


[HOME \(/\)](#) [COUNTRIES \(HTTP://WWW.ASYLUMINEUROPE.ORG\)](http://www.asylumineurope.org)

SLOVENIA: CONSTITUTIONAL COURT ANNULS PROVISION ON SUSPENSION OF ASYLUM PROCEDURE

[COMPARATIVE REPORTS \(/COMPARATIVE-REPORTS\)](#) [BRIEFINGS \(/LEGAL-BRIEFINGS\)](#)
[RESOURCES \(/USEFUL-DOCUMENTS-AND-LINKS\)](#) [NEWS \(/NEWS\)](#) [SEARCH \(/\)](#)

15/10/19

The Slovenian Constitutional Court ruled (<https://bit.ly/35DFhcc>) on 18 September 2019 that Article 10b of the Aliens Act, setting out measures of temporary suspension of the right to asylum, was contrary to the principle of *non-refoulement*.

The provision, introduced in 2017 as part of amendments to the Aliens Act, allowed (</reports/country/slovenia/access-territory-and-push-backs>) for the suspension of the right to asylum upon parliamentary order in cases where migration poses “a threat to public order and internal safety in the Republic of Slovenia”. Though never activated to date, the measures would require the Police to reject all intentions to apply for asylum as inadmissible as long as the persons wishing to apply entered Slovenia from a neighbouring EU Member State in which there are no systemic deficiencies of asylum procedure and reception conditions which could lead to torture, inhuman or degrading treatment. The Police would then be able to return the persons back to the neighbouring countries in question.

The Constitutional Court annulled the provision on the ground that it was contrary to the principle of *non-refoulement*, enshrined in Article 18 of the Constitution, insofar as the measures would not guarantee individuals a fair and efficient process determining whether their removal would amount to torture, inhuman or degrading treatment. The Court also highlighted that the determination of “a threat to public order and internal safety in the Republic of Slovenia” under the Aliens Act did not imply the existence of a state of emergency pursuant to Article 92 of the Constitution, which could justify the limitation of certain rights.

For more information, see:

- Slovenian Constitutional Court, Odločba Ustavnega sodišča št. U-I-59/17 z dne 18. 9. 2019 (<https://www.us-rs.si/aktualno/novice/odlocba-ustavnega-sodisca-st-u-i-5917-z-dne-18-9-2019/>), 14 October 2019.
- STA, Contentious provisions in foreigners act annulled (<https://english.sta.si/2687193/contentious-provisions-in-foreigners-act-annulled>), 14 October 2019.
- AIDA, Country Report Slovenia, 2018 Update (/sites/default/files/report-download/aida_si_2018update.pdf), March 2019.

2

8

1

Related Content

Netherlands: Persisting delays in the procedure put strain on reception (</news/05-11-2019/netherlands-persisting-delays-procedure-put-strain-reception>) NEWS

Asylum seekers in the Netherlands are confronted with a shortage of reception places, in addition to long delays in accessing the procedure.

AIDA 2018 Update: Slovenia (</news/01-03-2019/aida-2018-update-slovenia>) NEWS

The updated AIDA Country Report on Slovenia provides the latest developments in the country concerning the asylum procedure, reception conditions, detention and content of international protection.

Tags

[ACCESS TO THE PROCEDURE](#)
[SLOVENIA \(/TAGS/SLOVENIA/\)](#)

Quick links

[ABOUT AIDA \(/ABOUT-AIDA\)](#)
[ECRE \(HTTP://WWW.ECRE.ORG\)](http://www.ecre.org)
[EDAL \(HTTP://WWW.ASYLUMLAWDATABASE.EU\)](http://www.asylumlawdatabase.eu)

Slovenia: Access to asylum compromised in returns to Croatia (/news/08-09-2018/slovenia-access-asylum-compromised-returns-croatia) NEWS

A recent report (<https://bit.ly/2wUMZhQ>) on Slovenia's implementation of returns to Croatia highlights barriers to access to asylum and deficiencies in return procedures, in potential breach of th

Slovenia: Increasing arrivals put a strain on reception conditions (/news/16-05-2018/slovenia-increasing-arrivals-put-strain-reception-conditions) NEWS

Conditions for asylum seekers are deteriorating against the backdrop of increasing numbers of arrivals in 2018.

Explore

[Home \(/\)](#)

[Country Reports \(/reports\)](#)

[Comparative Reports \(/http://www.asylumineurope.org/annual-reports\)](#)

[Comparator \(/comparator\)](#)

[Fact-Finding Visits \(/fact-finding-visits\)](#)

[Briefings \(/legal-briefings\)](#)

[News \(/news\)](#)

[Subscribe to News \(/news/rss\)](#)

About AIDA

The Asylum Information Database (AIDA) is a database managed by the European Council on Refugees and Exiles (ECRE), containing information on asylum procedures, reception conditions, detention and content o

[Read more... \(/about-aida\)](#)

Funders

EPIM (<http://www.epim.info/>)

European Union (AMIF)

(https://ec.europa.eu/home-affairs/financing/fundings/migration-asylum-borders/asylum-migration-integration-fund/union-actions_en)

Copyright © 2019, all rights reserved.

Map data © 2013 Basarsoft, Google, INEGI, MapLink, ORION-ME - Terms of Use (http://www.google.com/intl/en-GB_US/help/terms_maps.html)