No.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 9: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
IDP	11	f		Is there cooperation between agencies that may come into contact with stateless persons? If so, how are cases referred to the appropriate authority for determination?	See norm above at question IDP 2l.	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
IDP	12	a	Assessment	What is the burden of proof when identifying an individual's statelessness status?	See norm above at question IDP 4a.	The burden of proof lies with the applicant who claims to be stateless.	Bajt, Veronika, Kogovšek Šalamon, Neža (2014). Brezdržavljanost v Sloveniji (<i>Statelessness in Slovenia</i>). <i>Dve domovini / Two Homelands</i> 39, p. 15
IDP	12	b		What is the standard of proof? Is it the same as in asylum applications?	See norm above at question IDP 4b.	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[U

Statelessness Determination and Status – March 2019

							PRS]=UPRS& submit=i%C5%A1%C4%8Di&page=0&id=2015081111401658 (SL)
IDP	12	c		Are decision makers presented with clear guidance on how to determine statelessness, including sources of evidence and procedures for evidence gathering to establish statelessness? Please provide details.	<ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: determining authorities can benefit significantly from any 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
IDP	13	a	Procedural Protections	Is there legal aid available during the application?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: applicants are to have access to legal counsel; where free legal assistance is available, it is to be offered to applicants without financial means. • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: If state funded legal aid is available in the country it should be provided to stateless claimants. If there is no state funded legal aid... but asylum claimants can access legal aid free of charge, then the same level of access should be provided to stateless claimants. 	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/pregledPredpisa?id=ZAKO1265 (SL)
IDP	13	b		Is an interview always offered (unless granting without interview)?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: The right to an individual interview, and necessary assistance with translation/interpretation throughout the process, are essential to ensure that applicants have the opportunity to present their cases fully... 	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/pregledPredpisa?id=ZAKO1603 (SL)
IDP	13	c		Is an interpreter provided? Free of charge?	<ul style="list-style-type: none"> • ENS (2013), Statelessness Determination and the Protection of Stateless Persons: a summary guide of good practices: assistance should be available for translation and interpretation in respect of written 	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/pregledPredpisa?id=ZAKO1603 (SL)

Statelessness Determination and Status – March 2019

					applications and interviews (good practice is free of charge).		
IDP	13	d		Are decisions given with reasons? In writing?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: States are encouraged, therefore, to incorporate the following safeguards: [...] decisions are made in writing with reasons. 	Yes, in writing, with reasons.	Article 210, General Administrative Procedure Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1603 (SL)
IDP	14	a	Stateless Status	Does identification of a person as stateless result in permission to stay/legal status or any other benefit to the individual? Please describe what status is provided and what benefits attach to it.	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: The 1954 Convention ...[grants] stateless persons a core set of rights. Its provisions, along with applicable standards of international human rights law, establish the minimum rights and the obligations of stateless persons in States party to the 1954 Convention. The status granted to a stateless person in a State Party... must reflect these 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 permission would fulfil the object and purpose of the treaty... It is therefore recommended that States grant persons recognised as stateless a residence permit valid for at least two years, although permits for a longer duration, such as five years, are preferable in the interests of stability. Such permits are to be renewable, providing the possibility of facilitated naturalization as prescribed by Article 32 of the 1954 Convention. 	No. The identified stateless person must fulfil the conditions for the status applied for i.e. residence permit/citizenship. Permission to stay is issued by the Police in removal procedures, if the person cannot be removed from the country. Individuals with permission to stay have the right to emergency healthcare, basic care (in the form of financial assistance) and access to primary education for minors. For a residence permit, the rights attached are not provided by the Aliens Act, but many different sources of the law, depending on the field. In general, it can be said that persons with a permanent residence permit have almost the same rights as citizens apart from the right to vote in national elections and run for office (but they can vote in local elections); and the right to get 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.	<p>Aliens 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> <p>Article 73, Aliens Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p>

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?	<ul style="list-style-type: none"> • ICCPR Art 9 (1): Everyone has the right to liberty and security of person. No one shall be subjected to arbitrary arrest or detention. No one shall be deprived of his liberty except on such grounds and in accordance with such procedure as are established by law. • ECHR Art 5 (1): Everyone has the right to liberty and security of person. No one shall be deprived of his liberty save in the following cases and in accordance with a procedure prescribed by law: ... (f) the lawful arrest or detention of a person to prevent his effecting an unauthorised entry into the country or of a person against whom action is being taken with a view to deportation or extradition. 	Yes.	Article 76, Aliens Act: http://www.pisrs.si/Pis.web/pregljedPredpisa?id=ZAKO5761 (SL)
DET	1	b		Does domestic law allow immigration detention for purposes other than those allowed under ECHR 5(1)(f)?	<ul style="list-style-type: none"> • ECHR Art 5 (1)(f) 	The police may detain a foreign national, who is residing in the country illegally, 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, Aliens Act: http://www.pisrs.si/Pis.web/pregljedPredpisa?id=ZAKO5761 (SL)
DET	1	c		Does a proposed country of removal need to be identified before a person is detained for the purpose of removal? Please describe the situation in law and in practice.	<ul style="list-style-type: none"> • ICCPR Art 7: No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment. Repeated attempts to expel a person to a country where his/her well-being is not guaranteed and where he/she could be subject to cruel, inhuman or degrading treatment or punishment or to a country that is refusing to admit the individual in question could amount to inhuman or degrading treatment. • ECHR Art 5 (1)(f) • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): ...the only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant. 	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, Aliens Act, http://www.pisrs.si/Pis.web/pregljedPredpisa?id=ZAKO5761 (SL)

Detention – March 2019

					<ul style="list-style-type: none"> • EU Returns Directive: Any detention shall be for as short a period as possible and only maintained as long as removal arrangements are in progress and executed with due diligence. • ECRE, Point of No Return: The Futile Detention of Unreturnable Migrants, 2014: Once un-returnability is established, migrants should not be detained. 		
DET	1	d		<p>Is statelessness a juridically relevant fact in any decision to detain (in practice and in law)? If so, at what point(s) is a risk of statelessness identified? Is referral to an SDP possible within the detention regime?</p>	<ul style="list-style-type: none"> • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): as above. • UNHCR (2014), Handbook on Protection of Stateless Persons: Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary... For stateless persons, the absence of status determination procedures to verify identity or nationality can lead to prolonged or indefinite detention. SDPs are therefore an important mechanism to reduce the risk of prolonged and/or arbitrary detention. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 13 – states must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. • International Commission of Jurists, Migration and International Human Rights Law: a Practitioner’s Guide 2014: the detention of stateless persons can never be justified when there is ‘no active or realistic progress towards transfer to another State’. 	<p>No. The law does not mention statelessness as a relevant fact.</p>	<p>Article 76, Aliens Act: http://www.pisrs.si/Pis.web/pregljedPredpisa?id=ZAKO5761 (SL)</p>
	1	e		<p>Are stateless persons detained in practice? Please provide figures and source of information if available.</p>	<ul style="list-style-type: none"> • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): as above. • UNHCR (2014), Handbook on Protection of Stateless Persons: as above. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: as above. • International Commission of Jurists, Migration and International Human Rights Law: a Practitioner’s Guide 2014: as above. 	<p>Yes. As of June 2017, 1 stateless person and 1 person of unknown citizenship were detained. 3 stateless people and 2 people of unknown citizenship were detained between 2012–2017.</p>	<p>Information provided by the Centre for Foreigners upon request, by e-mail, 29.6.2017</p>

Detention – March 2019

DET	1	f	Does law (and/or policy) provide that immigration detention should be used only as a last resort, after all alternatives to detention have been exhausted?	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Detention is therefore a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient to safeguard the lawful governmental objective pursued by detention. • EU Returns Directive: Art 15(1) Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process. 	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 Aliens 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, Aliens 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	h	Are individual vulnerability assessments carried out before a decision to detain (or shortly thereafter), and are stateless persons defined as a vulnerable group?	<ul style="list-style-type: none"> • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless persons are not understood and addressed... • EU Returns Directive: Art 16(3) Particular attention shall be paid to the situation of vulnerable persons... • UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention : The special circumstances and needs of particular asylum-seekers must be taken into account... • Council of the European Union Guidelines to Promote and Protect the Enjoyment of All Human Rights by Lesbian, Gay, Bisexual, Transgender and Intersex (LGBTI) Persons 2013: European entities should assess the situation of LGBTI persons in detention... 	Vulnerability assessment is not formally prescribed by law but in practice it is performed within the general assessment 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.	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) Article 76(3), Aliens Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)

DET	2	a	<p>Alternatives to immigration detention</p>	<p>Does the country have alternatives to detention which individuals are considered for prior to any decision to detain? Are alternatives to detention established in law? Are they subject to a statutory time limit and periodic reviews of their necessity and proportionality?</p>	<ul style="list-style-type: none"> • ICCPR Art 9 • FKAG v Australia (HRC): Any decision relating to detention must take into account less invasive means of achieving the same ends... • UN General Assembly Resolution on the protection of migrants 63/184 2009: Calls upon all States ... to adopt, where applicable, alternative measures to detention. • UNHCR (2014), Handbook on Protection of Stateless Persons: Detention...can only be justified where other less invasive or coercive measures have been considered and found insufficient... Alternatives to detention...are part of any assessment of the necessity and proportionality of detention. • UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention : alternatives to detention refers to any legislation, policy or practice that allows asylum-seekers to reside in the community subject to a number of conditions or restrictions on their freedom of movement and since they can involve restrictions on movement of liberty they are bound by human right standards. • Human Rights Council (HRC), Report of the Special Rapporteur on the human rights of migrants, François Crépeau (2012) A/HRC/20/24: Alternatives to detention should not become alternatives to unconditional release [...] the obligation to always consider alternatives to detention (non-custodial measures) before resorting to detention should be established by law. • Council of Europe (2005), Twenty Guidelines of the Committee of Ministers of Europe on Forced Return: After a careful examination of the necessity of deprivation of liberty in each individual case, the authorities of the host state have concluded that compliance with the removal order cannot be ensured as effectively by 	<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 a migrant, replace the measure of obligatory accommodation at the Centre with more lenient measures provided that this also enables deportation of the alien from the country. It further states that the police may issue a decision allowing a migrant to stay outside the Centre, where the police may determine a place of his/her residence. In this event, the police may restrict the movement of a migrant to his/her place of residence and impose on the migrant the 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. Case law available online does not include judicial review of alternatives (only detention).</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, Aliens Act : http://www.pisrs.si/Pis.web/pregljedPredpisa?id=ZAKO5761 (SL)</p> <p>Article 79(a), Aliens Act: http://www.pisrs.si/Pis.web/pregljedPredpisa?id=ZAKO5761 (SL)</p> <p>Aliens Act, Case law: http://www.pisrs.si/Pis.web/pregljedPredpisa-SodnaPraksa?id=ZAKO5761 (SL)</p>
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Detention – March 2019

					<p>resorting to non-custodial measures such as supervision systems, the requirement to report regularly to the authorities, bail or other guarantee systems.</p> <ul style="list-style-type: none"> • EU Returns Directive: Art 15(1) Unless other sufficient but less coercive measures can be applied effectively in a specific case, Member States may only keep in detention a third-country national who is the subject of return procedures in order to prepare the return and/or carry out the removal process. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: (31) ...states have an obligation in the first instance to consider and apply appropriate and viable alternatives to immigration detention that are less coercive and intrusive than detention, ensure the greatest possible freedom of movement and that respect the human rights of the individual. • International Detention Coalition (2015), There Are Alternatives: A handbook for preventing unnecessary immigration detention (revised edition): 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. 		
DET	2	b		Is there evidence that immigration detention is used in practice prior to all alternatives being considered? Please cite relevant reports.	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/network/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	<ul style="list-style-type: none"> • UN Human Rights Council (HRC) (2010), Report of the UN Working Group on Arbitrary Detention to the 	The maximum time limit is six months . Detention can be extended for another	Articles 76(1) and 79(1), Aliens Act:

				<p>for immigration detention set out in the law? What is it?</p>	<p>Human Rights Council, 13th Session, A/HRC/13/30: a maximum period of detention must be established by law and upon expiry of this period the detainee must be automatically released.</p> <ul style="list-style-type: none"> • UNHCR (2012), Guidelines on Applicable Criteria and Standards relating to the Detention of Asylum-Seekers and Alternatives to Detention : to guard against arbitrariness, maximum periods of detention should be set in national legislation. • EU Returns Directive: Art 15(5) Each Member State shall set a limited period of detention, which may not exceed six months (extendable by 12 months in specific circumstances of the detainee refusing to cooperate with removal proceedings or delays in obtaining documentation from third countries). • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: It is desirable that states clearly specify a reasonable maximum time limit. Under no circumstances should indefinite detention be tolerated. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 39 Detention should always be for the shortest time possible. There should be a reasonable maximum time-limit for detention. It is highly desirable that states do not detain stateless persons for more than six months. States which at present have a lower than six-month maximum time-limit for detention are urged not to increase it, and all states are urged to review and reduce their maximum time limit for detention. 	<p>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 getting documentation from a third country or if they are still confirming their identity, the detention can be extended.</p>	<p>http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p>
DET	3	b		<p>Does law/policy provide that individuals must be informed in writing of the reasons</p>	<ul style="list-style-type: none"> • UN General Assembly (UNGA) (1988), Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, Resolution A/RES/43/173: Anyone who is arrested shall be informed at the time of his arrest of the reason for his 	<p>Yes. The Police issues a written decision, including reasons for detention.</p>	<p>Article 78(1), Aliens Act : http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p>

				for immigration detention?	<p>arrest and shall be promptly informed of any charges against him.</p> <ul style="list-style-type: none"> • EU Returns Directive: Detention shall be ordered in writing with reasons being given in fact and in law. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 37 Stateless detainees shall receive their order of detention in writing and in a language they understand and this must outline the reasons for their detention. 		
DET	3	c		<p>Are all detainees provided with information on their rights, contact details of organisations to assist them, including in challenging the legality of their detention and conditions of detention? Does this include guidance on how to access a dedicated SDP?</p>	<ul style="list-style-type: none"> • International Commission of Jurists (ICJ) (2014), Migration and International Human Rights Law: a Practitioner's Guide (updated edition): The authorities are required to take steps to ensure that sufficient information is available to detained persons in a language they understand, regarding the nature of their detention, the reasons for it, the process for reviewing or challenging the decision to detain. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 37 Detainees must be informed of their rights related to the detention order, including the right to legal advice, the right to apply for bail, seek judicial review and/or appeal the legality of the detention. Where appropriate, they should receive free legal assistance; they must be informed of the maximum time limit which they can be held in detention; and they must be provided with a handbook in a language which they understand and that contains information on all their rights and entitlements during detention. 	The law prescribes that all detainees must be regularly informed of their rights and obligations.	<p>It was not possible to find sources, whether this happens in practice.</p> <p>Article 76(7), Aliens Act : http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p>
DET	3	d		<p>Are there regular periodic reviews of the necessity for the continuation of detention before a court or an independent body?</p>	<ul style="list-style-type: none"> • ICCPR Art 9(3): Anyone arrested or detained on a criminal charge shall be brought promptly before a judge or other officer authorized by law to exercise judicial power and shall be entitled to trial within a reasonable time or to release. • EU Returns Directive: Any detention shall ... only be maintained as long as removal arrangements are in progress and executed with due diligence. 	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	<p>Article 79(a), Aliens 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</p>

			<p>If yes, are detainees released when it becomes evident that their removal will not be possible within a reasonable time?</p>	<ul style="list-style-type: none"> • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): ...the only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant... the length of the detention should not exceed that reasonably required for the purpose pursued. • Kim v Russia [2014] Application no 44260/13 (ECtHR): The purpose of Art 5(4) ECHR is to guarantee to persons who are arrested and detained the right to judicial supervision of the lawfulness of the measure to which they are thereby subjected. • A. v. Australia, CCPR/C/59/D/560/1993, (HRC): Decisions to detain should be open to review periodically so that the grounds justifying the detention can be assessed. • Saïd Shamilovich Kadzoev v Direktsia Migratsia' pri Ministerstvo na vatreshniteraboti [2009] Case C-357/09 (ECJ): There must, at the time of the national Court's review of the lawfulness of detention, be a real prospect that the removal can be carried out successfully. • Council of Europe (2005), Twenty Guidelines of the Committee of Ministers of Europe on Forced Return: Detention pending removal shall be justified only for as long as removal arrangements are in progress. If such arrangements are not executed with due diligence the detention will cease to be permissible. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 41 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>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>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.sod-napraksa.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	<p>What remedies are available to an individual to</p>	<ul style="list-style-type: none"> • ICCPR Art 9(4): Anyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings before a court, in order that that court may 	<p>Detainees may file a lawsuit at the Administrative Court of the Republic of Slovenia, but there are two main ob-</p>	<p>Article 78, Aliens Act : http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p>

				<p>challenge detention? How often can these be invoked? Are there any obstacles in practice?</p>	<p>decide without delay on the lawfulness of his detention and order his release if the detention is not lawful.</p> <ul style="list-style-type: none"> • ECHR: Everyone who is deprived of his liberty by arrest or detention shall be entitled to take proceedings by which the lawfulness of his detention shall be decided speedily by a court and his release ordered if the detention is not lawful. • Kim v Russia [2014] Application no 44260/13 (ECtHR): the purpose of Art 5(4) ECHR is to guarantee to persons who are arrested and detained the right to judicial supervision of the lawfulness of the measure to which they are thereby subjected. 	<p>stacles: 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>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> <p>Case law on Article 78, Aliens Act: http://www.pisrs.si/Pis.web/pregledPredpisa-SodnaPraksa?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)</p>
DET	3	f		<p>Are there rules/guidance in place that govern the process of re-documentation and/or ascertain entitlement to nationality, for the purpose of removal? Do these rules articulate the respective roles</p>	<ul style="list-style-type: none"> • Auad v Bulgaria [2011] Application no 46390/10 (ECtHR): The only issue is whether or not the authorities were sufficiently diligent in their efforts to deport the applicant. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation (see also above). • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality...the respective 	<p>No such rules/guidance could be identified.</p>	<p>N/A.</p>

				<p>that state and individual are expected to play? Are there time limits clearly set out? Are the outcomes of such processes used/considered relevant for subsequent determination of whether an individual is stateless?</p>	<p>roles that the state and the individual should be expected to play and related time limits should be clearly articulated. The longer it takes to do so, detention is more likely to become unreasonable and disproportionate.</p> <ul style="list-style-type: none"> • ECRE, Point of No Return: The Futile Detention of Unreturnable Migrants, 2014: Once un-returnability is established, migrants should not be detained. Detention should not be used for nationals of countries to which forced returns are not generally possible. 		
DET	3	g		<p>Is free legal aid available to challenge detention? Are there any barriers to accessing this in practice?</p>	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: 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: Art 13(3) The third-country national concerned shall have the possibility to obtain legal advice, representation and, where necessary, linguistic assistance. 	<p>No, there is no free legal aid to challenge detention.</p>	<p>Aliens 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>
DET	4	a	Protections on release	<p>Are those released from detention issued with any identification, including</p>	<ul style="list-style-type: none"> • UN Convention Relating to the Status of Stateless Persons, 1954: Art 27 • UNHCR (2014), Handbook on Protection of Stateless Persons: Statelessness, by its very nature, severely restricts access to basic identity and travel documents 	<p>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</p>	<p>Information provided by the Centre for Foreigners upon request by email, 29.6.2017</p>

				<p>confirmation of their statelessness status, and thus protected from arbitrary re-detention?</p>	<p>that nationals normally possess. Moreover, stateless persons are often without a legal residence in any country. Thus, being undocumented or lacking the necessary immigration permits cannot be used as a general justification for detention of such persons.</p> <ul style="list-style-type: none"> • ENS (2015) Protecting Stateless Persons from Arbitrary Detention: a regional toolkit for practitioners: Article 27 of the 1954 Statelessness Convention... applies to all stateless persons, which includes those not staying legally in the state’s territory... state parties to the 1954 Convention have an obligation to provide stay rights to stateless persons who have been released from detention. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guidelines 55 & 56 Special care should be taken to address the vulnerabilities of stateless persons who are released from detention and to ensure that they enjoy all human rights which they are entitled to under international law... Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation. 	<p>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.</p>	<p>Civil Register Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3354 (SL)</p>
DET	4	b		<p>If the purpose of detention cannot be fulfilled (e.g. removal) and the person is released, what legal status is provided to them by law? Can they access social services, accommodation, welfare, education and healthcare?</p>	<ul style="list-style-type: none"> • Saïd Shamilovich Kadzoev v Direktsia Migratsia’ pri Ministerstvo na vatreshnite raboti [2009] Case C-357/09 (ECJ): Article 15(4) and (6) of the Directive should be interpreted as requiring that after the maximum period of detention has expired, the person must be released immediately... the individual’s lack of valid documentation, his/her inability to support him/herself or his/her “aggressive conduct” should not be a deterrent to his/her release. • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 55 as above. 	<p>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.</p>	<p>Article 73, Aliens Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p>

Detention – March 2019

				Do they have the right to work?			
DET	4	c		If re-detention does occur, is the cumulative time spent in detention counted towards any maximum time limits?	<ul style="list-style-type: none"> • Equal Rights Trust (ERT) (2012), Guidelines to Protect Stateless Persons from Arbitrary Detention: Guideline 40 When calculating the total time spent by an individual in detention, it is highly desirable that time spent in detention on previous occasions is taken into consideration. 	There is no provision in the law that cumulative time spent in detention is counted towards the maximum time limit.	Article 76, Aliens Act : http://www.pisrs.si/Pis.web/pregljedPredpisa?id=ZAKO5761 (SL)
DET	5	a	Return & readmission agreements	Is statelessness considered a juridically relevant fact in any readmission and/or bilateral return agreements?	UNHCR (2014), Handbook on Protection of Stateless Persons: Efforts to secure <ul style="list-style-type: none"> • 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/pregljedPredpisa?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/pregljedPredpisa?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.

Prevention and Reduction

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?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A Contracting State shall grant its nationality to a person born in its territory who would otherwise be stateless... • European Convention on Nationality, 1997: Each State Party shall provide in its internal law for its nationality to be acquired by children born on its territory who do not acquire at birth another nationality... • Convention on the Rights of the Child 1989: The child shall have... the right to acquire a nationality... States Parties shall ensure the implementation of these rights...in particular where the child would otherwise be stateless... States Parties undertake to respect the right of the child to preserve his or her identity, including nationality... • Genovese v. Malta (ECtHR) Application No. 53124/09, 11 October 2011 	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 stateless children to access nationality automatic or non-automatic (i.e. by application)?	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: Article 1 of the 1961 Convention provides Contracting States with two alternative options for granting nationality to children who would otherwise be stateless born in their territory. States can either provide for automatic acquisition of nationality upon birth pursuant to Article 1(1)(a), or for acquisition of nationality upon application pursuant to Article 1(1)(b) ... • ENS (2015), No Child Should Be Stateless: Article 1 of the 1961 Convention and article 6(2) of the ECN are the most important of these norms for the European context. Both oblige the conferral of nationality to children born on the territory if they would otherwise be stateless but allow some leeway in how states transpose this safeguard into their domestic systems. The first, and optimal, method – as it is all- 	Yes, it is automatic .	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)

					encompassing and does not tolerate even a temporary period of statelessness – is to grant nationality to otherwise stateless children automatically, at birth.		
PRS	1	c		Is it a requirement that the parents are also stateless for the child to acquire the nationality of the host state?	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: The test is whether a child is stateless because he or she acquires neither the nationality of his or her parents nor that of the State of his or her birth; it is not an inquiry into whether a child’s parents are stateless. Restricting the application of Article 1 of the 1961 Convention to children of stateless parents is insufficient in light of the different ways in which a child may be rendered stateless and contrary to the terms of those provisions. • ENS (2015), No Child Should Be Stateless: Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the child’s parent(SL) do hold a nationality themselves, but are unable to pass this on... 	Yes, the provision requires that the parents are stateless or of unknown citizenship. 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 children born stateless required to prove they cannot access another nationality to acquire nationality of the country of birth? If yes, please describe the requirement e.g. what is the standard and burden of proof, and how lack of any other nationality (i.e. statelessness) is determined in practice?	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: A Contracting State to the 1961 Convention 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 where this conflicts with the interpretation applied by the State concerned... the burden of proof must be shared between the claimant and the authorities... decision makers need to take into account Articles 3 and 7 of the CRC and adopt an appropriate standard of proof, for example... ‘reasonable degree’... Requiring a higher standard of proof would undermine the object and purpose of the 1961 Convention. Special procedural considerations to address the acute challenges faced by children, 	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 citizenship”. The authorities deem that a person in fact has a citizenship or could acquire citizenship 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 citizenship and that of their	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL) Bajt, Veronika, Kogovšek Šalamon, Neža (2014). Brezdržavljanost v Sloveniji (Statelessness in Slovenia). Dve domovini / Two Homelands 39, 7-18. Ending Childhood statelessness: A Study on Slovenia, ENS, 2015:

					especially unaccompanied children, in communicating basic facts with respect to their nationality are to be respected.	children, rather than following the provision of Article 9 of the Citizenship Act (which in practice has never been used).	http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
PRS	1	e		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, what is it? Must this be legal and/or permanent residence?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A Contracting State may make the grant of its nationality...subject to one or more of the following conditions: <ul style="list-style-type: none"> ...b) that the person concerned has habitually resided in the territory of the Contracting State for such period as may be fixed by that State, not exceeding five years immediately preceding the lodging of the application nor ten years in all. • UNHCR Guidelines on Statelessness #4 2012: States may stipulate that an individual who would otherwise be stateless born in its territory fulfils a period of “habitual residence” This period is not to exceed five years immediately preceding an application nor ten years in all. In light of the standards established under the CRC, these periods are lengthy. States which ...require a certain period of habitual residence are encouraged to provide for a period as short as possible...The term “habitual residence” is ...to be understood as stable, factual residence. It does not imply a legal or formal residence requirement. The 1961 Convention does not permit Contracting States to make an application for the acquisition of nationality by individuals who would otherwise be stateless conditional upon lawful residence. • Convention on the Rights of the Child 1989: Arts 3 & 7 • Committee on the Rights of the Child, Concluding observations on the 4th periodic report of the Netherlands CRC/C/NDL/CO/4, 2015: The Committee recommends that the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to citizenship without any conditions. 	No. Article 9 of the Citizenship Act prescribes automatic acquisition of citizenship at birth.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)

				<ul style="list-style-type: none"> • European Convention on Nationality, 1997: Article 6 (2)(b) ... Such an application may be made subject to the lawful and habitual residence on its territory for a period not exceeding five years immediately preceding the lodging of the application. • ENS (2016), Ending Childhood Statelessness: The ECN cannot be interpreted as undermining states' obligations under the CRC...and the requirement of lawful residence should be removed. 		
PRS	1	f	Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, what is it? Must this be legal and/or permanent residence?	<ul style="list-style-type: none"> • Committee on the Rights of the Child, Concluding Observations Czech Republic CRC/C/CZE/CO/3-4, 2011: The outcome of an application for citizenship, legal residence or similar status 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 party where the child would otherwise be stateless. • ENS (2015), No Child Should Be Stateless: Demanding that the child or his/her parents reside lawfully on the territory is... prohibited by the 1961 Convention which permits only the condition of a certain period of habitual residence. 	No.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS	1	g	What are the age limits, if any, for making an application for nationality for a stateless person born on the territory?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A Contracting State may make the grant of its nationality...subject to one or more of the following conditions: (a) that the application is lodged during a period... beginning not later than at the age of eighteen years and ending not earlier than at the age of twenty-one years... • UNHCR Guidelines on Statelessness #4 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 in accordance with Article 1(2)(a) of the 1961 Convention. 	There are no age/time limits prescribed as the law states that the child acquires citizenship automatically at birth.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)

					<ul style="list-style-type: none"> • ENS (2015), No Child Should Be Stateless: ...any application procedure which only becomes available in late childhood or even upon reaching majority is particularly problematic [...] closing the window of opportunity to apply for a nationality through such safeguards too early has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child and may mean children are left stateless due to the lack of action on the part of their parents. 		
PRS	1	h		Are there specific provisions for the nationality or statelessness of children born to beneficiaries of international protection?	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: Some children are born to refugee parents who are themselves stateless or cannot acquire the nationality of their parents owing to restrictions on transmission of nationality to children born abroad. 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 citizenship <i>by law</i> ? If it's not automatic, is there an application procedure?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: A foundling found in the territory of a Contracting State shall, in the absence of proof to the contrary, be considered to have been born within that territory of parents possessing the nationality of that State. • European Convention on Nationality, 1997: Each State Party shall provide in its internal law for its nationality to be acquired ex lege by the following persons: [...] b) foundlings found in its territory who would otherwise be stateless. 	Yes. Acquisition is automatic.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS	2	b		If yes to either question immediately above, is there an age limit (or status e.g. 'newborn') specified for foundlings	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: At a minimum, the safeguard ... is to apply to all young children who are not yet able to communicate accurately information pertaining to the identity of their parents or their place of birth... If a State provides for an age limit for foundlings to acquire nationality, 	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)

				to be granted citizenship? If not, when would a child usually qualify in practice?	the age of the child at the date the child was found is decisive and not the date when the child came to the attention of the authorities.		
PRS	2	c		Can citizenship be withdrawn from foundlings if parents are identified even if this leads to statelessness?	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: Nationality acquired by foundlings pursuant to Article 2 of the 1961 Convention may only be lost if it is proven that the child concerned possesses another State's nationality. 	<p>No, but there are some ambiguities: Slovenian citizenship can be withdrawn upon the request of the parents, if before the child's 18th birthday it is determined that the parents are foreign citizens. The general conditions for loss of citizenship 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 citizenship of foundlings does not contain an explicit safeguard.</p>	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 adopted?	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: If the law of a Contracting State entails loss of nationality as a consequence of any change in the personal status of a person such as marriage, termination of marriage, legitimation, recognition or adoption, such loss shall be conditional upon possession or acquisition of another nationality. • European Convention on Nationality, 1997: Each State Party shall facilitate in its internal law the acquisition of its nationality for the following persons: ...d) children adopted by one of its nationals... Each State Party shall permit the renunciation of its nationality provided the persons concerned do not thereby become stateless. • Committee on the Rights of the Child, Concluding Observations: Switzerland, CRC/C/CHE/CO/2-04, 2015: [recommended that Switzerland] accelerate the assessment procedure and ensure that a child 	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)

					<p>adopted from abroad is not stateless or discriminated against during the waiting period between his or her arrival in the State party and formal adoption.</p> <ul style="list-style-type: none"> • ENS (2015), No Child Should Be Stateless: ...the “sending” state in a situation of inter-country adoption may be a non-European one, so even if Europe’s nationality laws were all in alignment with international standards, children may be exposed to a (temporary) risk of statelessness during the adoption process. 		
PRS	3	b		<p>Does a foreign child adopted by national parents acquire nationality? Is there a risk of statelessness during the adoption process? Are there any age limits?</p>	<ul style="list-style-type: none"> • European Convention on Nationality, 1997: Each State Party shall facilitate in its internal law the acquisition of its nationality for the following persons: ...d) children adopted by one of its nationals... • Committee on the Rights of the Child, Concluding Observations: Switzerland, CRC/C/CHE/CO/2-04, 2015: ...ensure that a child adopted from abroad is not stateless or discriminated against during the waiting period between...arrival...and formal adoption. 	<p>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 citizen, 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 citizenship 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 citizenship. The child in such case acquires Slovenian nationality automatically. Under Slovenian law, only children (under 18) may be adopted.</p>	<p>Article 7, Articles 4-6 Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)</p>
PRS	4	a	ius sanguinis and	<p>Can children of a parent who is a national, born</p>	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: Art 4 	<p>Yes. If both parents are nationals, the child acquires Slovenian citizenship automatically at birth, regardless of where</p>	<p>Articles 4 & 5, Citizenship Act: http://www.pisrs.si/Pis.web/p</p>

		<p>discrimination</p>	<p>outside the country, access nationality by descent (ius sanguinis)? Are there any conditions? Could these conditions be regarded as discriminatory?</p>	<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: ...where a child who would otherwise be stateless is born in a Contracting State to parents of another Contracting State but does not acquire the nationality of the State of birth automatically and either misses the age limit to apply for nationality or cannot meet the habitual residence requirement in the State of birth... responsibility falls to the Contracting State of the parents to grant its nationality to the child (or children) of its national... where children of a national of a Contracting State who would otherwise be stateless are born in a non-Contracting State... the Contracting State of the parents [is required] to grant its nationality to the child (or children) of its nationals born abroad... Article 4 of the 1961 Convention must be read in light of developments in international human rights law, in particular the right of every child to acquire a nationality... and the principle of the best interests of the child ... • Genovese v. Malta (ECtHR) Application No. 53124/09, 11 October 2011: While the right to citizenship is not as such a Convention right and while its denial in the present case was not such as to give rise to a violation of Article 8, the Court considers that its impact on the applicant’s social identity was such as to bring it within the general scope and ambit of that article. Maltese legislation expressly granted the right to citizenship by descent and established a procedure to that end. Consequently, the state which has gone beyond its obligations under Article 8 in creating such a right [. . .] must ensure that the right is secured without discrimination within the meaning of Article 14. • ENS (2015), No Child Should Be Stateless: States are free to impose additional conditions [to ius San- 	<p>they are born. If only one parent is a national and the child is born abroad, the child acquires citizenship automatically at birth, provided that the other parent is unknown or of unknown citizenship or without citizenship. This provision seems discriminatory, but the law prescribes another safeguard against statelessness: a child born abroad whose one parent had Slovenian citizenship at the time of birth and the other was a foreign citizen, shall acquire citizenship of the Republic of Slovenia by origin, if the child is registered as a Slovenian citizen before their 18th birthday; or if the child returns to Slovenia with the parent of Slovenian citizenship before the age of 18 and obtains actual permanent residence in the Republic of Slovenia.</p>	<p>regledPredpisa?id=ZAKO13 (SL)</p>
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					<p>guinis conferral], as long as these are not discriminatory in nature... safeguards should again be in place to ensure that statelessness does not result....</p> <ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-24: Action 4 • Fighting statelessness and discriminatory nationality law in Europe, Laura van Waas, 2012 • Convention on the Elimination of all Forms of Discrimination Against Women, General recommendation No. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women, November 2014 		
PRS	4	b		<p>Can children of a parent who is a national, born outside the country, access nationality by descent (ius sanguinis) if they would otherwise be stateless? Are there any conditions? Could these conditions be regarded as discriminatory?</p>	<p>As above</p>	<p>Yes. Registration of the child (born abroad to a Slovenian and a foreign national) is unnecessary if the child would otherwise remain without citizenship. The child in such case acquires Slovenian nationality automatically.</p>	<p>Article 5(2), Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)</p>
PRS	5	a	Access to birth registration	<p>Does the law provide that all children are registered immediately upon birth? Can children be registered if parents are undocumented and/or not legally residing in the country (by law)?</p>	<ul style="list-style-type: none"> • Convention on the Rights of the Child 1989: The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents. • International Covenant on Civil and Political Rights 1966: Art 24(2) • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: 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 if the parents are unknown, in order to safeguard their right to a nationality. The 	<p>Yes. All children born in Slovenia have access to the birth registration procedure; regardless of their parents' status in Slovenia.</p>	<p>Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 18: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf</p>

				<p>registration of birth should be free of charge and be performed without delay, even if the period within which the birth should have been declared has already expired.</p> <ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: ... registration of the birth provides proof of descent and of place of birth and therefore underpins implementation of the 1961 Convention and related human rights norms. Article 7 of the CRC specifically requires the registration of the birth of all children and applies irrespective of the nationality, statelessness or residence status of the parents. • UNHCR Global Action Plan to End Statelessness 2014-24: Action 7 Ensure birth registration for the prevention of statelessness. • UN Sustainable Development Goal 16: By 2030, provide legal identity for all, including birth 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, and underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of his or her immigration status and that of his or her parents or family members, which can contribute to reducing statelessness, as well as reducing vulnerability to trafficking in persons and other abuses and violations of their human rights. 		
PRS	5	b	Are there credible reports that suggest that children are prevented from registering <i>in practice</i> because of lack of documentation and/or parents' legal residence?	<ul style="list-style-type: none"> • Convention on the Rights of the Child 1989: Art 7(1) • International Covenant on Civil and Political Rights 1966: Art 24(2) • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: as above. 	No.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 19: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf

					<ul style="list-style-type: none"> • UNHCR Guidelines on Statelessness #4 2012: as above. • UNHCR Global Action Plan to End Statelessness 2014-24: Action 7 • UN Sustainable Development Goal 16 • UN Human Rights Council, Resolution A/HRC/RES/20/4: as above 		
PRS	5	c		<p>Are there mandatory reporting requirements for authorities which would deter undocumented parents coming forward to register their children (e.g. medical authorities required to report undocumented migrants)?</p>	<ul style="list-style-type: none"> • UNICEF, Access to Civil, Economic and Social Rights for Children in the Context of Irregular Migration, 2012: While there is generally a separation between civil registries and immigration enforcement, undocumented parents may also fear detection, particularly in countries where civil servants have a duty to report undocumented migrants... • PICUM, Rights of Accompanied Children in an Irregular Situation, 2011: Certain barriers that prevent access to basic rights for children in an irregular migration situation arise across the registry, health, education and housing sectors. National legislation is often below the standards set out in human rights law, inexplicit or contradicted by other rules and practices, such as the duty to denounce or administrative requirements. 	No.	No legal source contains such obligation.
PRS	6	a	Late Birth Registration	<p>Is there a statutory deadline before which birth registration should be completed? If yes, what is it? Is late birth registration possible by law?</p>	<ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-24: Low levels of birth registration can be difficult to correct subsequently because procedures for late birth registration have not been established or are lengthy, costly and complex and therefore inaccessible to undocumented populations... States also need procedures for late and delayed birth registration and may consider undertaking campaigns to register older children and adults. Birth registration needs to be free, accessible and undertaken on a non-discriminatory basis. • UN Human Rights Council, Resolution A/HRC/RES/20/4: as above. 	Yes. The time limit for the declaration of birth is 15 days . Late birth registration is possible, but punishable by a fine .	Article 8, Register of Deaths, Births and Marriages Act

					<ul style="list-style-type: none"> • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: as above. • ENS (2015), No Child Should Be Stateless: One of the ways in which states have sought to deal with an intergenerational lack of documentation is by simplifying the procedures for the late registration of births, making it easier for adults who do not have a birth certificate to acquire one, which can subsequently be used to register their own children's births... 		
PRS	6	b		Is late birth registration possible in practice?	<ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-24: as above. • UN Human Rights Council, Resolution A/HRC/RES/20/4: as above. • Council of Europe, Recommendation CM/Rec (2009) 13 of the Committee of Ministers to member states on the nationality of children: as above. • ENS (2015), No Child Should Be Stateless: as above. 	Yes. 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.	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	6	c		Are there any additional requirements (e.g. fee) for the late birth registration procedure? Are these problematic or do they cause lengthy delays?	<ul style="list-style-type: none"> • UN Human Rights Council, Resolution A/HRC/RES/20/4: 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.	Article 33, Civil Register Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3354 (SL) Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 19: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
PRS	7	a	Reduction	Does the government have any programmes in place to promote civil registration (including birth registration)? If	<ul style="list-style-type: none"> • UNHCR Global Action Plan to End Statelessness 2014-24: Action 7 • Council of Europe, 3rd European Conference on Nationality, 11-12 October 2004: Taken together Art 7 & 8 ECHR should be understood to encourage States 	No . Birth registration does not seem to be an issue in Slovenia.	No source indicating such programmes could be identified.

Prevention and Reduction – March 2019

				yes, please provide details.	Parties not only to take positive steps to avoid statelessness – including the promotion of birth registration – but also to grant citizenship to children who would otherwise be stateless...		
PRS	7	b		Are there sections of the population believed to be stateless/at risk of statelessness? Are minorities disproportionately affected? Please provide details and source of information.	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961 Article 9 • UNHCR Global Action Plan to End Statelessness 2014-24: Action 4 	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). <i>Brezdržavljanost v Sloveniji (Statelessness in Slovenia)</i> . <i>Dve domovini / Two Homelands</i> 39, 7-18
PRS	7	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, reform of discriminatory laws, etc.)	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961 • UNHCR Global Action Plan to End Statelessness 2014-24: Action 1, Action 8 • UNHCR, Good Practices Paper - Action 1: Resolving Existing Major Situations of Statelessness, 2015 	No recent measures. Not directly intended at reducing statelessness, but to regulate the status of the citizens of other republics of the former Yugoslavia (and in the attempt to address the violations caused by the Erasure), in 2002 the Amendment of the Citizenship Act was adopted. The law prescribed more lenient conditions for acquiring citizenship 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 only for one year after the amendment entered into force.	Article 19, Act Amending the Citizenship of the Republic of Slovenia Act (ZDRS-Č): http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3460 (SL)
PRS	8	a	Withdrawal of nationality	Are there any provisions on loss and/or deprivation of nationality? If yes, are these established in law? If not, where can they be found? Do any provisions allow for statelessness? If there is a	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: Article 8: A contracting state shall not deprive a person of its nationality if such deprivation would render him stateless. • European Convention on Nationality, 1997: Article 7(3): A State party may not provide in its internal law for the loss of its nationality...if the person concerned would thereby become stateless... 	Yes. The rules are part of the Citizenship Act. In all cases the law requires that the person has another citizenship 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)

				safeguard against statelessness, is it applied in practice?	Universal Declaration of Human Rights : Article 15(2) No one shall be arbitrarily deprived of his nationality ...		
PRS	8	b		Who is the competent authority in any procedure for ordering deprivation of nationality? What procedural guarantees are there? (e.g. judicial oversight, time limit, subject to prior sentencing, appeal rights, legal aid)	<ul style="list-style-type: none"> • UN Convention on the Reduction of Statelessness, 1961: Article 8(4): A contracting state shall not exercise a power of deprivation...except in accordance with the law, which shall provide for ...the right to a fair hearing by a court or other independent body. • European Convention on Nationality, 1997: Article 11: Each state party shall ensure that decisions relating to the acquisition, retention, loss, recovery or certification of its nationality contain reasons in writing... 	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	8	c		Are withdrawal provisions (both for loss and deprivation) applied in practice?		Loss of citizenship is only at the request of the person, and in such cases, they need to prove that they already have another citizenship or that they will acquire one. In the case of deprivation of citizenship as described above, there have been cases of former-Yugoslav army officers who acquired citizenship after 1991 and were later deprived of it.	Case law concerning Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisa-SodnaPraksa?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).		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 judicial training on statelessness? If yes, please provide details (e.g. provider, frequency).	<ul style="list-style-type: none"> • UNHCR (Good Practices Paper 6): 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. • UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010: It is recommended that States provide specialized training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations. 	No.	N/A
LIT	2	b		Is there training for lawyers on statelessness? If yes, please describe.	<ul style="list-style-type: none"> • UNHCR Expert Meeting, Statelessness Determination Procedures and the Status of Stateless Persons 2010: as above 	No.	No sources on such training could be identified.
LIT	3	a	Pro Bono	Are there specialised lawyers, law firms or organisations providing free advice to stateless persons or those at risk of statelessness? If yes, please describe.	<ul style="list-style-type: none"> • UNHCR (2014), Handbook on Protection of Stateless Persons: Applicants are to have access to legal counsel. • UNHCR (Good Practices Paper 6): Provides the example of Liverpool Law Clinic providing legal assistance to stateless clients in the UK. 	No.	N/A.

Jurisprudence and Training – March 2019

LIT	4	a	Literature	<p>Is there domestic legal academic literature on statelessness?</p> <p>If possible, please provide number of scholarly articles/references/bodies and hyperlinks etc.</p>		<p>Yes, but not many.</p>	<p>Zorn, Jelka (2009). A Case for Slovene Nationalism: Initial Citizenship Rules and the Erasure. <i>Nations and Nationalism</i> 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). Brezdržavljanskost v Sloveniji (<i>Statelessness in Slovenia</i>). <i>Dve domovini / Two Homelands</i> 39, 7-18: https://www.researchgate.net/publication/290715611_Statelessness_in_Slovenia</p>
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