

**QUESTIONNAIRE FOR THE NATIONAL REPORT ON THE IMPLEMENTATION
OF THE DIRECTIVE :**

TEMPORARY PROTECTION OF 20 JULY 2001

IN

SLOVENIA

By

VITA HABJAN

Rapporteur for Slovenia, lawyer, vita.habjan@pic.si
(report completed in May 14, 2007)

FIRST PART

1. NORMS OF TRANSPOSITION AND JURISPRUDENCE

Q.1.A. Identify the central norm(s) of transposition and indicate its legal nature

- This question includes even norms adopted before the adoption of the directive but ensuring its transposition (what is called a pre-existing norm in the table of correspondence).
- Quote the norm of transposition and not only the norm modified by it (the same is true in case of existence of a code of aliens law)
- About legal nature in the table below: *legislative* refers to a norm adopted in principle by the Parliament; *regulation* refers to a norm complementing the law and adopted in principle by the executive power; *circular or instructions* refer to practical rules about implementation of laws and regulations and adopted in principle by the administrative authorities

When answering this question, please use one or more of the tables below. If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

This table is about: <input checked="" type="checkbox"/> a text already adopted <input type="checkbox"/> a text which is still a project to be adopted
TITLE: Act on Temporary Protection of Displaced Persons
DATE: June 22, 2005
NUMBER: 2005-01-2839
DATE OF ENTRY INTO FORCE: July 23, 2005
PROVISIONS CONCERNED: / (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: the Official Journal of the Republic of Slovenia (RS), No. 65/05, July 8, 2005.

LEGAL NATURE (please tick the correct box): <input checked="" type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS
--

Table 1

TITLE: Decree on the methods and conditions for ensuring rights of persons enjoying temporary protection
DATE: March 16, 2006
NUMBER: 2006-01-1268
DATE OF ENTRY INTO FORCE: April 8, 2006
PROVISIONS CONCERNED : / (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: the Official Journal of the Republic of Slovenia (RS), No. 31/06, March 24, 2006
LEGAL NATURE (indicate by ticking the correct box): <input type="checkbox"/> LEGISLATIVE <input checked="" type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Table 2

TITLE: Rules on the procedure concerning transferral of persons enjoying temporary protection
DATE: November 28, 2005
NUMBER: 2005-01-4811
DATE OF ENTRY INTO FORCE: December 10, 2005
PROVISIONS CONCERNED : / (for example if the norm is not devoted only to the transposition of the concerned directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: the Official Journal of the Republic of Slovenia (RS), No. 110/05, December 9, 2005
LEGAL NATURE (indicate by ticking the correct box): <input type="checkbox"/> LEGISLATIVE <input checked="" type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Table 3

TITLE: Rules on the application form for granting temporary protection, on the form for granting financial aid and on the identity card form of persons enjoying temporary protection
DATE: March 2, 2006
NUMBER: 2006-01-1070
DATE OF ENTRY INTO FORCE: March 11, 2006

PROVISIONS CONCERNED : / (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: the Official Journal of the Republic of Slovenia (RS), No. 26/06, March 10, 2006
LEGAL NATURE (indicate by ticking the correct box): <input type="checkbox"/> LEGISLATIVE <input checked="" type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Table 4

TITLE: Instructions on the procedure and method of dealing with persons illegally entering the Republic of Slovenia during the period when covered by temporary protection
DATE: March 24, 2006
NUMBER: 2006-01-1413
DATE OF ENTRY INTO FORCE: April 1, 2006
PROVISIONS CONCERNED : / (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: the Official Journal of the Republic of Slovenia (RS), No. 34/06, March 31, 2006
LEGAL NATURE (indicate by ticking the correct box): <input type="checkbox"/> LEGISLATIVE <input checked="" type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Q.1.B.

Please list the others norms of transposition according to their hierarchical position in your legal system (first laws, to be followed by regulations; and circulars or instructions):

- This question includes even norms adopted before the adoption of the directive but ensuring its transposition (what is termed a pre-existing norm in the table of correspondence).
- Quote the norm of transposition and not only the norm modified by it (the same is true in case of existence of a code of aliens law)

When answering this question, please use one or more of the tables below (one norm per table). If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

TITLE: Asylum Act
DATE: July 8, 1999
NUMBER: 1999-01-2911
DATE OF ENTRY INTO FORCE: August 14, 1999

PROVISIONS CONCERNED : articles 1, 11, 40a (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: the Official Journal of the Republic of Slovenia (RS), No. 61/99, July 30, 1999
LEGAL NATURE (indicate by ticking the correct box): <input checked="" type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Table 2

TITLE: Act amending the Asylum Act (Asylum Act-D)
DATE: February 6, 2006
NUMBER: 2006-01-0626
DATE OF ENTRY INTO FORCE: March 4, 2006
PROVISIONS CONCERNED : article 40a (Dublin procedures) (for example if the norm is not devoted only to the transposition of the concerned directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: the Official Journal of the Republic of Slovenia (RS), No. 17/2006, February 17, 2006
LEGAL NATURE (indicate by ticking the correct box): <input checked="" type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Table 3

TITLE: Employment and Work of Aliens Act
DATE: July 14, 2000
NUMBER: 2000-01-3058
DATE OF ENTRY INTO FORCE: August 10, 2000
PROVISIONS CONCERNED : articles 5, 10 (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: the Official Journal of the Republic of Slovenia (RS), No. 66/2000, July 26, 2000
LEGAL NATURE (indicate by ticking the correct box): <input checked="" type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Table 4

TITLE: Employment Relationship Act
DATE: April 24, 2002
NUMBER: 2002-01-2006

DATE OF ENTRY INTO FORCE: January 1, 2003
PROVISIONS CONCERNED : article 3 (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: the Official Journal of the Republic of Slovenia (RS), No. 42/2002, May 15, 2002
LEGAL NATURE (indicate by ticking the correct box): <input checked="" type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Table 5

TITLE: Marriage and Family Relations Act
DATE: March 28, 1989
NUMBER: 1989-04-0634
DATE OF ENTRY INTO FORCE: January 1, 1990
PROVISIONS CONCERNED : articles 7, 12(3), 123(2), 216-223 (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: the Official Journal of the Republic of Slovenia (RS), No. 14/1989
LEGAL NATURE (indicate by ticking the correct box): <input checked="" type="checkbox"/> LEGISLATIVE <input type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Table 6

TITLE: Decree on the rights and duties of refugees in the Republic of Slovenia
DATE: March 25, 2004
NUMBER: 2004-01-1434
DATE OF ENTRY INTO FORCE: April 21, 2004
PROVISIONS CONCERNED : article 34 (for example if the norm also pursues other objectives than the transposition of the directive)
REFERENCES OF PUBLICATION IN THE OFFICIAL JOURNAL: the Official Journal of the Republic of Slovenia (RS), No. 33/2004, April 6, 2004
LEGAL NATURE (indicate by ticking the correct box): <input type="checkbox"/> LEGISLATIVE <input checked="" type="checkbox"/> REGULATION <input type="checkbox"/> CIRCULAR OR INSTRUCTIONS

Q.2.

This question needs to be answered only for FEDERAL OR SIMILAR MEMBER STATES LIKE AUSTRIA, BELGIUM, GERMANY, ITALY, SPAIN

Q.2.A. Explain which level of government is competent to adopt the norms of transposition.

Please include your answer in the tables below

LEGISLATIVE RULES
COMPETENCES OF THE FEDERAL/CENTRAL LEVEL:
COMPETENCES OF THE COMPONENTS:
EXPLANATIONS IF NECESSARY:

REGULATIONS
COMPETENCES OF THE FEDERAL/CENTRAL LEVEL:
COMPETENCES OF THE COMPONENTS:
EXPLANATIONS IF NECESSARY:

CIRCULAR OR INSTRUCTIONS
COMPETENCES OF THE FEDERAL/CENTRAL LEVEL:
COMPETENCES OF THE COMPONENTS:
EXPLANATIONS IF NECESSARY:

Q.2.B. Where appropriate, please explain if the federal structure and the distribution of competences between the different levels creates any problem or difficulty regarding the transposition and/or the implementation of the directive.

Q.3. Explain which authorities are competent for the practical implementation of the norm of transposition by taking the decisions in individual cases.

When answering this question, please use one or more of the tables below (one table per competence concerned). If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

COMPETENCE CONCERNED:	Dealing with temporary protection applications and taking decisions in individual cases
CENTRAL MINISTRY OF:	Ministry of the Interior
DIRECTION OR SERVICE WITHIN THE ABOVE MINISTRY:	The Directorate for Internal Administrative Affairs
OTHER LEVEL OF ADMINISTRATION:	Organisational unit competent for internal affairs within an administrative unit competent for the area where an applicant will be accommodated

IF NECESSARY, COMMENT ABOUT THE NATURE OF THE AUTHORITY (for instance if it is independent of the competent minister)	
--	--

Table 2

COMPETENCE CONCERNED:	Accepting temporary protection applications upon entry to the territory and its submission to the competent authority for taking decisions in individual cases
CENTRAL MINISTRY OF:	Ministry of the Interior
DIRECTION OR SERVICE WITHIN THE ABOVE MINISTRY:	the Police
OTHER LEVEL OF ADMINISTRATION:	
IF NECESSARY, COMMENT ABOUT THE NATURE OF THE AUTHORITY (for instance if it is independent of the competent minister)	The Police is a body within the Ministry of the Interior

Table 3

COMPETENCE CONCERNED:	Dealing with appeals against decisions on temporary protection issued by organisational unit competent for internal affairs within an administrative unit competent for the area where an applicant will be accommodated
CENTRAL MINISTRY OF:	Ministry of the Interior
DIRECTION OR SERVICE WITHIN THE ABOVE MINISTRY:	/
OTHER LEVEL OF ADMINISTRATION:	/
IF NECESSARY, COMMENT ABOUT THE NATURE OF THE AUTHORITY (for instance if it is independent of the competent minister)	/

Q.4.A. Has the central regulation foreseen by the central norm of transposition already been adopted?

YES NO

Q.4.B. If the central norm(s) of transposition foresee(s) the adoption of one or several regulations, indicate if they have all been adopted:

YES NO

If NO, please indicate the missing text(s) in the table below. Where necessary, please add further explanations (specify in particular if the missing texts are at least under preparation or foreseen in the very near future):

When answering this question, please use one or more of the tables below (one table per missing text). If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

MISSING TEXTS
<i>INDICATE HERE THE MISSING TEXTS</i>

SECOND PART

Duration and implementation of temporary protection

Q.5. According to article 5(1) in the Directive the existence of a mass influx of displaced persons shall be established by a Council Decision adopted by a qualified majority on a proposal from the Commission, which shall also examine any request by a Member State that it submit a proposal to the Council. According to article 5(3) the Council Decision shall have the effect of introducing temporary protection for the displaced persons to which it refers, in all the Member States, in accordance with the provisions in the Directive.

Do the national norms of transposition in your Member State mandate the Council to decide about the existence of a mass influx of displaced person, with the effect of introducing temporary protection for the displaced persons to which it refers in your Member State?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation (if the answer is “no”, how is a Council decision transposed ad hoc into national law?)

After adoption of the Council Decision the Government of the Republic of Slovenia adopts a conclusion by which it introduces a temporary protection and by which it defines the number of displaced persons to whom the Republic of Slovenia will offer temporary protection, conditions for increasing the number of displaced persons, the date on which the temporary protection will take effect and its duration and the deadline for return (article 10 of the Act on Temporary Protection of Displaced Persons).

Q.6. According to article 6 in the Directive, temporary protection shall come to an end when the maximum duration has been reached or at any time by Council Decision on a proposal from the Commission. *See article 6 (1-2).*

Do the national norms of transposition mandate the Council to decide when temporary protection in your Member State shall come to an end?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation: (if the answer is ‘no’, how is a Council decision transposed ad hoc into national law?)

The Government of the Republic of Slovenia defines in its decision the duration of the temporary protection given to the displaced persons (article 10 of the Act on Temporary Protection of Displaced Persons). Article 11 of the same Act defines maximum duration of temporary protection, being one year, but may be prolonged twice for maximum 6 months each time. According to the article 12 of the Act on Temporary Protection of Displaced Persons when the Council adopts a Decision on ending temporary protection, the Government of the Republic of Slovenia shall, based on the Decision adopt a decision, establishing that temporary protection has come to an end and shall define a deadline of the return of displaced persons.

Q.7. According to article 7, a Member States may extend temporary protection, as provided for in the Directive, to additional categories of displaced persons over and above those to whom a Council decision applies, where they are displaced for the same reasons and from the same country or region of origin. *See optional provision in article 7 (1-2).*

Do the national norms of transposition allow your Member State to extend temporary protection to additional categories of displaced persons?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation: (If the answer is "yes", if any, what are the criteria for extending protection to additional categories of displaced persons)?

According to the article 10 of the Act on Temporary Protection of Displaced Persons the Government issues a decision in which it defines number of persons that will benefit from the temporary protection, date of introduction and end of temporary protection, etc. The decision is issued after the Council establishes reasons for temporary protection.

Based on this, it is more likely that the Government will not extend temporary protection, but will rather impose it to persons in need as established by the Council's decision.

Obligations of the Member States towards persons enjoying temporary protection

Q.8. Questions regarding obligations of the Member States towards persons enjoying temporary protection. *See article 8(1-3):*

Q.8.A. Does your Member State provide persons enjoying temporary protection with a residence permit? *See mandatory provision in article 8(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation: (if the answer is 'no', what are the practical

Consequences for the individual?)

Persons enjoying temporary protection have a right to temporary residence in the Republic of Slovenia. The residence permit is valid for the period of the duration of the temporary protection (article 42(2 and 3) of the Act on Temporary Protection of Displaced Persons).

The Decree on the methods and conditions for ensuring rights of persons enjoying temporary protection in its article 3 stipulates that persons enjoying temporary protection have a right to temporary residence permit during the period of temporary protection. A final decision on recognition of temporary protection to the person proves the temporary residence of person in the Republic of Slovenia.

Q.8.B. Answer this question if the answer on Q.8.A is 'yes': **Is the residence permit valid for the entire period of temporary protection?** *See mandatory provision in article 8(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (if the answer is 'no', what are the practical Consequences for the individual?)

Q.8.C. **Will documents or other equivalent evidence for the residence permit be issued?** *See mandatory provision in article 8(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

To a person enjoying temporary protection an identity card shall be issued by which he proves his identity and which is also valid as a temporary residence permit. The identity card is also an evidence for the residence permit in the Republic of Slovenia. The identity card is valid until temporary protection comes to an end. Upon request of an authorised person, the person has to allow its inspection (article 42 of the Act on Temporary Protection of Displaced Persons).

Q.8.D. **Will your Member State provide persons enjoying temporary protection with a document, in a language likely to be understood by them, in which the provisions relating to temporary protection, and which are relevant to them, is clearly set out?** *See mandatory provision in article 9.*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

According to the article 15(3) of the Act on Temporary Protection of Displaced Persons, the Ministry of the Interior shall ensure to applicants information on the procedure for granting temporary protection in a language they understand by publishing informational brochures and organisation of an informational service.

According to the article 38 a right to information of persons enjoying temporary protection will be enforced by provision of the information on their rights and duties in a language they understand by ensuring them and providing them with information, especially on accommodation, enforcement of financial assistance, health protection, education, employment.

The Decree on the methods and conditions for ensuring rights of persons enjoying temporary protection obliges the Ministry of the Interior to inform persons enjoying temporary protection about their rights and duties, defined in the act. For this purpose the Ministry of the Interior provides information in form of brochures, individual and group discussions and sessions. (article 21, paragraph 1)

Q.8.E. Will the personal data of the persons enjoying temporary protection (name, nationality, date and place of birth, marital status, and family relationship) be registered? *See mandatory provision in article 10.*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Organisational unit competent for internal affairs within administrative unit collects and registers all the above mentioned personal data of the persons enjoying temporary protection and also the following data: name, nationality, date and place of birth of the statutory representative, name, nationality, date and palce of birth of the guardian, a fingerprint needed for issuing an identity card, maiden name, sex, education and occupation if the persons agrees in writing, date of entry to the Republic of Slovenia, number and type of a travel document, names and addresses of temporary or permanent residence of family members in the Republic of Slovenia, type and address of the last residence, a state of health if the person agrees in writing, other data, defined by acts of the Republic of Slovenia, necessary for taking a decision on temporary protection (article 49(1) of the Act on Temporary Protection of Displaced Persons).

Q.8.F. Will your Member State provide facilities for obtaining the necessary visas, including transit visas, to persons which will be admitted to the territory for the purposes of temporary protection? *See mandatory provision in article 8(3).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

According to the article 16(1) of the Act on Temporary Protection of Displaced Persons, a person who during the period of temporary protection upon his entry to the territory of the Republic of Slovenia states his intention to apply for temporary protection in the Republic of Slovenia, has to be treated as a temporary protection applicant according to this Act and has to be granted access into the state.

A person who has entered the territory of the Republic of Slovenia illegally and stated his intention to apply for temporary protection has to be brought to the nearest reception centre by the police as soon as possible, but in 24 hours the latest after the person stated his intention to apply for temporary protection (paragraph 3, article 2 of the Instructions on the procedure and method of dealing with persons illegally entering the Republic of Slovenia during period when covered by temporary protection).

The state will not provide any facilities for obtaining the visas, since no requirements for obtaining visas are set by the Act. Therefore, it can be concluded that that the mandatory provision is met since obstacles will be put in persons' way to enter the territory when seeking protection.

Q.8.G. According to the national law of your Member State: Will the visas referred to in Q.8.F, be free of charge? See mandatory provision in article 8(3).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (if the answer is “no”, please indicate the amount charged and indicate amounts charged for other types of visas)

As mentioned in the last answer, no requirements for obtaining visas are set and since no obstacles are put in persons' way to enter the territory when seeking temporary protection, we may conclude that the mandatory provision has been met.

Q.9. According to national law of transposition, is your Member State responsible to take back a person enjoying temporary protection on its territory if that person seeks to enter onto or remains on the territory of another Member State without authorisation during the period of temporary protection? See mandatory provision in article 11.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

According to the article 6(2) of the Act on Temporary Protection of Displaced Persons temporary protection will not end for a person who, while enjoying temporary protection,

tried to enter illegally or to remain on the territory of another State, except when an agreement between States provides for differently.

Q.10. **Has your Member State concluded bilateral agreements with other Member States regulating the responsibility for persons enjoying temporary protection under the Directive? See optional provision in article 11, final sentence.**

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If the answer is “yes”, please specify with which country)

Q.11. Questions regarding work and other activities during temporary protection: *See mandatory provision in article 12.*

Q.11.A. Are the persons enjoying temporary protection allowed to engage in:

Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Employed activities?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Self-employed activities?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Educational opportunities for adults?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Vocational training?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No
Practical workplace experience?	<input checked="" type="checkbox"/> Yes	<input type="checkbox"/> No

Explanation:

Article 28(1) of the Act on Temporary Protection of Displaced Persons puts persons enjoying temporary protection on the same level as refugees regarding their right to work. The Decree on the rights and duties of refugees in the Republic of Slovenia puts refugees on the same level as Slovene citizens, meaning persons enjoying temporary protection have all rights as the Slovene citizens. Article 28(2) of the Act on Temporary Protection of Displaced Persons explicitly gives a right to persons enjoying temporary protection to participate in vocational training and to gain practical workplace experience according to the law. Costs with regard to enforcement of right to work will be beared by the employer. These rights may only be enforced when a person enjoys temporary protection.

Q.11.B. According to optional provision in article 12, Member States may, for reasons of labour market policies, give priority to EU citizens and citizens of States bound by the Agreement on the European Economic Area and also to legally resident third-country nationals who receive unemployment benefit.

Do the national norms of transposition in your Member State give priority, or allow giving priority, to:

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

EU citizens? **Yes** **No**

Citizens of the European Economic Area? **Yes** **No**

Legally resident third-country nationals who receives unemployment benefits? **Yes** **No**

Explanation:

National norms give priorities to EU citizens, citizens of the EEA and legally resident third-country nationals who receive unemployment benefits. They are not subjected to any rules regarding obtaining work permits and the quota set by the Government. Article 28 of the Act on Temporary protection of displaced persons defines that persons enjoying temporary protection are equal to refugees according to laws on employment and labour of aliens. Based on Decree on rights and obligations of refugees in the Republic of Slovenia refugees are equal to the citizens of the Republic of Slovenia regarding right to work. According to article 5 of the Employment and Work of Aliens Act (hereinafter: EWAA) the Government in accordance with immigration policy and by taking into account the situation and flows on labour market yearly sets quota of work permits by which it limits number of aliens on the labour market, but paragraph 3 of the same article defines that the quota does not apply to aliens who have, based on a treaty with the EU, equal status as citizens of the Republic of Slovenia, aliens for who work permits are not provided by the EWAA, aliens with personal work permits, representatives and foreign workers who have been referred to additional education. Article 10 of the EWAA defines personal work permit as a renewable or permanent form of work permit which in its time of validity enables an alien a free access to labour market except in cases when personal work permit is valid for one year. For personal work permit a refugee and an alien who fulfills grounds defined by this Act. Personal work permit is issued for a period defined by the EWAA irrespective of the situation and conditions on the labour market. Time of validity of a personal work permit issued to a person enjoying temporary protection is equal to time for which temporary protection status is being granted. A person enjoying temporary protection who is issued a personal permit may register in a register of unemployed persons.

At the time of preparing of this report in the process of adoption is Act amending the Employment and Work of Aliens Act which will transpose provisions of the Directive 2004/38/ES regarding rights and duties of citizens of the EU, EEA and the Switzerland confederation and their family members with regard to access to the Slovenian labour market.

Question to be answered only if persons enjoying temporary protection are allowed to work:

Q.11.C. According to article 12, final sentence, the general law in force in the Member States applicable to remuneration, access to social security systems relating to employed or self-employed activities and other conditions of employment shall apply if persons enjoying temporary protection are allowed to work.

If persons enjoying temporary protection are allowed to work: Will your country's general laws be applicable regarding:

Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Remuneration? Yes No

Access to social security systems relating to employed or self-employed activities and other conditions of employment? Yes No

Explanation:

Employment relations between employers and employees in the Republic of Slovenia are regulated by the Employment Relationship Act. According to the article 3(1) of the Act it should be used for all working relations among employers with registered offices or residences in the Republic of Slovenia, and their employees. Therefore, this Act is used also for working relations among employers and foreigners.

Q.12. Questions regarding the Member States obligation towards the temporary protected regarding accommodation, subsidies, medical care etc. *See article 13(1-4).*

Q.12.A. **Is your Member State obliged under national law to provide the persons enjoying temporary protection with suitable accommodation or means in order to obtain housing?** *See mandatory provision in article 13(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation :

A person enjoying temporary protection has, according to the article 23 of the Act on Temporary Protection of Displaced Persons, a right to accommodation in accommodation centres or means for private housing. Article 25 again explains that to persons enjoying temporary protection accommodation and food in accommodation centres are provided. If possible, food as per their religious belief is provided.

The Decree on the methods and conditions for ensuring rights of persons enjoying temporary protection in its Article 4 again states that persons enjoying temporary protection have, while enjoying temporary protection, a right to accommodation and food in accommodation centres of the Ministry of the Interior. If possible, food as per their religious belief is provided. Vulnerable groups as defined in indent 4, article 3 of the Act (vulnerable groups are persons with special needs, especially unaccompanied minors, persons with disabilities, the elderly, pregnant women, single parents with minors, victims of sexual abuse and victims of torture and organised violence) are accommodated separately from other persons enjoying temporary protection, based on individual assessment of their special needs (article 5). Article 6 of the Regulation enables persons enjoying temporary protection to receive means for private housing, in cases when accommodation centres are closed partially or in whole or when persons merely decide to be accommodated in private housing. Articles 7, 8 and 9 define assessment of means for private housing, based on an income of an applicant. Articles 10 and 11 define procedure for granting means for private housing, stating that the procedure begins upon request of a person enjoying temporary protection, a final decision being issued by the Ministry of the Interior, means being approved and paid for the period of three months.

Q.12.B. Will your Member State, according to national law, be obliged to provide the persons enjoying temporary protection with economic assistance such as social welfare and means of subsistence? See mandatory provision in article 13(2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Persons enjoying temporary protection who are not accommodated in accommodation centres and who are without a personal income and other income and who do not have any persons under obligation according to laws of the Republic of Slovenia to maintain them, are entitled to financial assistance (article 30 of the Act). Article 31 defines that the amount of financial assistance is equal to a minimum income for those persons who are without a personal income and other income and who do not have any persons under obligation according to laws of the Republic of Slovenia to maintain them. Persons who have a personal income and other income will be approved financial assistance in the amount of a minimum income, reduced for the amount of a personal income and other income received in the previous month. Article 32 defines percentages for approval of a financial assistance according to person's status within a family and separately for an unaccompanied minor. Articles 33 and 34 define a procedure for granting financial assistance which begins upon a person enjoying temporary protection's request and a final decision being issued by the Ministry of the Interior. The financial assistance is approved for the period of six months and is paid each month.

Persons enjoying temporary protection who are accommodated in accommodation centres and who are without a personal income and other income and who do not have any persons under obligation according to laws of the Republic of Slovenia to maintain them, are being assigned with a pocket money by the Ministry of the Interior. The amount of the pocket money is 30% of an amount of a minimum income and is being paid monthly by the Ministry in accommodation centres. (article 35 of the Act). The regulation also defines a procedure for granting financial assistance stating that a person enjoying temporary protection is granted a

right to pocket money on the first day of the next month after being accommodated in an accommodation centre. A pocket money will be received in the month following the one when the request was filed. The pocket money is paid for each month. (article 19)

Q.12.C. Do the persons enjoying temporary protection have access to emergency medical care and essential treatment of illness? See mandatory provision in article 13 (2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If the answer is “yes”, please provide details whether persons enjoying temporary protection have access to *general medical care* or if it is restricted to *emergency care and essential treatment of illness*?)

Article 27 of the Act on Temporary Protection of Displaced Persons (a right to medical care)

"(1) Persons enjoying temporary protection have a right to:

1. emergency medical care and emergency transportation and a right to emergency dental care;

2. emergency treatment according to a doctor's decision, which includes:

- maintainance of vital functions, stopping of a bleeding and prevention of bleeding out;

- prevention of a sudden deterioration of health, which could cause permanent damage of individual organs or vital functions;

- shock treatment;

- services when cronical diseases and states where failure to render medical assistance could directly and in a shorter period of time cause disability, other permanent damages to health and death;

- treatment of feverish states and prevention of a spread of infection that could lead to a septical state;

- treatment and prevention of poisoning;

- treatment of bone fractions and sprains and other injuries, where doctor's service is necessary;

- medicines from the positive list that are prescribed upon a receipt for treatment of above mentioned health conditions;

- emergency transportation with ambulance and other vehicles in above mentioned cases;

3. impossibility of postponement of services of specialistic dispensary and hospital activities;

4. health care of women which includes:

- contraception;

-abortion;

-medical care during pregnancy and when giving a birth;

5. obligatory health examinations before entering into education and during education in primary and high school, as obligatory also for the citizens of the Republic of Slovenia.

(2) In spite of the first paragraph, a health commission, appointed by the Minister, may in well-founded cases approve medical care of a higher standard.

(3) The Ministry covers expenses of medical services according to the previous paragraphs for persons enjoying temporary protection."

Article 12 of the Decree also states that persons enforce a right to medical care with an identity card received by each person enjoying temporary protection. Article 13 states that a health commission is appointed by the Minister of the Interior with a decision after establishing the existence of the mass influx of displaced persons. The procedure for granting medical assistance of a higher standard starts upon a person's request.

Q.12.D. Will your Member State, according to national law, be obligated to provide for necessary medical or other assistance to persons enjoying temporary protection who have special needs such as unaccompanied minors, persons who have undergone torture, rape or other serious forms of psychological, physical or sexual violence? See mandatory provision in article 13(4).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If the answer is “yes”, please provide details about the assistance given to different groups of persons with special needs, for example psychological help for persons who have undergone torture).

The Act does not directly oblige the State to provide for necessary medical or other assistance to persons with special needs. It merely allows that a medical commission, appointed by the Minister, approves in well-founded cases medical care of a higher standard (article 27(2) of the Act on Temporary Protection of Displaced Persons). The Decree on the methods and conditions for ensuring rights of persons enjoying temporary protection defines that the procedure for granting medical assistance of a higher standard starts upon a person's request and it will be decided upon by the commission, appointed by the Minister of the Interior (article 13).

Q.13. Questions regarding access to education. *See article 14 (1-2):*

Q.13.A. Do persons who are under 18 years of age and enjoying temporary protection have access to the education system under the same conditions as nationals of your Member State? See mandatory provision in article 14(1).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Persons enjoying temporary protection under 18 years have under the same conditions as nationals of the Republic of Slovenia a right to:
- inclusion and conclusion of primary education and

- inclusion and conclusion of lower and middle vocational education and middle professional education and general education for gaining publicly recognised education in public and private schools which are financed from public funds, if upon inclusion into educational system are under 18 years and fulfill conditions to register.
(article 29(1) of the Act on Temporary Protection of Displaced Persons)

Q.13.B. If the answer on Q.13.A is ‘yes’: **Is access to education confined to the state education system or does it cover all kinds of educational institutions?**

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

As stated above, it also covers private schools, but only when they are financed from public funds. Otherwise, access is only confined to the state education system.

Q.13.C. **Do adults enjoying temporary protection have access to the general education system?** *See optional provision in article 14(2).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Paragraph 2 of the article 29 (a right to education) of the Act on Temporary Protection of Displaced Persons enables persons enjoying temporary protection above 18 years of age to take part in education as defined in paragraph 1 of the same article under equal terms as set for participants of adult education, but education at vocational schools and at the university level in accordance with laws which regulate such education. Therefore, adult persons enjoying temporary protection are equal to adult citizens of the Republic of Slovenia.

Q.14. Questions regarding right to family reunification. *See article 15:*

Q.14.A. **Do the national norms of transposition in your Member State allow separated family members, which enjoy temporary protection in different Member States, to reunite?** *See mandatory provision in article 15(2).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Article 36 of the Act on Temporary Protection of Displaced Persons grants a right to family reunification also to close relatives of the person who has been granted temporary protection status.

Q.14.B. Do the national norms of transposition in your Member State allow family members who are not yet in a Member State to reunite with a person enjoying temporary protection in your Member State? See mandatory provision in article 15(3).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Article 36 of the Act on Temporary Protection of Displaced Persons does not explicitly mention reunification with family members who are not yet in the Republic of Slovenia, but since the article defines that a right to temporary protection is also granted to family members of the person enjoying temporary protection we can conclude that when family members prove a notion of being family members they obtain the right and may demand its enforcement.

Q.14.C. For the application of the rules regarding family reunification: Whom does your Member State consider a “family member”? See article 15(1)(a)(b).

(Please indicate by ticking the correct box/boxes and **EXPLAIN YOUR ANSWER**)

- The spouse of the person enjoying temporary protection.**
- The unmarried partner in a stable relationship to the person enjoying temporary protection.**
- The minor unmarried children of the person enjoying temporary protection or of his/her spouse, without distinction as to whether they were born in or out of wedlock or adopted.**
- Other close relatives who lived as part of the family unit with the person enjoying temporary protection at the time of the events leading to the mass influx, and who were wholly or mainly dependent on him/her at the time.**

Explanation:

According to the Act on Temporary Protection of Displaced Persons (article 36, para. 2) close relatives are:

- a spouse or an unmarried partner who lived at least one year before coming to the Republic of Slovenia in a stable relationship with a person enjoying temporary protection which is,

according to the Marriage and Family Relations Act (article 12, paragraph 1), equal in legal consequences with marriage;

- children of a person enjoying temporary protection who should be maintained by the person;
- children of the person enjoying temporary protection's spouse when they maintain a step-father or a step-mother and a step-father or a step-mother when he/she maintains children;
- grandchildren and nieces of person enjoying temporary protection if the person maintains grandchildren or nieces who are without parents;
- other close relatives of a person enjoying temporary protection if they lived together before coming to the Republic of Slovenia and person maintained them.

Adopted children are, according to the Marriage and Family Relations Act equal to children born in or out of wedlock and therefore are granted a right to be maintained until reaching the age of 18 or even until the age of 26 if taking part in education regularly, but sometimes the right to be maintained may be terminated even before reaching the age of 18 (articles 7, 123). Unmarried partner is granted a right to family reunification if he/she has been in a stable relationship at least one year before coming to the Republic of Slovenia.

Q.14.D. What means of proof is needed in your Member State to verify family membership, is for example documentary evidence needed?

The Slovenian legislation on temporary protection does not define means of proof to verify family membership. Article 16 of the Act on Temporary Protection of Displaced Persons defines obligation of applicants of temporary protection to provide all documentary evidence available and important for granting temporary protection.

Q.14.E. Explain which measures have been taken in your Member State to ensure that 'the best interest of the child' is accounted for when applying the provisions on family reunification in the national norms of transposition? See mandatory provision in article 15(4).

Article 3 of the Act on Temporary Protection of Displaced Persons defines terms used in the Act and among them defines a term "vulnerable groups of persons" as "persons with special needs, especially unaccompanied minors, handicapped persons, the elderly, pregnant women, single women, single parents with minors, victims of sexual abuse and victims of torture or organised violence". According to the article 22 unaccompanied minors have to be appointed with a legal guardian. The competent body is obliged to take into account the unaccompanied minor's opinion in the proceedings in accordance with his age and level of mental development. His application should be resolved at the highest priority. A centre for social work has to appoint a guardian to an unaccompanied minor in accordance with laws on guardianship. When unaccompanied minor is accommodated, the centre for social work has to take into consideration his/her opinion with regard to his/her age and level of mental development (article 41(1 and 3)).

Decree on the methods and conditions for ensuring rights of persons enjoying temporary protection in its article 20(2) explains that the Ministry of the Interior cooperates with United Nations High Commissioner for Refugees, intergovernmental and nongovernmental organisations when searching for parents and other family members of unaccompanied minors.

Other measures to ensure "the best interest of a child" are not defined in legislation on temporary protection.

Q.14.F. According to article 15(5), Member States shall decide in which Member State the reunification shall take place. Please indicate which authority possesses the competency to take such decisions?

Name and function of the Authority: Ministry of the Interior

Q.14.G. If there is a formal procedure foreseen for such decisions, please describe it briefly:

According to the article 10 of the Rules on the procedure concerning transfer of persons enjoying temporary protection the rules are also applied for a procedure for family reunification.

The procedure is initiated on the basis of an agreement between the Republic of Slovenia and another EU Member State. For family reunification a consent of the person enjoying temporary protection is needed. The Ministry of the Interior sends personal data to a competent body of the EU Member State which issues a decision on ending of the temporary protection in the EU Member State for the family members. The Ministry of the Interior based on personal data of family members verifies whether reasons for which a person cannot enjoy temporary protection in the Republic of Slovenia (article 5 of the Act on Temporary Protection of Displaced Persons) exist. If such reasons do not exist the Ministry of the Interior issues a decision for granting temporary protection.

Q.14.H. Are reunited family members in your Member State granted residence permits under temporary protection?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes

No

Explanation:

Article 36 of the Act on Temporary Protection of Displaced Persons defines that a right to temporary protection is also granted to family members of the person enjoying temporary protection. The provision therefore indicates that those persons enjoy the same rights and have the same obligations as persons with who they have been reunified. Therefore they have a right to temporary residence in the Republic of Slovenia for the period of the existence of a mass influx of displaced persons (article 24: a right to temporary residence).

Q.14.I. Are documents or other equivalent evidence issued for persons who comes to your Member State and receives temporary protection under the provisions regarding family reunification?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

According to the article 42 of the Act on Temporary Protection of Displaced Persons an identity card is issued to a person enjoying temporary protection until temporary protection ends. The person is obliged to carry the card on himself and to grant its inspection to a public officer who is under the law authorised to request its inspection. The card is also valid as a temporary residence permit in the Republic of Slovenia.

We may conclude, because of the importance of the identity card issued to a person enjoying temporary protection and because the article 42 defines that a person enjoying temporary protection is issued an identity card, that also family members after reunification are issued identity cards since they enjoy temporary protection.

Q.14.J. Does the national norms of transposition in your Member State comply with the provision in article 15(8) stating that a Member State shall at the request of another Member State, provide information on a person receiving temporary protection which is needed to process a matter of family reunification? See mandatory provision in article 15(8).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

According to the article 10 of the Rules on the procedure concerning transfer of persons enjoying temporary protection the rules are also applied for a procedure for family reunification. Therefore, the article 4 of the Rules which obliges the Ministry of the Interior to provide information on persons in the procedure concerning transfer to the other Member State, this article also applies to persons receiving temporary protection and providing the necessary information needed to process a matter of family reunification.

Q.15. Questions regarding unaccompanied minors: *See article 16:*

Q.15.A. Explain how the representation of unaccompanied minors enjoying temporary protection in your Member State is arranged according to national law. See mandatory provision in article 16(1).

According to the article 22 (1) of the Act on Temporary Protection of Displaced Persons unaccompanied minors have to be appointed with a legal guardian. The legal guardian is appointed by a center for social work in accordance with laws on guardianship (article 41(1)). Marriage and Family Relations Act sets a procedure for appointing a legal guardian (articles 216-223).

Q.15.B. Does your Member State provide for unaccompanied minors to be placed with: *See mandatory provision in article 16(2).*

(Please indicate by ticking the correct box/boxes and **EXPLAIN YOUR ANSWER**)

- Adult relatives ?**
- A foster-family ?**
- In reception centres with special provisions for minors, or in other accommodation suitable for minors ?**
- With the person who looked after the child when fleeing ?**

Explanation:

During the existence of a mass influx of displaced persons an unaccompanied minor is usually accommodated with adult relatives, foster family, accommodation centers or other accommodation facilities appropriate for accommodation of the underage, with a person who took care of the underage person upon arrival to the Republic of Slovenia (article 41 of the Act on Temporary Protection of Displaced Persons).

Q.15.C. Do the national norms of transposition in your Member State meet the requirement that the views of the child shall be taken into account when arranging placement for the minor? *See mandatory provision in article 16(2).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

- Yes** **No**

Explanation:

The centre for social work takes into consideration the opinion of an unaccompanied minor regarding accommodation in accordance with his age and mental state (article 41 of the Act on Temporary Protection of Displaced Persons).

Access to the asylum procedure in the context of temporary protection

Q.16. Questions regarding access to the asylum procedure. *See article 3 and 17-19:*

According to mandatory provision in article 3(1) temporary protection shall not prejudice recognition of refugee status under the Geneva Convention.

Q.16.A. Does temporary protection in any way prejudice recognition of refugee status under the Geneva Convention in your Member State?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

There is no provision which would directly prohibit making a judgement about recognition of refugee status under the Geneva Convention. But article 8 of the Act on Temporary Protection of Displaced Persons enables a person enjoying temporary protection to apply for asylum during the existence of a mass influx of displaced persons or after the temporary protection ends. Therefore, we may conclude that temporary protection does not prejudice recognition of refugee status under the Geneva Convention.

Q.16.B. Does your Member State allow persons enjoying temporary protection to apply for asylum at any time during the period of temporary protection? See mandatory provision in article 17(1).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Article 8 of the Act on Temporary Protection of Displaced Persons enables a person enjoying temporary protection to apply for asylum during the existence of a mass influx of displaced persons or after the temporary protection ends.

Q.16.C. Does your Member State allow persons enjoying temporary protection to stay in the Member State during the examination of their asylum claim, even though the period of temporary protection has ended? See mandatory provision in article 17(2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

Article 8 of the Act on Temporary Protection of Displaced Persons states that an asylum claim which has not been decided upon before temporary protection ends shall be decided upon

after temporary protection ends. Until a final decision is issued, laws on asylum are applied to this person.

According to the Asylum Act an asylum seeker is allowed to reside in the Republic of Slovenia until a final decision is issued (article 11).

Q.16.D. What criteria are provided by the norms of transposition in your Member State to determine the responsibility amongst Member States for examining an asylum application submitted by a person enjoying temporary protection in another Member State? See mandatory provision in article 18.

Based on the article 1 of the Asylum Act, the provisions of the Asylum Act are applicable for the asylum applicants. According to the article 40a. of the Asylum Act, the asylum applicants, who entered the European Union, are submitted to the criteria of Dublin procedure. This means that for the admission of the asylum application is responsible the Member State in which the applicant first submitted the asylum application, or the Member State from which the applicant was seen to arrive.

Therefore, in the case when the applicant, who enjoys a temporary protection in another member State, wants to submit an asylum application in the Republic of Slovenia, Slovenia has to declare incompetent for the admission of the application and has to transfer the applicant to the Member State where he enjoys a temporary protection.

Q.16.E. Has your Member State decided that temporary protection may not be enjoyed concurrently with the status of asylum seeker while applications are under consideration? See optional provision in article 19.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes

No

Explanation: If the answer is “yes”, please provide details concerning differences between the reception conditions for asylum seekers and persons enjoying temporary protection in your Member State which might lead to withdrawal or reduction of rights for a temporary protected who lodges an application for asylum.

According to paragraph 2 of the article 8 of the Act on Temporary Protection of Displaced Persons, asylum applications, which have not been decided upon before temporary protection ends, will be decided after temporary protection ends. Until the final decision on asylum application Asylum Act provisions will be applied for that person.

Q.16.F. If refugee status or, where applicable, other kind of protection is not granted to a person who is eligible for or already enjoys temporary protection is that person allowed to enjoy or continue to enjoy temporary protection in your Member State? See mandatory provision in article 19(2).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes

No

Explanation:

Based on article 8(3) of the Act on Temporary Protection of Displaced Persons, the person may again apply for temporary protection after his asylum application has been rejected, despite that the number of persons defined in the Government's decision has been reached, but only until the period defined in the decision, ends.

Return and measures after temporary protection has ended

Q.17. Questions regarding the voluntary return of persons enjoying temporary protection:

Q.17.A. According to mandatory provision in article 21(1) the Member States *shall* ensure that the provisions governing voluntary return of persons enjoying temporary protection facilitate their return with respect for human dignity. How is that reflected in the national norms of transposition in your Member State?

Act on Temporary Protection of Displaced Persons defines in its Chapter VI possible measures, after temporary protection ends. None of this provisions sets a direct obligation of the Republic of Slovenia to facilitate the return with respect for human dignity. But article 12(1) of the Act on Temporary Protection of Displaced Persons refers to a possibility of untimely ending of the temporary protection, if circumstances in country or region of origin enable safe and permanent return, in a way that human rights, basic freedoms and obligations, based on the principle of non-refoulement are ensured.

Q.17.B. Please explain how your Member State ensures that a decision of persons enjoying temporary protection, or whose temporary protection has ended, to return voluntarily is taken in full knowledge of the facts. *See mandatory provision in article 21(1).*

Based on article 45(1) of the Act on Temporary Protection of Displaced Persons, the Ministry of the Interior prepares information on situation in the country or region of origin and on conditions of return, which is submitted to persons enjoying temporary protection for easier decision.

Q.17.C. Is it possible for the temporary protected in your Member State to make exploratory visits to the home country? *See optional provision in article 21(1).*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes

No

Explanation:

The Ministry of the Interior may organize exploratory visits to the country or region of origin for persons enjoying temporary protection, if they have decided to return (article 45(2) of the Act on Temporary Protection of Displaced Persons).

Q.17.D. Please explain if and how your Member State has transposed article 21(2) stating that Member States shall, for such time as the temporary protection has not ended and on the basis of the circumstances prevailing in the country of origin, give favourable consideration to requests for return to the host Member State from persons who have enjoyed temporary protection and exercised their right to a voluntary return?

The Ministry of the Interior may until the temporary protection has ended, taking into account recommendations and evaluations of the UNHCR, enable to persons who have already voluntarily returned to the country or region of origin, to return to the Republic of Slovenia on the basis of special circumstances prevailing in the country or region of origin and which make impossible for them to return safely and permanently (article 45(3) of the Act on Temporary Protection of Displaced Persons).

Q.17.E. Is it possible, under the national norms of transposition in your Member State, for persons enjoying temporary protection to continue receive their benefits as temporary protected after the period of temporary protection has ended, if they benefit from a voluntary return programme?
See optional provision in article 21.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes

No

Explanation: (If the answer is “yes”, for how long is that possible).

The Ministry of the Interior prepares a voluntary return program and presents measures necessary for the voluntary return to the Government (article 44 of the Act on Temporary Protection of Displaced Persons). Until the date of return, set by a Government's decision, persons enjoying temporary protection who have decided to voluntary return to the country or region of origin, are entitled to rights as defined in the Chapter IV of this act (article 45(4) of the Act on Temporary Protection of Displaced Persons). Chapter IV. sets rights and obligations of persons enjoying temporary protection (i.e. a right to temporary residence, accommodation, health care, work, etc.)

Q.18. Questions concerning enforced return of persons who have enjoyed temporary protection. *See articles 22:*

Q.18.A. Explain if and how the laws of your Member State comply with the mandatory provision in article 22(1), obliging Member States to ensure that the enforced return of persons whose temporary protection has ended and

who are not eligible for admission shall be conducted with due respect for human dignity.

Article 47 of the Act on Temporary Protection of Displaced Persons imposes obligation on the Republic of Slovenia to enable voluntary return to person whose temporary protection ended and who is not eligible for any other legal status. If the person does not return voluntarily, laws on the enforced return are applied.

In cases of enforced return the Aliens Act will be applied. The Aliens Act does not mention the obligation of the state to respect human dignity during forced return. But, the article 51(1) of the Police Act obliges the police to use means of force with respect for human dignity.

Q.18.B. Explain if and how the laws of your Member State comply with the mandatory provision in article 22(2) obliging Member States to consider any compelling humanitarian reasons which may make return impossible or unreasonable in specific cases.

The Act on Temporary Protection of Displaced Persons enacts (article 4) the principle of non-refoulement, which prohibits deportation or return of the person to a country where her life or body would be endangered on the grounds of her race, religion, nationality, membership of a particular social group or political opinion, or to a country where she would be subjected to torture or inhuman and degrading treatment or punishment.

Q.18.C. In the national law of your Member State, are there any other grounds (except for the one referred to in Q.18.B) for allowing persons who have enjoyed temporary protection to stay in your Member State?

No.

Q.19. Questions concerning forcible return of persons who have enjoyed temporary protection. *See article 23:*

Q.19.A. Does the national law and practice of your Member State comply with the mandatory provision in article 23, providing that persons who have enjoyed temporary protection and who cannot, in view of their state of health reasonably be expected to travel, are not expelled as long as that situation continues? The provision exemplifies with persons who would suffer serious negative effects if their treatment was interrupted.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes

No

Explanation:

Act on Temporary Protection of Displaced Persons (article 46(1)) enables persons to continue receiving benefits as temporary protected, after the period of temporary protection has ended, but only for persons who cannot return to the country or region of origin because of their medical reasons. The Ministry of the Interior shall make possible prolongment of stay based

on proposal of the health commission, but as a rule not longer than as defined in the article 11 (temporary protection is given for the period of one year and may twice be prolonged for 6 months).

These persons enjoy the same rights and obligations as persons enjoying temporary protection (article 46 of the Act on Temporary Protection of Displaced Persons)

Q.19.B. Does your Member State allow families whose children attend school in a Member State, to benefit from residence conditions allowing the children concerned to complete the current school period before return? See optional provision in article 23.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

The Ministry of the Interior may also issue a decision to enable to continue receiving of benefits as temporary protected to unaccompanied minors, who visit schools in the Republic of Slovenia, and to families of which children are underaged and visit schools in the Republic of Slovenia until the present school year ends. Such prolongment is again possible only for a limited period of time after the period of temporary protection has ended. These persons enjoy the same rights and obligations as persons enjoying temporary protection (article 46(2 and 3) of the Act on Temporary Protection of Displaced Persons).

Solidarity

Q.20. Please describe how your Member State ensures that persons eligible for temporary protection defined in a Council Decision under article 5 and who have not arrived in the Community have expressed their will to be received on their territory? See mandatory provision in article 25(2).

The only provision that in some way transposes article 25(2) of the directive is article 9(2 and 3) of the Act on Temporary Protection of Displaced Persons where an obligation of the state to cooperate with UNHCR regarding matters and questions concerning persons enjoying temporary protection and to regularly notify UNHCR on accommodation capacity for accommodating persons enjoying temporary protection is defined.

Such provision could, in my opinion, impose the obligation to notify UNHCR on accommodation capacity, that is on a vacancy in facilities for accommodating persons enjoying temporary protection, which would result in organising an arrival of new persons in need of temporary protection. But it is unclear whether such practice has been foreseen by the Ministry of the Interior when adopting this provision.

Q.21. Questions concerning the transferral between Member States of persons enjoying temporary protection. *See article 26:*

Q.21.A. According to mandatory provision in article 26(1) the Member States shall cooperate with each other with regard to transferral of the residence of persons enjoying temporary protection from one Member State to another, subject to the *consent* of the persons concerned to such transferral.

Does the national law of your Member State comply with article 26(1) regarding the *consent* of the person who are about to be transferred?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Based on the Act on Temporary Protection of Displaced Persons the Minister of the Interior has adopted Rules on the procedure concerning transferral of persons enjoying temporary protection which in article 2 defines that the transferral procedure starts based on agreement between the Republic of Slovenia and other member state of the EU (paragraph 1) and that for the transferral the consent of the person is necessary (paragraph 2).

Q.21.B. Do the national norms of transposition in your Member State comply with article 26(2) stating that a Member State shall communicate requests for transfers to the other Member States and notify the Commission and UNHCR?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

The obligation of the Republic of Slovenia to cooperate with other member States of the EU in matters concerning temporary protection, especially on notification on numbers of persons enjoying temporary protection and accommodation capacity for receiving displaced persons in the Republic of Slovenia and its cooperation in transferral procedures is enacted in paragraph 1 of the article 9 of the Act on Temporary Protection of Displaced Persons. Competent bodies of the Republic of Slovenia have obligation to cooperate with UNHCR on matters and questions concerning persons enjoying temporary protection and to regularly notify UNHCR on requests for transfers of persons enjoying temporary protection (paragraphs 2 and 3, article 9).

There is not provision that would define the obligation of the Republic of Slovenia to notify about the requests for transfers the Commission.

Q.21.C. According to the national norms of transposition, is your Member State obliged to, at the request of another Member State, provide information as set out in Annex II of the Directive, on a person enjoying temporary protection, which is needed to process a matter of transferral?
(See mandatory provision in article 26(3)).

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

Personal data as defined in articles 49 and 50 of the Act on Temporary Protection of Displaced Persons, on a person enjoying temporary protection, which is needed to process a matter of transferral, shall be provided by the Ministry of the Interior to a competent body of the member State (article 4, para. 1 of the Rules on the procedure concerning transferral of persons enjoying temporary protection).

Articles 49 and 50 of the Act on Temporary Protection of Displaced Persons define a content of registers on personal data of persons seeking temporary protection and persons enjoying temporary protection. Personal data that will be registered is the same as set out in Annex II of the Directive, except for data on residence permits, visas or residence permit refusal decisions, issued to the persons concerned by the member State, and documents forming the basics of decisions, which are not mentioned as personal data that will be registered.

Q.21.D. According to the national law in your Member State, will the residence permit of a person who is transferred, from your Member State to another Member State, expire? See mandatory provision in article 26(4)

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation:

After the competent body issues a final decision on recognition of temporary protection in other member State, a decision on ending temporary protection in the Republic of Slovenia will be issued to that person. The person enjoys rights and duties under the temporary protection, as defined in the act, until the decision on ending temporary protection in the Republic of Slovenia is final. The person cannot at the same time enforce rights under the temporary protection in the Republic of Slovenia and in other member State (article 4, paragraphs 2, 3 and 4 of the Rules on the procedure concerning transferral of persons enjoying temporary protection).

Since a right to temporary residence is one of the rights enforced by persons enjoying temporary protection, these rules also apply to the residence permit.

Q.21.E. When a person, who has been enjoying temporary protection in your Member State is transferred to another Member State, will the obligations relating to temporary protection in your Member State come to an end upon the transferral? See mandatory provision in article 26(4)

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

See Q.21.D.

Q.21.F. If a person, who previously has enjoyed temporary protection in another Member State, is transferred to your Member State, will your Member State grant temporary protection to that person? See mandatory provision in article 26(4), last sentence.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

During the transferral procedure, the Ministry of the Interior shall determine, based on data provided by a competent body of the Member State, whether the person enjoying temporary protection in that Member State meets any criteria for exclusion from temporary protection in the Republic of Slovenia as set in the article 5 of the Act on Temporary Protection of Displaced Persons, which excludes the person from enjoying temporary protection in the Republic of Slovenia (article 7(1) of the Rules on the procedure concerning transferral of persons enjoying temporary protection). If reasons set in the article 5 of the Act on Temporary Protection of Displaced Persons do not exist, the competent body shall issue a decision on granting temporary protection in the Republic of Slovenia (article 8 of the Rules on the procedure concerning transferral of persons enjoying temporary protection).

Q.21.G. Will the 'model pass' set out in annex I of the Directive be used in a foreseen transferral procedure?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation:

The "model pass" to be used in a foreseen transferral procedure has been issued by the Minister of the Interior as Annex of the Rules on the procedure concerning transferral of persons enjoying temporary protection, but the model lacks explanation that it was issued

based on the Directive 2001/55/EC of 20 July 2001 and lacks a guideline, when and where the person must present himself/herself.

Q.22. What authority in your Member State is appointed as national contact point according to the mandatory provision in article 27?

The name and function of the authority is: Ministry of the Interior (Act on Temporary Protection of Displaced Persons does not directly mention that the Ministry of the Interior has been appointed as national contact point according to the mandatory provision in article 27 and it rather stipulates in article 9(1) that the Republic of Slovenia cooperates with other EU States in matters and questions concerning persons enjoying temporary protection, notifies on the number of persons and accommodation capacity for reception of persons in the Republic of Slovenia and cooperates with them in procedures concerning transferal. Since the Rules on the procedure concerning transferal of persons enjoying temporary protection as the competent authority define the Ministry of the Interior (article 3) and since the Ministry of the Interior collects and registers all personal data on persons enjoying temporary protection, we can conclude that the Ministry of the Interior has been appointed as national contact point.

Q.23. Questions regarding exclusion from temporary protection:

Q.23.A. Are there any criteria for exclusion from temporary protection in your Member State? See optional provision in article 28.

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes No

Explanation: (If yes, specify the criteria).

The criteria for exclusion from temporary protection should be based on well-founded grounds for suspicion and are the following:

- the person has committed a crime against humanity and international law as defined in the Criminal Code;
- the person has committed a serious non-political crime outside the Republic of Slovenia prior to his admission to the State as a temporary protection seeker;
- the person has committed a crime against purposes and principles of the United Nations and other binding international treaties, implementing those purposes and principles;
- the person has endangered constitutional system of the republic of Slovenia.

Temporary protection also cannot be granted to a person, who was in the Republic of Slovenia sentenced for a crime to an unconditional penalty of imprisonment longer than one year and the conviction has not been expunged. (article 5 of the Act on Temporary Protection of Displaced Persons)

Q.23.B. If the answer to A. is “yes”, please indicate whether they in any way exceed the exhaustive list of criteria in article 28(1)(a) and (b).

Yes

No

Explanation:

Article 5, para. 2 of the Act on Temporary Protection of Displaced Persons also stipulates an exclusion criteria from temporary protection in case a person has been sentenced with a final judgement for a crime to an unconditional imprisonment for a period longer than one year, and the verdict has not been erased from the criminal record, yet.

Q.23.C. Do the national norms of transposition in your Member State meet the terms in article 28(2) stating that the grounds for exclusion shall be based solely on the personal conduct of the person concerned?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes

No

Explanation:

As derives from the article 5 of the Act on Temporary Protection of Displaced Persons, well-founded grounds for suspicion should be established in connection with a person for which reasons for not granting temporary protection are being examined.

Q.23.D. Do the national norms of transposition in your Member State meet the terms of article 28(2) stating that exclusion decisions or measures shall be based on the principle of proportionality?

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes

No

Explanation:

Act on Temporary Protection of Displaced Persons does not mention the principle of proportionality, but the article 15 of the Constitution of Republic of Slovenia on enforcement and limitation of rights defines that human rights and fundamental freedoms are limited with rights of others and in cases defined by the constitution. The principle of proportionality should be considered always when a right is limited in order to apply measures

Q.24. Questions concerning the right to legal challenge:

Q.24.A. Do the laws of your Member State allow a person to mount a legal challenge if he/she has been: *See mandatory provision in article 29.*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

excluded from the benefit of temporary protection **Yes** **No**

denied family reunification **Yes** **No**

Explanation:

Act on Temporary Protection of Displaced Persons only mentions the competent body for examining the temporary protection application and for reviewing the appeal (articles 16 and 20). But, since rights and obligations are defined in the Act on Temporary Protection of Displaced Persons, the same bodies are competent for any motions and requests in connection with those rights.

Q.24.B. If the answer on any of the questions in Q.24.A is “yes”, please describe the applicable legal procedures for challenging the decision, in your Member State.

If a person is denied a right defined by the Act on Temporary Protection of Displaced Persons, the person may appeal in 15 days after the decision or order is served to him. The appeal has suspensive effect. The Ministry of the Interior shall issue a decision. (article 20 of the Act on Temporary Protection of Displaced Persons)

Q.25. Questions regarding penalties applicable to infringements of the national provisions.

Q.25.A. Are there penalties applicable to infringements of the national provisions in your Member State? *See mandatory provision in article 30.*

(Please indicate by ticking the correct box and **EXPLAIN YOUR ANSWER**)

Yes **No**

Explanation: (If yes, specify the penalties).

Penalties set by the Temporary Protection of Displaced Persons Act (articles 54 to 57) are applicable to the following infringements of the national provisions:

- infringement of limitation of movement;
- infringement of obligation to register any change of residence;
- infringement of obligation to notify the Ministry of the Interior on employment, assets, income and other earnings;
- infringement of obligation to carry an identity card and to present the card upon a request of the competent body.

Q.25.B. Explain if the penalties, according to your opinion, comply with the Directive concerning them being effective, proportionate and dissuasive?
See mandatory provision in article 30.

For each of the penalties a range is foreseen from 41,7 EUR to 417,3 EUR, which enables a penalties to be imposed proportionally. Also the article 58 of the Act on Temporary Protection of Displaced Persons imposes obligations that the Ministry of the Interior, the police and the Ministry of Labour impose penalties within defoned range.

Final questions

Q.26. Can you refer us to any study, report or research by any source on the practice of granting temporary protection in the event of a mass influx in your Member State?

Temporary refuge:

- Zagorc, Saša: Legal aspects of temporary refuge status (Pravni vidiki statusa začasnega zatočišča), Javna uprava (Publication), Vol. 37, no. 3 (2001), p. 371-386.
- Fras-Zorec, Marjana: Legal position of refugees as defined by the law of temporary sanctuary and the law of asylum, Podjetje in delo (Publication) Vol. 28, no. 2 (2002), p. 309-330.
- Kovač, Andreja: The institution of temporary protection as a method to resolving a refugee issue: diploma thesis (Institut začasne zaščite kot način reševanja begunskega problema : diplomsko delo visokošolskega programa), Ljubljana 2005.
- Rizvanović, Alma: Integration of the citizens of Bosnia and Herzegovina, with temporary refugee status: diploma thesis (Integracija državljanov Bosne in Hercegovine, ki so imeli status začasnega zatočišča : diplomsko delo visokošolskega programa), Ljubljana 2006.
- Kranjc, Janez, Štrus, Jože, Zagorc, Saša, Nerad, Sebastian, Mahnič, Petra: Administrative institutions of asylum and aliens: Final report on research work results within a project within research programs (CRP): CRP Competitiveness of Slovenia 2001-2006 (Upravnopravni instituti azila in tujcev : zaključno poročilo o rezultatih opravljenega raziskovalnega dela na projektu v okviru ciljnih raziskovalnih programov (CRP): CRP Konkurenčnost Slovenije 2001 - 2006, Ljubljana: The Institute for comparative law at the Faculty of Law of the University of Ljubljana, 2002.

Q.27. Has there been a political or public debate on the implementation of the Directive? If so, please summarize the main issues of the debate

Political debates were held in the Parliament of Republic of Slovenia on June 14 2005 (transcript available <http://www.dz-rs.si/index.php?id=97&cs=1&fts=zakon+o+za%C4%8Dasni+za%C5%A1%C4%8Diti+razseljenih+oseb&unid=SZAJ646B829C92AE8EA7C1257028002A385C&showdoc=1>).

There is no information on existence of public debate on the implementation of the Directive.

Q.28. Are there any problems of legislation or practice in your Member State which relate to temporary protection and have not been covered in preceding questions?

THIRD PART

IMPACT OF THE DIRECTIVE ON NATIONAL LAW

Q.29 Question regarding the evolution of national law: **Did the transposition of the Directive make the rules related to the protection of third country nationals in cases of a mass influx become, from the point of view of the third-country national concerned, more favourable or less favourable. Please make also a comparison with the standard of the directive in the last column of the table below**

OBJECTIVE <i>To enhance the protection of displaced persons in cases of a mass influx</i>		EVALUATION REGARDING THE EVOLUTION OF NATIONAL LAW	EVALUATION IN COMPARISON WITH THE STANDARD OF THE DIRECTIVE
<p>Explain the situation <u>before</u> transposition</p> <p>Before the transposition of the Act on Temporary Protection of Displaced Persons (hereinafter: ATPDP) Slovenia adopted the Act on Temporary Refugee (hereinafter: ACT) in 1997.</p> <p>The ACT excluded some groups of persons from gaining temporary refuge (refugees, persons with residence permit in the Republic of Slovenia, persons with temporary refuge or residence permit in a third country, persons sentenced for a criminal act, for which Slovenia imposed at least 3-years imprisonment until the sentence was</p>	<p>Explain the situation <u>after</u> transposition</p> <p>Persons who have committed crime against, humanity, peace, etc., according to the Directive, are excluded from the temporary protection, as in the ACT. Also persons who have been sentenced to a one-year or more imprisonment in the Republic of Slovenia, until the sentence has been erased from the criminal record.</p> <p>Persons granted temporary protection have a right to temporary residence. Persons under temporary protection do not have a right to humanitarian aid, but have a right to financial aid,</p>	<p><input type="checkbox"/> <i>Less favourable than previous national rules</i></p> <p><input type="checkbox"/> <i>Status quo</i></p> <p><input checked="" type="checkbox"/> <i>More favourable than previous national rules</i></p>	<p><input type="checkbox"/> <i>Less favourable than the Directive</i></p> <p><input type="checkbox"/> <i>In line with the directive</i></p> <p><input checked="" type="checkbox"/> <i>More favourable than the directive</i></p>

<p>erased from the criminal record).</p> <p>Persons with granted temporary refuge may apply for temporary residence permit.</p> <p>Persons who were granted temporary refuge had a right to humanitarian aid when possible to provide.</p> <p>A right to family reunification was limited: only those family members who came directly to Slovenia, or those who came directly to Slovenia with persons who were later granted temporary refuge, were also granted refuge. No possibility to transfer persons, family members, from other countries was foreseen.</p> <p>Persons granted temporary refuge had a right to temporary and periodical work.</p>	<p>allowance, family reunification, free legal aid, notification of rights and duties.</p> <p>Persons granted temporary protection have a right to work like refugees (has a free access to labour market, is registered in the registry of the unemployed).</p>		
---	--	--	--

Q. 30. From your point of view, did the transposition of the directive imply other interesting changes for the third country national concerned regarding other elements than the ones mentioned in the previous question? Please make also a comparison with the standard of the directive in the last column of the table below

When answering this question, please use one or more of the tables below. If the 3 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

OBJECTIVE (to be indicated by the national rapporteur)		EVALUATION REGARDING THE EVOLUTION OF NATIONAL LAW	EVALUATION IN COMPARISON WITH THE STANDARD OF THE DIRECTIVE
Explain the situation before transposition	<p>Explain the situation after transposition</p> <p>(To evaluate the impact of the directive, please consider also national norms which were adopted before the deadline for transposition or even before the adoption of the directive, in cases of Member States having amended their national legislation in advance in accordance with the directive. Please indicate the precise date of adoption of the change)</p>	<p><input type="checkbox"/> <i>Less favourable than previous national rules</i></p> <p><input type="checkbox"/> <i>Status quo</i></p> <p><input type="checkbox"/> <i>More favourable than previous national rules</i></p>	<p><input type="checkbox"/> <i>Less favourable than the Directive</i></p> <p><input type="checkbox"/> <i>In line with the directive</i></p> <p><input type="checkbox"/> <i>More favourable than the directive</i></p>

Q.31.A. Question regarding the method of transposition: **Did your Member State copy the provisions of the directive into national legislation without any redrafting or adaptation to national circumstances.**

YES NO

Q.31.B. **If yes**, did this method of transposition create any problems (for example difficulties of implementation, risk that a provision remain unapplied).

YES NO

Q.31.C. **If yes**, give some of examples:

Q.31.D. If only some provisions of the directive have been copied and if this may create any problem, please quote them and explain the problem.

Q.32. Quote interesting decisions of jurisprudence related to the directive, its transposition or implementation (this question concerns in principle decisions after the national norms of transposition entered into force, but decisions prior to that may be quoted if relevant). Quote in particular decisions of supreme Courts; limit yourself to the appeal Courts and ignore the first resort if there are too many decisions at this level, unless there is a certain jurisprudence made of a group of decisions.

When answering this question, please use one or more of the tables below. If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

DECISION OF SUPREME COURTS	<u>DATE:</u>	<u>REFERENCE OF PUBLICATIONS:</u>	<u>SUMMARY OF CONTENT:</u>
DECISION OF APPEAL COURTS	<u>DATE:</u>	<u>REFERENCE OF PUBLICATIONS:</u>	<u>SUMMARY OF CONTENT:</u>
DECISION(S) IN FIRST RESORT	<u>DATE:</u>	<u>REFERENCE OF PUBLICATIONS:</u>	<u>SUMMARY OF CONTENT:</u>

ANY SUPPLEMENTARY COMMENT ABOUT THE TREND OF THE JURISPRUDENCE:

Q.33. Are there any problems with the translation of the text of the directive in the official language of your Member State and give in case a list of the worst examples of provisions which have been badly translated.

There are no problems with the translation of the directive.

There are some problems with the translation of the directive.

Explanation: (If there are such problems, please specify the most problematic provisions in the Directive when it comes to translation).

Explain the difficulties that this could create:

ANY OTHER INTERESTING ELEMENT

Q.34. Following your personal point of view, mention from the point of view of third country nationals and/or from the Member State any interesting or innovative practice in your Member State

When answering this question, please use one or more of the tables below. If the 5 tables below are not enough please duplicate the table (see technical information at the beginning of the questionnaire).

Table 1

OBJECTIVE OF THE PRACTICE	EXPLANATION

Q.35. Please add here any other interesting element in your Member State which you did not have the opportunity to mention in your previous answers.