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Country context (optional)

Please use this field to provide any relevant contextual or background information about the country's law, policy, and practice, or the stateless population, to help contextualise the information in the survey (optional question).

International and Regional Instruments

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
IOB.1.a	1954 Convention	Is your country party to the 1954 Statelessness Convention?	UN Convention Relating to the Status of Stateless Persons, 1954	Yes	UNHCR, State Parties to the 1954 Convention Relating to the Status of Stateless Persons: http://www.unhcr.org/cgi-bin/texis/vtx/search?page=search&docid=3bbb0abc7&query=1954%20convention
IOB.1.b		If yes, when was ratification/accession?		6 July 1992 (succession)	
IOB.1.c		Are there reservations in place? Please list them.	Best practice is no reservations. If there are, they should have little or no impact on the rights of stateless people.	No	
IOB.1.d		Does the Convention have direct effect?	Best practice is that the Convention has direct effect, though this may depend on the legal regime.	Yes	Article 8 of the Constitution of the Republic of Slovenia provides for the direct application of duly ratified and published treaties: http://www.us-rs.si/en/about-the-court/legal-basis/
IOB.2.a	1961 Convention	Is your country party to the 1961 Statelessness Convention?	UN Convention on the Reduction of Statelessness, 1961	No	United Nations Treaty Collection, https://treaties.un.org/pages/ViewDetails.aspx?src=TREATY&mtds_g_no=V-4&chapter=5&clang=en
IOB.2.b		If yes, when was ratification/accession?		Does not apply	
IOB.2.c		Are there reservations in place? Please list them.	As above	Does not apply	
IOB.2.d		Does the Convention have direct effect?	As above	Does not apply	
IOB.3.a	Other conventions	State party to European Convention on Nationality 1997? Please list any reservations.	European Convention on Nationality, 1997	No	Council of Europe Treaty Office: http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/166/signatures?p_auth=4UYTHUJV
IOB.3.b		State Party to European Convention on Human Rights 1950? Please list any relevant reservations.	European Convention on Human Rights, 1950	Yes. No, there are no reservations in place.	Council of Europe Treaty Office: https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/005
IOB.3.c		State Party to Council of Europe Convention on the avoidance of statelessness in relation to State succession 2006? Please list any reservations.	Council of Europe Convention on the Avoidance of Statelessness in Relation to State Succession, 2006	No	Council of Europe Treaty Office, http://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/200/signatures?p_auth=4UYTHUJV
IOB.3.d		Bound by Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)? Please list any relevant reservations.	Directive 2008/115/EC of the European Parliament and of the Council (EU Return Directive)	Yes, Slovenia is bound by Directive 2008/115/EC. There are no reservations in place.	EUR-Lex : http://eur-lex.europa.eu/legal-content/EN/NIM/?uri=CELEX:32008L0115
IOB.3.e		State Party to Convention on the Rights of the Child 1989? Please list any relevant reservations.	Convention on the Rights of the Child, 1989	Yes. No, there are no reservations in place.	United Nations Treaty Collection: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-11&chapter=4&lang=en
IOB.3.f		State Party to International Covenant on Civil and Political Rights 1966? Please list any relevant reservations.	International Covenant on Civil and Political Rights, 1966	Yes. No, there are no reservations in place.	United Nations Treaty Collection: https://treaties.un.org/pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-4&chapter=4&lang=en

IOB.3.g		State Party to International Covenant on Economic, Social and Cultural Rights 1966? Please list any relevant reservations.	International Covenant on Economic, Social and Cultural Rights, 1966	Yes. No, there are no reservations in place.	United Nations Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtds_g_no=IV-3&chapter=4&clang=en
IOB.3.h		State Party to Convention on the Elimination of all Forms of Discrimination Against Women 1979? Please list any relevant reservations.	Convention on the Elimination of all Forms of Discrimination Against Women, 1979 CEDAW, Gen. Rec. 32 on the gender-related dimensions of refugee status, asylum, nationality and statelessness	Yes. No, there are no reservations in place.	United Nations Treaty Collection: https://treaties.un.org/pages/viewdetails.aspx?src=treaty&mtdsg_no=iv-8&chapter=4&lang=en
IOB.3.i		State Party to Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment 1984? Please list any relevant reservations.	Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, 1984	Yes. No, there are no reservations in place.	United Nations Treaty Collection: https://treaties.un.org/Pages/ViewDetails.aspx?src=IND&mtdsg_no=IV-9&chapter=4&lang=en
IOB.3.j		State Party to International Convention on the Elimination of All Forms of Racial Discrimination 1966? Please list any relevant reservations.	International Convention on the Elimination of All Forms of Racial Discrimination, 1965	Yes, Slovenia currently has one reservation to Article 14 of the Convention (recognition of competence of the Committee on the Elimination of Racial Discrimination): 'The Republic of Slovenia recognizes to the Committee on the Elimination of Racial Discrimination competence [...], with the reservation that the Committee shall not consider any communications unless it has ascertained that the same matter has not been, and is not being, examined under another procedure of international investigation or settlement.'	United Nations Treaty Collection: https://treaties.un.org/Pages/Declarations.aspx?index=Slovenia&lang=en&chapter=4&treaty=323#EndNotesSection
IOB.3.k		State Party to the International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families 1990? Please list any relevant reservations.	International Convention on the Protection of the Rights of all Migrant Workers and Members of their Families, 1990	No.	OHCHR, Status of Ratification Interactive Dashboard: http://indicators.ohchr.org/
IOB.3.l		State Party to the Convention on the Rights of Persons with Disabilities 2006? Please list any relevant reservations.	Convention on the Rights of Persons with Disabilities, 2006	Yes. No, there are no reservations in place.	OHCHR, Status of Ratification Interactive Dashboard: http://indicators.ohchr.org/

Stateless Population Data

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
POP.1.a	Availability and sources	Does the State have a 'stateless' category in its data collection systems (e.g. census)? Please list available figures for the total stateless population on the territory and describe how data is disaggregated (e.g. by sex, age, residence).	<p>CEDAW, Gen. Rec. 32 (2014): States parties should gather, analyse and make available sex-disaggregated statistical data and trends.</p> <p>Council of the European Union, Conclusions on Statelessness (2015): Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.</p> <p>UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Improve quantitative and qualitative data on stateless populations.</p> <p>ISI, The World's Stateless (2014): States should strengthen measures to count stateless persons on their territory.</p>	<p>No. The Statistical Office of the Republic of Slovenia (the main producer and coordinator of national statistics in Slovenia) does not collect data on the stateless population.</p> <p>The 2002 census questionnaires returned with 2,527 people identified as having 'unknown nationality' status. However, the data is unreliable: it cannot be determined if no data on nationality was collected or if respondents identified as stateless. These figures were not included in the official report of the 2002 census.</p> <p>The only other institution gathering data on statelessness is the Ministry of the Interior, from administrative procedures in which individuals claimed that they were stateless. In the period 2009-2013, five people acquired Slovenian nationality through facilitated naturalisation proceedings for stateless persons as prescribed by the Citizenship Act. Under the 'Foreigners Act' permanent residence permits were issued to 13 stateless people. International protection was granted to one stateless person.</p> <p>There is no information about stateless people in reports of the Ministry of Interior between 2016 and 2019, and the 2020 report is unavailable on the government website. The website of the Ministry of the Interior provides statistical data regarding the nationality of persons that are holding residence permits.</p> <p>Persons 'without nationality' that were holding temporary residence permits:</p> <ul style="list-style-type: none"> - 2021 – between 1 and 2 persons (monthly data) - 2022 – between 1 and 2 persons (monthly data) <p>Persons 'without nationality' that were holding permanent residence permits:</p> <ul style="list-style-type: none"> - 2021 – 3 - 2022 – between 3 and 4 persons (monthly data) <p>Persons of 'unknown nationality' that were holding temporary residence permits:</p> <ul style="list-style-type: none"> - 2021 – between 183 and 314 persons (monthly data)* - 2022 – between 314 and 389 persons (monthly data)* <p>Persons of 'unknown nationality' that were holding permanent residence permits:</p> <ul style="list-style-type: none"> - 2021 – between 825 and 1078 persons (monthly data)* - 2022 – between 939 and 1165 persons (monthly data)* <p>New temporary residence permits issued to persons 'without nationality':</p> <ul style="list-style-type: none"> - 2021 – 1 - 2022 – 2 <p>New permanent residence permits issued to persons 'without nationality':</p> <ul style="list-style-type: none"> - 2021 – 0 - 2022 – 0 <p>New temporary residence permits issued to persons of 'unknown nationality':</p> <ul style="list-style-type: none"> - 2021 – 588 	<p>Information provided by the Statistical Office of the Republic of Slovenia upon request, 30.6.2017</p> <p>Ending Childhood statelessness: A Study on Slovenia, ENS, 2015 http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf</p> <p>Republic of Slovenia, Statistical Office: https://www.stat.si/StatWeb/ (Slovenian - SL)</p> <p>NB. Statistical data on migrants was formerly published on the Government website, but this was reorganised in 2019 and is no longer available.</p> <p>Data for 2021-2022 is available at the Government's website: https://www.gov.si/podrocja/drzava-in-druzba/priseljevanje-v-slovenijo/</p>

				<p>- 2022 – 627</p> <p>New permanent residence permits issued to persons of ‘unknown nationality’:</p> <p>- 2021 – 504</p> <p>- 2022 – 575</p> <p>*The number is large and there are large monthly fluctuations, particularly regarding the data on permanent residence permits. Additional methodological explanations are required, but the website does not provide them.</p>	
POP.1.b		Do public authorities define data categories that may overlap (e.g. unknown nationality) or where stateless people might be more highly represented (e.g. Palestinian)? Please explain and provide any available figures.	As above	<p>Yes. The official statistics of the Ministry of Interior contain the categories “stateless” and “persons of unknown nationality”. In the annual reports the term “unknown nationality” or “without nationality” refers to the nationality of asylum seekers. An in-depth study on statelessness in Slovenia by the NGO Peace Institute concluded that the Romani population and ‘erased persons’ are the two groups that have been disproportionately exposed to statelessness. However, there are no sources of statistics or estimates on the scale of statelessness within these two groups. The Ministry of Interior holds data on the nationalities of asylum applicants. For example (most did not stay in Slovenia):</p> <ul style="list-style-type: none"> • Syrians: 2021 – 92; 2020 – 60; mid 2019 - 41; 2018 - 164; 2017 – 94; 2016 – 281; 2015 – 17; 2014 – 91; 2013 – 66. • Palestinians: 2021 – 9; mid 2019 - 34; 2018 - 19; 2017 – 12; 2016 – 2; 2015 – 0; 2014 –1; 2013 – 1. • Unknown: mid 2019 - 3; 2018 -7; 2017 – 1; 2016 – 2; 2015 – 1; 2014 –1; 2013 – 2. • Stateless: in 2017, 6 stateless people were relocated from Greece to Slovenia under the EU Relocation scheme. <p>The Ministry also holds information on the nationalities of people who received international protection, for example:</p> <ul style="list-style-type: none"> • Syrian: 2022 – 14; 2021 - 4; 2020 - 15; 2017- 97; 2016 – 88; 2015 – 10; 2014 – 11; 2013 – 7. • Palestinian: 2022 – 1; 2021 - 1; 2020 - 11; 2017 – 8; 2016 – 0; 2015 – 0; 2014 – 1; 2013 – 2. • Unknown/without nationality: 2021- 0; 2020 - 1; none or no data available for years 2013 -2019. <p>At the time of writing no further data was available.</p>	<p>Republic of Slovenia, Statistical Office: https://www.stat.si/StatWeb/ (SL) NB. Statistical data on migrants was formerly published on the Government website, but this was reorganised in 2019 and is no longer available at the former link (http://www.mnz.gov.si/si/mnz_zav_tujci_v_sloveniji/statistik/)</p> <p>Data for 2020 - 2022: Annual reports of the Directorate for Migration, Ministry of the Interior, available at https://www.gov.si/drzavni-organi/ministrstva/ministrstvo-za-notranje-zadeve/o-ministrstvu/direktorat-za-migracije/</p> <p>Bajt,Veronika, Kogovšek Šalamon, Neža (2014). Brezdržavljskost v Sloveniji (Statelessness in Slovenia). Dve domovini / Two Homelands 39, 7-18</p>
POP.1.c		What is UNHCR’s estimate for the stateless/at risk of statelessness population and what is the source for this estimate?	As above	<p>There is no official UNHCR estimate for the stateless population in Slovenia. UNHCR stated in 2016 that: ‘In Slovenia, where a certain group of people lost their legal status after the country declared its independence in 1991, the number of stateless people is yet unknown.’ UNHCR recorded 8 stateless people in Slovenia in 2021.</p>	<p>UNCHR, Stateless people: Searching for citizenship, 14 Dec 2016: http://www.unhcr.org/ceu/78-enwho-we-helpstateless-people-html.html</p> <p>UNHCR Refugee Data Finder: https://www.unhcr.org/refugee-statistics/download/?url=g19ENt</p>
POP.1.d		Have there been any surveys or mapping studies to estimate the stateless population in the country?	As above	<p>An in-depth study on statelessness in Slovenia by the NGO Peace Institute concluded that due to lack of data, further research was needed, especially on the Roma population and ‘erased persons’ (groups that have been disproportionately exposed to statelessness).</p>	<p>Bajt,Veronika, Kogovšek Šalamon, Neža (2014). Brezdržavljskost v Sloveniji (Statelessness in Slovenia). Dve domovini / Two Homelands 39, 7-18</p>
POP.1.e		Are there any other sources of estimates for the stateless population not covered by the above? Please list sources and figures.	As above	No.	

POP.1.f		Are there issues with the reliability of data or indications that the stateless population may be over/under reported? If yes, please describe.	As above	Yes. The only available data is provided by the Ministry of Interior from administrative procedures in which individuals claim that they are stateless. It is likely that more stateless people than the small number who are visible in the Ministry's statistics live in Slovenia, but these individuals have so far remained unrecognised and undetected as stateless.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
POP.1.g		Please provide any available figures for stateless refugees and/or asylum-seekers and clarify if the State also counts these groups in figures for the stateless population (i.e. to avoid under/over-reporting).	As above. EASO/EUAA, Practical guide on registration (2021) : States should collect information from applicants for international protection about their nationality(ies) and potential lack of nationality. When registering families, it is important to collect this data for each family member.	Ministry of Interior recorded that, in 2022, 14 Syrians and 1 Palestinian were granted international protection. No information is available on how many stateless people/ people of unknown nationality were granted international protection in 2022. One person of unknown/without nationality was granted international protection in 2020. Between 2013 and 2019, 17 asylum seekers of unknown nationality were recorded (see also POP.1.b). No further data was available at the time of writing.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf (SL) NB. Statistical data on migrants was formerly published on the Government website, but this was reorganised in 2019 and is no longer available at the former link (http://www.mnz.gov.si/si/mnz_za_vas/tujci_v_sloveniji/statistika/) Data for 2020 - 2022: Annual reports of the Directorate for Migration, Ministry of the Interior, available at https://www.gov.si/drzavni-organi/ministrstva/ministrstvo-za-notranje-zadeve/o-ministrstvu/direktorat-za-migracije/
POP.2.a	Stateless in detention data	Does the State record and publish figures on stateless people held in immigration detention? If yes, please provide.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Improve quantitative and qualitative data on stateless populations. CEDAW, Gen. Rec. 32 (2014) : State parties should gather, analyse and make available sex-disaggregated statistical data and trends. ISI, The World's Stateless (2014) : States should strengthen measures to count stateless persons on their territory. Equal Rights Trust, Guidelines (2012) : States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights. Council of the European Union, Conclusions on Statelessness (2015) : Recognise the importance of exchanging good practices among Member States concerning the collection of reliable data on stateless persons as well as the procedures for determining statelessness.	As at June 2017, there was 1 stateless person and 1 person of unknown nationality in immigration detention centers. Between 2012–2017 there were 3 stateless persons and 2 persons of unknown nationality in immigration detention centres.	Information provided by the Centre for Foreigners upon request, by email on 29.6.2017.
POP.2.b		Does the State record and publish figures on people released from immigration detention due to un-removability? If yes, please provide.	As above	All were released. No other information is available.	Information provided by the Centre for Foreigners upon request, by email on 29.6.2017.

Statelessness Determination and Status

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
SDS.1.a	Definition of a stateless person	Is there a definition of a stateless person in national law? Do the definition and exclusion provisions align with the 1954 Convention? Please provide details.	1954 Convention : Articles 1(1) & 1(2).	The national definition is narrower than the 1954 Convention. According to the 'Foreigners Act': a stateless person is a foreigner who is not deemed to be a national of any country in accordance with the legal acts of individual countries. Under the 1954 Convention: a person who is not considered a national by any State under the operation of its law, which means also ministerial decrees, regulations, orders, judicial case law, and where appropriate, customary practice. According to UNHCR, the term "in accordance with the legal acts" is narrower than "under the operation of its law". Slovenian law does not contain any exclusions to the definition.	Article 2, Foreigners Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL) UNHCR, Handbook on the Protection of Stateless Persons, 2014: http://www.unhcr.org/dach/wp-content/uploads/sites/27/2017/04/CH-UNHCR_Handbook-on-Protection-of-Stateless-Persons.pdf Kogovšek Šalamon, Neža (2012), A Study and Comparison of National Legislation in Slovenia and International Standards Related to Statelessness: http://www.unhcr.org/ceu/assets/files/content/resources/pdf/en/evaluation_and_research/Slovenia_Statelessness_study.pdf
SDS.2.a	Training	Is there training to inform different public authorities about statelessness? If yes, please provide details (e.g. who provides training to whom/how often?)	UNHCR Executive Committee, Conclusion No. 106 (LVII) (2006) : Requests UNHCR to actively disseminate information and, where appropriate, train government counterparts on appropriate mechanisms for identifying, recording, and granting a status to stateless persons.	No.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 9: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
SDS.2.b		Is there training for judges and lawyers on statelessness? If yes, please provide details (e.g. provider, frequency).	UNHCR, Good Practices Papers – Action 6 (2020) : Officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels. UNHCR, Geneva Conclusions (2010) : It is recommended that States provide specialised training on nationality laws and practices, international standards and statelessness to officials responsible for making statelessness determinations.	No.	No sources on such training could be identified.
SDS.3.a	Existence of a dedicated SDP	Which of the following best describes the situation in your country? Choose only one and then proceed to question indicated. 1. There is a dedicated statelessness determination procedure (SDP) established in law, administrative guidance, or judicial procedure, leading to a dedicated statelessness status (answer Question SDS.3.b. and proceed to Question 4a). 2. There is no dedicated SDP leading to a dedicated statelessness status, but there are other procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.), or other routes through which stateless people could regularise their stay and/or access	UNHCR, Handbook on Protection (2014) : It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments. UNHCR, Good Practices Papers – Action 6 (2020) : Establishing a statelessness determination procedure is the most efficient means for States Parties to identify beneficiaries of the Convention.	Group 2: there is no dedicated SDP procedure but there are other administrative procedures through which statelessness can be identified.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf

		<p>their rights (answer Question SDS.3.b. and proceed to Question 10a).</p> <p>3. There is a dedicated statelessness status but no formal procedure for determining this (answer Question SDS.3.b. and proceed to Question 15a).</p>			
SDS.3.b	Temporary protection for people fleeing war	<p>Does the State offer a temporary form of protection to stateless people and people at risk of statelessness from Ukraine?</p> <p>Please describe any barriers for stateless people or people at risk of statelessness in accessing the territory or receiving protection (e.g. for people who cannot fulfil eligibility requirements in line with the EU Temporary Protection Directive, if applicable).</p>	<p>EU Temporary Protection Directive (2001) EU Council Implementing Decision (2022) establishing the existence of a mass influx of displaced persons from Ukraine & European Commission, Operational guidelines ENS, Briefings on access to protection for stateless people fleeing Ukraine: Everyone fleeing the war in Ukraine should be guaranteed access to the territory. European countries must extend temporary forms of protection to all stateless people and those with undetermined nationality who cannot meet current eligibility requirements, due to their statelessness or documentation status. Lack of documentation should not prevent access to international protection or other forms of protection.</p>	<p>As of 10 March 2022, temporary protection has been introduced in the Republic of Slovenia for persons displaced from Ukraine on or after 24 February 2022 due to the military invasion by the Russian Armed Forces.</p> <p>The following categories of persons residing in Ukraine before 24 February 2022 are eligible for temporary protection:</p> <ul style="list-style-type: none"> - citizens of Ukraine and their family members, - stateless persons and third-country nationals who are not citizens of Ukraine and who were granted international protection or other equivalent national protection in Ukraine and their family members, - stateless persons and third-country nationals who are not citizens of Ukraine and who resided in Ukraine on the basis of a valid permanent residence permit and who are unable to return to their country or region of origin in a safe and sustainable or lasting manner. <p>Organisations monitoring procedures reported no issues regarding accessing Slovenian territory for stateless people or people at risk of statelessness. No barriers that could prevent them from receiving protection were detected.</p>	<p>Decision establishing temporary protection for persons displaced from Ukraine: http://pisrs.si/Pis.web/pregledPredpisa?id=SKLE12762</p> <p>UNHCR Slovenia</p>
SDS.10.a	Procedures in which statelessness can be identified and other routes to regularisation (Group 2)	<p>If there is no dedicated SDP leading to a statelessness status, are there any procedures in which statelessness can be identified (e.g. partial SDPs with no status/rights attached, residence permit or naturalisation applications, refugee status determination, ad hoc procedures, etc.)?</p>	<p>ENS (2013): For SDPs to be effective, the determination must be a specific objective of the mechanism in question, though not necessarily the only one.</p> <p>ECtHR, Hoti v. Croatia (2018): [the State has a] positive obligation to provide an effective and accessible procedure or a combination of procedures enabling the applicant to have the issues of [their] further stay and status determined.</p>	<p>Statelessness can be identified through procedures under the 'Foreigners Act' (procedures for granting temporary or permanent residence permits, if a person claims statelessness, or issuing a passport for foreigners) or under the 'Citizenship Act' (if the person is applying for nationality as a stateless person). In procedures for residence permits, there is usually a requirement to provide a valid passport, which is a challenge for stateless people. This should lead to the identification of a person as stateless, however, there are no consequences to the identification of statelessness. The person will obtain a residence permit if the usual conditions prescribed by law are fulfilled.</p>	<p>Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 5: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf</p> <p>Foreigners Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p> <p>Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5130 (SL)</p>
SDS.10.b		<p>Are there any other routes through which stateless people could regularise their stay and/or access their rights without their statelessness being identified or determined?</p>	<p>1954 Convention UNHCR, Handbook on Protection (2014): It is implicit in the 1954 Convention that States must identify stateless persons to provide them appropriate treatment to comply with their Convention commitments.</p>	<p>No, although it is possible that a stateless person may regularise their stay under the 'Foreigners Act' (as above) without their statelessness being identified.</p>	

SDS.11.a	Access to procedures (Group 2)	Please provide details on how statelessness may be identified in other procedures, which authority is competent to examine and/or identify statelessness and evaluate appropriateness to the national context.	<p>UNHCR, Handbook on Protection (2014): States may choose between a centralised procedure or one that is conducted by local authorities. Centralised procedures are preferable as they are more likely to develop the necessary expertise.</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): It is important that examiners develop expertise while ensuring that the procedures are accessible. Efficient referral mechanisms should be established, while officials who may be in contact with stateless persons need to be trained to identify potential applicants for statelessness status and refer them to appropriate channels.</p>	<p>If a person claims statelessness, the authorities determine all circumstances that connect the individual to a certain country with a view to ascertaining what/whether nationality is held.</p> <p>In principle, there are three types of connection to another state: the country of birth, the country of long-term residence, the county of the parents' nationality/birth.</p> <p>The examination is conducted by localised administrative units, which are territorial bodies of the state administration, competent to decide on applications for a residence permit/nationality.</p>	<p>Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 9: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf</p> <p>Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 3: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf</p>
SDS.11.b		Are there obligations in law on authorities to consider a claim of statelessness?	<p>UNHCR, Good Practices Papers – Action 6 (2020): Access to the procedure must be guaranteed.</p> <p>EASO/EUAA, Practical guide on registration (2021): Determining if applicants are stateless is essential when assessing the need for international protection. At registration, it is vital to collect information and detect possible cases of statelessness, but it is not appropriate to determine a person's statelessness at the registration stage. Statelessness determination should be carried out only by a competent decision-making authority at an appropriate point in time following the final assessment of an asylum claim.</p>	Authorities consider the individual's statelessness if the person claims to be stateless and it is relevant for the procedure.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 9: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
SDS.11.c		Are there clear, accessible instructions for stateless people on how to claim their rights under the 1954 Convention and/or be identified as stateless?	<p>1954 Convention</p> <p>UNHCR, Handbook on Protection (2014): For procedures to be fair and efficient, access must be ensured (dissemination of info, targeted info campaigns, counselling on the procedures, etc.).</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): Information on the procedure and counselling services must be available to potential applicants in a language they understand.</p>	No.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 9: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
SDS.11.d		Is there cooperation between agencies that may have contact with stateless people?	UNHCR, Good Practices Papers – Action 6 (2020) : Cooperation between actors working on statelessness and the various government agencies involved in determining statelessness is good practice.	There is no information on such cooperation. Previous studies show that the issue of statelessness is not considered as a relevant topic by the authorities.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 4: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
SDS.12.a	Assessment (Group 2)	Who has the burden of proof when determining or identifying statelessness (in law and practice)?	<p>UNHCR, Handbook on Protection (2014): The burden of proof is in principle shared (both applicant and examiner must cooperate to obtain evidence and establish the facts).</p> <p>UNHCR, Good Practices Papers – Action 6 (2020): SDPs must take into consideration the difficulties inherent in proving statelessness.</p> <p>UNHCR, Geneva Conclusions (2010): In statelessness determination procedures, the burden of proof should therefore be shared between the applicant and the authorities responsible for making the determination. Individuals must cooperate to establish relevant facts. The burden should shift to the State if an individual can demonstrate they are not a national, on the basis of reasonably available evidence.</p> <p>ECtHR, Hoti v. Croatia (2018): State has responsibility to at least share the burden of proof with the applicant when establishing the fact of statelessness.</p>	The burden of proof lies with the applicant who claims to be stateless.	Bajt, Veronika, Kogovšek Šalamon, Neža (2014). Brezdržavljanost v Sloveniji (Statelessness in Slovenia). Dve domovini / Two Homelands 39, p. 15

SDS.12.b		What is the standard of proof to evidence statelessness?	<p>UNHCR, Handbook on Protection (2014): States are advised to adopt the same standard of proof as in refugee status determination ('reasonable degree').</p> <p>UNHCR, Good practices in nationality laws (2018): The standard of proof should be in keeping with the humanitarian objectives of statelessness status determination and the inherent difficulties of proving statelessness in the likely absence of documentary evidence.</p> <p>ECtHR, Hoti v. Croatia (2018): If statelessness is a relevant factor in the context of access to human rights, the standard of proof when determining the status of statelessness cannot be too high.</p>	The standard of proof is the same as in administrative procedures in general: certainty (which excludes any doubts). This standard is significantly higher than the one used in asylum applications: reasonable likelihood.	<p>Article 8, General Administrative Procedure Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1603 (SL)</p> <p>Administrative Court of the Republic of Slovenia No. I U 622/2016: http://www.sodnapraksa.si/?q=id:2015081111401658&database[SOVS]=SOVS&database[IESP]=IESP&database[VDSS]=VDSS&database[UPRS]=UPRS&_submit=i%C5%A1%C4%8Di&page=0&id=2015081111401658 (SL)</p>
SDS.12.c		Is there clear guidance for decision makers on how to identify or determine statelessness (including e.g. sources of evidence and procedures for evidence gathering, etc.)?	<p>ENS (2013): Determining authorities can benefit from concrete guidance that sets clear benchmarks and pathways for the establishment of material facts and circumstances.</p>	No. There are no guidelines for decision-makers.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
SDS.13.a	Procedural safeguards (Group 2)	Is free legal aid available to stateless people generally?	<p>UNHCR, Handbook on Protection (2014): Applicants should have access to legal counsel; where free legal assistance is available, it should be offered to applicants without financial means.</p> <p>ENS (2013): If state funded legal aid is available, it should be provided to stateless claimants. If there is no state funded legal aid but asylum claimants can access free legal aid free of charge, the same level of access should be provided to stateless people.</p>	<p>No. The national legal aid scheme is available only for court proceedings.</p> <p>At the first instance, applications are assessed by local administrative units. Legal aid is therefore available only during judicial review.</p>	Article 7, Legal Aid Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1265 (SL)
SDS.13.b		Is free interpreting available to stateless people?	<p>UNHCR, Handbook on Protection (2014): The right to assistance with interpretation/translation [is] essential.</p> <p>ENS (2013): Assistance should be available for translation and interpretation.</p>	Yes, but not free of charge. Applicants who do not understand the language have the right to an interpreter, but costs are covered by the applicant.	Articles 62 & 113, General Administrative Procedure Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1603 (SL)
SDS.13.c		Are there other procedural safeguards in place in procedures through which stateless people may have their statelessness identified or determined, or regularise their stay (e.g., decisions given in writing with reasons, right to an interview, time limit, right of appeal, audits in decision-making, etc.)?	<p>UNHCR, Handbook on Protection (2014): States are encouraged to incorporate the safeguard that decisions are made in writing with reasons. It is undesirable for a first instance decision to be issued more than six months from submission of an application. In exceptional circumstances it may be appropriate to allow the proceedings to last up to 12 months. An effective right to appeal against a negative first instance decision is an essential safeguard in an SDP.</p>	<p>Stateless people do not always have the possibility to claim statelessness in an interview. In accordance with the general administrative procedure rules, the statement of the applicant may be used as evidence if there is a lack of other evidence.</p> <p>Decisions are given in writing, with reasons.</p> <p>The competent authority must issue a decision within two months at the latest and serve it to the party.</p> <p>First-instance decisions of the administrative units can be appealed. Judicial review may be requested after second instance decision, which is based on the appeal.</p> <p>Extraordinary legal remedies are available: Reopening of the procedure, amendment or setting aside of decisions and extraordinary annulment.</p>	<p>Article 188, General Administrative Procedure Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1603 (SL)</p> <p>Article 210, General Administrative Procedure Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1603 (SL)</p> <p>Article 222, General Administrative Procedure Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1603 (SL)</p> <p>Chapter XV (appeal), General Administrative Procedure Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1603 (SL)</p> <p>Chapter XVI (extraordinary legal remedies), General Administrative Procedure Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1603 (SL)</p>
SDS.14.a	Protection (Group 2)	Are there any rights granted to stateless people on the basis of their statelessness? If yes, please provide details.	<p>UNHCR, Handbook on Protection (2014): The status granted to a stateless person in a State Party must reflect international standards. Although the 1954 Convention does not explicitly require States to grant a person determined to be stateless a right of residence, granting such permission would fulfil the object and purpose of the treaty.</p>	No. The identified stateless person must fulfil the conditions for the status applied for i.e. residence permit/nationality. In procedures for residence permits, there is usually a requirement to provide a valid passport, which is a challenge for stateless people. This should lead to the identification of a person as stateless, however there are no consequences to the identification of statelessness. The person will obtain a residence permit if the usual conditions prescribed by law are fulfilled. Permission to stay	<p>Foreigners Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p> <p>Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5130 (SL)</p>

				is issued by the Police in removal procedures, if the person cannot be removed from the country.	Article 73, Foreigners Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)
SDS.14.b		<p>Are stateless people otherwise able to access their rights under the 1954 Convention? Please state whether stateless people can access:</p> <ul style="list-style-type: none"> - right to reside - travel document - work - healthcare - social security - education - housing - family reunification - right to vote. <p>[Section complete, proceed to DET]</p>	<p>1954 Convention UNHCR, Handbook on Protection (2014): The status granted to a stateless person in a State Party must reflect international standards. It is recommended that States grant recognised stateless people a residence permit valid for at least two years, although longer permits, such as five years, are preferable in the interests of stability. Permits should be renewable. States parties are encouraged to facilitate the reunification of those with recognised statelessness status with their spouses and dependents. The right to work, access to healthcare and social assistance, as well as a travel document must accompany a residence permit.</p>	<p>It depends on the type of status the person applies and fulfils conditions for.</p> <p>Permission to stay under Article 73 of the Foreigners Act is issued for 6 months and can be renewed. A temporary residence permit may be issued with a validity of up to one year and can be renewed. A permanent residence permit is unlimited.</p> <p>Individuals with permission to stay have the right to emergency healthcare, basic financial assistance and access to primary education for minors. The rights attached to a residence permit are not provided by the Foreigners Act, but by many different sources of the law. In general, it can be said that persons with a permanent residence permit have almost the same rights as nationals apart from the right to vote in national elections and to run for office (but they can vote in local elections); and the right to social housing. For people with a temporary residence permit, it depends on the type (i.e. for work, study, family reunion) but the scope of rights is much narrower. It does not include the right to financial social assistance.</p>	<p>Foreigners Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p> <p>Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5130 (SL)</p> <p>Article 73, Foreigners Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p> <p>Foreigners Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p> <p>Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5130 (SL)</p> <p>Article 73, Foreigners Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p>

Detention

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
DET.1.a	Immigration detention	Please provide a brief overview of whether immigration detention powers are provided for in law and applied in practice, and whether alternatives to detention are considered. Please provide the legal source(s) and, if available, refer to other publications and sources of information about the law, policy, and practice on immigration detention.	<p>ICCPR: Article 9 ECHR: Article 5 EU Return Directive: Article 15 UNHCR, Handbook on Protection (2014): Detention is a measure of last resort and can only be justified where other less invasive or coercive measures have been considered and found insufficient. UN General Assembly (2009): Calls upon all States to adopt alternative measures to detention. HRC, Report of the Special Rapporteur (2012): The obligation to always consider alternatives before resorting to detention should be established by law. International Detention Coalition (2015): Immigration detention should be used only as a last resort in exceptional cases after all other options have been shown to be inadequate in the individual case.</p>	<p>In order to prepare for, or carry out, removal, surrender or extradition proceedings, the police orders the detention of a foreigner:</p> <ul style="list-style-type: none"> - who is to be removed in accordance with the provisions of the Foreigners Act; - who is to be returned, surrendered or extradited to the competent authorities in accordance with an international treaty. <p>The police may also detain foreign nationals whose identity is unknown or when there are reasonable grounds for suspicion regarding the person's identity if there is a risk of absconding.</p> <p>Detention as a last resort is not explicitly stipulated by the law. However, the authorities are required by the Constitution to implement a proportionality test before depriving a person of their liberty. The Foreigners Act states that the police shall order restriction of movement, accommodating (detaining) the person at the Centre for Foreigners or elsewhere. The Act also gives the police the possibility to replace the measure of obligatory accommodation at the Centre for Foreigners with more lenient measures. As a result, the police in practice will systematically consider alternatives. However, they will first issue a detention decision and consider alternatives at a later stage.</p> <p>There are alternatives to detention, referred to by the law as more lenient measures [<i>milejši ukrepi</i>]. According to the law, the police may, ex officio or at the request of the person concerned, replace the measure of obligatory accommodation at the Centre with more lenient measures provided that this also enables deportation of the person from the country. It further states that the police may issue a decision allowing someone to stay outside the Centre, where the police may determine a place of residence. In this event, the police may restrict the person's movement to their place of residence and impose an obligation to report regularly to the nearest police station. They may also impose the surrender of personal documents.</p>	<p>Foreigners Act, Articles 73, 76, 81 & 79(a): http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p> <p>Foreigners Act, Case law: http://www.pisrs.si/Pis.web/pregledPredpisaSodnaPraksa?id=ZAKO5761</p> <p>European Migration Network, Thematic Study 2014, The use of detention and alternatives in the context of migration policies, National contribution of Slovenia, p.10: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/25b-slovenia_detention_study_august2014_sl.pdf (SL)</p>
DET.1.b		Does a proposed country of removal need to be identified before a person is detained for removal? Please describe the situation in law and in practice.	<p>ICCPR: Repeated attempts to expel a person to a country that refuses to admit them could amount to inhuman or degrading treatment (Article 7). ECtHR, Auad v. Bulgaria (2011): In cases of detention with a view to deportation, lack of clarity as to the destination country could hamper effective control of the authorities' diligence in handling the deportation. EU Return Directive: Any detention shall only be maintained as long as removal arrangements are in progress and executed with due diligence.</p>	No. The law does not require the authorities to identify the country of removal before detaining a person. The legislation does not provide information on any procedural steps that must be taken before removal. However, the police would detain a person in the Centre for Foreigners if the legal conditions were fulfilled. Only after detention would they consider alternatives and engage in identifying the country of removal and/or barriers to removal.	Article 76, Foreigners Act, http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)

DET.1.c		Is there a clear obligation on authorities to release a person when there is no reasonable prospect of removal?	<p>EU Return Directive: When it appears that a reasonable prospect of removal no longer exists, detention ceases to be justified and the person concerned shall be released immediately.</p> <p>UN Working Group on Arbitrary Detention (2018): When the obstacle for identifying or removal of persons in an irregular situation from the territory is not attributable to them, the detainee must be released to avoid potentially indefinite detention from occurring, which would be arbitrary.</p> <p>ECtHR, Auad v. Bulgaria (2011)</p> <p>ECtHR, Mikolenko v. Estonia (2009)</p>	<p>The obligation is not clear. Namely, a person may be detained for maximum 6 months and if they cannot be removed from the country for objective reasons after those 6 months, the police have two options:</p> <ul style="list-style-type: none"> - to extend the detention for another 6 months - if the person is not cooperating; if there were delays in obtaining documentation from third countries; or if the process of establishing identity is still ongoing - provided that the legal conditions for detention are still fulfilled and if it is reasonable to expect that the person can be removed within that time; - to issue a permission to stay under Article 73 of the Act or a more lenient measure under Article 81 of the Act - both resulting in releasing the person from detention. 	<p>Article 79, Foreigners Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p>
DET.2.a	Identification of statelessness	Is statelessness juridically relevant in decisions to detain? Please describe how (risk of) statelessness is identified and whether referral to an SDP is possible from detention.	<p>ECtHR, Auad v. Bulgaria (2011)</p> <p>ECtHR, Mikolenko v. Estonia (2009): Detention may only be justified as long as deportation proceedings are being conducted with due diligence.</p> <p>UNHCR, Handbook on Protection (2014): Routine detention of individuals seeking protection on the grounds of statelessness is arbitrary.</p> <p>CMW, General comment No. 5 (2021): States should avoid detaining migrants who have specific needs, which includes stateless persons. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention.</p> <p>Equal Rights Trust, Guidelines (2012): States must identify stateless persons within their territory or subject to their jurisdiction as a first step towards ensuring the protection of their human rights.</p> <p>ICJ, Migration and International Human Rights Law (2014): The detention of stateless persons can never be justified when there is no active or realistic progress towards transfer to another State.</p>	<p>No. The law does not mention statelessness as a relevant fact.</p>	<p>Article 76, Foreigners Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p>
DET.2.b		Is there a definition of vulnerability in law? If yes, does it explicitly include statelessness? If not, please note whether statelessness is considered to be a factor increasing vulnerability.	<p>PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021): Statelessness should be explicitly included in the definition of vulnerability. Vulnerability should always be determined and assessed on an individual basis.</p>	<p>There is no definition of vulnerability in the law. Vulnerability is only mentioned as a relevant factor in relation to separate accommodation in the detention facility, so that appropriate level of privacy is ensured. As vulnerable persons in this context, the law mentions women, families and unaccompanied children, elderly, persons with serious illnesses and 'other vulnerable persons'. Statelessness is not mentioned</p>	<p>Article 76, Foreigners Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p>
DET.2.c		Are individual vulnerability assessments carried out before a decision to detain (or soon after)?	<p>ENS, Protecting Stateless Persons From Arbitrary Detention (2015): Arbitrary and disproportionately lengthy detention can ensue when the particular vulnerabilities of stateless people are not addressed.</p> <p>EU Return Directive: Article 16(3)</p> <p>EU Return Handbook (2017): Attention should be paid to the specific situation of stateless persons.</p> <p>Council of the European Union, Guidelines to promote and protect the enjoyment of all human rights by LGBTI persons (2013): European entities should assess the situation of LGBTI persons in detention.</p>	<p>Vulnerability assessment is not formally prescribed by law but in practice it is performed within the general assessment of each individual case. Vulnerable groups are not exempted from detention. The law only prescribes for them to be accommodated separately, to ensure privacy. Stateless persons are not explicitly defined as vulnerable.</p>	<p>European Migration Network, Thematic Study 2014, The use of detention and alternatives in the context of migration policies, National contribution of Slovenia, p.10: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/25b-slovenia_detention_study_august2014_sl.pdf (SL)</p> <p>Article 76(3), Foreigners Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p>

			PICUM, Preventing and Addressing Vulnerabilities in Immigration Enforcement Policies (2021) : There should be a clear legal obligation to screen and assess individuals' vulnerability before a decision to detain is taken and before individuals are placed into situations of deprivation or restriction of liberty.		
DET.2.d		Are stateless people detained in practice?	As above.	Yes. As of June 2017, 1 stateless person and 1 person of unknown nationality were detained. 3 stateless people and 2 people of unknown nationality were detained between 2012–2017. No further data is available for 2018-20.	Information provided by the Centre for Foreigners upon request, by e-mail, 29.6.2017
DET.3.a	Procedural safeguards	Are there adequate procedural safeguards in place for individuals in immigration detention (e.g. maximum period of detention, automatic release at the end, decisions in writing, regular periodic reviews, judicial oversight, legal aid, etc.)?	<p>ICCPR: Article 9(4) ECHR: Article 5(4) EU Return Directive: Articles 12, 13 and 15(5) HRC, Report of the Working Group on Arbitrary Detention (2010): A maximum period of detention must be established by law and upon expiry the detainee must be automatically released. CMW, General comment No. 5 (2021): States parties are obligated to adopt legislative and other measures, allocate adequate resources, and provide relevant training to comply with the CMW. There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. States should also be aware that stateless persons find themselves in a vulnerable situation, given that consular assistance and protection are unavailable due to their status. UNHCR, Detention Guidelines (2012): To guard against arbitrariness, maximum periods of detention should be set in national law. UNHCR, Handbook on Protection (2014): Judicial oversight of detention is always necessary and detained individuals need to have access to legal representation, including free counselling for those without means. UNGA, Body of Principles (1988): Anyone who is arrested shall be informed at the time of the reason for his arrest. Equal Rights Trust, Guidelines (2012): Stateless detainees shall receive their order of detention in writing and in a language they understand. To avoid arbitrariness, detention should be subject to automatic, regular and periodic review throughout the period of detention, before a judicial body independent of the detaining authorities. Detention should always be for the shortest time possible. International Commission of Jurists, Migration and International Human Rights Law: A Practitioners' Guide (2014): The authorities shall ensure that sufficient information is available to detained persons in a language they understand on the nature of their detention and reasons for it. ECtHR, Kim v. Russia (2014): The purpose of Article 5(4) ECHR is to guarantee to persons who are detained the right to judicial supervision of the lawfulness of the measure.</p>	<p>The maximum time limit is six months. Detention can be extended for another 6 months, if the person could not be removed from the country due to non-cooperation, delay in getting documentation from third countries, or if identity checks are still on-going, and if it is realistic to expect that the person can be removed from the county within the extended time limit. The provision of the law is written in a way that detention can be extended even if the delay is not a result of the individual's non-cooperation. Stateless people can be cooperating with the authorities, but if there is a delay with getting documentation from a third country or if they are still confirming their identity, the detention can be extended. At the end of the maximum period of detention the person should be released.</p> <p>The Police issues a written decision, including reasons for detention.</p> <p>Since 2014, there are ex officio periodic reviews of detention. However, before the end of the first three months, the review is performed by the Ministry of the Interior. Ex officio judicial review only takes place if detention is extended for more than 3 months (after the initial 6 months have expired). According to the law, the aim of the review is to determine if the grounds for detention still exist. Online available case law does not indicate that detainees would also be released if it became evident that their removal will not be possible within reasonable time.</p> <p>Detainees may file a lawsuit at the Administrative Court of the Republic of Slovenia, but there are two main obstacles: the deadline for filing the lawsuit is only 3 days; and there is no free legal aid available for procedures concerning detention (only for returns procedures). As a consequence, case law concerning detention is scarce.</p>	<p>Articles 76(1), 78, 79(a), and 79(1), Foreigners Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)</p> <p>Case law on Article 78, Foreigners Act: http://www.pisrs.si/Pis.web/pregledPredpisaSodnaPraksa?id=ZAKO5761&loadAll=true&izbranClen=78 (SL) (most deal with failure of the police to properly consider alternatives and respect the principle of proportionality when ordering detention)</p> <p>There are a handful of judgments on detention from the national courts, but this question has not yet been clarified by Slovenian case law.</p> <p>Administrative Court of the Republic of Slovenia, Decision No. I U 1201/2015, 11.2.2016: http://www.sodnapraksa.si/?q=id:2015081111398511&database[SOVS]=SOVS&database[IESP]=IESP&database[VDSS]=VDSS&database[UPRS]=UPRS&submit=i%C5%A1%C4%8Di&page=0&id=2015081111398511 (SL)</p> <p>European Migration Network, Thematic Study 2014, The use of detention and alternatives in the context of migration policies, National contribution of Slovenia, p.11: https://ec.europa.eu/home-affairs/sites/homeaffairs/files/what-we-do/networks/european_migration_network/reports/docs/emn-studies/25b-slovenia_detention_study_august2014_sl.pdf</p>

DET.3.b		Are detainees provided with information on their rights, contact details of legal advice and support providers, and guidance on how to access an SDP?	Equal Rights Trust, Guidelines (2012) : Detaining authorities are urged to provide stateless detainees with a handbook in a language and terms they understand, containing information on all their rights and entitlements, contact details of organisations which are mandated to protect them, NGOs and visiting groups and advice on how to challenge the legality of their detention and their treatment as detainees.	The law prescribes that all detainees must be regularly informed of their rights and obligations.	It was not possible to find sources, whether this happens in practice. Article 76(7), Foreigners Act : http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)
DET.3.c		Are there guidelines in place governing the process of re-documentation and ascertaining entitlement to nationality for the purpose of removal?	Equal Rights Trust, Guidelines (2012) : The inability of a stateless person to cooperate with removal proceedings should not be treated as non-cooperation. ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : The detaining state should have rules in place that govern the process of re-documentation and/ or ascertaining entitlement to nationality.	No such rules/guidance could be identified.	N/A.
DET.4.a	Protections on release	Are people released from detention issued with identification documents (including confirmation of their statelessness status) and protected from re-detention?	1954 Convention : Article 27 UNHCR, Handbook on Protection (2014) : Being undocumented cannot be used as a general justification for detention. CMW, General comment No. 5 (2021) : There should be a maximum period for immigration detention established in legislation, with automatic release at the end of that period, and which precludes re-detention. Statelessness determination procedures are essential, given that the lack of a country of nationality to be returned to leaves stateless persons at higher risk of arbitrary and indefinite detention. Detaining stateless persons when there is no real prospect of removal would render the detention arbitrary, and the detained stateless person must therefore be immediately released. ENS, Protecting Stateless Persons From Arbitrary Detention (2015) : State parties to the 1954 Convention have an obligation to provide stay rights to stateless people who have been released from detention. Equal Rights Trust, Guidelines (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	Between 2012 and 2017, one stateless person released from detention was issued permission to stay and a special identity card, issued by the police. The card includes information on the person's nationality/statelessness (if the person has no nationality, this will be written on the card). If statelessness was determined by the police during the procedure, the written decision will include this information. The official data provided by the police in subsequent years does not include information about stateless people or people with unknown nationality.	Information provided by the Centre for Foreigners upon request by email, 29.6.2017 Civil Register Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3354 (SL)
DET.4.b		If the purpose of detention cannot be fulfilled and the person is released, what legal status and rights are provided to them in law?	CJEU, Kadzoev, C-357/09 PPU (2009) : After the maximum period of detention has expired, the person must be released immediately. A lack of valid documentation or inability to support themselves should not be a deterrent to release. Equal Rights Trust, Guidelines (2012) : Released stateless detainees should be provided with appropriate documentation and stay rights suitable to their situation.	If removal from the country is not possible, the person is issued permission to stay. Permission to stay is issued for 6 months and can be extended if the reasons that prevent removal (as stipulated by the law) continue to exist. Individuals with permission to stay have the right to emergency healthcare, basic financial assistance and access to primary education.	Article 73, Foreigners Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761 (SL)
DET.5.a	Return and readmission agreements	Is statelessness considered a juridically relevant fact in any bilateral readmission and/or return agreements?	UNHCR, Handbook on Protection (2014) : Efforts to secure admission or readmission may be justified but these need to take place subsequent to a determination of statelessness.	Slovenia's bilateral readmission agreements with Austria and Hungary do not mention stateless people or any differential treatment due to stateless people in situations covered by the agreement. Readmission agreements with Croatia and Italy prescribe the same treatment for stateless people as for third country nationals. However, under Article 3 of the Agreement, the	Act ratifying the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Croatia on the readmission of persons whose entry or residence is illegal: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4624 (SL)

			<p>UNCRC, MKAH v Switzerland, no 95/2019 (2021): The State in which a stateless child applies for international protection has an obligation under Article 7 CRC to consider whether, if the child was returned to another country, their right to a nationality would be fulfilled (as well as other rights under the CRC).</p>	<p>obligation to admit does not apply for third country nationals or stateless people to whom the applicant Contracting Party has recognised the status of a stateless person under the Convention Relating to the Status of Stateless Persons of 1954.</p>	<p>Act ratifying the Agreement between the Government of the Republic of Slovenia and the Government of the Republic of Italy on the readmission of persons on the joint border: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO1121 (SL)</p>
DET.5.b		<p>Are you aware of cases of stateless people being returned under such agreements?</p>		<p>We are not aware of any cases. Civil society does not have access to proceedings under readmission agreements so there is no monitoring of cases and information is not publicly available.</p>	<p>The Peace Institute’s casework/practice.</p>

Prevention and Reduction

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
PRS.1.a	Naturalisation	In what timeframe do stateless people who are residing on the territory acquire the right to apply for naturalisation, and how does this compare to others with a foreign nationality?	1954 Convention : Article 32 UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. ENS (2013) : The main benchmark is if there is any preferential treatment for stateless people compared to the general rules applied to those with a foreign nationality.	If the competent authority considers it to be in accordance with the national interest, it may at its discretion, naturalise a person without nationality (a stateless person) if they have been living in Slovenia continuously for 5 years prior to submitting the application. This is reduced from the standard 10 years. To acquire nationality, the stateless person must have a temporary or permanent residence permit and: - be at least 18 years-old - have guaranteed funds to ensure their material and social security and that of any dependents; - have a command of the Slovenian language for the purposes of everyday communication, proven by a certificate in basic level Slovenian; - have not been sentenced by a final judgement to an unsuspended prison sentence of more than three months, or a suspended prison sentence of more than one year; - naturalisation poses no threat to the public order or the security or defence of the State; - have settled all tax obligations.	Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5130 (SL)
PRS.1.b		Are there requirements relating to 'good character' or previous criminal convictions that could prevent some stateless people from naturalising? If yes, please describe.	CoE Committee of Ministers, Recommendation No. R (99) 18 (1999) : States should ensure that offences, when relevant for the decision concerning the acquisition of nationality, do not unreasonably prevent stateless persons seeking the nationality of a state.	In addition to the general conditions for acquiring Slovenian nationality, an applicant must not have been sentenced by a final judgment to an unsuspended prison sentence longer than three months, or to a suspended prison sentence with a term of suspension longer than one year. The person must also not pose a threat to the public order or the security or defence of the State.	Citizenship Act, Article 12(8) in relation to Article 10(1)(6): http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5130 (SL)
PRS.1.c		Are there exemptions for stateless people from any nationality or integration test, language, income or fee requirements for naturalisation? Please describe the requirements and cost of the procedure for stateless adults and children, and any direct or indirect barriers to naturalisation caused by discriminatory laws, policies, or practices.	1954 Convention : Article 32 UNHCR, Good Practices Papers – Action 6 (2020) : It is recommended that States Parties facilitate, as far as possible, the naturalisation of stateless persons. CoE Committee of Ministers, Recommendation No. R (99) 18 (1999) : Each State should facilitate the acquisition of its nationality by stateless persons lawfully and habitually resident on its territory. UNHCR, Background Note on Discrimination in Nationality Laws and Statelessness (2021) : States should remove or amend discriminatory legal provisions, rules, policies, or practices that directly or indirectly act as barriers to naturalisation.	In comparison to other applicants, stateless persons do not need to prove their release from another nationality and can apply for nationality after 5 years' residence, reduced from the standard 10 years. There is a fee of 181.20 EUR for adults and children. Only one fee is paid per family. There is a possibility for exemption for those in financial need under the laws of reciprocity but there is no provision for this to apply to stateless persons.	Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5130 (SL) Administrative Fees Act, Article 21 & 25: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO2146 (SL) Administrative Fee Tariff, Tariff no.12
PRS.2.a	Stateless born on territory	Is there a provision in law for stateless children born on the territory to acquire nationality? [If yes, continue to PRS2b. If no, proceed to PRS2i]	1961 Convention : Article 1 ECN : Article 2 CRC : Article 7 Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : States should strengthen measures to grant nationality to children born in their territory in situations where they would otherwise be stateless. HRC, CCPR General comment No. 17 (1989) : States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. European Parliament resolution (2018) : The EU and its MS should ensure that childhood statelessness is	Yes.	Article 9, Citizenship Act of the Republic of Slovenia: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)

			adequately addressed in national laws in full compliance with Article 7 CRC.		
PRS.2.b		Is the provision for otherwise stateless children to acquire nationality automatic or non-automatic (i.e. by application)?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): The 1961 Convention provides Contracting States with two alternatives for granting nationality to otherwise stateless children born in their territory: either automatic acquisition upon birth or upon application.</p> <p>ENS, No Child Should Be Stateless (2015): The 1961 Convention and the European Convention on Nationality oblige the conferral of nationality to otherwise stateless children born on the territory. The optimal method is to grant nationality automatically at birth.</p>	Yes, it is automatic.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS.2.c		Are parents provided with information about their child's nationality rights and relevant procedures, including where the child would otherwise be stateless or has undetermined nationality?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): Contracting States are obliged to provide detailed information to parents of children who would otherwise be stateless or of undetermined nationality about the possibility of acquiring the nationality, how to apply and about the conditions which must be fulfilled. If the child concerned can acquire the nationality of a parent immediately after birth, States that opt to not grant nationality to children in these circumstances must assist parents in initiating the relevant procedure with the authorities of their State or States of nationality.</p>	No such information could be identified.	
PRS.2.d		Is it a requirement that the parents are also stateless for the otherwise stateless child to acquire nationality?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): The test is not an inquiry into whether a child's parents are stateless.</p> <p>ENS, No Child Should Be Stateless (2015): Only allowing access to nationality for stateless children whose parents are stateless fails to account for the circumstance where the parents hold a nationality but are unable to pass this on.</p>	Yes, the provision requires that the parents are stateless or of unknown nationality. The provision also extends to children of unknown parents.	Article 9, Citizenship Act of the Republic of Slovenia: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS.2.e		Are stateless children required to prove they cannot access another nationality to acquire the nationality of the country of birth? If yes, please describe how this is determined in practice.	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): A Contracting State cannot avoid the obligations to grant its nationality to a person who would otherwise be stateless based on its own interpretation of another State's nationality laws. The burden of proof must be shared between the claimant and the authorities, but in the case of children the State assumes a greater share of the burden of proof. Decision-makers must consider Articles 3 & 7 CRC and adopt an appropriate standard of proof. Special procedural considerations to address the acute challenges faced by children in communicating basic facts about their nationality should be respected.</p>	<p>No. Children born stateless do not have to prove they cannot acquire another nationality to be granted nationality through birth on the territory in Slovenia. However, the statelessness of the parents would be examined. Research indicates that there is an issue of "persistent assumption of nationality". The authorities deem that a person in fact has a nationality or could acquire nationality and therefore do not consider them stateless. This assumption possibly affects the stateless child as the parents may be referred to another country to resolve their nationality and that of their children, rather than following the provision of Article 9 of the Citizenship Act.</p> <p>In one known case, the authorities presumed that the child's parents (child was born in 2006) had foreign nationality, despite the absence of any foreign documents proving their citizenship. In subsequent procedures for regulating their status in Slovenia, it was established that the parents as well as their child were stateless. In 2017, a request was filed for the establishment of acquisition of citizenship by birth on the territory of the Republic of Slovenia, pursuant to Article 9(1) of the Citizenship Act. In 2022, the administrative authorities finally issued the decision that recognised that the child acquired Slovenian citizenship by birth on the Slovenian territory.</p>	<p>Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)</p> <p>Bajt, Veronika, Kogovšek Šalamon, Neža (2014). Brezdržavljanost v Sloveniji (Statelessness in Slovenia). Dve domovini / Two Homelands 39, 7-18.</p> <p>Ending Childhood statelessness: A Study on Slovenia, ENS, 2015: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf</p> <p>The Peace Institute's casework</p>

PRS.2.f		Is a stateless child born on the territory required to fulfil a period of residence to be granted nationality? If yes, please specify length and if this must be legal residence.	<p>1961 Convention: Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012): States may stipulate that an otherwise stateless individual born in its territory fulfils a period of 'habitual residence' (understood as stable, factual residence, not legal or formal residence) not exceeding five years preceding an application nor ten years in all. CRC: Articles 3 & 7 Committee on the Rights of the Child, Concluding observations on the Netherlands (2015): Recommends the State party ensure that all stateless children born in its territory, irrespective of residency status, have access to nationality without any conditions. ECN: Article 6(2)(b)</p>	No. Article 9 of the Citizenship Act prescribes automatic acquisition of nationality at birth.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS.2.g		Are the parents of a stateless child required to fulfil a period of residence for the child to be granted nationality? If yes, please specify length and if this must be legal residence.	<p>Committee on the Rights of the Child, Concluding observations on Czech Republic (2011): The outcome of an application by the parents of a child born on the territory should not prejudice the right of the child to acquire the nationality of the State. ENS, No Child Should Be Stateless (2015): Demanding that the child or their parents reside lawfully on the territory is prohibited by the 1961 Convention.</p>	No.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS.2.h		What are the age limits and fees (if any) for making an application for nationality for a stateless person born on the territory?	<p>1961 Convention: Article 1(2) UNHCR, Guidelines on Statelessness No. 4 (2012): Contracting States need to accept applications lodged at a time beginning not later than the age of 18 and ending not earlier than the age of 21. Where Contracting States grant nationality to individuals who would otherwise be stateless upon application, they are encouraged to accept such applications free of charge. ENS, No Child Should Be Stateless (2015): Closing the window of opportunity to apply for a nationality has the effect of leaving it in the hands of parents to take the necessary steps to secure a nationality for their child.</p>	There are no age/time limits prescribed as the law states that the child acquires nationality automatically at birth. As this should be established ex officio, it appears that no administrative fees apply.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS.2.i		Are there specific provisions to protect the right to a nationality of children born to refugees?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): Where the nationality of the parents can be acquired through a registration or other procedure, this will be impossible owing to the very nature of refugee status which precludes refugee parents from contacting their consular authorities.</p>	No.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS.3.a	Foundlings	Are foundlings granted nationality automatically by law? If not automatic, please describe the procedure.	<p>1961 Convention: Article 2 ECN: Article 6(1)(b)</p>	Yes. Acquisition is automatic.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS.3.b		Is there an age limit (e.g. 'new-born' or 'infant') in law or practice specifying when a foundling would qualify for nationality?	<p>UNHCR, Guidelines on Statelessness No. 4 (2012): At a minimum, the safeguard should apply to all young children who are not yet able to communicate information about the identity of their parents or their place of birth.</p>	No, there is no age/time limit. According to the law, a case of any child under the age of 18 could be examined under the stated provision. However, the provision regarding foundlings has never been used in practice.	Article 9, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)

PRS.3.c		Can nationality be withdrawn from foundlings if this leads to statelessness?	UNHCR, Guidelines on Statelessness No. 4 (2012) : Nationality acquired by foundlings may only be lost if it is proven that the child possesses another nationality.	No, but there are some ambiguities: Slovenian nationality can be withdrawn upon the request of the parents, if before the child's 18 th birthday it is determined that the parents are foreign nationals. The general conditions for loss of nationality are stated in a different Article of the Citizenship Act, requiring proof that the person has or will be granted another nationality. This should also apply in the case of foundlings. However, the provision on the withdrawal of nationality of foundlings does not contain an explicit safeguard.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 15: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
PRS.4.a	Adoption	Where a child national is adopted by foreign parent(s), does the child lose their original nationality before the new nationality is acquired?	1961 Convention : Article 5 ENS, No Child Should Be Stateless (2015) : Children may be exposed to a (temporary) risk of statelessness during the adoption process due to the nationality law of the child's country of origin.	It is a possibility. However, before dismissal of nationality, proof needs to be provided that the child will acquire another nationality (or proof that the child already has another nationality). The adopted child's nationality may cease only if required by the adoptive parent who is a foreign national.	Articles 18 & 23, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS.4.b		Does a foreign child adopted by national parents acquire nationality? Please specify any age limits and/or risk of statelessness during the adoption process.	ECN : Article 6(4)(d) Committee on the Rights of the Child, Concluding Observations on Switzerland (2015) : Ensure that the child is not stateless or discriminated against during the waiting period between arrival and formal adoption.	Yes. If at least one of the adoptive parents is a Slovenian national, the adopted child acquires Slovenian nationality, if, according to the regulations of the country of which the adoptee is a national, the same relationship as between parents and children is established between the adoptive parent and the adoptee. The law indicates automatic acquisition as it refers to the conditions of Articles 4-6 of the Citizenship Act, which regulate acquisition of nationality by descent (automatic). Automatic acquisition eliminates the risk of statelessness during the process. The general rules for children born abroad to one national and one non-national parent (to which the relevant rule refers) require the parent to register the child before they turn 18. Registration is unnecessary if the child would otherwise remain without nationality. The child in such case acquires Slovenian nationality automatically. Under Slovenian law, only children (under 18) may be adopted.	Article 7, Articles 4-6 Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS.5.a	Ius sanguinis	Can children born to nationals abroad acquire nationality by descent (<i>ius sanguinis</i>) in general and/or if they would otherwise be stateless?	1961 Convention : Article 4 UNHCR, Guidelines on Statelessness No. 4 (2012) : Where a child who would otherwise be stateless is born to parents of another Contracting State but does not acquire the nationality of the State of birth responsibility falls to the Contracting State of the parents to grant its nationality to the child.	Yes. If both parents are nationals, the child acquires Slovenian nationality automatically at birth, regardless of where they are born. If only one parent is a national and the child is born abroad, the child acquires nationality automatically at birth, provided that the other parent is unknown or of unknown nationality or without nationality. This provision seems discriminatory, but the law prescribes another safeguard against statelessness: a child born abroad whose one parent had Slovenian nationality at the time of birth and the other was a foreign national, shall acquire nationality of the Republic of Slovenia by origin, if the child is registered as a Slovenian national before their 18 th birthday; or if the child returns to Slovenia with the parent of Slovenian nationality before the age of 18 and obtains actual permanent residence in the Republic of Slovenia.	Articles 4 & 5, Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS.5.b		Are there any discriminatory conditions in law and/or practice for the acquisition of nationality by descent (e.g. differential treatment of children born out of wedlock, rights of father/mother/same-sex parents to confer nationality, etc.)?	ECtHR, Genovese v. Malta (2011) : The state must ensure that the right to nationality is secured without discrimination. CEDAW, Gen. Rec. 32 (2014) : Requires States parties to ensure that women and men have equal rights to confer their nationality to their children and that any obstacles to practical implementation of such laws are removed. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4	Not in the case of a child who would otherwise be stateless. Registration of the child (born abroad to a Slovenian and a foreign national) is unnecessary if the child would otherwise remain without nationality. The child in such case acquires Slovenian nationality automatically.	Article 5(2), Citizenship Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)

PRS.6.a	Birth registration	Does the law provide that all children are registered immediately upon birth regardless of the migration or residence status, sexual and/or gender identity of their parents?	<p>CRC: Article 7 ICCPR: Article 24(2) CoE, Recommendation CM/Rec(2009)13 (2009): Member states should register the birth of all children born on their territory even if they are born to a foreign parent with an irregular immigration status or the parents are unknown. UNHCR, Guidelines on Statelessness No. 4 (2012): Article 7 CRC applies irrespective of the nationality, statelessness or residence status of the parents. UNHCR, Global Action Plan to End Statelessness 2014-24 (2014): Action 7 UN Sustainable Development Goal 16.9 European Parliament, Resolution on LGBTIQ rights in the EU (2021): Calls on States to overcome discrimination against rainbow persons and families. UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p>	Yes. All children born in Slovenia have access to the birth registration procedure; regardless of their parents' status in Slovenia.	Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 18: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
PRS.6.b		Are all children issued with birth certificates upon registration? If no, please describe legal status of documentation issued.	<p>HRC, Resolution A/HRC/RES/20/4 (2012): Underscores the importance of effective birth registration and provision of documentary proof of birth irrespective of immigration status and that of parents or family members. Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents.</p>	Yes.	https://e-uprava.gov.si/podrocja/osebni-dokumenti-potrdila-selitev/potrdila-izpiski/izpisek-iz-mr-o-rojstvu.html
PRS.6.c		Is the child's nationality determined or recorded upon birth registration? If yes, please describe how and by whom (e.g. if the mother/father's nationality is recorded and/or automatically attributed to the child, if there's a formal procedure, if information on both parents is recorded etc.)	CRC : Articles 3 & 7	The child's nationality is determined and recorded only if the child is considered to be a Slovenian national. If the child is a foreign national born in Slovenia, nationality is not recorded.	Article 4, Civil Register Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3354
PRS.6.d		If a child's nationality is not determined or recorded upon birth registration, is there a legal framework to determine the child's nationality later? If yes, please describe the procedure, including the legal grounds, deadlines, competent authority, and whether the child's best interests are taken into consideration.	<p>CRC: Articles 3 & 7 1961 Convention: Articles 1 & 4 UNHCR, Guidelines on Statelessness No. 4 (2012): States need to determine whether a child would otherwise be stateless as soon as possible so as not to prolong a child's status of undetermined nationality. Such a period should not exceed five years. HRC, CCPR General comment No. 17 (1989): States are required to adopt every appropriate measure, both internally and in cooperation with other States, to ensure that every child has a nationality when he is born. UNHCR, Best Interests Procedure Guidelines (2021) HRC, D.Z. v. Netherlands (2021)</p>	No, if the child is not a Slovenian national, there is no procedure for later determination of nationality. Regarding births of children born to foreign nationals, there are reports of practices of administrative authorities that prevent registering paternity. If the parents do not produce a marriage certificate upon birth, civil registrars sometimes refuse to register paternity and refuse to correct the record even if the parents submit the marriage certificate later. In one such case the Ministry of Interior granted the appeal of the parents. However, the reasoning indicates that the decision would be different if the parents were not married; the civil registrar would not record paternity based on a later acknowledgement of paternity. In a similar case, the Human Rights Ombudsperson stated that all children have the right to personal identity, regardless of their nationality. In this case, the child was born to foreign nationals who were not married and the administrative unit refused to register paternity. The	Article 4, Civil Register Act: http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3354 Interview with the representative of the Slovenian Red Cross, 12 December 2019. Slovenia, HR Ombudsperson, Annual Report for 2018, p. 280: http://www.varuh-rs.si/fileadmin/user_upload/pdf/lp/LP_2018.pdf .

				<p>Ombudsperson stated that the authorities did not act in accordance with the law and the bylaws and violated the child's right to personal identity.</p> <p>There is no safeguard in place to ensure that a child does not remain with undetermined nationality for a period over 5 years.</p>	
PRS.6.e	Are there credible reports to suggest that, in practice, children are prevented from registering their birth (or their birth certificate issued abroad is not recognised) because of parents' migration or residence status, sexual and/or gender identity, because they were born as a result of a surrogacy agreement, or other reasons (please specify)?	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC: Urge States parties to take all necessary measures to ensure that all children are immediately registered at birth and issued birth certificates, irrespective of their migration status or that of their parents. Legal and practical obstacles to birth registration should be removed.</p> <p>Global Compact for Safe, Orderly and Regular Migration: States will contribute resources and expertise to strengthen the capacity of national civil registries to facilitate timely access by refugees and stateless persons to civil and birth registration.</p> <p>Global Compact on Refugees: States commit to fulfil the right of all individuals to a legal identity and ensure that migrants are issued documentation and civil registry documents.</p> <p>European Parliament Resolution (2018): Calls on Member States to take immediate corrective measures to stop discriminatory birth registration.</p> <p>European Parliament, Resolution on LGBTIQ rights in the EU (2021): Emphasises the importance of the recognition of birth certificates in all EU Member States regardless of the sex of the parents.</p> <p>UNHCR and UNICEF, Background Note on Sex Discrimination in Birth Registration (2021): All parents regardless of their sex should have equal rights to register the births of their children without discrimination. Laws or regulations that provide that only opposite sex parents may register the birth of children should be reformed.</p> <p>Court of Justice of the European Union, V.M.A. v Bulgaria, Case C-490/20 (2021): Domestic authorities of an EU Member State are required to issue a birth certificate and identity documents to a child who is a national of that state and was born in another EU Member State, including when the birth certificate contains two parents of the same sex.</p>	<p>There are no reports of children being refused a birth certificate because of their parents' legal status. However, there are reports of discriminatory birth registration practices as officials have refused to register paternity in the case of foreign parents who cannot produce a marriage certificate, which violates the child's right to personal identity (see PRS.5.d.).</p> <p>In October 2021, the Ministry of the Interior and the Ministry of Labour, Family, Social Affairs and Equal Opportunities issued a guidance for administrative units, stating that in cases where it is evident that the parents are unable to establish paternity with the competent authorities of their country, paternity could be entered in the Slovenian civil registry on the basis of an acknowledgement of paternity made in accordance with the legislation in force in the Republic of Slovenia.</p> <p>No reports of children being prevented from registering their birth because of the parents' sexual and/or gender identity could be identified. Surrogacy is not allowed under national law but there are no reports regarding any difficulties concerning children born as a result of a surrogacy agreement. There have been cases concerning foreign adoption decisions that were recognised by national courts.</p>	<p>Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 19: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf</p> <p>Information provided by the Ministry of the Interior and the Ministry of Labour, Family, Social Affairs and Equal Opportunities.</p>	
PRS.6.f	Are there mandatory reporting requirements that would deter undocumented parents from coming forward to register their children (e.g. health or civil registry authorities required to report undocumented migrants)? If not, is there a clear firewall to prohibit the sharing of information by other entities with immigration authorities?	<p>Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC and Joint General Comment No. 3 (2017) CMW and No. 22 (2017) CRC: Legal and practical obstacles to birth registration should be removed, including by prohibiting data sharing between health providers or civil servants responsible for registration with immigration enforcement authorities; and not requiring parents to produce documentation regarding their migration status. Children's personal data, in particular biometric data, should only be used for child protection purposes.</p> <p>CoE, ECRI General Policy Recommendation No. 16(2016): States should clearly prohibit the sharing</p>	No.	No legal source contains such obligation.	

			of information about migrants suspected of irregular presence with immigration authorities. These firewalls must be binding on state authorities and the private sector.		
PRS.6.g		Is there a statutory deadline for birth registration? If yes, please state the deadline and whether late birth registration is possible in law and practice.	Joint General Comment No. 4 (2017) CMW and No. 23 (2017) CRC : Measures should also be taken to facilitate late registration of birth and to avoid financial penalties for late registration. HRC, Resolution A/HRC/RES/20/4 (2012) : Calls upon States to ensure free birth registration, including free or low-fee late birth registration, for every child.	Yes. The time limit for the declaration of birth is 15 days. Late birth registration is possible, but punishable by a fine. However, in practice, the time limit is always respected, as the vast majority of children are born in healthcare facilities, which are responsible to make the declaration of birth with the civil registry officer.	Article 8, Register of Deaths, Births and Marriages Act No sources indicating issues with late birth registration in practice were identified. Ending Childhood statelessness: A Study on Slovenia, ENS, 2015, p. 19: http://www.statelessness.eu/sites/www.statelessness.eu/files/Slovenia.pdf
PRS.6.h		Are there additional requirements for late birth registration (e.g. fees, documents, court procedure)? Please describe the procedure including the competent authority and procedural deadlines.	As above	Yes. Failure to make the declaration within the time limit is punishable by a fine. Natural persons may pay a fine between 100 and 200 EUR and legal persons (e.g. a hospital) may pay a fine between 1,000 and 4,500 EUR.	
PRS.7.a	Reducing <i>in situ</i> statelessness	Does the government have any programmes in place to promote civil registration (including birth registration)? If yes, please provide details.	UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 7	No	No source indicating such programmes could be identified.
PRS.7.b		Are there particular sections of the population - such as minority groups or people affected by conflict - believed to be stateless/at risk of statelessness? Please provide details and source of information.	1961 Convention : Article 9 UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Action 4 HRC, Recommendations of the Forum on Minority Issues (2019) : States should take legislative, administrative and policy measures aimed at eliminating statelessness affecting minorities.	An in-depth study on statelessness in Slovenia by the NGO Peace Institute concluded that the Roma population and ‘erased persons’ are the two groups that have been disproportionately exposed to statelessness. However, there are no sources of statistics or estimates on the scale of statelessness within these two population groups.	Bajt, Veronika, Kogovšek Šalamon, Neža (2014). Brezdržavljanost v Sloveniji (Statelessness in Slovenia). Dve domovini / Two Homelands 39, 7-18
PRS.7.c		Has the State implemented any other measures specifically aimed at reducing (risk of) statelessness? (e.g. identification, registration or naturalisation campaigns, removal of treaty reservations, reform of discriminatory laws, etc.)	1961 Convention UNHCR, Global Action Plan to End Statelessness 2014-24 (2014) : Actions 1 & 8 UNHCR, Good Practices Paper - Action 1 (2022) : States generally address and resolve situations of statelessness through law and policy reform enabling stateless persons to acquire nationality automatically by operation of law, through a simple registration process, or through naturalisation. Non-automatic procedures are generally a less effective way to resolve statelessness because they require the person concerned to take certain steps to acquire nationality.	No recent measures. Not directly intended at reducing statelessness, but to regulate the status of nationals of other republics of the former Yugoslavia (and in the attempt to address the violations caused by the Erasure), in 2002 an Amendment to the Citizenship Act was adopted. The law prescribed more lenient conditions for acquiring nationality for persons who were permanent residents of the Republic of Slovenia on 23 December 1990 and have since uninterruptedly resided in Slovenia. However, the measure was valid only for one year after the amendment entered into force.	Article 19, Act Amending the Citizenship of the Republic of Slovenia Act (ZDRS-Č): http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO3460 (SL)
PRS.8.a	Deprivation of nationality	Are there any provisions on deprivation of nationality that could render a person stateless? Please state whether there is a safeguard against	1961 Convention : Article 8 & 9 ECN : Article 7(3) UDHR : Article 15(2)	No. The rules on deprivation of nationality are part of the Citizenship Act. In all cases the law requires that the person has another nationality or proves they will acquire one.	Articles 18, 22, 25, 26 of the Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)

		statelessness established in law and on what grounds deprivation of nationality may result in statelessness (e.g. national security, fraud, etc.).	<p>Principles on Deprivation of Nationality and the Draft Commentary: Principle 2.2: Deprivation of nationality refers to any loss, withdrawal or denial of nationality that was not voluntarily requested by the individual; Principles 4, 5 & 6</p> <p>HRC. Report of the Secretary-General on Human Rights and Arbitrary Deprivation of Nationality (2009): para. 23</p> <p>UNHCR Guidelines on Statelessness No.5 (2020): the prohibition of arbitrary deprivation of nationality also includes situations where there is no formal act by a State but where the practice of its competent authorities clearly shows that they have ceased to consider a particular individual/group as national(s) (e.g. where authorities persistently refuse to issue or renew documents without providing an explanation or justification).</p> <p>ILEC Guidelines (2015): Deprivation of nationality must have a firm legal basis, should not be interpreted extensively or applied by analogy and deprivation-provisions must be predictable.</p>		
PRS.8.b		Who is the competent authority for deprivation of nationality and what procedural safeguards are in place (e.g. due process, fair trial, participation in the proceedings, legal aid, decision in writing with reasoning, judicial oversight, appeal, time limit, subject to prior sentencing)?	<p>1961 Convention: Article 8(4)</p> <p>ECN: Articles 10 to 13</p> <p>Principles on Deprivation of Nationality: Principle 7. Deprivation of nationality must be carried out in pursuance of a legitimate purpose, provided for by law, necessary, proportionate and in accordance with procedural safeguards; Principle 8: Everyone has the right to a fair trial or hearing and to an effective remedy and reparation.</p> <p>ILEC Guidelines (2015): The consequences of a decision to deprive somebody of his nationality must be assessed against the principle of proportionality. Adequate procedural safeguards are essential. Decisions should only take effect when the (judicial) decision cannot be challenged anymore.</p>	For decisions on deprivation, local administrative offices are competent. Deprivation is only possible if the person resides abroad and also has a foreign nationality, if their actions harm international or other interests of the Republic of Slovenia. The possibilities of appeal are the same as in administrative procedures in general. There is no legal aid in administrative proceedings. In exceptional cases, the proceedings may be initiated without involving the person affected in the proceedings.	Article 26 of the Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS.8.c		Are provisions on deprivation of nationality applied in practice? Have they been applied even where it results in (risk of) statelessness? If available, please provide any sources of data or information on cases that resulted in statelessness.		The provisions on deprivation of nationality contain a safeguard against statelessness, stating that a person can only be deprived of nationality if the person resides abroad and has a foreign nationality. The provisions on deprivation do not seem to be applied in practice as only one case from 1991 could be identified. The case was related to an officer of the Yugoslav People's Army and the deprivation was issued after the ten-day war that followed the Slovenian declaration of independence and breakup of Yugoslavia. There is no sufficient information on whether there was any risk of statelessness at the time of deprivation, but later decisions related to the case show that the person is not stateless.	Case law concerning Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisaSodnaPraksa?id=ZAKO13&loadAll=true&izbranClen=19 (SL) Article 26 of the Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)
PRS.8.d		Are there safeguards in law and practice to prevent renunciation or other forms of voluntary loss of nationality from resulting in statelessness?	<p>1961 Convention: Article 7</p> <p>ECN: Articles 7 and 8</p>	Yes. Loss of nationality is only possible at the request of the person, and in such cases, they need to prove that they already have another nationality or that they will acquire one. If the person does not acquire another nationality within one year after the decision on release from Slovenian nationality, they may apply for annulment of that decision. This application for annulment may be filed within one year after the decision.	Article 18 of the Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL) Article 21 of the Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)

PRS.8.e		Are there any provisions on deprivation of nationality in a national security context (regardless of whether they could render a person stateless)? Please describe these provisions and if/how they are applied in practice.	<p>Principles on Deprivation of Nationality Principle 4: States shall not deprive persons of nationality for the purpose of safeguarding national security. Where provisions exist, these should be interpreted narrowly and in accordance with international law standards.</p> <p>UNHCR Guidelines on Statelessness No.5 (2020): Laws that permit deprivation of nationality on the grounds of terrorism should be publicly available and precise enough to enable individuals to understand the scope of impermissible conduct.</p>	<p>Yes. Deprivation is possible if the person resides abroad and has a foreign nationality, if their actions harm international or other interests of the Republic of Slovenia. Activities considered harmful to the international and other interests of the Republic of Slovenia include:</p> <ol style="list-style-type: none"> 1. if the person is a member of an organisation engaged in activities intended to overthrow the constitutional order of the Republic of Slovenia; 2. if the person is a member of a foreign intelligence service and as such harms the interests of the Republic of Slovenia or if they harm such interests by serving under the governmental authority or organisation of a foreign state; 3. if the person is a persistent perpetrator of criminal offences prosecuted <i>ex officio</i> and of offences against the public order; 4. if the person, despite the appeals of the competent authority, refuses to carry out the duties of a citizen of the Republic of Slovenia prescribed by the Constitution and Acts. <p>In the case of deprivation of nationality as described above, there have been cases of former-Yugoslav army officers who acquired nationality after 1991 and were later deprived of it.</p>	<p>Article 26 of the Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)</p> <p>Case law concerning Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisaSodnaPraksa?id=ZAKO13&loadAll=true&izbranClen=19 (SL)</p>
PRS.8.f		Are there any provisions on deprivation of nationality that directly or indirectly discriminate a person or group of persons on any ground prohibited under international law or that discriminate between nationals? Please describe these provisions and if/how they are applied in practice.	<p>ICCPR: Article 26 1961 Convention: Article 9 ECN: Article 5 Principles on Deprivation of Nationality: Principle 6. Prohibited grounds for discrimination include race, colour, sex, language, religion, political or other opinion, national or social origin, ethnicity, property, birth or inheritance, disability, sexual orientation or gender identity, or other real or perceived status, characteristic or affiliation. Each State is also bound by the principle of non-discrimination between its nationals.</p>	<p>There are discriminatory provisions on deprivation between nationals who reside in Slovenia and nationals residing abroad (see PRS.8.e.).</p>	<p>Article 26 of the Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)</p>
PRS.8.g		Are there safeguards to prevent derivative loss of nationality (i.e., loss of nationality on the basis that a parent or a spouse has been deprived of that nationality)? Please describe the potential impact of deprivation on children and spouses.	<p>CRC: Articles 2(2), 7 and 8 CEDAW: Article 9(1) Principles on Deprivation of Nationality: States must take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members (Principle 9.7). The derivative loss of nationality is prohibited (Principle 9.8).</p>	<p>Yes. There is no automatic derivative loss of nationality. For nationality to be lost, the person must request release from their nationality or renounce nationality.</p> <p>Until the age of 18 years, a child's nationality of the Republic of Slovenia is lost at the request of their parents if both have lost their citizenship through renunciation, or at the request of one parent who lost their nationality by renunciation if the other parent is not a national of the Republic of Slovenia.</p> <p>The nationality of the Republic of Slovenia of a child whose parents live separately can be renounced at the request of the parent with whom the child resides or to whom the child's custody was granted, and who themselves requested to renounce their nationality of the Republic of Slovenia, or if the parent with whom the child resides is a foreigner. In all such cases, the consent of the other parent is required.</p> <p>In the case of full adoption, an adoptee under the age of 18 years who has nationality of the Republic of Slovenia loses this nationality by renunciation if so requested by an adoptive parent who is a foreigner or by an adoptive parent who has applied for renunciation of nationality of the Republic of Slovenia, provided the conditions referred to in the preceding Article are fulfilled.</p>	<p>Articles 18 - 23 of the Citizenship Act: http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO13 (SL)</p>

				<p>Although the provisions governing the children’s loss of nationality do not explicitly state so, the general conditions for the loss of nationality of (adult) persons by release or renunciation require that they hold foreign citizenship or prove that they will be admitted to foreign citizenship. It is presumed that this safeguard would also be respected in the case of children.</p>	
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Resources

Item	Subtheme	Question	International Norms & Good Practice	Answer	Source
RES.1.a	Published judgments	Please list the most relevant judgments relating to statelessness and include links to the cases (where available).		<p>Administrative Court of the Republic of Slovenia, Judgement no. II U 503/2016-9 of 22 August 2018: Decision is regarding the issuing a permission to stay (Art. 73 of the Foreigners Act) It states that in regulating the applicant's residence in the Republic of Slovenia, account must be taken of the specific circumstances, in particular the length of the applicant's residence in Slovenia and his social status, and respect for his right to private life must be ensured. The decision also states that: "Another relevant factor is that the applicant declares himself to be stateless. While the contested decision states that this is not a proceeding to establish the applicant's nationality, which is true, the question to which country the applicant should be returned is relevant to the assessment of the right to respect for private life."</p> <p>Administrative Court of the Republic of Slovenia, Judgement no. I U 531/2017-22 of 12 July 2018: Decision is regarding the issuing a permission to stay (Art. 73 of the Foreigners Act). The decision finds that all [...] factual circumstances, taken together, point to the applicant's particular vulnerability and, in the Court's view, are exceptional and very specific, and the case must therefore be treated as such, taking into account Article 8 of the ECHR (right to respect for private and family life) and the relevant case-law of the ECtHR, to which the applicant has expressly referred throughout the proceedings. Although the applicant is homeless and stateless, he has built up a private life for himself during all the years of his effective residence in Slovenia, [...], but which the authorities did not take into account in their assessment of his application for permission to stay, although they did not expressly contradict the applicant's allegations.</p> <p>Similarly, the Administrative Court finds in another judgement related to the same applicant, when the latter appealed the administrative decision denying his application for temporary residence permit: Administrative Court of the Republic of Slovenia, Judgement no. I U 1195/2017-54 of 29 January 2019.</p>	Sodna praksa (Case law), available at: https://www.sodnapraksa.si (SL)
RES.2.a	Free legal assistance	Are there specialised lawyers or organisations providing free advice to stateless people or those at risk of statelessness? If yes, please describe.	UNHCR, Handbook on Protection (2014) : Applicants must have access to legal counsel.	No.	N/A.
RES.3.a	Literature	Is there domestic academic literature on statelessness? Please list and provide references and hyperlinks (where available).		Yes, but not many.	<p>Zorn, Jelka (2009). A Case for Slovene Nationalism: Initial Citizenship Rules and the Erasure. Nations and Nationalism 15/2, 280–298</p> <p>Kogovšek Šalomon, Neža (2012). A Study and Comparison of National Legislation in Slovenia and International Standards Related to Statelessness: https://www.academia.edu/10088725/A_Study_and_Comparison_of_National_Legislation_in_Slovenia_and_International_Standards_Related_to_Statelessness_2012</p>

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