

Opozorilo: Neuradno prečiščeno besedilo predpisa predstavlja zgolj informativni delovni pripomoček, glede katerega organ ne jamči odškodninsko ali kako drugače.

Neuradno prečiščeno besedilo Zakona o mednarodni zaščiti obsega:

- Zakon o mednarodni zaščiti – ZMZ-1 (Uradni list RS, št. 22/16 z dne 25. 3. 2016),
- Zakon o spremembi in dopolnitvah Zakona o tujcih – ZTuj-2D (Uradni list RS, št. 5/17 z dne 3. 2. 2017),
- Zakon o mednarodni zaščiti – uradno prečiščeno besedilo – ZMZ-1-UPB1 (Uradni list RS, št. 16/17 z dne 7. 4. 2017).

ZAKON O MEDNARODNI ZAŠČITI (ZMZ-1)

(neuradno prečiščeno besedilo št. 2)

I. POGLAVJE

SPLOŠNE DOLOČBE

1. člen (vsebina)

(1) S tem zakonom se določajo temeljna načela in jamstva v postopkih mednarodne zaščite, postopek za priznanje, podaljšanje in

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The unofficial consolidated version of the International Protection Act comprises:

- International Protection Act – ZMZ-1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 22/16 of 25 March 2016),
- Act Amending the Foreigners Act – ZTuj-2D (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 5/17 of 3 February 2017),
- International Protection Act – Official Consolidated Text – ZMZ-1-UPB1 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 16/17 of 7 April 2017).

INTERNATIONAL PROTECTION ACT (ZMZ-1)

(Unofficial consolidated version No. 2)

CHAPTER I

GENERAL PROVISIONS

Article 1 (Contents)

(1) This Act lays down the fundamental principles and guarantees in procedures for international protection, the procedure for

odvzem mednarodne zaščite, trajanje in vsebina mednarodne zaščite ter obseg pravic in dolžnosti prosilcev za mednarodno zaščito in oseb, ki jim je priznana mednarodna zaščita.

(2) Ta zakon v skladu z:

- Direktivo 2013/32/EU Evropskega parlamenta in Sveta z dne 26. junija 2013 o skupnih postopkih za priznanje ali odvzem mednarodne zaščite (prenovitev) (UL L št. 180 z dne 29. 6. 2013, str. 60; v nadaljnjem besedilu: Direktiva 2013/32/EU) določa postopek za priznanje ali odvzem mednarodne zaščite;
- Direktivo 2013/33/EU Evropskega parlamenta in Sveta z dne 26. junija 2013 o standardih za sprejem prosilcev za mednarodno zaščito (prenovitev) (UL L št. 180 z dne 29. 6. 2013, str. 96; v nadaljnjem besedilu: Direktiva 2013/33/EU) določa pravice in obveznosti prosilcev za mednarodno zaščito;
- Direktivo 2011/95/EU Evropskega parlamenta in Sveta z dne 13. decembra 2011 o standardih glede pogojev, ki jih morajo izpolnjevati državljani tretjih držav ali osebe brez državljanstva, da so upravičeni do mednarodne zaščite, glede enotnega statusa beguncev ali oseb, upravičenih do subsidiarne zaščite, in glede vsebine te zaščite (prenovitev) (UL L št. 337 z dne 20. 12. 2011, str. 9; v nadaljnjem besedilu: Direktiva 2011/95/EU) določa pogoje za pridobitev mednarodne zaščite in njeno vsebino.

(3) Ta zakon za izvajanje:

- Uredbe (EU) št. 603/2013 Evropskega parlamenta in Sveta z dne 26. junija 2013 o vzpostavitvi sistema Eurodac za primerjavo prstnih odtisov zaradi učinkovite uporabe Uredbe (EU) št. 604/2013 o vzpostavitvi meril in mehanizmov za določitev države članice, odgovorne za obravnavanje prošnje za mednarodno zaščito, ki jo v eni od držav članic vložijo državljani tretje države ali oseba brez državljanstva, in o zahtevah za primerjavo s podatki iz sistema Eurodac, ki jih vložijo organi kazenskega pregona držav članic in Europol za namene kazenskega pregona, ter o spremembi Uredbe (EU) št. 1077/2011 o ustanovitvi Evropske agencije za operativno upravljanje obsežnih informacijskih sistemov s področja svobode, varnosti in pravice (prenovitev) (UL L št. 180 z dne 29. 6. 2013, str. 1; v nadaljnjem besedilu: Uredba 603/2013/EU) določa obveznosti v zvezi z oddajo prstnih odtisov;
- Uredbe (EU) št. 604/2013 Evropskega parlamenta in Sveta z dne

granting, extending and withdrawing international protection, the duration and content of international protection and the scope of the rights and obligations of applicants for international protection and persons who have been granted international protection.

(2) This Act:

- lays down the procedure for granting or withdrawing international protection, pursuant to Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (OJ L 180, 29.6.2013, p. 60; hereinafter: Directive 2013/32/EU);
- lays down the rights and obligations of applicants for international protection, pursuant to Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) (OJ L 180, 29.6.2013, p. 96; hereinafter: Directive 2013/33/EU);
- lays down the conditions for granting international protection and its content, pursuant to Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ L 337, 20.12.2011, p. 9; hereinafter: Directive 2011/95/EC).

(3) This Act:

- lays down the obligations related to fingerprinting, for the purpose of implementing Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in a Member State by a third-country national or a stateless person and on requests for a comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice (recast) (OJ L 180, 29.6.2013, p. 1; hereinafter: Regulation 603/2013/EU);
- lays down the obligation to undergo a personal interview before a

26. junija 2013 o vzpostavitvi meril in mehanizmov za določitev države članice, odgovorne za obravnavanje prošnje za mednarodno zaščito, ki jo v eni od držav članic vloži državljani tretje države ali oseba brez državljanstva (prenovitev) (UL L št. 180 z dne 29. 6. 2013, str. 31; v nadaljnjem besedilu: Uredba 604/2013/EU) določa obveznost osebnega razgovora pred odločitvijo o prošnji za mednarodno zaščito in rok za odločitev o prošnji za mednarodno zaščito, kadar se prošnja obravnava po postopku, določenem v Uredbi 604/2013/EU;

- Uredbe Sveta (ES) št. 767/2008 Evropskega parlamenta in Sveta z dne 9. julija 2008 o vizumskem informacijskem sistemu (VIS) in izmenjavi podatkov med državami članicami o vizumih za kratkoročno prebivanje (UL L št. 218 z dne 13. 8. 2008, str. 60; v nadaljnjem besedilu: Uredba 767/2008/ES) določa obveznost fotografiranja in odvzema prstnih odtisov osebi pred sprejemom prošnje za mednarodno zaščito;
- Uredbe Sveta (ES) št. 2252/2004 z dne 13. decembra 2004 o standardih za varnostne značilnosti in biometrične podatke v potnih listih in potovalnih dokumentih, ki jih izdajo države članice (UL L št. 385 z dne 29. 12. 2004, str. 1; v nadaljnjem besedilu: Uredba 2252/2004/ES) določa način izdaje potnih listov za begunce;
- Uredbe Sveta (ES) št. 1030/2002 z dne 13. junija 2002 o enotni obliki dovoljenja za prebivanje za državljane tretjih držav (UL L št. 157 z dne 15. 6. 2002, str. 1), zadnjič spremenjene z Uredbo Sveta (ES) št. 380/2008 z dne 18. aprila 2008 o spremembi Uredbe (ES) št. 1030/2002 o enotni obliki dovoljenja za prebivanje za državljane tretjih držav (UL L št. 115 z dne 29. 4. 2008, str. 1), (v nadaljnjem besedilu: Uredba 1030/2002), določa enotno obliko dovoljenj za prebivanje za državljane tretjih držav.

2. člen (opredelitev pojmov)

Posamezni izrazi, uporabljeni v tem zakonu, imajo naslednji pomen:

1. »mednarodna zaščita« pomeni status begunca in status subsidiarne zaščite;
2. »oseba, ki ji je priznana mednarodna zaščita«, je oseba, ki ji je priznan status begunca ali status subsidiarne zaščite;

decision is made on an application for international recognition and a time limit for a decision on an application for international protection when an application is processed under the procedure stipulated in Regulation 604/2013/EU, for the purpose of implementing Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in a Member State by a third-country national or a stateless person (recast) (OJ L 180, 29.6.2013, p. 31; hereinafter: Regulation 604/2013/EU);

- lays down the obligation to photograph and fingerprint persons before receiving their applications for international protection, for the purpose of implementing Council Regulation (EC) No 767/2008 of the European Parliament and of the Council of 9 July 2008 concerning the Visa Information System (VIS) and the exchange of data between Member States on short-stay visas (OJ L 218, 13.8.2008, p. 60; hereinafter: Regulation 767/2008/EC);
- lays down the method of issuing refugee passports, for the purpose of implementing Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L 385, 29.12.2004, p. 1; hereinafter: Regulation 2252/2004/EC);
- lays down the uniform format of residence permits for third-country nationals, for the purpose of implementing Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals (OJ L 154, 15.6.2002, p. 1), last amended by Council Regulation (EC) No 380/2008 of 18 April 2008 amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third-country nationals (OJ L 115, of 29.4.2008, p. 1); (hereinafter: Regulation 1030/2002).

Article 2 (Definitions)

For the purposes of this Act, the following definitions shall apply:

1. "international protection" shall mean refugee status and subsidiary protection status;
2. "person granted international protection" shall mean a person who has been granted refugee status or subsidiary protection status;

3. »begunec ali begunka (v nadaljnjem besedilu: begunec)« je državljan tretje države ali oseba brez državljanstva, ki ji je priznana zaščita iz drugega odstavka 20. člena tega zakona;
 4. »oseba s subsidiarno zaščito« je državljan tretje države ali oseba brez državljanstva, ki ji je priznana zaščita iz tretjega odstavka 20. člena tega zakona;
 5. »Ženevska konvencija« je Konvencija o statusu beguncev, podpisana v Ženevi 28. julija 1951, in Protokol o statusu beguncev, podpisan v New Yorku 31. januarja 1967 (Uradni list RS – MP, št. 9/92);
 6. »prošnja« je prošnja za mednarodno zaščito, s katero državljan tretje države ali oseba brez državljanstva zaprosi za zaščito po tem zakonu;
 7. »pristojni organ« je ministrstvo, pristojno za notranje zadeve, ki po tem zakonu vodi in odloča v postopkih mednarodne zaščite;
 8. »minister ali ministrica (v nadaljnjem besedilu: minister)« je minister, pristojen za notranje zadeve;
 9. »uradna oseba« je oseba, ki je zaposlena pri pristojnem organu;
 10. »vlagatelj namere« je državljan tretje države ali oseba brez državljanstva, ki je v Republiki Sloveniji in je pred uradnimi organi izrazil namen podati prošnjo za mednarodno zaščito;
 11. »prosilec ali prosilka (v nadaljnjem besedilu: prosilec)« je prosilec za mednarodno zaščito ali prosilka za mednarodno zaščito, ki je državljan tretje države ali oseba brez državljanstva in ki je v Republiki Sloveniji podal prošnjo za mednarodno zaščito;
 12. »oseba« je stranka v postopkih po tem zakonu;
 13. »tretja država« je država, ki ni članica Evropske unije;
 14. »državljan Evropske unije ali državljanica Evropske unije (v nadaljnjem besedilu: državljan Evropske unije)« je oseba, ki ima državljanstvo vsaj ene od držav članic Evropske unije;
 15. »tujec ali tujka (v nadaljnjem besedilu: tujec)« je oseba, kot jo opredeljuje zakon, ki ureja vstop, zapustitev in bivanje tujcev v Republiki Sloveniji, razen državljanov Evropske unije, prosilcev in oseb s priznano mednarodno zaščito;
 16. »oseba brez državljanstva« je oseba, ki je nobena država v skladu s svojo zakonodajo ne priznava za svojega državljana;
3. "refugee" shall mean a third-country national or a stateless person who has been granted the protection referred to in paragraph two of Article 20 of this Act;
 4. "person under subsidiary protection" shall mean a third-country national or a stateless person who has been granted the protection referred to in paragraph three of Article 20 of this Act;
 5. "Geneva Convention" shall mean the Convention relating to the status of refugees, done at Geneva on 28 July 1951 and the Protocol relating to the status of refugees, done at New York on 31 January 1967 (Official Gazette of the Republic of Slovenia – International Treaties [*Uradni list RS*], No. 9/92);
 6. "application" shall mean an application for international protection by which a third-country national or a stateless person requests protection pursuant to this Act;
 7. "competent authority" shall mean the ministry responsible for the interior, which conducts international protection procedures and takes decisions therein pursuant to this Act;
 8. "minister" shall be the minister responsible for the interior;
 9. "official" shall be a person employed with the competent authority;
 10. "person declaring the intention to file" shall mean a third-country national or a stateless person who is in the Republic of Slovenia and whose intention to apply for international protection has been expressed before an official authority;
 11. "applicant" shall mean an applicant for international protection who is a third-country national or a stateless person who has filed an application for international protection in the Republic of Slovenia;
 12. "person" shall mean a party to a procedure pursuant to this Act;
 13. "third country" shall mean a country other than a European Union Member State;
 14. "citizen of the European Union" shall mean a person who is a citizen of at least one of the Member States of the European Union;
 15. "foreigner" shall mean a person as defined by the Act governing the entry of foreigners into, the departure of foreigners from, and the residence of foreigners in the Republic of Slovenia, with the exception of citizens of the European Union, applicants or persons under international protection;
 16. "stateless person" shall mean a person who is not considered a citizen by any country under its legislation;

17. »izvorna država« je država, katere državljanstvo ima državljan tretje države, ali država, v kateri je oseba brez državljanstva imela svoje običajno prebivališče;
18. »običajno prebivališče« je prebivališče, kjer oseba živi vsaj eno leto, ima središče svojih življenjskih interesov, tam preživlja večino svojega nočnega počitka in ima tam shranjene svoje osebne stvari;
19. »Visoki komisariat Združenih narodov za begunce (UNHCR) (v nadaljnjem besedilu: Visoki komisariat)« je medvladna organizacija, ki je bila ustanovljena leta 1950 z namenom zagotavljanja zaščite in iskanja trajnih rešitev za begunce;
20. »mladoletnik ali mladoletnica (v nadaljnjem besedilu: mladoletnik)« je državljan tretje države ali oseba brez državljanstva, mlajša od 18 let;
21. »mladoletnik brez spremstva ali mladoletnica brez spremstva (v nadaljnjem besedilu: mladoletnik brez spremstva)« je mladoletnik, ki je na ozemlju Republike Slovenije brez staršev ali zakonitih zastopnikov;
22. »ranljiva oseba s posebnimi potrebami« je zlasti mladoletnik, mladoletnik brez spremstva, invalidna oseba, starejša oseba, nosečnica, starš samohranilec z mladoletnim otrokom, žrtev trgovanja z ljudmi, oseba z motnjami v duševnem razvoju, oseba s težavami v duševnem zdravju in žrtev posilstva, mučenja ali drugih težjih oblik psihičnega, fizičnega in spolnega nasilja;
23. »prosilec s posebnimi potrebami glede sprejema ali prosilka s posebnimi potrebami glede sprejema (v nadaljnjem besedilu: prosilec s posebnimi potrebami glede sprejema)« je ranljiva oseba s posebnimi potrebami, ki potrebuje posebna jamstva, da bi lahko uveljavljala pravice in izpolnjevala obveznosti glede sprejema, določene v tem zakonu;
24. »prosilec, ki potrebuje posebna jamstva v postopku mednarodne zaščite, ali prosilka, ki potrebuje posebna jamstva v postopku mednarodne zaščite (v nadaljnjem besedilu: prosilec, ki potrebuje posebna jamstva v postopku)«, je ranljiva oseba s posebnimi potrebami, ki zaradi osebnih okoliščin ne more v celoti uživati pravic in izpolnjevati obveznosti v zvezi s postopkom mednarodne zaščite, ki so določene v tem zakonu;
25. »družinski člani prosilca« so državljani tretje države ali osebe brez državljanstva, ki so skupaj s prosilcem v Republiki Sloveniji in so člani družine, ki je obstajala že pred prihodom v Republiko Slovenijo. To so:
 17. "country of origin" shall mean the country of citizenship of a third-country national or the country of the former habitual residence of a stateless person;
 18. "habitual residence" shall mean the residence where a person has resided for at least one year and where the centre of his or her vital interests lies, where he or she spends most of his or her night-time rest and where he or she keeps his or her possessions;
 19. "United Nations High Commissioner for Refugees (UNHCR) (hereinafter: High Commissioner)" shall mean the intergovernmental organisation established in 1950 for the protection of refugees and the promotion of lasting solutions for refugees;
 20. "minor" shall mean a third-country national or a stateless person below the age of 18 years;
 21. "unaccompanied minor" shall mean a minor who arrives on the territory of the Republic of Slovenia unaccompanied by parents or statutory representatives;
 22. "vulnerable person with special needs" shall mean, in particular, a minor, an unaccompanied minor, a disabled person, an elderly person, a pregnant woman, a single parent with a minor child, a victim of trafficking in human beings, a person with a mental health disorder, a person with mental health problems, or a victim of rape, torture or other severe forms of psychological, physical and sexual abuse;
 23. "applicant with special reception needs" shall mean a vulnerable person with special needs who needs special guarantees in order to exercise the rights and comply with the obligations regarding reception referred to in this Act;
 24. "applicant in need of special guarantees in the procedure for international protection" shall mean a vulnerable person with special needs whose ability to enjoy the rights and comply with the obligations regarding the procedure for international protection stipulated by this Act is limited due to individual circumstances;
 25. "family members of an applicant" shall mean third-country nationals or stateless persons who are present in the Republic of Slovenia and who are members of the family that already existed before their arrival in the Republic of Slovenia. The following shall be deemed to

- zakonec prosilca, registrirani partner ali partner, s katerim prosilec živi v dalj časa trajajoči življenjski skupnosti, pri čemer se v poligamni zvezi za družinskega člana šteje le ena oseba, in sicer tista, ki jo določi prosilec,
 - mladoletni otroci prosilca ali osebe iz prejšnje alineje, če so neporočeni, ne glede na to, ali so bili rojeni v zakonski ali zunajzakonski skupnosti ali posvojeni,
 - otrok prosilca, rojen v Republiki Sloveniji,
 - oče, mati ali druga odrasla oseba, ki je za prosilca odgovorna, če je prosilec mladoleten in neporočen,
 - drug sorodnik prosilca, če med njima obstoji življenjska skupnost, ki je v bistvenem podobna primarni družini oziroma ima enako funkcijo, kot jo ima družina, kar pomeni predvsem pristne družinske vezi med družinskimi člani, fizično skrb, varstvo, zaščito, čustveno podporo in finančno odvisnost;
26. »svetovalec za begunce ali svetovalka za begunce (v nadaljnjem besedilu: svetovalec za begunce)« je oseba, ki je imenovana za svetovalca za begunce po določbah tega zakona;
27. »azilni dom ali njegova izpostava« je objekt ministrstva, pristojnega za notranje zadeve, namenjen nastanitvi prosilcev za mednarodno zaščito;
28. »integracijska hiša« je objekt ministrstva, pristojnega za notranje zadeve, namenjen nastanitvi oseb s priznano mednarodno zaščito;
29. »hudo kaznivo dejanje nepolitične narave« pomeni kaznivo dejanje nepolitične narave, za katero je v Republiki Sloveniji predpisana kazen zapora, daljša od treh let;
30. »hudo kaznivo dejanje« pomeni kaznivo dejanje, za katero je v Republiki Sloveniji predpisana kazen zapora najmanj treh let;
31. »nevarnost pobega« pomeni, da so v posameznem primeru podane okoliščine, na podlagi katerih je mogoče utemeljeno sklepati, da bo oseba pobegnila.

II. POGLAVJE

be family members:

- the applicant's spouse, registered partner or partner who has been living with the applicant in a relationship for an extended period, whereas in the case of polygamy, only one person shall be deemed to be such family member, i.e. the one designated by the applicant,
 - minor children of the applicant or the person referred to in the preceding indent on condition that they are unmarried and regardless of whether they were born in wedlock or in an extra-marital relationship or were adopted,
 - the applicant's children born in the Republic of Slovenia,
 - the father, mother or another adult who is responsible for the applicant if the applicant is a minor and unmarried,
 - other relatives of the applicant when they live in a community which is essentially the same as a nuclear family or has the same function as a family, which shall mean, in particular, genuine family ties among the members, physical care, protection, emotional support and financial dependence;
26. "refugee counsellor" shall mean a person who is appointed as a refugee counsellor under the provisions of this Act;
27. "Asylum Centre or a branch thereof" shall mean a facility of the ministry responsible for the interior intended for housing applicants for international protection;
28. "integration house" shall mean a facility of the ministry responsible for the interior intended for housing persons granted international protection;
29. "serious non-political criminal offence" shall mean a criminal offence of a non-political nature for which a sentence of more than three years of imprisonment is prescribed in the Republic of Slovenia;
30. "serious criminal offence" shall mean a criminal offence for which a sentence of at least three years of imprisonment is prescribed in the Republic of Slovenia;
31. "risk of absconding" shall mean the existence of individual circumstances providing grounds for believing that the person will abscond.

CHAPTER II

TEMELJNA NAČELA IN JAMSTVA

1. oddelek

SPLOŠNE DOLOČBE

3. člen (temeljna načela)

(1) Pristojni organ objektivno in nepristransko ugotavlja:

- pogoje za priznanje mednarodne zaščite v enotnem postopku,
- razloge za odvzem mednarodne zaščite,
- razloge za podaljšanje subsidiarne zaščite.

(2) Postopke po tem zakonu lahko vodijo samo uradne osebe, ki so ustrezno usposobljene za vodenje postopkov po tem zakonu.

(3) V postopkih po tem zakonu se upoštevajo temeljna postopkovna jamstva iz 4. člena tega zakona.

(4) Pri delu z mladoletniki se upošteva načelo največje otrokove koristi.

(5) Pristojni organ pri svojem delu upošteva načelo ohranjanja enotnosti družine.

4. člen (temeljna postopkovna jamstva)

V postopkih po tem zakonu je vsaki osebi zagotovljeno:

- informiranje,
- tolmačenje in prevajanje,

FUNDAMENTAL PRINCIPLES AND GUARANTEES

Section 1

GENERAL PROVISIONS

Article 3 (Fundamental principles)

(1) The competent authority shall determine objectively and impartially:

- the conditions for granting international protection in a single procedure,
- the grounds for withdrawing international protection,
- the grounds for extending subsidiary protection.

(2) The procedures referred to in this Act shall only be conducted by officials properly trained to process cases according to the procedures under this Act.

(3) In the procedures referred to in this Act, the fundamental procedural guarantees referred to in Article 4 of this Act shall apply.

(4) Where minors are involved, the principle of the child's best interests shall be observed.

(5) In performing its work, the competent authority shall observe the principle of preserving family unity.

Article 4 (Fundamental procedural guarantees)

Every person subject to the procedures referred to in this Act shall be guaranteed the following:

- information,
- interpreting and translation services,

- dostop do Visokega komisariata in organizacij, ki zagotavljajo pravno svetovanje;
- prejem odločitve v postopku v pisni obliki in s prevodom bistvenih delov v jezik, ki ga oseba razume.

5. člen (informiranje)

(1) V okviru informiranja se vlagatelju namere pred začetkom postopka sprejema prošnje zagotovijo informacije o postopkih po tem zakonu, pravicah in dolžnostih prosilcev, možnih posledicah neupoštevanja obveznosti in nesodelovanja s pristojnim organom, rokov za uveljavljanje pravnih sredstev ter informacije o svetovalcih za begunce in nevladnih organizacijah, ki delujejo na področju mednarodne zaščite.

(2) Informacije iz prejšnjega odstavka se zagotovijo v jeziku, ki ga oseba razume.

(3) Na prošnjo prosilca se v postopkih brezplačno zagotavljajo vse informacije v zvezi z njegovim postopkom za priznanje mednarodne zaščite.

6. člen (tolmačenje in prevajanje)

(1) Če oseba ne razume uradnega jezika, se ji za spremljanje postopkov po tem zakonu zagotovi tolmač za jezik, ki ga razume.

(2) Pomoč tolmača je zagotovljena pri sprejemu prošnje in pri osebnih razgovorih, v drugih utemeljenih primerih pa po odločitvi pristojnega organa.

(3) Če oseba pristojnemu organu predloži obsežno listinsko dokumentacijo, jo lahko pristojni organ pozove, da v določenem roku v predloženi dokumentaciji označi dele za prevod, ki so po njenem mnenju

- access to the High Commissioner and organisations providing legal advice,
- a written decision on the procedure, including a translation of the essential parts into a language that the person understands.

Article 5 (Information)

(1) Prior to having his or her application processed, a person declaring the intention to file shall be informed of the procedures referred to in this Act, the rights and obligations of applicants, possible consequences of not complying with their obligations and not cooperating with the competent authority, and the time limits for the exercise of legal remedies, and shall be provided information on refugee counsellors and non-governmental organisations working in the field of international protection.

(2) The information referred to in the preceding paragraph shall be in a language that the person understands.

(3) On request, an applicant shall be provided, free of charge, all information concerning his or her procedure for granting international protection.

Article 6 (Interpreting and translation)

(1) If the person does not understand the official language, he or she shall receive the services of an interpreter for a language he or she understands in order to be able to follow the procedures under this Act.

(2) The services of an interpreter shall be provided upon receiving an application and during personal interviews, while in other well-founded cases such services shall be provided at the discretion of the competent authority.

(3) If the documentation submitted to the competent authority is extensive, the competent authority may call upon the person to mark the essential parts of the documentation for translation within a certain time

najbolj bistveni.

(4) Če oseba ne ravna v skladu s pozivom pristojnega organa iz prejšnjega odstavka, pristojni organ listin ni dolžan upoštevati pri ugotavljanju dejanskega stanja.

(5) Oseba je v jeziku, ki ga razume, seznanjena z vsebino pisne odločitve. V ta jezik se prevedejo izrek, bistveni razlogi za odločitev in pravni pouk.

(6) Osebi se, kadar je to mogoče, na njeno zahtevo zagotovi tolmača istega spola.

(7) Za tolmača je lahko izbran, kdor izpolnjuje naslednje pogoje:

- je vreden zaupanja,
- je poslovno sposoben in ima splošno zdravstveno zmožnost,
- poda dokazila o znanju jezika,
- se z izjavo zaveže, da ne bo sodeloval z diplomatsko-konzularnim predstavništvom države, katere jezik tolmači, ali drugače sodeloval z oblastmi te države na način, ki zbuja sum v nepristranskost in spoštovanje zaupnosti v postopkih,
- ni pravnomočno kaznovan za kaznivo dejanje, za katero se storilec preganja po uradni dolžnosti in za katero je zagrožena kazen zapora šestih mesecev ali hujša kazen,
- ni v kazenskem postopku za kaznivo dejanje, za katero se storilec preganja po uradni dolžnosti in za katero je zagrožena kazen zapora šestih mesecev ali hujša kazen.

(8) Ni vreden zaupanja tisti, za katerega je na podlagi dosedanjega dela, ravnanja ali obnašanja utemeljeno sklepati, da tolmačenja ne bo opravljal strokovno, pošteno ali vestno ali da kot tolmač ne bo varoval ugleda instituta tolmačenja in nepristranskosti ali da bo kršil pravila kodeksa iz desetega odstavka tega člena.

(9) Tolmač ministrstvo, pristojno za notranje zadeve (v nadaljnjem besedilu: ministrstvo), takoj obvesti o obstoju možnosti

frame.

(4) If a person fails to comply with the competent authority's request referred to in the preceding paragraph, the competent authority shall not be obliged to take the documentation into consideration when establishing the facts.

(5) A person shall be informed of the content of the written decision in a language he or she understands. The operative part of the decision, the grounds underlying the decision and the legal instruction shall be translated into this language.

(6) If possible, a person shall be provided with an interpreter of the same sex if he or she so requests.

(7) Persons selected as interpreters shall fulfil the following conditions:

- they are trustworthy,
- they have contractual capacity and are in good general health,
- they provide proof of their command of the language,
- they undertake, by way of a declaration, not to cooperate with a diplomatic or consular representation office of the country whose official language they are interpreting, or with the authorities of the country in a manner that raises suspicion as to the interpreter's impartiality or disrespect for confidentiality in procedures,
- they have not been convicted by a final decision with respect to a criminal offence prosecuted *ex officio* for which a sentence of six months or more of imprisonment is prescribed,
- they are not subject to criminal proceedings for a criminal offence prosecuted *ex officio* for which a sentence of six months or more of imprisonment is prescribed.

(8) A person shall not be considered trustworthy if his or her previous work, actions and conduct fail to justify the belief that he or she will interpret in a professional, fair or conscientious manner, or that, as an interpreter, he or she will fail to safeguard the reputation of the institutions of interpretation and impartiality, or that he or she will not comply with the rules of the Code referred to in paragraph ten of this Article.

(9) An interpreter shall immediately inform the ministry responsible for the interior (hereinafter: the ministry) of a potential conflict

konflikta interesov, kadar opravlja storitev tolmačenja za druge naročnike na ozemlju Republike Slovenije ali zunaj njega, zlasti kadar bi to povzročilo kršitev varovanja osebnih podatkov prosilca pred organi njegove izvirne države.

(10) Tolmač je pri svojem delu zavezan spoštovati pravila Kodeksa ravnanja tolmačev in prevajalcev v postopkih za priznanje mednarodne zaščite, ki ga sprejme minister.

(11) Ministrstvo seznaniti tolmače s pravili in posebnostmi tolmačenja v postopkih mednarodne zaščite in z njihovo vlogo v teh postopkih.

(12) Ministrstvo lahko za pomoč pri tolmačenju v jezik, za katerega v Republiki Sloveniji ni mogoče zagotoviti tolmača, zaprosi drugo državo članico Evropske unije, institucijo Evropske unije ali drugo mednarodno organizacijo.

(13) Tolmačenje se lahko izvaja tudi prek sodobnih elektronskih medijev, če je zagotovljen varen prenos podatkov.

(14) Sredstva za izvajanje tolmačenja in prevajanja v postopkih pred pristojnim organom zagotavlja ministrstvo.

7. člen (Visoki komisariat)

(1) Osebi, obravnavani po tem zakonu, se ne sme odreči komunikacija z Visokim komisariatom.

(2) Visoki komisariat pridobiva od pristojnega organa podatke in informacije o:

- stanju na področju mednarodne zaščite v Republiki Sloveniji;
- uporabi in izvajanju Ženevske konvencije in drugih mednarodnih aktov v zvezi z mednarodno zaščito;
- zakonih, predpisih in drugih splošnih pravnih aktih, ki veljajo ali so v pripravi na področju mednarodne zaščite.

(3) Visoki komisariat ima pravico dostopa do:

of interests when he or she interprets for other employers in the territory of the Republic of Slovenia or elsewhere, especially where this could lead to a violation of the protection of an applicant's personal data before the authorities of his or her country of origin.

(10) When providing his or her services, an interpreter shall respect the Code of conduct of interpreters and translators in the procedures for granting international protection adopted by the minister.

(11) The ministry shall inform interpreters of the rules and particularities of interpreting in procedures for granting international protection and their role in these procedures.

(12) The ministry may request assistance from another European Union Member State, an institution of the European Union or another international organisation with respect to a language for which it is impossible to provide an interpreter in the Republic of Slovenia.

(13) Interpreting may also be provided through modern electronic media if the secure transfer of data is ensured.

(14) Interpreting and translation services in procedures before the competent authority shall be paid for from the ministry's funds.

Article 7 (High Commissioner)

(1) A person whose case is processed under this Act shall not be denied the opportunity to communicate with the High Commissioner.

(2) The High Commissioner shall obtain data and information from the competent authority regarding:

- the situation in the field of international protection in the Republic of Slovenia;
- the application and implementation of the Geneva Convention and other international acts related to international protection;
- the laws, regulations and other general legal acts related to international protection that are in force or are being drafted.

(3) The High Commissioner shall have the right to contact:

- oseb iz 10. točke 2. člena tega zakona in prosilcev na ozemlju Republike Slovenije in na meji ter v tranzitnih območjih letališč in pristanišč;
- podatkov o številu vloženih prošenj;
- podatkov o poteku postopkov;
- izdanih odločitev v teh postopkih.

(4) Pogoji za izvajanje tretje in četrte alineje prejšnjega odstavka je podano soglasje prosilca.

(5) Določbe o delovanju Visokega komisariata v Republiki Sloveniji za izvajanje tega zakona veljajo tudi za organizacije, ki delujejo v imenu Visokega komisariata na ozemlju Republike Slovenije. O prenosu nalog in načinu ter obsegu delovanja organizacije v Republiki Sloveniji, Visoki komisariat obvesti pristojni organ. Visoki komisariat in organizacija lahko o prenosu nalog in medsebojnih razmerjih delovanja skleneta sporazum.

8. člen

(usposobljenost uslužbencev pristojnega organa)

(1) Uradnim osebam se za delo po tem zakonu zagotavlja redna usposabljanja, še zlasti glede:

- obravnave mladoletnikov in nudenja pomoči pri njihovem učinkovitem uveljavljanju pravic v skladu s tem zakonom,
- prepoznavanja znakov, ki bi lahko negativno vplivali na sposobnost osebe za osebni razgovor,
- uporabe Uredbe 604/2013/EU o osebnih razgovorih v skladu s tretjo alinejo prvega odstavka 46. člena tega zakona in
- obravnavanja žrtev mučenja, posilstva ali drugih hudih nasilnih dejanj.

(2) Za organiziranje in izvedbo rednih usposabljanj iz prejšnjega odstavka skrbi ministrstvo, drugi državni organi pa lahko zagotavljajo podporo in strokovno znanje.

9. člen

- the persons referred to in point 10 of Article 2 of this Act and applicants on the territory of the Republic of Slovenia, at the border and in the transit zones of airports and ports;
- information on the number of applications lodged;
- information on the course of procedures;
- decisions issued in these procedures.

(4) The implementation of indents three and four of the preceding paragraph shall be subject to the applicant's consent.

(5) The provisions regarding the activity of the High Commissioner in the Republic of Slovenia for the purposes of implementing this Act shall also apply to organisations operating on behalf of the High Commissioner on the territory of the Republic of Slovenia. The High Commissioner shall inform the competent authority of the transfer of tasks and the method and scope of operation of such organisations in the Republic of Slovenia. The High Commissioner and such organisations may conclude an agreement on the transfer of tasks and mutual relations.

Article 8

(Qualifications of the competent authority's staff)

(1) In order to discharge tasks under this Act, officials shall receive regular training in particular regarding the following:

- the treatment of minors and assistance to minors in exercising their rights in accordance with his Act,
- the identification of signs which could adversely affect the person's ability to be interviewed,
- the application of Regulation 604/2013/EU in personal interviews in accordance with indent three of paragraph one of Article 46 of this Act and
- the treatment of victims of torture, rape or other severe acts of violence.

(2) The ministry shall be responsible for the organisation and performance of the regular training referred to in the preceding paragraph, while other public authorities may provide support and expertise.

Article 9

(svetovalci za begunce)

(1) Svetovalec za begunce daje podporo in zagotavlja pravno pomoč v postopkih po tem zakonu na Upravnem sodišču Republike Slovenije (v nadaljnjem besedilu: upravno sodišče) in Vrhovnem sodišču Republike Slovenije (v nadaljnjem besedilu: vrhovno sodišče).

(2) Minister, pristojen za pravosodje, imenuje svetovalce za begunce za petletno obdobje. Za postopek imenovanja se smiselno uporabljajo določbe zakona, ki ureja splošni upravni postopek.

(3) Razpis za svetovalce za begunce objavi ministrstvo, pristojno za pravosodje, v Uradnem listu Republike Slovenije. Odločba o imenovanju svetovalca za begunce je dokončna.

(4) Za svetovalca za begunce je lahko imenovan, kdor:

- je državljan Republike Slovenije ali druge države članice Evropske unije ali države članice Evropskega gospodarskega prostora;
- je poslovno sposoben in ima splošno zdravstveno zmožnost;
- je opravil pravniški državni izpit ali ima v Republiki Sloveniji zaključeno univerzitetno izobrazbo pravne smeri ali je končal enako raven izobraževanja v tujini, priznано v skladu z zakonom, ki ureja priznavanje in vrednotenje izobraževanja, in ima opravljeno preverjanje znanja iz splošnega upravnega postopka, upravnega spora, prava človekovih pravic in prava mednarodne zaščite ter aktivno obvlada slovenski jezik;
- je vreden zaupanja za opravljanje dela svetovalca za begunce;
- je ob prijavi mlajši od 75 let;
- ni pravnomočno kaznovan za kaznivo dejanje, za katero se storilec preganja po uradni dolžnosti in za katero je zagrožena kazen zapora šestih mesecev ali hujša kazen;
- ni v kazenskem postopku za kaznivo dejanje, za katero se storilec preganja po uradni dolžnosti in za katero je zagrožena kazen zapora šestih mesecev ali hujša kazen;
- ni v delovnem ali službenem razmerju z Republiko Slovenijo.

(Refugee counsellors)

(1) Refugee counsellors shall provide support and legal assistance in the procedures under this Act before the Administrative Court of the Republic of Slovenia (hereinafter: the Administrative Court) and the Supreme Court of the Republic of Slovenia (hereinafter: the Supreme Court).

(2) The minister responsible for justice shall appoint refugee counsellors for a period of five years. The provisions of the Act governing the general administrative procedure shall apply *mutatis mutandis* to the appointment procedure.

(3) A call for applications for the selection of refugee counsellors shall be published by the ministry responsible for justice in the Official Gazette of the Republic of Slovenia. The decision on the appointment of a refugee counsellor shall be final.

(4) Persons appointed as refugee counsellors shall fulfil the following conditions:

- they are citizens of the Republic of Slovenia or a European Union Member State or a Member State of the European Economic Area;
- they have contractual capacity and are in a good general health;
- they have passed the national bar exam or have acquired a university degree in law in the Republic of Slovenia or a comparable degree abroad that has been recognised in accordance with the Act governing the recognition and evaluation of education, and have passed an examination on the general administrative procedure, administrative disputes, human rights law and international protection law, and are fluent in the Slovenian language;
- they are trustworthy in respect of performing the work of a refugee counsellor;
- they are not older than 75 years when applying;
- they have not been convicted by a final decision with respect to a criminal offence prosecuted *ex officio* for which a sentence of six months or more is prescribed;
- they are not subject to criminal proceedings for a criminal offence prosecuted *ex officio* for which a sentence of six months or more is prescribed;
- they are not in an employment relation or officially affiliated with the Republic of Slovenia.

(5) Poleg podatkov iz prejšnjega odstavka kandidati za svetovalce za begunce v prijavi na razpis navedejo tudi osebno ime, naslov prebivališča in kontaktne podatke (telefonska številka in naslov elektronske pošte).

(6) Odvetnikom, vpisanim v imenik odvetnikov po zakonu, ki ureja odvetništvo, ni treba dokazovati pogojev, navedenih od prve do pete alineje četrtega odstavka tega člena.

(7) Za opravljanje nalog svetovalca za begunce ni vreden zaupanja tisti, za katerega je na podlagi dosedanjega dela, ravnanja ali obnašanja utemeljeno sklepati, da svojih nalog ne bo opravljal strokovno, pošteno ali vestno ali da kot svetovalec za begunce ne bo varoval ugleda instituta svetovanja ter nepristranskosti.

(8) Svetovalci za begunce so dolžni najpozneje v treh mesecih od imenovanja opraviti usposabljanje na področju prava mednarodne zaščite, ki ga izvajajo Center za izobraževanje v pravosodju ali drug državni organ, pooblaščen organizacija ali strokovno združenje. Svetovalci za begunce ne smejo dajati podpore in pravne pomoči kot svetovalci za begunce po določbah tega zakona, dokler ne opravijo usposabljanja. Usposabljanje je brezplačno. Sredstva za izvedbo usposabljanja zagotavlja ministrstvo, pristojno za pravosodje.

(9) Vsebino in obseg usposabljanja iz prejšnjega odstavka ter preverjanja znanj iz tretje alineje četrtega odstavka tega člena v okviru Centra za izobraževanje v pravosodju določi minister, pristojen za pravosodje. Obveznost usposabljanja ter preverjanja znanj ne velja za svetovalce za begunce, če imajo najmanj eno leto praktičnih izkušenj s področja mednarodne zaščite, zlasti, če so že delali kot svetovalci za begunce oziroma kot odvetniki izvrševali zastopanje prosilcev po tem zakonu v vsaj treh zadevah pred sodišči.

(10) Svetovalca za begunce minister, pristojen za pravosodje, razreši:

- če se ugotovi, da ne izpolnjuje več z zakonom predpisanih pogojev, razen pogoja iz pete alineje četrtega odstavka tega člena, ko funkcija svetovalcu preneha po samem zakonu,

(5) In addition to the data referred to in the preceding paragraph, candidates for refugee counsellors shall also provide their name, residential address and contact information (telephone number and e-mail address) when responding to a call for applications.

(6) Attorneys entered in the Register of Attorneys pursuant to the act governing attorneyship shall not have to prove their qualifications referred to in indents one through five of paragraph four of this Article.

(7) A person whose previous work, actions and conduct fail to justify the belief that he or she will discharge tasks in a professional, honest or conscientious manner, or that, as a refugee counsellor, he or she will fail to safeguard the reputation of the institutions of counselling and impartiality shall be deemed not trustworthy in respect of performing the work of a refugee counsellor.

(8) Within three months of their appointment at the latest, refugee counsellors shall undergo training on international protection law provided by the Judicial Training Centre or another state body, authorised organisation or professional association. Refugee counsellors must not provide support or legal assistance as refugee counsellors pursuant to this Act until they have completed such training. The training shall be free of charge. Funds for training shall be provided by the ministry responsible for justice.

(9) The content and scope of the training referred to in the preceding paragraph and the examinations referred to in indent three of paragraph four of this Article within the scope of the Judicial Training Centre shall be determined by the minister responsible for justice. The obligation to undergo training and take the examinations shall not apply to refugee counsellors holding at least one year of practical experience in the field of international protection, especially where they have already worked as refugee counsellors, or have represented applicants pursuant to this Act as attorneys in no less than three cases before courts.

(10) The minister responsible for justice shall relieve a refugee counsellor of his or her duties:

- where it is established that he or she no longer fulfils the statutory conditions, except for the condition referred to in indent five of paragraph four of this Article, when the function terminates in

- če je pravnomočno obsojen za kaznivo dejanje, ki se preganja po uradni dolžnosti, na kazen zapora šestih mesecev ali na hujšo kazen,
- na lastno željo,
- če ne opravi usposabljanja iz osmega odstavka tega člena,
- ne opravlja funkcije svetovalca za begunce ali če je ne opravlja redno ali vestno.

(11) Šteje se, da svetovalac za begunce ne opravlja svoje funkcije, če prosilcem v treh zadevah v enem letu odkloni podporo in pomoč ali če svetovalac ne obvešča prosilca oziroma zakonitega zastopnika o postopku. O dostopanju prosilcev do svetovalcev za begunce ministrstvo, pristojno za pravosodje, upravlja evidenco, v kateri zaradi izvajanja določb prejšnjega odstavka in prejšnjega stavka tega odstavka poleg osebnih podatkov svetovalca za begunce iz petega odstavka tega člena obdeluje tudi podatke o zavrnitvi podpore in pomoči ali nerednem ali nevestnem delu, o katerih ga obvesti ministrstvo, upravno sodišče ali vrhovno sodišče.

(12) Ministrstvo, pristojno za pravosodje, lahko na podlagi obrazložene zahteve pridobi potrebne podatke ali informacije o razlogih za razrešitev svetovalca za begunce od vseh upravljavcev osebnih podatkov, razen tistih podatkov, glede katerih zakon določa, da so del zaupnega razmerja ali del poklicne skrivnosti, oziroma da se podatki lahko pridobijo na podlagi odločbe sodišča samo za uporabo v drugih sodnih postopkih ali za potrebe predkazenskega postopka.

10. člen (imenik svetovalcev za begunce)

(1) Ministrstvo, pristojno za pravosodje, za odločanje in vodenje postopkov po tem zakonu in za zagotavljanje pravne varnosti v postopkih pred sodišči in upravnimi organi upravlja imenik svetovalcev za begunce, ki vsebuje naslednje podatke: osebno ime, stalno ali začasno prebivališče, znanstveni ali strokovni naslov, datum imenovanja, poklic, datum in kraj rojstva, enotno matično številko občana (EMŠO), za

- accordance with the Act itself,
- where he or she has been convicted by a final decision with respect to a criminal offence prosecuted *ex officio* for which a sentence of six months or more of imprisonment is prescribed,
- at his or her own request,
- where he or she has failed to undergo the training referred to in paragraph eight of this Article,
- where he or she has failed to perform the function of a refugee counsellor or has failed to perform it regularly or conscientiously.

(11) It shall be deemed that a refugee counsellor has failed to perform his or her function if he or she has denied support and assistance to applicants in three cases within a period of one year, or where he or she has failed to regularly notify the applicant or statutory representative of the procedure. The ministry responsible for justice shall keep a register of applicants' access to refugee counsellors in which it shall – in order to implement the provisions of the preceding paragraph and the previous sentence of this paragraph – process the personal data of refugee counsellors referred to in paragraph five of this Article and the information on denied support and assistance, or irregular or negligent work brought to its attention by the ministry, the Administrative Court or the Supreme Court.

(12) Following a reasoned request, the ministry responsible for justice may ask a data controller to provide data or information necessary to substantiate the grounds for the dismissal of a refugee counsellor, except for information which, as provided under the law, is considered part of a confidential relationship or professional secret or that may be obtained by way of a court decision solely for the purposes of other court proceedings or pre-trial criminal proceedings.

Article 10 (Directory of refugee counsellors)

(1) For the purposes of conducting procedures pursuant to this Act, taking decisions and guaranteeing legal security in procedures before courts and administrative bodies, the ministry responsible for justice shall keep a directory of refugee counsellors containing the following information on such persons: personal name, permanent or temporary residence, academic or professional title, date of appointment,

državljanke držav članic Evropske unije ali Evropskega gospodarskega prostora pa tudi številko potnega lista, poštni naslov, na katerem je svetovalec za begunce dosegljiv, kontaktno številko telefona, kontaktno številko telefaksa, kontaktni naslov elektronske pošte in podatke o zaposlitvi ali drugem statusu.

(2) Imenik svetovalcev za begunce je za pravno varnost, delovanje sodstva in drugih državnih organov v sodnih in drugih postopkih ter informiranje prosilcev javen v delu, ki obsega naslednje podatke: osebno ime svetovalca za begunce, znanstveni ali strokovni naslov in kontaktno številko telefona in telefaksa ter naslov elektronske pošte. Javni del imenika se lahko objavi na spletni strani ministrstva, pristojnega za pravosodje.

(3) Za potrebe posodabljanja imenika ter vodenja ali odločanja v postopkih po tem zakonu ali drugih zakonih lahko ministrstvo, pristojno za pravosodje, pridobiva in obdeluje podatek o stalnem in začasnem prebivališču svetovalca za begunce od upravljavca centralnega registra prebivalstva vsakih šest mesecev ali če obstaja dvom, da svetovalec za begunce ministrstvu ni sporočil točnega podatka. Za namene iz prejšnjega stavka lahko ministrstvo, pristojno za pravosodje, podatek o vpisu svetovalca za begunce v kazensko evidenco ali izpisu svetovalca za begunce iz nje glede kaznivih dejanj iz četrtega odstavka prejšnjega člena pridobi od upravljavca kazenske evidence in ga obdeluje za ta namen. Za namene iz prvega stavka tega odstavka lahko ministrstvo, pristojno za pravosodje, pridobiva in obdeluje podatek o datumu smrti svetovalca za begunce od upravljavca matičnega registra.

(4) Za namene iz prejšnjega odstavka je svetovalec za begunce dolžan pisno ali po elektronski poti sporočiti ministrstvu, pristojnemu za pravosodje, vsako spremembo podatkov o poštnem naslovu, na katerem je dosegljiv, naslovu stalnega ali začasnega prebivališča, kontaktni telefonski številki oziroma kontaktni številki telefaksa ali naslovu elektronske pošte.

(5) Svetovalec za begunce je dolžan poslati pisno izjavo, da so vsi podatki, ki jih glede njega upravlja ministrstvo, pristojno za pravosodje,

occupation, date and place of birth, personal identification number (EMŠO), and, in the case of citizens of the European Union or European Economic Area, also the passport number, the postal address where he or she can be contacted, telephone number, fax number, e-mail address and information on employment or other status.

(2) For the purpose of legal security, the functioning of the judiciary and other state bodies in court and other proceedings, as well as for other procedures and notification of refugees, the directory of refugee counsellors shall be public as regards the part containing the following information: the refugee counsellor's personal name, academic or professional title, telephone number and e-mail address. The public part of the directory may be published on the website of the ministry responsible for justice.

(3) For the purpose of updating the directory and conducting procedures or taking decisions in procedures pursuant to this Act or other acts, the ministry responsible for justice may obtain data on the permanent and temporary residence of a refugee counsellor from the authority responsible for administering the data of the central population register and process it every six months, or in the event of doubt as to whether the refugee counsellor has communicated accurate data to the ministry. For the purposes referred to in the previous sentence, the ministry responsible for justice may obtain data on the (de)registration of a refugee counsellor in criminal records or with respect to the criminal acts referred to in paragraph four of the preceding article from the authority responsible for administering criminal records, and process it for the stated purpose. For the purposes referred to in the first sentence of this paragraph, the ministry responsible for justice may obtain and process data on the date of death of a refugee counsellor from the authority responsible for administering the civil register.

(4) For the purposes referred to in the preceding paragraph, a refugee counsellor shall notify the ministry responsible for justice in writing or by electronic means of any change to the data, including the postal address where he or she can be contacted, the address of his or her permanent or temporary residence, telephone number or fax number and e-mail address.

(5) Refugee counsellors shall submit a written statement confirming that all data about him or her administered by the ministry

v imeniku svetovalcev za begunce, točni, in sicer do konca vsakega prvega meseca v koledarskem letu, če pa gre za spremembo podatkov, pa v roku enega meseca od nastale spremembe. Če svetovalec za begunce pisne izjave v navedenem roku ne pošlje, ga ministrstvo, pristojno za pravosodje, izbriše iz javnega dela imenika, ponovno pa ga v ta del imenika vpiše po prejemu zahtevane izjave.

11. člen (nagrada za pravno pomoč)

(1) Svetovalci za begunce imajo pravico do nagrade za opravljeno delo in do povračila stroškov za opravljeno pravno pomoč v zvezi s postopki po tem zakonu na upravnem in vrhovnem sodišču. Sredstva za izplačilo nagrad in povračilo stroškov zagotavlja ministrstvo.

(2) Pravica do nagrade za opravljeno delo in povračilo stroškov svetovalcem za begunce ne pripada, če je iz uradnih evidenc pristojnega organa razvidno, da je prosilec samovoljno zapustil azilni dom ali njegovo izpostavo več kot tri dni, preden je bila vložena tožba pred upravnim sodiščem.

(3) Način dostopa prosilca do svetovalca za begunce, merila za določitev nagrade za opravljeno delo in povračilo stroškov določi minister.

2. oddelek

OBRAVNAVA RANLJIVIH OSEB S POSEBNIMI POTREBAMI

12. člen (ranljive osebe s posebnimi potrebami)

Ranljivim osebam s posebnimi potrebami se v postopkih po tem zakonu zagotavlja posebna nega, skrb in obravnava.

responsible for justice in the directory of refugee counsellors is correct by the end of every first month in the calendar year, or within one month following a change in data. If a refugee counsellor fails to submit a written statement within the stipulated deadline, the ministry responsible for justice shall delete him or her from the public part of the directory and re-enter him or her in this part of the directory after receiving the required statement.

Article 11 (Fee for legal assistance)

(1) Refugee counsellors shall be entitled to a fee for their work and reimbursement of expenses for the legal assistance provided in procedures pursuant to this Act before the Administrative Court or the Supreme Court. Funds for fees and the reimbursement of expenses shall be provided by the ministry.

(2) Refugee counsellors shall not be entitled to a fee for their work and shall not have their expenses reimbursed if the competent authority's official records clearly show that the applicant left the Asylum Centre or a branch thereof on his or her own initiative more than three days before an action was brought before the Administrative Court.

(3) The manner in which an applicant accesses the services of a refugee counsellor, the criteria for determining the fee for the work performed and the reimbursement of expenses shall be determined by the minister.

Section 2

TREATMENT OF VULNERABLE PERSONS WITH SPECIAL NEEDS

Article 12 (Vulnerable persons with special needs)

Vulnerable persons with special needs shall be afforded special care and treatment in the procedures under this Act.

13. člen
(identifikacija ranljivih oseb s posebnimi potrebami)

(1) V okviru pregleda iz četrtega odstavka 42. člena tega zakona se oceni, ali gre za prosilca s posebnimi potrebami glede sprejema oziroma prosilca, ki potrebuje posebna jamstva v postopku, ter se oceni narava teh potreb.

(2) Posebne potrebe iz prejšnjega odstavka se lahko ugotovijo tudi kadar koli pozneje v postopku mednarodne zaščite.

14. člen
(obravnavanje ranljivih oseb s posebnimi potrebami)

(1) Prosilcem s posebnimi potrebami glede sprejema se prilagodijo materialni pogoji sprejema, zdravstveno in psihološko svetovanje ter nega.

(2) Prosilcem, ki potrebujejo posebna jamstva v postopku, se zagotovi ustrezna podpora, da lahko uživajo pravice in izpolnjujejo obveznosti v zvezi s postopkom mednarodne zaščite, ki so določene v tem zakonu.

15. člen
(načelo otrokove največje koristi)

(1) Največja korist otroka je primarna skrb pri obravnavi mladoletnikov. Mladoletnikom je treba zagotoviti življenjski standard, ki je primeren njihovemu psihičnemu, duševnemu, duhovnemu, moralnemu in družbenemu razvoju.

(2) Pri ocenjevanju največje otrokove koristi se ustrezno upoštevajo zlasti naslednji dejavniki:

- možnost ponovne združitve z družino,
- dobro počutje in družbeni razvoj mladoletnika, zlasti ob upoštevanju okolja, iz katerega mladoletnik izhaja,

Article 13
(Identification of vulnerable persons with special needs)

(1) As part of the examination referred to in paragraph four of Article 42 of this Act, it shall be assessed whether a given applicant is an applicant with special reception needs or an applicant in need of special procedural guarantees; the nature of these needs shall also be assessed.

(2) The special needs referred to in the preceding paragraph can also be addressed at a later stage of the procedure for international protection.

Article 14
(Treatment of vulnerable persons with special needs)

(1) The material reception conditions, medical and psychological counselling, and care shall be adapted to applicants with special needs in the course of their reception.

(2) Applicants in need of special guarantees in the procedure shall be provided with appropriate support in order to allow them to enjoy rights and comply with the obligations in the procedure for international protection stipulated by this Act.

Article 15
(The principle of the best interests of the child)

(1) The best interests of the child are the primary consideration in the treatment of minors. Minors need to be ensured a standard of living adequate to their psychological, mental, spiritual, ethical and social development.

(2) The assessment of a child's best interests shall in particular take due account of the following factors:

- the possibility of family reunification,
- the minor's well-being and social development, in particular taking into consideration the minor's background,

- vprašanja glede varnosti in zaščite, zlasti kadar obstaja tveganje, da je mladoletnik žrtev trgovine z ljudmi,
- mnenje mladoletnika v skladu z njegovo starostjo in zrelostjo.

(3) Mladoletnikom se zagotovi dostop do prostočasnih dejavnosti, vključno z igro in rekreativnimi dejavnostmi, ki so primerne njihovi starosti, v prostorih, kjer so nastanjeni, in do dejavnosti na prostem.

(4) Mladoletnikom, ki so bili žrtve kakršnih koli zlorab, zanemarjanja, izkoriščanja, mučenja ali krutega, nečloveškega in ponižujočega ravnanja ali so trpeli zaradi oboroženih spopadov, je treba omogočiti dostop do rehabilitacije ter zagotoviti, da se po potrebi organizira ustrezno psihološko zdravljenje in zagotovi strokovno svetovanje.

(5) Mladoletnim prosilcem se zagotovi, da so nastanjeni s svojimi starši, svojimi neporočenimi mladoletnimi brati ali sestrami ali z odraslo osebo, ki je zanje odgovorna po zakonu ali praksi, pod pogojem, da je to v njihovo največjo korist.

16. člen (mladoletnik brez spremstva, ki je prosilec)

(1) V postopkih, v katerih je prosilec mladoletnik brez spremstva, se:

- čim prej ugotovi njegova istovetnost in začne postopek iskanja njegovih staršev ali drugih sorodnikov;
- mu pred začetkom postopka postavi zakoniti zastopnik.

(2) Mladoletnik brez spremstva v postopku po tem zakonu sodeluje na način, ki je primeren in prilagojen njegovi starosti ter stopnji duševnega razvoja.

(3) Zakoniti zastopnik iz prejšnjega odstavka zastopa mladoletnika brez spremstva v postopku za priznanje mednarodne zaščite in na področjih varovanja zdravja, izobraževanja, varovanja premoženjskih pravic in koristi ter v zvezi z uresničevanjem pravic na

- safety and security considerations, especially when there is a risk of the minor being a victim of trafficking in human beings,
- the minor's views, in accordance with his or her age and maturity.

(3) Minors shall be given access to leisure activities, including play and recreational activities appropriate to their age within the premises and accommodation centres and to open-air activities.

(4) Minors identified as victims of abuse of any kind, neglect, exploitation, torture or cruelty, inhuman or degrading treatment or who have suffered from armed conflict shall be provided access to rehabilitation and, where necessary, appropriate psychological treatment and qualified counselling.

(5) Minor applicants shall be placed with their parents, their unmarried minor siblings or with the adult responsible for them whether by law or by practice, provided that this is in their best interests.

Article 16 (Unaccompanied minors who are applicants)

(1) In procedures involving an applicant who is an unaccompanied minor, due account shall be taken of the following:

- his or her identity must be established and the procedure for finding his or her parents or other relatives initiated in the shortest possible time;
- a statutory representative of the applicant shall be appointed before the procedure commences.

(2) The procedure pursuant to this Act involving an unaccompanied minor shall be conducted in a child-appropriate manner, taking into consideration his or her age and degree of maturity.

(3) The statutory representative referred to in the preceding paragraph shall represent an unaccompanied minor in the procedure for granting international protection, and in matters of health protection, education, the protection of property rights and benefits, and in relation to

področju sprejema, in sicer do izvršljivosti odločitve izdane v postopku mednarodne zaščite.

(4) Vlada Republike Slovenije predpiše podrobnejši način izvajanja pooblastila zakonitega zastopnika, način medsebojnega sodelovanja zakonitega zastopnika, ministrstva in krajevno pristojnega centra za socialno delo pri izvajanju skrbi za osebnost, pravice in koristi mladoletnika brez spremstva ter način oblikovanja in vodenja seznama iz četrtega odstavka 18. člena tega zakona. V predpisu se določi tudi podrobnejši način zagotavljanja ustrezne nastanitve, oskrbe in obravnave mladoletnika brez spremstva zunaj azilnega doma ali njegove izpostave.

(5) Pred sprejemom prošnje je treba mladoletnika brez spremstva seznaniti s pravicami in dolžnostmi prosilcev, pri čemer je treba način pojasnjevanja prilagoditi njegovi starosti in stopnji duševnega razvoja.

(6) Mladoletnik brez spremstva je skupaj s svojim zakonitim zastopnikom navzoč pri vseh dejanjih v postopkih po tem zakonu.

(7) Urad Vlade Republike Slovenije, pristojen za oskrbo migrantov (v nadaljnjem besedilu: urad), poskrbi za ustrezno nastanitev in oskrbo mladoletnika brez spremstva v azilnem domu, le izjemoma, kadar to zahtevajo zdravstvene ali druge potrebe mladoletnika, pa se takemu mladoletniku zagotovijo ustrezna nastanitev, oskrba in obravnava v drugi ustrezni ustanovi v Republiki Sloveniji.

(8) O ustreznosti nastanitve iz prejšnjega odstavka da mnenje center za socialno delo, ki je krajevno pristojen za območje, na katerem je nastanjen mladoletnik brez spremstva. Pri izvajanju nastanitve in oskrbe urad sodeluje z zakonitim zastopnikom.

(9) Določbe glede zakonitega zastopnika se ne uporabljajo za mladoletnika, starejšega od 15 let, ki je sklenil zakonsko zvezo.

17. člen
(ocena starosti mladoletnika brez spremstva)

the exercise of reception rights, until the decision issued in the procedure for international protection becomes enforceable.

(4) The Government of the Republic of Slovenia shall prescribe in detail the ways statutory representatives exercise their powers, the manner of cooperation between statutory representatives, the ministry and the social work centre with territorial jurisdiction concerning care for the personality, rights and interests of unaccompanied minors, as well as the manner of creating and administering the list referred to in paragraph four of Article 18 of this Act. It shall also prescribe a detailed method for the provision of appropriate accommodation, care and treatment of unaccompanied minors outside the Asylum Centre or a branch thereof.

(5) Prior to receiving an application, unaccompanied minors shall be informed of the rights and obligations of applicants; such provision of information shall take a form appropriate to their age and degree of maturity.

(6) Unaccompanied minors and their statutory representative shall be present during all activities constituting the procedures pursuant to this Act.

(7) The office of the Government of the Republic of Slovenia responsible for migrant support (hereinafter: the office) shall provide appropriate accommodation and care for an unaccompanied minor in the Asylum Centre or, exceptionally, in some other appropriate institution in the Republic of Slovenia when the health or other needs of the minor so require.

(8) A decision on the appropriateness of the accommodation referred to in the preceding paragraph shall be issued by the social work centre with territorial jurisdiction according to the area of accommodation of the unaccompanied minor. The office shall cooperate with the statutory representative in the provision of accommodation and care.

(9) Provisions related to statutory representatives shall not apply to a minor older than 15 years who has entered into marriage.

Article 17
(Assessment of the age of an unaccompanied minor)

(1) Mladoletnika brez spremstva in njegovega zakonitega zastopnika se pisno obvesti o možnosti ocene starosti z izvedeniškim mnenjem, in sicer v jeziku, ki ga mladoletnik brez spremstva razume. Obvestilo vključuje podatke o načinu pregleda in možnih posledicah ocenjene starosti v zvezi z obravnavanjem njegove prošnje ter o posledicah neutemeljene odklonitve takšnega pregleda.

(2) Če se pri obravnavi prošnje za mednarodno zaščito na podlagi mnenja uradnih oseb oziroma oseb, ki so vključene v delo z mladoletnikom brez spremstva, podvomi v starost mladoletnika brez spremstva, pristojni organ lahko odredi pripravo izvedeniškega mnenja.

(3) Izvedeniško mnenje iz prejšnjega odstavka pripravi izvedenec medicinske stroke, ki se v okviru priprave mnenja, če je to potrebno, posvetuje tudi z drugimi relevantnimi strokovnjaki.

(4) Pregled za oceno starosti mladoletnika brez spremstva se lahko opravi le, če mladoletnik brez spremstva in njegov zakoniti zastopnik v to pisno privolita.

(5) Če mladoletnik brez spremstva in njegov zakoniti zastopnik brez utemeljenih razlogov ne privolita v pregled za oceno starosti mladoletnika brez spremstva, se mladoletnik brez spremstva v zvezi z obravnavo njegove prošnje šteje za polnoletnega.

(6) Če po pridobitvi izvedeniškega mnenja še vedno obstaja dvom, ali je prosilec mladoleten ali polnoleten, se šteje, da je prosilec mladoleten.

(7) Odločitev o zavrnitvi prošnje, ki jo je vložil mladoletnik brez spremstva, ki je odklonil pregled, ne sme temeljiti izključno na tej odklonitvi.

(8) Stroške izdelave izvedeniškega mnenja krije ministrstvo.

18. člen

(1) An unaccompanied minor and his or her statutory representative shall be notified in writing, in a language the unaccompanied minor understands, of the possibility of having to undergo age assessment by an expert. The notification shall include information on the manner of examination and on the possible consequences of the assessed age on the processing of his or her application, and on the consequences of unjustified refusal to undergo such an examination.

(2) Where, in the processing of an application for international protection, officials or persons involved in work with an unaccompanied minor are of the opinion that doubts have arisen as to the actual age of the accompanied minor, the competent authority may order that an expert opinion be prepared.

(3) The expert opinion referred to in the preceding paragraph shall be prepared by a medical professional, who may consult other relevant experts as part of the preparation of the opinion, as necessary.

(4) An examination to determine the age of an unaccompanied minor may be performed only upon the written consent of the unaccompanied minor and his or her statutory representative.

(5) Where the unaccompanied minor and his or her statutory representative refuse an examination of age assessment without providing any valid reasons, the unaccompanied minor shall be regarded as an adult in relation to the processing of his or her application.

(6) In the event of remaining uncertainty as to whether the applicant is a minor or an adult after the expert opinion has been obtained, the applicant shall be regarded as a minor.

(7) The decision dismissing an application lodged by an unaccompanied minor who has refused to undergo such an examination must not be based exclusively on such refusal.

(8) The costs of preparing an expert opinion shall be borne by the ministry.

Article 18

(zakoniti zastopnik)

(1) Za zakonitega zastopnika iz 16. člena tega zakona se smiselno uporabljajo določbe o skrbništvu, kot ga ureja zakon, ki ureja zakonsko zvezo in družinska razmerja, če ni s tem zakonom določeno drugače.

(2) Zakoniti zastopnik je lahko kdor:

- izpolnjuje pogoje za skrbnika, določene z zakonom, ki ureja zakonsko zvezo in družinska razmerja;
- se je udeležil usposabljanja.

Osebo, ki izpolnjuje pogoje za zakonitega zastopnika, ministrstvo, pristojno za družino in socialne zadeve, uvrsti na seznam iz četrtega odstavka tega člena.

(3) Usposabljanje kandidatov za zakonite zastopnike, ki ga na podlagi javnega pooblastila izvaja Fakulteta za socialno delo, Univerza v Ljubljani in v ta namen izdaja potrdila o usposobljenosti, obsega znanje iz družinskega prava, socialnega dela, psihologije, varstva otrokovih pravic in dolžnosti, varstva človekovih pravic in temeljnih svoboščin ter azilnega prava. Podrobnejšo vsebino, način izvedbe, obrazce potrdil, trajanje usposabljanja in način povrnitve stroškov usposabljanja iz šestega stavka tega odstavka predpiše Vlada Republike Slovenije v predpisu iz četrtega odstavka 16. člena tega zakona. Predstojnik urada mora soglašati z izvedbo vsakega posameznega usposabljanja. Za izvedbo programa usposabljanja se s posameznim izvajalcem lahko sklene ustrezna pogodba. Sredstva za izvedbo usposabljanja zagotovi urad. Če zakoniti zastopnik dvakrat zavrne zastopanje, lahko urad od njega terja povrnitev stroškov usposabljanja. Za nadzor nad izvajanjem javnega pooblastila je pristojno ministrstvo, pristojno za družino in socialne zadeve.

(4) Odločbo o imenovanju zakonitega zastopnika mladoletniku brez spremstva izda center za socialno delo, ki je krajevno pristojen za območje, na katerem je nastanjen mladoletnik brez spremstva. Zakonitega zastopnika izbere s seznama zakonitih zastopnikov, ki ga vodi ministrstvo, pristojno za družino in socialne zadeve.

(Statutory representative)

(1) The provisions governing guardianship pursuant to the Act governing marriage and family relations shall apply *mutatis mutandis* to a statutory representative referred to in Article 16, unless otherwise provided by this Act.

(2) The function of a statutory representative may be performed by any person who:

- fulfils the conditions for a guardian stipulated by the Act governing marriage and family relations;
- has received adequate training.

A person qualified to be a statutory representative shall be included in the list referred to in paragraph four of this Article by the ministry responsible for family and social affairs.

(3) The training of candidates for the position of statutory representative carried out by the bearer of public authority, i.e. the Faculty of Social Work of the University of Ljubljana, which issues certificates on qualifications for this purpose, shall comprise family law, social work, psychology, the protection of the rights and obligations of children, protection of human rights and fundamental freedoms, and asylum legislation. The detailed content, manner of implementation, forms of certificates, duration of training and manner of reimbursement of the costs of training referred to in the sixth sentence of this paragraph shall be prescribed by the Government of the Republic of Slovenia in the regulation referred to in paragraph four of Article 16 of this Act. The head of the office must consent to the implementation of each training programme. An appropriate contract on the implementation of training may be concluded with an individual provider. Funds for the implementation of training shall be provided by the office. Where a statutory representative has declined representation for the second time, the office may demand that he or she refund the costs of training. The ministry responsible for family and social affairs shall be tasked with supervising the exercise of this public authority.

(4) The decision appointing the statutory representative of an unaccompanied minor shall be issued by the social work centre with territorial jurisdiction in the area in which the unaccompanied minor has been accommodated. The social work centre shall select a statutory representative from the list of statutory representatives administered by

(5) Zakoniti zastopnik o svojem delu poroča centru za socialno delo ob izvršljivosti odločbe v postopku priznanja mednarodne zaščite, vendar najmanj enkrat na leto in na zahtevo centra za socialno delo tudi v vmesnem obdobju. Center za socialno delo mora pregledati poročilo in po potrebi ukreniti vse potrebno, da se zavarujejo koristi mladoletnika brez spremstva.

(6) Zakoniti zastopnik lahko uveljavlja povrnitev potrebnih stroškov in nagrado za opravljeno delo. Merila za izračun višine nagrade in stroškov določi minister, v soglasju z ministrom, pristojnim za družino in socialne zadeve, sredstva za izplačilo pa zagotovi ministrstvo.

(7) Zakonito zastopanje poleg razlogov iz zakona, ki ureja zakonsko zvezo in družinska razmerja, preneha tudi z izvršljivostjo odločitve pristojnega organa v postopku priznanja mednarodne zaščite.

19. člen

(oseba, ki ne more samostojno sodelovati v postopku)

(1) Osebi, ki zaradi začasne ali trajne duševne motnje ali bolezni ali zaradi drugih razlogov ni sposobna razumeti pomena postopka po tem zakonu, center za socialno delo, ki je krajevno pristojen za območje, na katerem je oseba nastanjena, za ta postopek nemudoma postavi zakonitega zastopnika.

(2) Krajevno pristojni center za socialno delo izda odločbo o postavitvi zakonitega zastopnika na predlog pristojnega organa in na podlagi zdravniškega potrdila o zdravstvenem stanju osebe.

(3) Če je oseba iz prvega odstavka tega člena prosilec, ji je treba zagotoviti vso potrebno zaščito, nego in oskrbo v okviru pravic, ki sicer pripadajo prosilcem.

III. POGLAVJE

the ministry responsible for family and social affairs.

(5) A statutory representative shall report on his or her work to the social work centre upon the enforceability of a decision in a procedure for granting international protection, but no less than once a year, as well as in the interim period at the request of the social work centre. The social work centre shall review the report and, as appropriate, take the necessary steps to protect the interests of the unaccompanied minor.

(6) A statutory representative may claim the reimbursement of expenses and a fee for the work performed. The criteria for calculating the fee and expenses shall be determined by the minister in agreement with the minister responsible for family and social affairs, with the funds for the payment thereof being provided by the ministry.

(7) In addition to the reasons stipulated in the Act governing marriage and family relations, legal representation shall also cease with the enforceability of the decision of the competent authority rendered in the procedure for granting international protection.

Article 19

(Persons unable to participate in the procedure independently)

(1) A person incapable of understanding the meaning of the procedure pursuant to this Act due to temporary or permanent mental disability or illness or other reasons shall promptly be appointed a statutory representative for this procedure by the social work centre with territorial jurisdiction according to the area of the person's residence.

(2) The social work centre with territorial jurisdiction shall issue a decision appointing a statutory representative upon the proposal of the competent authority and on the basis of a medical certificate as to the person's health condition.

(3) Where the person referred to in the preceding paragraph is an applicant, he or she must be provided all necessary protection, care and attention within the scope of the rights enjoyed by applicants.

CHAPTER III

PRIZNANJE MEDNARODNE ZAŠČITE

20. člen **(mednarodna zaščita)**

(1) Mednarodna zaščita v Republiki Sloveniji pomeni status begunca in status subsidiarne zaščite.

(2) Status begunca se prizna državljanu tretje države, ki se zaradi utemeljenega strahu pred preganjanjem iz razloga pripadnosti določeni rasi ali etnični skupini, določeni veroizpovedi, narodni pripadnosti, pripadnosti posebni družbeni skupini ali političnemu prepričanju, nahaja zunaj države, katere državljan je, in ne more ali zaradi takega strahu noče uživati varstva te države, ali osebi brez državljanstva, ki se nahaja zunaj države, kjer je imela običajno prebivališče, in se zaradi utemeljenega strahu ne more ali noče vrniti v to državo, če ne obstajajo izključitveni razlogi iz prvega odstavka 31. člena tega zakona.

(3) Status subsidiarne zaščite se prizna državljanu tretje države ali osebi brez državljanstva, ki ne izpolnjuje pogojev za status begunca, če obstaja utemeljen razlog, da bi bil ob vrnitvi v izvorno državo ali državo zadnjega običajnega bivališča, če gre za osebo brez državljanstva, soočen z utemeljenim tveganjem, da utрпи resno škodo, kot jo določa 28. člen tega zakona, in če ne obstajajo izključitveni razlogi iz drugega odstavka 31. člena tega zakona.

21. člen **(utemeljevanje prošnje – subjektivni element)**

(1) Prosilec mora sam navesti vsa dejstva in okoliščine, ki utemeljujejo njegov strah pred preganjanjem ali resno škodo.

(2) Prosilec mora predložiti vso dokumentacijo in vse razpoložljive dokaze, s katerimi utemeljuje svojo prošnjo, do konca osebnega razgovora oziroma v roku, ki mu ga na osebnem razgovoru postavi uradna oseba. Na ta rok mora biti prosilec predhodno opozorjen.

GRANTING OF INTERNATIONAL PROTECTION

Article 20 **(International protection)**

(1) International protection in the Republic of Slovenia shall mean refugee status and subsidiary protection status.

(2) Refugee status shall be granted to a third-country national who, owing to a well-founded fear of persecution based on race or ethnic group, religion, nationality, political opinion or membership in a particular social group, is outside the country of his or her citizenship and is unable or, owing to such fear, is unwilling to avail himself or herself of the protection of that country, or to a stateless person who is outside of the country of his or her former habitual residence and is unable or, owing to a well-founded fear, is unwilling to return to it, provided that no grounds for exclusion referred to in paragraph one of Article 31 of this Act apply.

(3) Subsidiary protection status shall be granted to a third-country national or a stateless person who does not qualify for refugee status but in respect of whom substantial grounds have been shown for believing that the person concerned, if returned to his or her country of origin, or in the case of a stateless person, to the country of his or her former habitual residence, would face a real risk of suffering serious harm as defined in Article 28 of this Act, provided that no grounds for exclusion referred to in paragraph one of Article 31 of this Act apply.

Article 21 **(Substantiation of an application – subjective element)**

(1) An applicant must personally state all facts and circumstances in support of his or her fear of persecution or serious harm.

(2) To substantiate the application, an applicant must provide documentary and other evidence by the end of the personal interview or within the deadline set by the official during the personal interview. The deadline shall be brought to the applicant's attention early enough.

(3) Kadar prosilec v postopku ne predloži dokazov za vse svoje izjave, pristojni organ pri odločitvi o prošnji upošteva, ali so podane naslednje okoliščine:

- prosilec se je kar najbolj potrudil za utemeljitev svoje prošnje,
- prosilec je podal utemeljene razloge, zakaj ni mogel predložiti dokazov,
- prosilčeve izjave so skladne in verjetne ter ne nasprotujejo dostopnim specifičnim in splošnim informacijam, ki so povezane z njegovim primerom,
- prosilec je zaprosil za mednarodno zaščito, kakor hitro je bilo to mogoče, razen če lahko izkaže utemeljen razlog, zakaj tega ni storil,
- ugotovljena je bila prosilčeva splošna verodostojnost.

22. člen

(preverjanje pristojnega organa – objektivni element)

V postopku pristojni organ preverja izjave prosilca in informacije o izvorni državi iz osme in devete alineje prvega odstavka 23. člena tega zakona. Z informacijami iz osme in devete alineje prvega odstavka 23. člena tega zakona se prosilca pred izdajo odločbe seznanijo pisno ali ustno. Prosilec se lahko pisno ali ustno izjavi glede predloženih informacij.

23. člen

(obravnavanje dejstev in okoliščin)

(1) Pri ugotavljanju pogojev za mednarodno zaščito uradna oseba upošteva predvsem:

- podatke iz prošnje;
- informacije, pridobljene v osebni razgovoru;
- dokaze, ki jih predloži prosilec;
- dokumentacijo, ki jo predloži prosilec, zlasti glede svoje starosti, spola, porekla, vključno s poreklom sorodnikov, istovetnosti, državljanstva, krajev, kjer se je pred tem nahajal in kraja običajnega prebivališča, prejšnjih prošenj, prepotovanih poti, potovalnih

(3) When an applicant is unable to produce evidence of his or her accounts during the procedure, the competent authority shall consider the following circumstances in deciding on the application:

- the applicant has made a genuine effort to substantiate his or her application,
- the applicant has stated well-founded reasons for being unable to present evidence,
- the applicant's statements are coherent and plausible and do not run counter to available specific and general information relevant to his or her case,
- the applicant has applied for international protection at the earliest opportunity, unless he or she can demonstrate a good reason for not having done so,
- the general credibility of the applicant has been established.

Article 22

(Assessment by the competent authority – objective element)

In the procedure, the competent authority shall assess the applicant's statements and information on the country of origin referred to in indents eight and nine of Article 23 of this Act. The applicant shall be communicated the information referred to in indents eight and nine of Article 23 of this Act in writing or orally prior to the decision. The applicant may submit a written or oral statement regarding the information presented.

Article 23

(Examination of the facts and circumstances)

(1) In determining qualification for international protection, officials shall in particular consider the following:

- information from the application;
- information obtained in the course of a personal interview;
- evidence submitted by the applicant;
- documentation presented by the applicant, particularly regarding his or her age, gender, background, including the background of relatives, identity, citizenship, places of prior residence and the place of habitual residence, prior applications, routes travelled, travel

- dokumentov in razlogov za vložitev prošnje;
- dokaze, ki jih pridobi pristojni organ;
- uradne podatke, s katerimi razpolaga pristojni organ;
- dokumentacijo, pridobljeno pred vložitvijo prošnje;
- splošne informacije o izvorni državi, zlasti o stanju človekovih pravic in temeljnih svoboščin, družbeno-političnem položaju in sprejeti zakonodaji;
- specifične informacije o izvorni državi, ki so podrobne, poglobljene in povezane s konkretnim primerom, lahko pa vključujejo tudi način izvajanja zakonov in drugih predpisov izvirne države;
- ali so imele dejavnosti prosilca od odhoda iz izvirne države izključni ali poglobljeni namen ustvarjanja potrebnih pogojev za prošnjo za mednarodno zaščito, da se oceni, ali bi bil prosilec ob vrnitvi v to državo zaradi teh dejavnosti izpostavljen preganjanju ali resni škodi;
- ali se od prosilca lahko utemeljeno pričakuje, da bo izkoristil zaščito druge države, kjer lahko uveljavlja državljanstvo.

(2) Dejstvo, da je bil prosilec že izpostavljen preganjanju, kot je določeno v 26. in 27. členu tega zakona, ali da mu je bila že povzročena resna škoda iz 28. člena tega zakona ali da mu je preganjanje ali resna škoda neposredno že grozila, je resen znak prosilčevega utemeljenega strahu pred preganjanjem ali utemeljenim tveganjem resne škode, razen če obstajajo utemeljeni razlogi za prepričanje, da se takšno preganjanje ali resna škoda ne bo ponovila ali se grožnje ne bodo uresničile.

24. člen (subjekti preganjanja ali resne škode)

Subjekti, ki lahko izvajajo preganjanje, kot je določeno v 26. in 27. členu tega zakona, ali povzročijo resno škodo, kot je določena v 28. členu tega zakona, so:

- država;
- politične stranke ali organizacije, ki nadzorujejo državo ali bistveni del njenega ozemlja;
- nedržavni subjekti, če je mogoče dokazati, da subjekti iz prejšnjih

- documents and reasons for filing the application;
- evidence obtained by the competent authority;
- official data at the disposal of the competent authority;
- documentation obtained prior to the filing of the application;
- general information about the country of origin, particularly about the situation regarding human rights and fundamental freedoms, the socio-political situation and the legislation in force;
- specific information about the country of origin, which is detailed, in-depth and related exclusively to the case in question, but may also include the manner of implementation of laws and other regulations of the country of origin;
- whether the activities of the applicant before he or she left the country of origin were undertaken for the exclusive or principal purpose of creating the necessary conditions for the application for international protection, in order to assess whether these activities could provide the grounds on which the applicant would be persecuted or caused serious harm upon returning to this country;
- whether the applicant can reasonably be expected to take advantage of protection by another country where he or she could acquire citizenship.

(2) The fact that the applicant had already been subjected to the persecution referred to in Articles 26 and 27 of this Act or that he or she had already suffered the serious harm referred to in Article 28 of this Act or had already been directly threatened with persecution or serious harm shall be a valid indication of the applicant's well-founded fear of persecution or of justified risk of serious harm unless there are reasonable grounds to believe that such persecution or serious harm would not be repeated or the threat carried out.

Article 24 (Actors of persecution or serious harm)

The actors of persecution referred to in Articles 26 and 27 of this Act or serious harm referred to in Article 28 of this Act may be the following:

- the state;
- political parties or organisations controlling the state or a substantial part of its territory;
- non-state actors, if it can be demonstrated that the actors referred to

alinej, vključno z mednarodnimi organizacijami, niso sposobni ali nočejo nuditi zaščite pred preganjanjem ali resno škodo, kot je določeno v 26., 27. in 28. členu tega zakona.

25. člen (subjekti zaščite)

(1) Zaščito pred preganjanjem ali resno škodo lahko daje:

- država ali
- politične stranke ali organizacije, vključno z mednarodnimi organizacijami, ki nadzorujejo državo ali bistveni del njenega ozemlja, če so pripravljene in sposobne zagotavljati zaščito v skladu z drugim odstavkom tega člena.

(2) Zaščita pred preganjanjem ali resno škodo mora biti dejanska in ne zgolj začasne narave. Šteje se, da je zaščita ustrezna takrat, ko subjekti iz prejšnjega odstavka sprejmejo razumne ukrepe za preprečitev preganjanja ali resne škode, med drugim z vodenjem učinkovitega pravnega sistema za odkrivanje, pregon in kaznovanje dejanj, ki pomenijo preganjanje ali resno škodo, prosilec pa ima dostop do take zaščite.

26. člen (lastnosti dejanj preganjanja)

(1) Dejanja preganjanja v skladu s 1. A členom Ženevske konvencije morajo:

- biti dovolj resne narave ali dovolj ponavljajoče se, da predstavljajo hudo kršitev človekovih temeljnih pravic, zlasti pravic, ki jih v skladu z drugim odstavkom 15. člena Evropske konvencije o varstvu človekovih pravic in temeljnih svoboščin ni mogoče omejiti, ali
- predstavljati zbir različnih ukrepov, vključno s kršitvami človekovih pravic, ki so dovolj resne narave ali so dovolj ponavljajoča se, da predstavljajo hudo kršitev človekovih pravic.

(2) Dejanja preganjanja v skladu s 1. A členom Ženevske konvencije so predvsem:

in the preceding indents, including international organisations, are unable or unwilling to provide protection against persecution or serious harm referred to in Articles 26, 27 and 28 of this Act.

Article 25 (Actors of protection)

(1) Protection against persecution or serious harm may be provided by:

- the state or
- political parties or organisations, including international organisations controlling the state or a substantial part of its territory, provided that they are willing and able to offer protection in accordance with paragraph two of this Article.

(2) Protection against persecution or serious harm must be effective and of a non-temporary nature. It is considered that protection is adequate when the actors referred to in the preceding paragraph take reasonable steps to prevent the persecution or suffering of serious harm, *inter alia*, by operating an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, and when the applicant has access to such protection.

Article 26 (Characteristics of acts of persecution)

(1) Acts of persecution within the meaning of Article 1A of the Geneva Convention must:

- be sufficiently serious by their nature or repetition so as to constitute a severe violation of basic human rights, particularly the rights from which derogation cannot be made under paragraph two of Article 15 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, or
- be an accumulation of various measures, including violations of human rights which are sufficiently severe in nature or repetition so as to constitute a severe violation of human rights.

(2) Acts of persecution in accordance within the meaning of Article 1A of the Geneva Convention primarily take the form of:

- dejanja fizičnega ali psihičnega nasilja, vključno z dejanji spolnega nasilja;
- pravni, upravni, policijski ali sodni ukrepi, ki so sami po sebi diskriminatorni ali izvedeni na diskriminatoren način;
- pregon ali kazen, ki je nesorazmerna ali diskriminatorna;
- nedostopnost sodnega varstva, ki ima za posledico nesorazmerno ali diskriminatorno kazen;
- pregon ali kazen zaradi zavrnitve služenja vojaškega roka v spopadu, če bi služenje vojaškega roka vključevalo kazniva dejanja ali dejanja, ki spadajo med razloge za izključitev iz prvega odstavka 31. člena tega zakona;
- dejanja, ki so povezana s spolom ali usmerjena na otroke.

27. člen (razlogi preganjanja)

(1) Razlogi preganjanja so:

- pripadnost določeni rasi ali etnični skupini;
- pripadnost določeni veroizpovedi;
- narodna pripadnost;
- pripadnost posebni družbeni skupini;
- politično prepričanje.

(2) Razlog iz prve alineje prejšnjega odstavka obsega zlasti preganjanje zaradi barve kože, porekla ali pripadnosti etnični skupini.

(3) Razlog iz druge alineje prvega odstavka tega člena obsega zlasti teistična, neteistična in ateistična prepričanja, sodelovanje ali nesodelovanje pri zasebnih ali javnih formalnih verskih obredih posamezno ali v skupnosti drugih oseb, druga verska dejanja ali izraze prepričanja ali oblike osebnega ali skupnega vedenja, ki temelji na kakršnem koli verskem prepričanju ali izhaja iz njega.

(4) Razlog iz tretje alineje prvega odstavka tega člena, ki ni omejen na državljanstvo ali njegovo odsotnost, obsega zlasti pripadnost skupini, ki jo določa kulturna, etnična ali jezikovna identiteta, skupno zemljepisno ali politično poreklo ali odnos do prebivalcev druge države.

- acts of physical or mental violence, including acts of sexual violence;
- legal, administrative, police or judicial measures which are in themselves discriminatory or which are implemented in a discriminatory manner;
- prosecution or punishment which is disproportionate or discriminatory;
- denial of judicial redress resulting in disproportionate or discriminatory punishment;
- prosecution or punishment for refusal to perform military service in a conflict, where performing military service would entail criminal offences or acts falling within the scope of the grounds for exclusion referred to in paragraph one of Article 31 of this Act;
- acts of a gender-specific or child-specific nature.

Article 27 (Reasons for persecution)

(1) Reasons for persecution shall be the following:

- race or ethnicity;
- religious affiliation;
- national affiliation;
- membership of a particular social group;
- political beliefs.

(2) The reason referred to in indent one of the preceding paragraph shall in particular include persecution due to colour, descent or membership of an ethnic group.

(3) The reason referred to in indent two of paragraph one of this Article shall in particular include theistic, non-theistic and atheistic beliefs, participation in or abstention from formal worship in private or in public, either alone or in community with others, other religious acts or expressions of belief, or forms of personal or communal conduct based on or mandated by any religious belief.

(4) The reason referred to in indent three of paragraph one of this Article shall not be confined to citizenship or a lack thereof, but shall include in particular belonging to a group determined by its cultural, ethnic or linguistic identity, common geographical or political origin, or its

(5) Na podlagi razloga iz četrte alineje prvega odstavka tega člena se kot posebna družbena skupina šteje zlasti skupina:

- katere članom je skupna prirojena lastnost ali skupno poreklo, ki je nespremenljivo, ali značilnost ali prepričanje, ki je tako temeljnega pomena za identiteto ali zavedanje, da se oseba ne sme prisiliti, naj se mu odreče in
- ki ima v ustrezni državi različno identiteto, ker jo družba, ki jo obkroža, dojema kot različno.

(6) Glede na okoliščine v izvorni državi lahko določena družbena skupina zajema skupino, ki temelji na skupni lastnosti spolne usmerjenosti. Spolne usmerjenosti se ne razume kot nekaj, kar vključuje dejanja, ki po nacionalnem pravu Republike Slovenije veljajo za kazniva. Pri določitvi pripadnosti posebni družbeni skupini ali opredelitvi značilnosti takšne skupine je treba upoštevati vidike, ki so povezani s spolom, vključno s spolno identiteto.

(7) Razlog iz pete alineje prvega odstavka tega člena obsega zlasti imeti mnenje, stališče ali prepričanje o zadevi, povezani s potencialnimi subjekti preganjanja iz 24. člena tega zakona in z njihovo politiko ali metodami, ne glede na to, ali je prosilec tudi ravnal v skladu s tem mnenjem, stališčem ali prepričanjem.

(8) Med razlogi preganjanja in dejanji preganjanja ali odsotnostjo zaščite pred temi dejanji mora obstajati vzročna zveza.

(9) Pri ocenjevanju dejstva, ali ima prosilec utemeljen strah pred preganjanjem, ni pomembno, ali prosilec dejansko ima rasne, verske, nacionalne, družbene ali politične lastnosti, ki se preganjajo, pod pogojem, da takšne značilnosti prosilcu pripisuje subjekt iz 24. člena tega zakona.

28. člen

relationship with the population of another state.

(5) Pursuant to the reason referred to in indent four of paragraph one of this Article, a group that is considered to constitute a distinct social group shall be in particular:

- where members of such a group share an innate characteristic or a common background that cannot be changed, or a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and
- where that group has a distinct identity in the relevant country, because it is perceived by the majority of the society as being different.

(6) Depending on the circumstances in the country of origin, a particular social group may include a group based on a common characteristic of sexual orientation. Sexual orientation cannot be understood to include acts that are defined as criminal offences by the national law of the Republic of Slovenia. When determining membership of a special social group or defining the characteristics of such a group, gender-related aspects, including sexual identity, shall be taken into account.

(7) The reason referred to in indent five of paragraph one of this Article shall include, in particular, the holding of an opinion, thought or belief on a matter related to the potential actors of persecution referred to in Article 24 of this Act and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant.

(8) A causal link must exist between the grounds for persecution and acts of persecution or the absence of protection from these acts.

(9) When assessing whether an applicant has a well-founded fear of persecution, it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristics, which are being persecuted, provided that such characteristics are attributed to the applicant by the actor of persecution referred to in Article 24 of this Act.

Article 28

(resna škoda)

Resna škoda zajema:

- smrtno kazen ali usmrnitev;
- mučenje ali nečloveško ali poniževalno ravnanje ali kazen prosilca v izvorni državi;
- resno in individualno grožnjo za življenje ali osebnost civilista zaradi samovoljnega nasilja v mednarodnih ali notranjih oboroženih spopadih.

29. člen (notranja zaščita)

(1) V okviru obravnavanja prošnje za mednarodno zaščito pristojni organ prošnjo v skladu s tretjo alinejo prvega odstavka 49. člena tega zakona zavrne kot neutemeljeno, če prosilec ne potrebuje mednarodne zaščite, ker v delu izvorne države:

- ni razlogov za utemeljen strah pred preganjanjem ali utemeljeno tveganje da utрпи resno škodo, ali
- ima dostop do zaščite pred preganjanjem ali resno škodo pri subjektih zaščite, na način, določen v 25. členu tega zakona, in če v ta del države lahko varno in zakonito potuje ter ima dostop do tega dela države in če se od njega lahko razumno pričakuje, da se bo v njem nastanil.

(2) Pri ugotavljanju možnosti notranje zaščite pristojni organ upošteva splošne okoliščine, ki prevladujejo v tem delu države, in osebne okoliščine prosilca.

30. člen (potreba po mednarodni zaščiti, ki se pojavi na kraju samem – »sur place«)

(1) Utemeljen strah pred preganjanjem ali utemeljena nevarnost, da prosilec utрпи resno škodo, lahko temeljita na dogodkih in dejavnostih, ki so se zgodili oziroma pri katerih je sodeloval prosilec po zapustitvi izvorne države. To dejstvo je treba upoštevati zlasti, kadar se ugotovi, da so te dejavnosti izraz in nadaljevanje prepričanj ali usmeritev,

(Serious harm)

Serious harm shall include:

- the death penalty or execution;
- the torture or inhuman or degrading treatment or punishment of an applicant in the country of origin;
- a serious and individual threat to a civilian's life or person by reason of indiscriminate violence in situations of international or internal armed conflict.

Article 29 (Internal protection)

(1) In processing an application for international protection, the competent authority shall dismiss the application as unfounded under the terms of indent three of paragraph one of Article 49 of this Act where the applicant is found not to be in need of international protection because in a part of the country of origin:

- there are no reasons for a well-founded fear of persecution or real risk of suffering serious harm, or
- the applicant can enjoy protection against persecution or serious harm provided by actors of protection as determined in Article 25 of this Act, and can safely and legally travel to this part of the country and has access to this part of the country and where it can be reasonably expected that the applicant will relocate there.

(2) When assessing the possibilities of internal protection, the competent authority shall consider the general circumstances prevailing in that part of the country and the applicant's individual circumstances.

Article 30 (The need for international protection arising on the spot – "sur place")

(1) A well-founded fear of persecution or a real risk of suffering serious harm may be based on events and activities that have taken place or in which the applicant engaged in since leaving his or her country of origin. This fact should be taken into account particularly if it is determined that such activities constitute an expression and continuation of

ki jih je prosilec zagovarjal že v izvorni državi.

(2) Če so imele dejavnosti prosilca od odhoda iz izvorne države izključni namen ustvarjanja potrebnih pogojev za priznanje mednarodne zaščite po tem zakonu, priznanje mednarodne zaščite ne more temeljiti samo na tako ustvarjenih pogojih.

31. člen (izključitev)

(1) Status begunca se prosilcu ne prizna, če:

- že uživa pomoč ali zaščito organov in agencij Združenih narodov, razen Visokega komisariata; kadar takšna zaščita ali pomoč preneha iz katerega koli razloga, ne da bi se položaj prosilca dokončno uredil skladno z ustreznimi resolucijami Generalne skupščine Združenih narodov, je treba prošnjo prosilca obravnavati;
- obstaja utemeljen sum, da je storil kaznivo dejanje proti miru, vojni zločin ali zločin proti človeštvu, kot jih določajo mednarodni akti;
- obstaja utemeljen sum, da je pred vstopom v Republiko Slovenijo storil hudo kaznivo dejanje nepolitične narave v drugi državi, tudi če je bilo storjeno zaradi domnevno političnih ciljev;
- obstaja utemeljen sum, da je storil dejanja, ki nasprotujejo namenom in načelom Združenih narodov, določenim v Preambuli ter v 1. in 2. členu Ustanovne listine Združenih narodov;
- obstajajo utemeljeni razlogi, da se ga obravnava kot nevarnega za varnost Republike Slovenije, kar se kaže zlasti v ogrožanju varnosti ozemelske celovitosti, suverenosti, izvrševanja mednarodnih obveznosti in ogrožanju varstva ustavne ureditve;
- po pravnomočni obsodbi za hudo kaznivo dejanje predstavlja nevarnost za Republiko Slovenijo.

(2) Status subsidiarne zaščite se ne prizna prosilcu, če obstaja utemeljen sum, da:

- je storil kaznivo dejanje proti miru, vojni zločin ali zločin proti

convictions or orientations that the applicant held in the country of origin.

(2) Where the applicant's activities after his or her departure from his or her country of origin were for the exclusive purpose of creating grounds for being granted international protection under this Act, the granting of international protection cannot be considered solely on the merits created in such a manner.

Article 31 (Exclusion)

(1) An applicant shall not be granted refugee status where:

- the applicant already enjoys the assistance or protection of the bodies and agencies of the United Nations, except the High Commissioner; when such assistance or protection has ceased for any reason whatsoever without finally regulating the status of the applicant in accordance with the relevant resolutions passed by the United Nations General Assembly, the application of such an applicant needs to be processed;
- a reasonable suspicion exists that he or she has committed a crime against peace, a war crime or crime against humanity as determined by international acts;
- a reasonable suspicion exists that he or she has committed a serious crime of a non-political nature in another country prior to entering the Republic of Slovenia, even though it was committed allegedly for political goals;
- a reasonable suspicion exists that he or she has committed acts contrary to the purpose and principles of the United Nations as per the Preamble and Articles 1 and 2 of the Charter of the United Nations;
- reasonable grounds exist for the applicant to be considered a threat to the security of the Republic of Slovenia, which is especially reflected in a threat to territorial integrity, sovereignty, the fulfilment of international obligations or the protection of the constitutional system;
- he or she represents a threat to the Republic of Slovenia following a final conviction for a serious criminal offence.

(2) An applicant shall not be granted subsidiary protection status where a reasonable suspicion exists that:

- he or she has committed a crime against peace, a war crime or crime

človeštvu, kot so opredeljeni v mednarodnih pogodbah ali predpisih, ki določajo takšna kazniva dejanja;

- je storil hudo kaznivo dejanje;
- je storil dejanja, ki nasprotujejo namenom in načelom Združenih narodov, določenim v Preambuli ter v 1. in 2. členu Listine Združenih narodov;
- po pravnomočni obsodbi za hudo kaznivo dejanje predstavlja nevarnost za varnost Republike Slovenije.

(3) Za dejanja, določena v drugi, tretji in četrti alineji prvega odstavka tega člena, in za dejanja iz prejšnjega odstavka se štejejo tudi dejanja napeljevanja in druge oblike udeležbe pri teh dejanjih.

(4) Status subsidiarne zaščite se ne prizna prosilcu, ki je pred sprejemom v Republiko Slovenijo storil eno ali več kaznivih dejanj, za katere je v Republiki Sloveniji zagrožena zaporna kazen, in je zapustil izvorno državo izključno zato, da bi se izognil kaznim, ki so posledica teh dejanj.

IV. POGLAVJE

POSTOPKI

1. oddelek

SKUPNE DOLOČBE

32. člen (pristojni organ)

V postopkih po tem zakonu odloča pristojni organ.

33. člen

against humanity as defined in international treaties or regulations determining such crimes;

- he or she has committed a serious criminal offence;
- he or she has committed acts contrary to the purposes and principles of the United Nations as per the Preamble and Articles 1 and 2 of the Charter of the United Nations;
- he or she represents a threat to the security of the Republic of Slovenia following a final conviction for a serious criminal offence.

(3) The acts pursuant to indents two, three and four of paragraph one of this Article and the acts pursuant to the preceding paragraph shall also include acts inciting others to commit crimes or other forms of involvement in such acts.

(4) Subsidiary protection status shall not be granted to an applicant who, prior to his or her admission to the Republic of Slovenia, committed one or more criminal offences punishable by imprisonment in the Republic of Slovenia, and if he or she left his or her country of origin for the sole purpose of avoiding sanctions resulting from these criminal offences.

CHAPTER IV

PROCEDURES

Section 1

COMMON PROVISIONS

Article 32 (Competent authority)

Decisions in the procedures referred to in this Act shall be rendered by the competent authority.

Article 33

(uporaba zakona, ki ureja splošni upravni postopek)

V postopkih po tem zakonu se uporablja zakon, ki ureja splošni upravni postopek, če s tem zakonom ni določeno drugače.

34. člen

(razmerje do postopkov po predpisih, ki urejajo področje tujcev)

(1) Prosilec od dneva vložitve prošnje do pravnomočne odločitve o prošnji ne more zaprositi za dovoljenje za prebivanje v Republiki Sloveniji po zakonu, ki ureja vstop, zapustitev in bivanje tujcev v Republiki Sloveniji, ter po zakonu, ki ureja status državljanov drugih držav naslednic nekdanje Jugoslavije v Republiki Sloveniji.

(2) Po zakonu, ki ureja vstop, zapustitev in bivanje tujcev v Republiki Sloveniji, se od izvršljivosti odločitve, izdane na podlagi tega zakona, obravnava oseba:

- ki ji ni bila priznana mednarodna zaščita;
- ki ji je bilo zavrnjeno podaljšanje subsidiarne zaščite;
- ki ji je status mednarodne zaščite prenehal ali ji je bil status mednarodne zaščite odvzet, razen če ji je ta prenehal zaradi sprejema v državljanstvo Republike Slovenije.

(3) Po zakonu, ki ureja vstop, zapustitev in bivanje tujcev v Republiki Sloveniji, se obravnava tudi oseba, ki je podala drugi ali vsak nadaljnji zahtevek za uvedbo ponovnega postopka po tem, ko ji je bil že izdan izvršljiv sklep o nedopustnosti prvega zahtevka za uvedbo ponovnega postopka ali ji je bila izdana izvršljiva odločba o zavrnitvi ponovne prošnje kot neutemeljene.

(4) Pri ugotavljanju istovetnosti prosilca se glede izkazovanja istovetnosti smiselno uporabljajo določbe zakona, ki ureja vstop, zapustitev in bivanje tujcev v Republiki Sloveniji.

(Application of the Act governing the general administrative procedure)

The procedures referred to in this Act shall be subject to the Act governing the general administrative procedure, unless otherwise provided by this Act.

Article 34

(Relation to procedures under regulations governing foreigners)

(1) In the period from the date of filing an application to the finality of the decision on the application, an applicant cannot apply for a residence permit in the Republic of Slovenia pursuant to the Act governing the entry into, departure from and residence of foreigners in the Republic of Slovenia, and pursuant to the Act governing the status of citizens of the successor states of the former Yugoslavia in the Republic of Slovenia.

(2) The following persons are subject to the Act governing the entry into, departure from and residence of foreigners in the Republic of Slovenia when a decision issued on the basis of this Act becomes enforceable:

- a person who has not been granted international protection;
- a person whose renewal of subsidiary protection has been rejected;
- a person whose international protection status has ceased or has been withdrawn, unless the status ceased because the person obtained Slovenian citizenship.

(3) Persons filing a second or any subsequent application for a subsequent procedure after being issued an executable order on the inadmissibility of the first request for a subsequent procedure, or after being issued an executable decision dismissing the subsequent application as unfounded, shall also be subject to the Act governing the entry into, departure from and residence of foreigners in the Republic of Slovenia.

(4) In determining the identity of an applicant, the provisions of the Act governing the entry into, departure from and residence of foreigners in the Republic of Slovenia shall apply *mutatis mutandis*.

35. člen
(vstop v Republiko Slovenijo)

Vlagatelj namere, ki izrazi namen, da bi vložil prošnjo za mednarodno zaščito, in je v Republiko Slovenijo vstopil nezakonito ali je nezakonito podaljšal svoje prebivanje, mora to storiti v najkrajšem možnem času. V tem primeru se to ne obravnava kot nezakonit prehod državne meje.

36. člen
(prepoved odstranitve)

(1) Do vložitve prošnje vlagatelj namere ne sme biti odstranjen iz Republike Slovenije v skladu s predpisi, ki urejajo vstop, zapustitev in bivanje tujcev v Republiki Sloveniji.

(2) Določbe prejšnjega odstavka ne veljajo za osebo, ki iz neupravičenih razlogov, nastalih na njeni strani, ne vloži prošnje, čeprav ji je bilo to omogočeno.

37. člen
(pravila osebnega razgovora)

(1) Uradna oseba vodi osebni razgovor na način, ki omogoča osebi, da lahko razloge oziroma osebne okoliščine v postopkih po tem zakonu predstavi celovito. Pri tem upošteva osebne in ostale okoliščine posameznika, vključno z njegovim kulturnim poreklom, spolom, spolno usmerjenostjo in identiteto ali ranljivostjo.

(2) Z mladoletnikom, starejšim od 15 let, in z mladoletnikom brez spremstva se osebni razgovor opravi osebno in ob prisotnosti zakonitega zastopnika.

(3) Po presoji uradne osebe, ki vodi postopek, se osebni

Article 35
(Entry into the Republic of Slovenia)

A person declaring the intention to file an application for international protection who made an illegally entry into the Republic of Slovenia or illegally extended his or her stay in the Republic of Slovenia must do so in the shortest time possible. Such cases shall not be regarded as an illegal crossing of the state border.

Article 36
(Prohibition of removal)

(1) Prior to lodging an application, a person declaring the intention to file must not be removed from the Republic of Slovenia under the terms of the regulations governing the entry into, departure from and residence of foreigners in the Republic of Slovenia.

(2) The provisions of the preceding paragraph shall not apply to persons who, for unjustified reasons for which they are responsible, have not filed an application even though they have had an opportunity to do so.

Article 37
(Personal interview rules)

(1) An official shall conduct a personal interview in a manner allowing the applicant to exhaustively present the grounds or individual circumstances in the procedures pursuant to this Act. The official shall consider the individual and other circumstances, including the person's cultural background, gender, sexual orientation and identity, as well as vulnerability.

(2) A personal interview with a minor older than 15 or an unaccompanied minor shall be conducted in person and in the presence of a statutory representative.

(3) If deemed necessary by the official conducting the

razgovor lahko ob prisotnosti zakonitega zastopnika izjemoma opravi tudi z mladoletnikom, mlajšim od 15 let.

(4) Pri osebnem razgovoru je javnost vedno izključena. Izključitev javnosti ne velja za zakonitega zastopnika in pooblaščenca. Na izrecno željo osebe, s katero se opravlja osebni razgovor, je lahko prisotna tudi oseba, ki si jo ta izbere v pomoč ali podporo. Uradna oseba, ki vodi osebni razgovor, lahko ob soglasju osebe, s katero se opravlja osebni razgovor, dovoli, da je pri osebnem razgovoru navzoč tudi predstavnik Visokega komisariata, druga uradna oseba ali uslužbenec pristojnega organa ter znanstveni delavci, študenti in javni uslužbenci, če je njihova navzočnost pomembna za znanstveno delo in ustanovo.

(5) Na predlog uradne osebe, ki vodi osebni razgovor, se za zakonitega zastopnika mladoletnika v primeru navzkrižja interesov lahko določi skrbnika za poseben primer. Skrbnika za poseben primer določi center za socialno delo, ki je krajevno pristojen za območje, na katerem je nastanjen mladoletnik.

(6) Kadar je to mogoče, se osebi zagotovi, da razgovor vodi oseba istega spola, če oseba to zahteva.

(7) O osebnem razgovoru se piše zapisnik. Osebni razgovor se lahko zabeleži tudi z elektronskimi napravami za zvočno ali slikovno snemanje. V tem primeru pristojni organ zagotovi, da je tak posnetek priloga zapisniku, v katerega se evidentira snemanje.

38. člen (opustitev osebnega razgovora)

- (1) Osebni razgovor se lahko opusti:
- če lahko pristojni organ na podlagi dokazov, s katerimi razpolaga, prošnji ugoti;
 - če gre za osebe iz 19. člena tega zakona;
 - če oseba vloži zahtevek za uvedbo ponovnega postopka po tem, ko ji je bil že izdan dokončen sklep o zavrženju prvega zahtevka za uvedbo ponovnega postopka ali dokončna odločba o zavrnitvi ponovne prošnje kot neutemeljene;
 - če je prosilec že na drug način podal ustrezne informacije za

procedure, a personal interview may exceptionally be conducted with a minor younger than 15 in the presence of a statutory representative.

(4) The public shall be excluded from personal interviews at all times. The exclusion of the public shall not apply to legal and authorised representatives. At the explicit request of the person interviewed, a third person of his or her choice may be present for assistance or support. The official conducting the personal interview may, in agreement with the interviewed person, allow a representative of the High Commissioner, another public official or a competent authority's staff member, as well as scientific workers, students and civil servants, to be present at the interview if this is important for scientific work and the institution.

(5) On the proposal of the official conducting the personal interview, for specific cases a guardian may be appointed as the minor's statutory representative in the event of a conflict of interest. Guardians for specific cases shall be selected by the social work centre with territorial jurisdiction according to the area where the unaccompanied minor is staying.

(6) Wherever possible, the interview shall be conducted by a person of the same sex, if the person interviewed so requests.

(7) A report shall be made of the personal interview. The personal interview may also be recorded by audio or audiovisual electronic devices. In this case, the competent authority shall ensure that such recording has been attached to the report, in which the recording is noted.

Article 38 (Omission of a personal interview)

- A personal interview may be omitted where:
- the competent authority is able to make a positive decision on the basis of the evidence available;
 - the persons referred to in Article 19 of this Act are involved;
 - the person has filed a request to initiate a subsequent procedure after the final order rejecting the first request for a subsequent procedure has been issued or a final decision dismissing the first subsequent application as unfounded has been issued;
 - the applicant has already submitted information relevant to the

postopek določitve države, odgovorne za obravnavo prošnje, in sicer pod pogojem, da pristojni organ prosilcu omogoči, da pred sprejetjem odločitve o njegovi predaji odgovorni državi pošlje vse informacije, ki so pomembne za pravilno določitev odgovorne države.

(2) Če so razlogi osebe iz druge alineje prejšnjega odstavka, zaradi katerih je bil osebni razgovor opuščen, začasne narave, se osebni razgovor opravi pozneje, ko razlogov za opustitev ni več.

39. člen (postavitev izvedenca)

(1) Če je za ugotovitev ali presojo kakšnega dejstva, ki je pomembno za odločitev v postopku po tem zakonu, potrebno strokovno znanje, s katerim uradna oseba ne razpolaga, je treba pridobiti ustrezno izvedensko mnenje.

(2) Sredstva za izvedeniška mnenja zagotavlja ministrstvo.

40. člen (obveščanje policije po končanih postopkih)

(1) O izvršljivosti odločitev, katerih posledica je obravnavo osebe po predpisih, ki urejajo vstop, zapustitev in bivanje tujcev v Republiki Sloveniji, pristojni organ takoj obvesti policijo.

(2) Osebi, ki ji je bil status begunca odvzet na podlagi tretje ali četrte alineje prvega odstavka 68. člena tega zakona in se nahaja v Republiki Sloveniji, pripadajo pravice, kot jih določa Ženevska konvencija, in sicer do enake obravnave, svobode veroizpovedi, dostopa do sodišč, izobraževanja in usposabljanja, nekaznovanja v primeru nezakonitega prestopa državne meje, prepovedi izгона in upoštevanja načela nevračanja.

(3) Policija pristojni organ obvešča o odstranitvi oseb iz

procedure for determining the country responsible for examining the application in some other manner, on the condition that the competent authority allows the applicant, before deciding on his or her transfer to the responsible country, to communicate all information relevant for a correct determination of the country responsible.

(2) If the reasons of the person referred to in indent two of the preceding paragraph in respect of which the personal interview was omitted are of a temporary nature, the personal interview shall take place subsequently, when the reasons for omission have ceased to exist.

Article 39 (Appointment of an expert)

(1) A relevant expert opinion shall be obtained where the official does not have the expertise required to examine and consider a fact relevant for a decision in a procedure under this Act.

(2) Funds for expert opinions shall be provided by the ministry.

Article 40 (Notification to the police after procedures have concluded)

(1) The competent authority shall immediately inform the police of the enforceability of decisions by virtue of which a person has to be processed pursuant to the regulations governing the entry into, departure from and residence of foreigners in the Republic of Slovenia.

(2) A person whose refugee status has been withdrawn for reasons under indents three or four of paragraph one of Article 68 of this Act and who is present in the Republic of Slovenia, shall be entitled to the rights determined in the Geneva Convention, i.e. he or she shall enjoy the right to equal treatment, freedom of religion, access to courts, education and training, impunity for illegal crossing of the state border, prohibition of deportation and the application of the non-refoulement principle.

(3) The police shall keep the competent authority informed of

Republike Slovenije, ki so bile obravnavane v postopkih po tem zakonu.

2. oddelek

POSTOPEK ZA PRIZNANJE MEDNARODNE ZAŠČITE

41. člen **(postopek za priznanje mednarodne zaščite)**

(1) V postopku za priznanje mednarodne zaščite se ugotavlja, ali prosilec izpolnjuje pogoje za priznanje mednarodne zaščite v Republiki Sloveniji.

(2) O pogojih za priznanje mednarodne zaščite se odloča v enotnem postopku, pri čemer pristojni organ najprej presoja pogoje za priznanje statusa begunca in šele, če ti niso izpolnjeni, pogoje za priznanje statusa subsidiarne zaščite.

42. člen **(predhodni postopek)**

(1) Vlagatelj namere lahko izrazi ta namen pri katerem koli državnem organu ali organu samoupravne lokalne skupnosti v Republiki Sloveniji, ki o tem obvesti policijo.

(2) Osebo iz prejšnjega odstavka obravnava policija, ki ugotovi njeno istovetnost in pot, po kateri je prišla v Republiko Slovenijo, ter izpolni registracijski list.

(3) Po izvedenem postopku iz prejšnjega odstavka pristojni organ osebi ob prihodu v azilni dom izroči informacije iz prvega odstavka 5. člena tega zakona, vključno z informacijami o posledicah samovoljne zapustitve sprejemnih prostorov, v njej razumljivem jeziku. Prejem informacij oseba potrdi s svojim podpisom.

the removal of persons from the Republic of Slovenia under the procedures pursuant to this Act.

Section 2

PROCEDURE FOR GRANTING INTERNATIONAL PROTECTION

Article 41 **(Procedure for granting international protection)**

(1) In the procedure for granting international protection, it shall be assessed whether an applicant fulfils the conditions to be granted international protection in the Republic of Slovenia.

(2) The conditions for granting international protection shall be decided on in a single procedure, whereby the competent authority shall first examine the conditions for granting refugee status and only then, if these are not met, the conditions for granting subsidiary protection status.

Article 42 **(Preliminary procedure)**

(1) A person declaring the intention to file may express the intention to file an application before any public authority or self-governing local community authority in the Republic of Slovenia, of which the police shall be informed.

(2) Persons referred to in the preceding paragraph shall be processed by the police, who shall establish his or her identity and the route by which the person entered into the Republic of Slovenia, and shall complete the registration document.

(3) When the procedure referred to in the preceding paragraph is concluded, the competent authority shall provide the person, upon his or her arrival in the Asylum Centre, with the information referred to in paragraph one of Article 5 of this Act, including information on the consequences of arbitrarily leaving the reception facilities, in a language he or she understands. The person shall acknowledge the receipt of such

(4) Pred izvedbo nadaljnjega postopka oseba opravi sanitarno-dezinfekcijski in preventivni zdravstveni pregled.

(5) Zaradi ugotavljanja in preverjanja istovetnosti ter izvajanja Uredbe 767/2008/ES in Uredbe 603/2013/EU uradna oseba pred sprejemom prošnje osebo fotografira in ji odvzame prstne odtise.

43. člen (postopki na meji, letališčih in pristaniščih)

(1) Če oseba izrazi namen, da bo vložila prošnjo na meji ali v času zadrževanja v tranzitnem območju na letališču ali na ladji, ki je na sidrišču luke ali pristanišča, pristojni organ po izvedenem postopku iz drugega odstavka 42. člena tega zakona sprejme prošnjo in o njej odloči v najkrajšem možnem času, ki ne sme biti daljši od 14 dni. Do pravnomočnosti odločbe v pospešenem postopku oziroma dokončnosti sklepa, izdanega v okviru postopka po Uredbi 604/2013/EU o določitvi odgovorne države članice, postopka varne tretje ali evropske varne tretje države ali države prvega azila, se oseba nahaja na meji ali na območju letališča oziroma sidrišča. Če odločba ali sklep iz prejšnjega stavka ni sprejet v 14 dneh ali se prošnja rešuje v rednem postopku, se prosilec po opravljenem sanitarno-dezinfekcijskem in preventivnem zdravstvenem pregledu nastani v azilnem domu.

(2) Če zaradi prihoda večjega števila oseb, ki izrazijo namen vložiti prošnjo na meji, v postopkih v skladu s tem členom ni mogoče odločati na meji, se te osebe lahko nastanijo v bližini meje, če jim je tam zagotovljena materialna oskrba iz 79. člena tega zakona.

(3) Minister podrobneje predpiše pogoje in način bivanja na mejah in v tranzitnih območjih na letališčih in pristaniščih s predpisom iz osmega odstavka 45. člena tega zakona.

information by signature.

(4) Before commencing any further procedure, the person shall undergo a sanitary-disinfection and preventive medical examination.

(5) For the purpose of establishing and verifying identity and implementing Regulation 767/2008/EC and Regulation 603/2013/EU, an official shall photograph the person and take his or her fingerprints before receiving the application.

Article 43 (Procedures at borders, airports and ports)

(1) When the intention to file an application is declared during a person's stay in the transit area of an airport or aboard a ship anchored in a harbour or seaport, the competent authority shall, following the procedure referred to in paragraph two of Article 42 of this Act, receive the application and decide thereon in the shortest time possible, but no later than within 14 days. Until the finality of the decision in an accelerated procedure or of the order issued as part of the procedure pursuant to Regulation 604/2013/EU for determining the responsible Member State, the procedure of a safe third country or a safe European third country or the country of first asylum, the person shall remain at the border or in the transit area of an airport or seaport. If the decision or order referred to in the preceding sentence is not taken within 14 days or if the application is examined in the regular procedure, the applicant shall be accommodated in the asylum centre after undergoing a sanitary-disinfection and preventive medical examination.

(2) Where decisions pursuant to this Act cannot be made at the border due to the arrival of a large number of people who have declared their intention to file an application, these persons may be accommodated in the vicinity of the border, if the material support referred to in Article 79 of this Act can be provided there.

(3) The conditions and the manner of staying at the border and in transit areas in airports and seaports shall be prescribed in detail by the minister on the basis of the regulations referred to in paragraph seven of Article 45 of this Act.

44. člen (vložitev prošnje)

(1) Postopek za priznanje mednarodne zaščite se začne z vložitvijo prošnje.

(2) Prošnja osebe, ki se nahaja v Republiki Sloveniji, se vloži pri pristojnem organu. Pristojni organ lahko vodi postopek po tem zakonu tudi zunaj svojega sedeža.

(3) Prošnja se v primerih iz VI. poglavja tega zakona lahko vloži tudi pri uradni osebi pristojnega organa na ozemlju druge države članice Evropske unije oziroma tretje države.

(4) V postopkih na meji, letališčih in pristaniščih se prošnja vloži na meji ali v tranzitnem prostoru na letališču, pristanišču oziroma na ladji, ki je na sidrišču.

45. člen (način vložitve prošnje)

(1) Prošnjo vloži vsaka polnoletna oseba posamezno in v svojem imenu.

(2) Prošnjo za mladoletnika, mlajšega od 15 let, ob njegovi prisotnosti vloži njegov zakoniti zastopnik. Mladoletnik, starejši od 15 let, in mladoletnik brez spremstva podata prošnjo osebno ob prisotnosti zakonitega zastopnika.

(3) Prošnjo za osebo iz 19. člena tega zakona vloži njen zakoniti zastopnik. Sodelovanje osebe v postopku je odvisno od njene sposobnosti razumeti pomen postopka.

(4) Če zakoniti zastopnik po izdaji odločitve v njegovem primeru, ki pa še ni pravomočna, vloži prošnjo za svojega otroka, rojenega v Republiki Sloveniji, se takšna prošnja nemudoma odstopi

Article 44 (Filing an application)

(1) The procedure for granting international protection shall commence upon the filing of an application for international protection.

(2) An application by a person who is in the Republic of Slovenia shall be filed with the competent authority. The competent authority may also conduct the procedure pursuant to this Act outside its headquarters.

(3) In the cases referred to in Chapter VI of this Act, an application may also be filed with an official of the competent authority in the territory of another EU Member State or a third country.

(4) In procedures taking place at borders, airports and seaports, an application shall be filed at the border or in the transit area of the airport or seaport or on a ship at anchor.

Article 45 (The manner of filing an application)

(1) An adult shall file an application individually and on his or her own behalf.

(2) An application for a minor who is younger than 15 shall be filed by his or her statutory representative in the presence of the minor. Minors older than 15 and unaccompanied minors shall file an application personally in the presence of a statutory representative.

(3) An application for a person referred to in Article 19 of this Act shall be filed by his or her statutory representative. The participation of the person in the procedure shall depend on his or her ability to understand the meaning of the procedure.

(4) If a statutory representative, after the decision of the competent authority is issued in his or her case that is not yet final, files an application for his or her child who was born in the Republic of

pristojnemu sodišču, ki združi postopka.

(5) Prošnja vsebuje naslednje podatke:

1. osebno ime,
2. druga imena ali vzdevke,
3. datum rojstva (dan, mesec, leto),
4. kraj rojstva (država, mesto, kraj),
5. spol,
6. državljanstvo,
7. dokumenti za ugotavljanje istovetnosti (vrsta dokumenta, številka ter datum in kraj izdaje),
8. naslov zadnjega prebivališča (država, mesto, kraj),
9. datum odhoda iz izvorne države (dan, mesec, leto),
10. države, v katerih je prebival, po tem, ko je zapustil izvorno državo,
11. datum vstopa v Republiko Slovenijo (dan, mesec, leto) ter kraj in način vstopa,
12. predhodne prošnje v Republiki Sloveniji,
13. prošnje v drugih državah,
14. narodnost,
15. etnično ali plemensko pripadnost,
16. veroizpoved, če prosilec s tem soglaša,
17. pripadnost politični stranki ali organizaciji, če prosilec s tem soglaša,
18. materni jezik,
19. izobrazba in poklic,
20. vojaški rok,
21. predkaznovanost,
22. zakonski stan,
23. podatki o imenu in priimku, državljanstvu ter naslovu stalnega in začasnega prebivališča družinskih članov, ki:
 - spremljajo prosilca,
 - že prebivajo v Republiki Sloveniji,
 - živijo v izvorni državi,
 - živijo zunaj izvorne države,
24. izjava prosilca o razlogih za iskanje mednarodne zaščite,
25. posebne potrebe ali težave prosilca,
26. fotografija in prstni odtisi prosilca, zajeti na podlagi petega odstavka 42. člena tega zakona v digitalni obliki.

Slovenia, such an application shall be immediately referred to the court of jurisdiction, which shall join the two procedures.

(5) An application shall include the following information:

1. personal name,
2. other names or nicknames,
3. date of birth (day, month, year),
4. place of birth (country, town),
5. gender,
6. citizenship,
7. identification documents (type of document, number, date and place of issue),
8. address of the most recent residence (country, town),
9. date of departure from the country of origin (day, month, year),
10. countries of residence following departure from the country of origin,
11. date of entering the Republic of Slovenia (day, month, year) and the place and manner of entry,
12. previous applications in the Republic of Slovenia,
13. applications in other countries,
14. nationality,
15. ethnic or tribal group,
16. religion, if the applicant agrees,
17. membership of a political party or organisation, if the applicant agrees,
18. native language,
19. education and profession,
20. military service,
21. previous convictions,
22. marital status,
23. information about name and surname, citizenship and permanent and temporary residence address of family members who:
 - are accompanying the applicant,
 - are already residing in the Republic of Slovenia,
 - live in the country of origin,
 - live outside the country of origin,
24. the applicant's statement of reasons for seeking international protection,
25. the special needs or circumstances of the applicant,
26. a photograph and fingerprints of the applicant, taken on the basis of paragraph five of Article 42 of this Act, in digital form.

(6) Pristojni organ prosilcu za mednarodno zaščito po uradni dolžnosti določi EMŠO in naslov začasnega prebivališča ter mu izda izkaznico za prosilca.

(7) Pri sprejemu prošnje se smiselno upoštevajo določbe 37. člena tega zakona.

(8) Podrobnejši način izvedbe postopkov do sprejema prošnje in sprejem prošnje predpiše minister.

46. člen (osebni razgovor)

(1) Pristojni organ v postopku mednarodne zaščite opravi osebni razgovor pred odločitvijo o prošnji:

- v rednem ali pospešenem postopku,
- če je obravnavana kot nedopustna,
- ki se obravnava v skladu z Uredbo 604/2013/EU.

(2) V osebni razgovoru iz prve alineje prejšnjega odstavka uradna oseba ugotavlja:

- istovetnost prosilca in družinskih članov, ki ga spremljajo,
- razloge, s katerimi utemeljuje svojo prošnjo,
- vsa druga dejstva in okoliščine, ki so lahko pomembna za odločitev.

(3) V osebni razgovoru iz druge alineje prvega odstavka lahko prosilec predstavi svoje mnenje o obstoju razlogov iz 51. člena tega zakona v zvezi z njegovimi posebnimi okoliščinami.

47. člen (roki za odločitev)

(1) Pristojni organ v postopku odloči v najkrajšem možnem času, razen če bi to vplivalo na ustreznost in celovitost obravnavanja, pri

(6) The competent authority shall assign, *ex officio*, a personal identification number (EMŠO) and a temporary residence address to an applicant for international protection and issue an identity card for applicants.

(7) The provisions of Article 37 of this Act shall apply *mutatis mutandis* to the process of receiving an application.

(8) The details of the procedures taking place prior to formal registration of an application shall be prescribed by the minister.

Article 46 (Personal interview)

(1) Prior to deciding on an application in the international protection procedure, the competent authority shall conduct a personal interview:

- as part of the regular or accelerated procedures,
- if the application is regarded as inadmissible,
- if Regulation 604/2013/EU applies.

(2) During the personal interview referred to in the preceding paragraph, the official shall establish:

- the identity of the applicant and the accompanying family members,
- the grounds given by the applicant to substantiate his or her application,
- all other facts and circumstances of possible relevance to a decision.

(3) During the personal interview referred to in indent two of paragraph one, the applicant may give his or her account of the grounds referred to in paragraph one of Article 51 of this Act concerning his or her specific circumstances.

Article 47 (Time limits for a decision)

(1) The competent authority shall make a decision within the shortest time possible, unless this could have an impact on the

čemer v rednem postopku odloči najkasneje v šestih mesecih od vložitve prošnje, v pospešenem postopku pa najkasneje v dveh mesecih od vložitve prošnje.

(2) Če pristojni organ o prošnji ne more odločiti v šestih mesecih, pisno obvesti prosilca o zamudi in razlogih za zamudo ter napove, v kakšnem roku lahko pričakuje odločitev. Če pristojni organ ne more odločiti v roku, navedenem v pisnem obvestilu, po poteku tega roka ponovno pisno obvesti prosilca o razlogih za zamudo ter novem pričakovanem roku odločitve.

(3) V primerih, ko prosilec ne izpolni svojih obveznosti v zvezi s postopkom mednarodne zaščite, zapletenih pravnih in dejanskih vprašanj ali velikega števila prošenj za mednarodno zaščito, se lahko rok za odločitev v rednem postopku podaljša, vendar ne dlje kot za devet mesecev.

(4) V utemeljenih okoliščinah in z namenom zagotoviti ustrezno ter celovito obravnavo prošnje za mednarodno zaščito lahko pristojni organ v primerih iz prejšnjega odstavka ta rok prekorači za največ tri mesece.

(5) Pristojni organ lahko odloži postopek obravnavanja prošnje, kadar se zaradi negotovih razmer v izvorni državi prosilca, za katere se predvideva, da so začasne narave, od pristojnega organa ne more pričakovati, da bo o prošnji odločil v rokih iz prvega, tretjega in četrtega odstavka tega člena. V tem primeru pristojni organ:

- vsakih šest mesecev pregleda razmere v tej izvorni državi,
- prosilca obvesti o razlogih za odlog,
- Evropsko komisijo obvesti o odložitvi postopkov za to izvorno državo.

(6) Postopek obravnavanja prošnje se v primerih iz prejšnjega odstavka konča najpozneje v 21 mesecih od vložitve prošnje.

(7) Kadar se prošnja obravnava po postopku, določenem v

appropriateness and integrity of the examination. A decision in the regular procedure shall be made within six months at the latest; a decision in the accelerated procedure shall be made in two months at the latest after the filing of an application.

(2) Where the competent authority is unable to decide on the application within six months, it shall notify the applicant in writing of the delay and the reasons for it and state a time limit within which the applicant may expect a decision. Where the competent authority is unable to decide within the time limit set in the notification, it shall again notify the applicant in writing after the time limit expires of the reasons for the delay and the new time limit within which the applicant may expect a decision.

(3) In cases when an applicant fails to fulfil his or her obligations related to the international protection procedure, complex legal and actual issues, or there is a large influx of international protection applicants, the time limit for making the decision may be extended in the regular procedure, but for no more than nine months.

(4) In well-founded circumstances and in order to ensure the adequate and comprehensive examination of an application for international protection, the competent authority may exceed the time limit in the cases referred to in the preceding paragraph by no more than three months.

(5) The competent authority may postpone the procedure for examining an application where for reasons of instability in the applicant's country of origin, which is regarded as temporary, the competent authority cannot be reasonably expected to decide on the application within the time limits referred to in paragraphs one, three and four of this Article. In this case, the competent authority shall:

- review the situation in the country of origin every six months,
- notify the applicant of the reasons for the postponement,
- notify the European Commission of the postponement of the procedures with respect to that country of origin.

(6) The procedure for examining an application in the cases referred to in the preceding paragraph shall end within 21 months of the filing of an application at the latest.

(7) When an application is examined under the procedure

Uredbi 604/2013/EU, rok za odločitev začne teči takrat, ko se v skladu z navedeno uredbo ugotovi, da je Republika Slovenija odgovorna za njeno obravnavanje, prosilec pa je na ozemlju Republike Slovenije.

48. člen (prednostna obravnava prošenj)

Pristojni organ prošnjo obravnava prednostno v primeru ranljivih oseb s posebnimi potrebami in v primeru, ko sta prosilcu odrejena ukrep obveznega zadrževanja na območju ali delu območja azilnega doma ali ukrep omejitve gibanja na Center za tujce.

49. člen (odločitev pristojnega organa)

(1) Pristojni organ z odločbo:

- prošnji ugodi v rednem postopku, če ugotovi, da prosilec izpolnjuje pogoje za pridobitev statusa begunca po tem zakonu,
- prošnji ugodi v rednem postopku, če ugotovi, da prosilec izpolnjuje pogoje za pridobitev statusa subsidiarne zaščite po tem zakonu,
- prošnjo zavrne v rednem postopku, če ob upoštevanju dejstev in okoliščin iz 23. člena tega zakona ugotovi, da prosilec ne izpolnjuje pogojev za priznanje mednarodne zaščite,
- prošnjo zavrne v rednem postopku, če so podani izključitveni razlogi, določeni v 31. členu tega zakona,
- prošnjo zavrne kot očitno neutemeljeno v pospešenem postopku, če prosilec očitno ne izpolnjuje pogojev za mednarodno zaščito in je podan razlog iz 52. člena tega zakona.

(2) Ne glede na določbo pete alineje prejšnjega odstavka lahko pristojni organ prošnjo mladoletnika brez spremstva zavrne kot očitno neutemeljeno le v primeru:

- uporabe koncepta varne izvorne države iz 61. člena tega zakona,

defined in Regulation 604/2013/EU, the time limit for the decision shall begin when it is established under the mentioned Regulation that the Republic of Slovenia is responsible for the examination and the applicant is in the territory of the Republic of Slovenia.

Article 48 (Preferential examination of applications)

The competent authority shall examine an application as a matter of priority in the case of vulnerable persons with special needs and in cases when the applicant has been ordered to remain in the area or a part of the area of the Asylum Centre or if his or her movement has been restricted to the Centre for Foreigners.

Article 49 (Decision of the competent authority)

(1) The competent authority shall issue a decision:

- granting the application under the regular procedure if it has found that the applicant fulfils the conditions to be granted refugee status pursuant to this Act,
- granting the application under the regular procedure if it has found that the applicant fulfils the conditions to be granted subsidiary protection status pursuant to this Act,
- dismissing the application in the regular procedure if it has established, while taking into account the facts and circumstances referred to in Article 23 of this Act, that the applicant does not fulfil the conditions to be granted international protection,
- dismissing the application in the regular procedure if the reasons for exclusion determined in Article 31 of this Act exist,
- dismissing the application as manifestly unfounded in the accelerated procedure if the applicant obviously does not fulfil the conditions to be granted international protection and the reason referred to in Article 53 of this Act applies.

(2) Notwithstanding the provision of indent four of the preceding paragraph, the competent authority may dismiss an application by an unaccompanied minor as manifestly unfounded only in the case:

- of relying on the concept of a safe country of origin referred to in

- če obstajajo tehtni razlogi za domnevo, da prosilec predstavlja grožnjo za javni red, javno varnost ali državno varnost Republike Slovenije ali je bil zaradi tehtnih razlogov ogrožanja javnega reda, javne varnosti ali državne varnosti odstranjen iz države.

(3) V odločbi iz druge alineje prvega odstavka tega člena pristojni organ določi trajanje statusa subsidiarne zaščite, ki ne sme biti krajše od enega leta.

(4) Pristojni organ družinskemu članu prosilca iz 25. točke 2. člena tega zakona, ki sam ne izpolnjuje pogojev za tako zaščito in pri katerem niso podani izključitveni razlogi iz prvega, drugega ali četrtega odstavka 31. člena tega zakona, prizna enak status kot družinskemu članu, ki izpolnjuje pogoje za priznanje statusa.

(5) Pristojni organ postopek s sklepom ustavi, če prosilec pred izdajo odločbe ustno na zapisnik ali v pisni obliki izjavi, da umika prošnjo.

(6) Pristojni organ postopek s sklepom ustavi, če se prošnja v skladu s tem zakonom šteje za umaknjeno.

(7) Ne glede na določbi petega in šestega odstavka tega člena lahko pristojni organ v primeru, da je bil s prosilcem opravljen osebni razgovor in je na voljo zadosti razpoložljivih dokazov za ustrezno vsebinsko preučitev prošnje ter je dejansko stanje ugotovljeno do te mere, da omogoča izdajo zakonite odločitve, prošnjo zavrne kot neutemeljeno ali očitno neutemeljeno.

(8) Pristojni organ prošnjo s sklepom zavrže, če so podani razlogi iz 51. člena tega zakona.

(9) Če pristojni organ prošnjo s sklepom zavrže na podlagi četrte alineje 51. člena tega zakona, v sklepu določi, katera druga država članica Evropske unije ali pristopnica k Uredbi 604/2013/EU je odgovorna za obravnavo prošnje.

Article 61 of this Act,

- where there are well-founded reasons to believe that the applicant presents a threat to the public order, public security or national security of the Republic of Slovenia or if the applicant was forcibly expelled due to substantial reasons of a threat to public order, public security or national security.

(3) In the decision referred to in the indent two of paragraph one of this Article, the competent authority shall determine the duration of subsidiary protection, which shall not be shorter than one year.

(4) The competent authority shall award a status equal to the status of a family member who qualifies for such status to a family member of an applicant referred to in point 25 of Article 2 of this Act who does not fulfil the conditions to be granted such protection and for whom no grounds for exclusion referred to in paragraphs one, two or four of Article 31 of this Act have been provided.

(5) The competent authority shall discontinue the procedure by an order if, pending the issuance of a decision, the applicant makes an oral or written statement on record that he or she is withdrawing the application.

(6) The competent authority shall discontinue the procedure by an order if the application is deemed withdrawn pursuant to this Act.

(7) Notwithstanding the provisions of paragraphs five and six of this Article, the competent authority may dismiss the application as unfounded or manifestly unfounded if a personal interview has been held with the applicant and there is enough evidence for a proper substantive assessment of the application, and the facts render the issuance of a legitimate decision possible.

(8) The competent authority shall reject an application by an order if the reasons referred to in Article 51 of this Act apply.

(9) Where the competent authority rejects an application by an order based on indent four of Article 51 of this Act, it shall indicate in the order which other EU Member State or State having acceded to Regulation 604/2013/EU is responsible for the examination of the application.

50. člen (umik prošnje)

(1) Prosilec lahko prošnjo izrecno umakne kadar koli med postopkom do vročitve odločbe.

(2) Prošnja se šteje za umaknjeno tudi:

- če se prosilec brez predhodnega opravičila ne odzove vabilu na osebni razgovor;
- če je iz uradnih evidenc pristojnega organa razvidno, da je prosilec samovoljno zapustil azilni dom ali njegovo izpostavo in se v treh dneh od samovoljne zapustitve ni vrnil v azilni dom ali njegovo izpostavo;
- če se prosilec v treh dneh od obvestila stanodajalca ali predstojnika institucije pristojnemu organu ni vrnil na naslov razselitve iz 83. člena tega zakona.

(3) Oseba lahko novo prošnjo za mednarodno zaščito vloži v devetih mesecih po izdaji sklepa o ustavitvi postopka iz šestega odstavka prejšnjega člena. Vsaka naslednja prošnja in prošnja, podana po poteku devetmesečnega roka, se obravnavata v skladu z določbami tega zakona, ki urejajo ponovno prošnjo.

(4) V postopku obravnave prošnje po Uredbi 604/2013/EU se umik prošnje ne šteje kot izjava o umiku iz prvega odstavka tega člena in ne vpliva na izvršitev predaje na podlagi Uredbe 604/2013/EU, razen če je prosilec obravnavan po točki a) prvega odstavka 18. člena Uredbe 604/2013/EU in druga država članica Evropske unije ali pristopnica k Uredbi 604/2013/EU odgovornosti za sprejem prošnje še ni sprejela.

51. člen (nedopustna prošnja)

Prošnjo za mednarodno zaščito lahko pristojni organ s sklepom

Article 50 (Withdrawal of an application)

(1) An applicant may explicitly withdraw his or her application at any time during the procedure pending the service of the decision.

(2) An application shall be also considered withdrawn where:

- the applicant has failed to attend a personal interview without giving a reason beforehand,
- the official records of the competent authority show that the applicant has arbitrarily left the Asylum Centre or a branch thereof and has failed to return to the Asylum Centre or a unit thereof within three days of leaving,
- the applicant has failed to return to the address of relocation referred to in Article 83 of this Act within three days of the competent authority being notified of such failure by the home owner or head of the institution.

(3) A person may file a new application for international protection within nine months of the issuance of an order discontinuing the procedure referred to in paragraph six of the preceding Article. Every further application or application filed after the expiry of the nine-month time limit shall be examined pursuant to the provisions of this Act regulating subsequent applications.

(4) In the process of examining an application pursuant to Regulation 604/2013/EU, a withdrawn application shall not be considered a declaration of withdrawal as referred to in paragraph one of this Article and shall not affect the execution of the transfer pursuant to Regulation 604/2013/EU, except when the applicant is treated pursuant to point a) of paragraph one of Article 18 of Regulation 604/2013/EU, and if the other EU Member State or state acceding to Regulation 604/2013/EU has not yet accepted responsibility for examining the application.

Article 51 (Inadmissible applications)

An application for international protection may be rejected as

zavrže kot nedopustno le, če:

- je prosilcu mednarodno zaščito že priznala druga država članica Evropske unije, razen če gre za osebe iz VI. poglavja tega zakona,
- se država, iz katere prosilec prihaja, šteje za državo prvega azila na podlagi prvega odstavka 63. člena tega zakona,
- se država, iz katere prosilec prihaja, šteje za varno tretjo državo na podlagi 53. člena tega zakona,
- se na podlagi meril, določenih v Uredbi 604/2013/EU, ugotovi, da je za obravnavo prošnje odgovorna druga država članica Evropske unije ali pristopnica k Uredbi 604/2013/EU.

52. člen (očitno neutemeljena prošnja)

Prošnja prosilca, ki očitno ne izpolnjuje pogojev za mednarodno zaščito, se šteje za očitno neutemeljeno, če:

- je prosilec v postopku navajal samo dejstva, ki so nepomembna za obravnavanje upravičenosti do mednarodne zaščite po tem zakonu,
- prosilec prihaja iz varne izvorne države iz 61. člena tega zakona,
- je prosilec zavajal organe tako, da je dajal napačne informacije ali dokumente ali zamolčal pomembne informacije ali dokumente o svoji identiteti ali državljanstvu, kar bi lahko vplivalo na odločitev,
- je verjetno, da je prosilec zlonamerno uničil ali odsvojil osebni dokument ali potno listino, ki bi pomagala pri ugotavljanju njegove identitete ali državljanstva,
- so prosilčeve navedbe očitno nedosledne, protislovne, lažne, malo verjetne in v nasprotju z dovolj preverjenimi informacijami o izvorni državi iz osme in devete alineje prvega odstavka 23. člena tega zakona, zaradi česar je njegova prošnja očitno neprepričljiva glede trditve, da izpolnjuje pogoje za priznanje mednarodne zaščite,
- je prosilec podal prošnjo samo zato, da bi odložil ali onemogočil izvršitev odločbe, na podlagi katere bi bil odstranjen,
- je prosilec nezakonito vstopil na ozemlje Republike Slovenije ali protipravno podaljšal svoje bivanje in se brez pravega razloga ni javil oblastem ali ni podal prošnje za mednarodno zaščito v najkrajšem

inadmissible by an order of the competent authority only if:

- the applicant for international protection has already been granted international protection by another EU Member State, except with regard to the persons referred to in Chapter VI of this Act,
- the country from which the applicant has come is regarded as the country of first asylum on the basis of paragraph one of Article 63 of this Act,
- the country from which the applicant has come is regarded as a safe country on the basis of paragraph one of Article 53 of this Act,
- it is established, based on the criteria defined in Regulation 604/2013 EU, that another EU Member State or a state that has acceded to Regulation 604/2013/EU is responsible for examining the application.

Article 52 (Manifestly unfounded applications)

An application by an applicant which manifestly does not qualify for international protection shall be deemed manifestly unfounded where:

- in the course of the procedure, the applicant has stated only facts irrelevant to assessing eligibility for international protection pursuant to this Act;
- the applicant comes from a safe country of origin referred to in Article 61 of this Act;
- the applicant misled the authorities by providing false information or documents or concealing relevant information or documents referring to his or her identity or citizenship that could affect the decision,
- it is possible that the applicant has deliberately destroyed or expropriated an identification document or a travel document that would help establish his or her identity or citizenship,
- the applicant's account is patently inconsistent, contradictory, false, unlikely or contrary to the sufficiently verified information on the country of origin referred to in indents eight and nine of Article 23 of this Act, on account of which his or her application is obviously unconvincing with regard to the claim that he or she fulfils the conditions to be granted international protection,
- the applicant has filed an application solely for the purpose of postponing or preventing the enforcement of a removal decision,
- the applicant has illegally entered the territory of the Republic of Slovenia or unlawfully extended his or her residence and, without any valid reason, failed to report to the authorities, or has failed to file an

možnem času glede na okoliščine njegovega vstopa,

- prosilec noče izpolniti obveznosti v zvezi z oddajo prstnih odtisov v skladu z Uredbo 603/2013/EU,
- obstajajo utemeljeni razlogi za sum, da lahko prosilec pomeni nevarnost za javni red, javno varnost ali državno varnost, ali če je izgnan zaradi tehtnih razlogov javne varnosti ali javnega reda po nacionalnem pravu.

53. člen (koncept varne tretje države)

Varna tretja država je država, v kateri se je prosilec nahajal pred prihodom v Republiko Slovenijo in v kateri je dejansko imel možnost zaprositi za mednarodno zaščito, vendar brez utemeljenega razloga tega ni storil.

54. člen (kriteriji za določitev varne tretje države)

(1) Država se lahko razglasi za varno tretjo državo, če so izpolnjeni naslednji pogoji:

- življenje in svoboda v njej nista ogroženi zaradi rase, vere, narodnosti, pripadnosti določeni družbeni skupini ali političnega prepričanja;
- v državi ni tveganja resne škode, kot je opredeljena v 28. členu tega zakona;
- v skladu z Ženevsko konvencijo država spoštuje načelo nevračanja;
- država spoštuje prepoved odstranitve, ki bi kršila prepoved mučenja ter krutega, nečloveškega in ponižujočega ravnanja, kakor je določena v mednarodnem pravu;
- v državi obstaja možnost zaprositi za status begunca ter, če je ugotovljeno, da je oseba res begunec, pridobiti zaščito v skladu z Ženevsko konvencijo.

(2) Varno tretjo državo na podlagi meril iz prejšnjega odstavka razglasi Vlada Republike Slovenije na predlog ministrstva, ki redno spremlja razmere v državi na podlagi informacij drugih držav članic

- application for international protection in the shortest time possible given the circumstances of his or her entry,
- the applicant has refused to comply with his or her obligations as regards fingerprinting in accordance with Regulation 603/2013/EU,
- well-founded reasons exist to suspect that the applicant may pose a threat to public order, public security or national security, or if the applicant has been forcibly deported under Slovenian law for well-founded reasons of public security or public order.

Article 53 (The concept of a safe third country)

A safe third country shall be the country where the applicant stayed before arrival in the Republic of Slovenia and where he or she had the opportunity to apply for international protection but failed to do so without a valid reason.

Article 54 (Criteria for determining a safe third country)

(1) If a country is to be declared a safe third country, the following requirements must be met:

- life and liberty in the country are not threatened on account of race, religion, nationality, membership of a particular social group or political opinion;
- there is no risk of serious harm in the country, as defined in Article 28 of this Act;
- the country observes the principle of non-refoulement in accordance with the Geneva Convention;
- the country observes the prohibition of removal, which would violate the prohibition of torture as cruel, inhuman or degrading treatment as laid down in international law;
- there is a possibility to request refugee status in the country and, where a person is found to be a refugee, to receive protection in accordance with the Geneva Convention.

(2) With due regard to the criteria referred to in the preceding paragraph, the Government of the Republic of Slovenia shall designate a safe third country on the basis of a motion of the ministry responsible for

Evropske unije in drugih institucij Evropske unije ter ustreznih mednarodnih organizacij. Če ministrstvo ugotovi bistveno poslabšanje položaja človekovih pravic v državi, ki je bila razglašena kot varna, ali če se pojavijo dvomi o izpolnjevanju pogojev iz prejšnjega odstavka, ministrstvo ponovno preveri, ali se država lahko še opredeli kot varna tretja država, in predlaga razveljavitev odločitve o določitvi države za varno tretjo državo, če ugotovi, da niso več izpolnjeni pogoji za njeno razglasitev kot varno tretjo državo.

(3) O razglasitvi države kot varne tretje države in o spremembah v zvezi z razglasitvijo države kot varne tretje države na podlagi tega zakona Vlada Republike Slovenije obvesti Evropsko komisijo.

55. člen **(postopek pri uporabi koncepta varne tretje države)**

(1) Pri uporabi koncepta varne tretje države lahko prosilec navaja dejstva in dokaze, s katerimi izkazuje, da zadevna država zanj osebno ni varna tretja država ter da zaradi utemeljenih razlogov v zadevni državi ni mogel zaprositi za mednarodno zaščito.

(2) Če se v postopku ugotovi, da je zadevna država za prosilca varna tretja država, se prošnja prosilca obravnava kot nedopustna v skladu z 51. členom tega zakona.

56. člen **(koncept evropske varne tretje države)**

Evropska varna tretja država je država iz prvega odstavka 57. člena tega zakona, iz katere prosilec poskuša nezakonito vstopiti ali je nezakonito vstopil na ozemlje Republike Slovenije.

monitoring the situation in a country based on sharing information with other European Union Member States and other institutions of the European Union and relevant international organisations. Where a significant deterioration of the situation regarding human rights in a country that has been declared safe is identified by the ministry or where there is uncertainty as to the fulfilment of the conditions referred to in the preceding paragraph, the ministry shall review whether the country can still be designated a safe third country, and propose the annulment of the decision declaring the country a safe third country if it considers that the conditions for it to be declared a safe third country are no longer satisfied.

(3) The Government of the Republic of Slovenia shall notify the European Commission of declaring a country a safe third country and of changes regarding the declaration of a country as a safe third country pursuant to this Act.

Article 55 **(Procedure concerning the application of the safe third country concept)**

(1) In reliance on the concept of a safe third country, an applicant may state facts and evidence supporting a claim that the country in question is not a safe third country for him or her personally and that he or she was unable to apply for international protection in that country for well-founded reasons.

(2) If it is established in the procedure that the country in question is a safe third country for the applicant, his or her application shall be deemed inadmissible in accordance with Article 51 of this Act.

Article 56 **(The concept of a safe European third country)**

A safe European third country is a country referred to in paragraph one of Article 57 of this Act from where the applicant attempts to illegally enter, or has illegally entered, the territory of the Republic of Slovenia.

57. člen
(merila za določitev evropske varne tretje države)

(1) Tretja država se lahko šteje za evropsko varno tretjo državo samo, kadar:

- je ratificirala in spoštuje določbe Ženevske konvencije brez kakršnih koli geografskih omejitev;
- ima z zakonom predpisan azilni postopek;
- je ratificirala Evropsko konvencijo o varstvu človekovih pravic in temeljnih svoboščin ter spoštuje njene določbe, vključno s standardi za učinkovita pravna sredstva.

(2) Evropsko varno tretjo državo na podlagi meril iz prejšnjega odstavka razglasi Vlada Republike Slovenije na predlog ministrstva, ki redno spremlja razmere v državi na podlagi informacij drugih držav članic Evropske unije ter drugih institucij Evropske unije in ustreznih mednarodnih organizacij. Če ministrstvo ugotovi bistveno poslabšanje položaja človekovih pravic v državi, ki je bila razglašena kot varna, ali če se pojavijo dvomi o izpolnjevanju pogojev iz prejšnjega odstavka, ministrstvo ponovno preveri, ali se država lahko še opredeli kot evropska varna tretja država, in predlaga razveljavitev odločitve o določitvi države za evropsko varno tretjo državo, če ugotovi, da niso več izpolnjeni pogoji za njeno razglasitev kot evropsko varno tretjo državo.

(3) O razglasitvi države kot evropske varne tretje države in o spremembah v zvezi z razglasitvijo države kot evropske varne tretje države na podlagi tega zakona Vlada Republike Slovenije obvesti Evropsko komisijo.

58. člen
(postopek pri uporabi koncepta evropske varne tretje države)

(1) Pri uporabi koncepta evropske varne tretje države prosilec lahko navaja dejstva in dokaze, s katerimi izkazuje, da zadevna država

Article 57
(Criteria for determining a safe European third country)

(1) A third country may be deemed to be a safe European third country only where the following apply:

- it has ratified the Geneva Convention and has complied with its provisions, with no geographical limitations whatsoever;
- it has an asylum procedure prescribed by law;
- it has ratified the European Convention on the Protection of Human Rights and Fundamental Freedoms and respects its provisions, including the standards for effective legal remedies.

(2) On the basis of the criteria referred to in the preceding paragraph, a safe European third country is declared by the Government of the Republic of Slovenia on the proposal of the ministry, which regularly monitors the situation in the country on the basis of information from other European Union Member States and other institutions of the European Union and relevant international organisations. If the ministry establishes that the situation regarding human rights in a country that has been declared safe has significantly deteriorated, or if there are doubts as to the fulfilment of the conditions referred to in the preceding paragraph, the ministry shall re-examine whether the country can still be defined as a safe European third country, and propose the annulment of the decision declaring the country a safe European third country if it determines that the requirements for it to be declared a safe European third country are no longer fulfilled.

(3) The Government of the Republic of Slovenia shall notify the European Commission that it has declared a country a safe European third country and of changes regarding the declaration of a country as a safe European third country pursuant to this Act.

Article 58
(Procedure concerning the application of the concept of a safe European third country)

(1) In reliance on the concept of a safe European third country, an applicant may raise facts and evidence supporting the claim that the

zanj osebno ni varna.

(2) Če se v postopku ugotovi, da je zadevna država za prosilca evropska varna tretja država, pristojni organ prošnje ne obravnava in jo s sklepom zavrže.

59. člen
(obveščanje organov varne tretje države)

V postopkih priznanja mednarodne zaščite pri izvajanju koncepta varne tretje države in koncepta evropske varne tretje države, določenih v 53. in 56. členu tega zakona, pristojni organ prosilca o tem obvesti in mu posreduje dokument, s katerim se varna tretja država obvesti, da konkretna prošnja ni bila vsebinsko obravnavana v postopku mednarodne zaščite. Obvestilo se prevede v jezik varne tretje države.

60. člen
(zavrnitev vstopa na ozemlje varne tretje države in evropske varne tretje države)

Če varna tretja država ali evropska varna tretja država zavrne vstop prosilca na svoje ozemlje, pristojni organ sklep iz drugega odstavka 55. člena ali drugega odstavka 58. člena tega zakona razveljavi in obravnava prošnjo za mednarodno zaščito.

61. člen
(koncept varne izvorne države)

(1) Tretja država se šteje za varno izvorno državo, če je na podlagi pravnega položaja, uporabe prava v okviru demokratičnega sistema in splošnih političnih okoliščin mogoče sklepati, da v njej na splošno in redno ni nikakršnega preganjanja, kakor je opredeljeno v 26. členu tega zakona, mučenja ali nečloveškega ali ponižujočega ravnanja ali kaznovanja in ogroženosti zaradi vsesplošnega nasilja v

country in question is not safe for him or her personally.

(2) Where it is established during the procedure that the country in question is a safe European third country for the applicant, the competent authority shall not examine the application and shall reject it by an order.

Article 59
(Notifying the authorities of a safe third country)

An applicant whose case has been considered in the procedure for granting international protection, in the course of which the concepts of a safe third country and of a safe European third country as specified in Articles 53 and 56 of this Act have been applied, shall be informed thereof by the competent authority and shall be provided the document notifying the safe third country that the merits of the application in question have not been examined in the international protection procedure. The notice shall be translated into the language of the safe third country.

Article 60
(Refusal of entry into the territory of a safe third country or a safe European third country)

Where a safe third country or a safe European third country precludes the applicant from entering its territory, the competent authority shall annul the order referred to in paragraph two of Article 55 or paragraph two of Article 58 of this Act and shall examine the application for international protection.

Article 61
(The concept of a safe country of origin)

(1) A third country shall be deemed to be a safe country of origin where it may be concluded on the basis of the legal situation, the application of law within the democratic system, and the general political situation that, generally and regularly, there is no persecution therein, as defined in Article 26 of this Act, no torture or inhuman or degrading treatment or punishment, nor any danger from indiscriminate violence in a

razmerah mednarodnega ali notranjega oboroženega spopada.

(2) Pri oceni, ali je tretja država varna izvorna država, se med drugim upošteva tudi obseg zagotavljanja varnosti pred preganjanjem ali zlorabami s:

- predpisi države in načinom, na katerega se ti uporabljajo;
- spoštovanjem pravic in svoboščin, določenih v Evropski konvenciji o varstvu človekovih pravic in temeljnih svoboščin, v Mednarodnem paktu o državljanskih in političnih pravicah in v Konvenciji Združenih narodov proti mučenju, zlasti pa pravic, od katerih v skladu z drugim odstavkom 15. člena Evropske konvencije o varstvu človekovih pravic in temeljnih svoboščin ni mogoče odstopati;
- upoštevanjem načela nevračanja v skladu z Ženevsko konvencijo;
- obstojem sistema učinkovitih pravnih sredstev zoper kršitve pravic in svoboščin, določenih v Evropski konvenciji o varstvu človekovih pravic in temeljnih svoboščin.

(3) Varno izvorno državo na podlagi meril iz prejšnjega odstavka razglasi Vlada Republike Slovenije na predlog ministrstva, ki redno spremlja razmere v državi na podlagi informacij drugih držav članic Evropske unije ter drugih institucij Evropske unije in ustreznih mednarodnih organizacij. Če ministrstvo ugotovi bistveno poslabšanje položaja človekovih pravic v državi, ki je bila razglašena kot varna, ali če se pojavijo dvomi o izpolnjevanju pogojev iz prejšnjega odstavka, ministrstvo ponovno preveri, ali se država lahko še opredeli kot varna izvorna država in predlaga razveljavitev odločitve o določitvi države za varno izvorno državo, če ugotovi, da niso več izpolnjeni pogoji za njeno razglasitev kot varno izvorno državo.

(4) O razglasitvi države kot varne izvorne države in o spremembah v zvezi z razglasitvijo države kot varne izvorne države na podlagi tega zakona Vlada Republike Slovenije obvesti Evropsko komisijo.

situation of international or internal armed conflict.

(2) In assessing whether a third country is a safe country of origin, the scope of protection against persecution and abuse afflicted in the following ways shall be considered, *inter alia*:

- national regulations and the manner in which they are applied;
- respect for the rights and freedoms defined in the European Convention on the Protection of Human Rights and Fundamental Freedoms, the International Covenant on Civil and Political Rights and the United Nations Convention against Torture, especially the rights which, in accordance with Article 15 of the European Convention on the Protection of Human Rights and Fundamental Freedoms, cannot be derogated from;
- compliance with the non-refoulement principle under the Geneva Convention;
- the existence of a system of effective legal remedies against violations of the rights and freedoms determined in the European Convention on the Protection of Human Rights and Fundamental Freedoms.

(3) On the basis of the criteria referred to in the preceding paragraph, a safe country of origin is designated by the Government of the Republic of Slovenia on the proposal of the ministry, which regularly monitors the situation in the country on the basis of information from other European Union Member States and other institutions of the European Union and relevant international organisations. Where the ministry establishes that the situation regarding human rights in a country that has been designated as safe has significantly deteriorated, or where there are doubts as to the fulfilment of the conditions referred to in the preceding paragraph, the ministry shall re-examine whether the country can still be designated as a safe country of origin, and propose the annulment of the decision designating the country a safe country of origin if it determines that the requirements for it to be designated a safe country of origin are no longer fulfilled.

(4) The Government of the Republic of Slovenia shall notify the European Commission of designating a country a safe country of origin and of changes regarding the designation of a country as a safe country of origin based on this Act.

62. člen
(uporaba koncepta varne izvorne države)

(1) Tretja država se lahko za prosilca šteje za varno izvorno državo, če:

- ima prosilec državljanstvo te države ali je oseba brez državljanstva in je imel v tej državi običajno prebivališče in
- prosilec ni izkazal tehtnih razlogov, na podlagi katerih je mogoče ugotoviti, da ta država ob upoštevanju njegovih posebnih okoliščin v smislu izpolnjevanja pogojev za mednarodno zaščito v skladu s tem zakonom zanj ni varna izvorna država.

(2) Če so izpolnjeni pogoji iz prejšnjega odstavka, pristojni organ v skladu s peto alinejo prvega odstavka 49. člena tega zakona prošnjo prosilca v pospešenem postopku zavrne kot očitno neutemeljeno.

63. člen
(uporaba koncepta države prvega azila)

- (1) Država prvega azila je država, v kateri:
- je bil prosilcu priznan status begunca, ki še velja, ali
 - prosilec uživa zadostno zaščito, vključno z načelom nevračanja.

(2) Če so izpolnjeni pogoji iz prejšnjega odstavka, pristojni organ prošnjo prosilca s sklepom zavrže na podlagi druge alineje 51. člena tega zakona.

(3) Prosilec lahko v postopku izpodbija uporabo tega koncepta s sklicevanjem na svoje posebne okoliščine.

(4) Če država prvega azila zavrne vstop prosilca na svoje ozemlje, pristojni organ sklep iz druge alineje 51. člena tega zakona razveljavi in obravnava prošnjo za mednarodno zaščito.

Article 62
(Applying the concept of a safe country of origin)

(1) A third country may be presumed to be a safe country of origin with respect to an applicant where:

- the applicant holds citizenship of this country or is a stateless person and has enjoyed habitual residence in this country, and
- the applicant has failed to present valid reasons indicating that this country, considering his or her individual circumstances in terms of fulfilling the conditions to be granted international protection pursuant to this Act, is not a safe country of origin for him or her.

(2) Where the conditions referred to in the preceding paragraph have been complied with, the competent authority shall dismiss the applicant's application as manifestly unfounded in accordance with indent five of paragraph one of Article 49.

Article 63
(Application of the concept of the country of first asylum)

- (1) The country of first asylum shall be a country in which:
- the applicant was granted refugee status that is still valid, or
 - the applicant has enjoyed sufficient protection, including the non-refoulement principle.

(2) If the conditions referred to in the preceding paragraph have been complied with, the competent authority shall reject the applicant's application by an order on the basis of indent two of Article 51 of this Act.

(3) In the procedure, the applicant may challenge the application of this concept by relying on his or her individual circumstances.

(4) If the country of first asylum refuses the applicant's entry into its territory, the competent authority shall annul the order referred to in indent two of Article 51 of this Act and examine the application for international protection.

3. oddelek

PONOVNA PROŠNJA

64. člen (ponovna prošnja)

- (1) Državljan tretje države ali oseba brez državljanstva:
- ki ji je bila v Republiki Sloveniji pravnomočno zavrnjena prošnja, ali
 - katere postopek je bil ustavljen zaradi umika in ne more vložiti nove prošnje v skladu s tretjim odstavkom 50. člena tega zakona, ali
 - katere postopek podaljšanja subsidiarne zaščite je bil ustavljen, ali
 - ki ji je bila prošnja za podaljšanje subsidiarne zaščite pravnomočno zavrnjena ali
 - ki ji je potekla subsidiarna zaščita, vendar v roku ni vložila prošnje za podaljšanje subsidiarne zaščite, in želi vložiti ponovno prošnjo, mora pred tem vložiti zahtevek za uvedbo ponovnega postopka, v katerem predloži nove dokaze ali navede nova dejstva, ki pomembno povečujejo verjetnost, da izpolnjuje pogoje za priznanje mednarodne zaščite.

(2) Ne glede na določbo prejšnjega odstavka se osebi iz druge alineje prejšnjega odstavka dovoli vložitev ponovne prošnje, če dokaže, da je bila izjava o umiku prošnje dana zaradi grožnje ali pod prisilo.

(3) Novi dokazi ali dejstva iz prvega odstavka morajo nastati po izdaji predhodne odločitve, v primerih iz četrte alineje prvega odstavka pa morajo novi dokazi ali dejstva nastati po izdaji odločitve o priznanju statusa subsidiarne zaščite. Novi dokazi ali dejstva so lahko obstajali že v času prvega postopka, vendar jih oseba iz prejšnjega odstavka brez svoje krivde takrat ni mogla uveljavljati.

Section 3

SUBSEQUENT APPLICATION

Article 64 (Subsequent application)

- (1) A third-country national or a stateless person:
- whose application in the Republic of Slovenia has been dismissed by a final decision, or
 - whose procedure has been discontinued due to withdrawal and who is unable to file a new application in accordance with paragraph three of Article 50 of this Act, or
 - whose procedure for the extension of subsidiary protection has been discontinued, or
 - whose application for the extension of subsidiary protection has been dismissed by a final decision, or
 - whose subsidiary protection has expired, while he or she has failed to file an application for the extension of subsidiary protection within the specified time limit, and who wishes to file a subsequent application, must first file a request for the introduction of a subsequent procedure, in which he or she shall give account of the new facts that could significantly improve the possibility of fulfilling the conditions to be granted international protection.

(2) Notwithstanding the provision referred to in the preceding paragraph, a person referred to in indent two of the preceding paragraph shall be allowed to file a subsequent application if he or she proves that the statement on the withdrawal of application was made due to a threat or under duress.

(3) The new evidence or facts referred to in paragraph one must have emerged after the preliminary decision was issued, while in the cases referred to in indent four of paragraph one, a new piece of evidence or fact must have emerged after the decision granting subsidiary protection status. New evidence or facts may have existed at the time of the first procedure, but were, through no fault of his or her own, not

(4) Oseba s priznanim statusom subsidiarne zaščite lahko po prejemu obvestila iz prvega odstavka 66. člena tega zakona pred potekom statusa vloži zahtevek za uvedbo ponovnega postopka v skladu s prvim in tretjim odstavkom tega člena. Zahtevek lahko vloži le v primeru, da ne uveljavlja podaljšanja subsidiarne zaščite.

65. člen **(postopek pri ponovni prošnji)**

(1) Oseba iz prvega in četrtega odstavka prejšnjega člena vloži pri pristojnem organu zahtevek za uvedbo ponovnega postopka. V tem zahtevku oseba sama predloži dokaze oziroma navede nova dejstva, ki opravičujejo nov postopek.

(2) Če zakoniti zastopnik po vložitvi svojega zahtevka za uvedbo ponovnega postopka poda prvo prošnjo za otroka, rojenega v Republiki Sloveniji, se takšna prošnja šteje kot zahtevek iz prejšnjega odstavka.

(3) Če oseba iz prvega in četrtega odstavka prejšnjega člena umakne zahtevek za uvedbo ponovnega postopka še pred odločitvijo pristojnega organa, se postopek s sklepom ustavi.

(4) O prvem zahtevku za uvedbo ponovnega postopka odloči pristojni organ s sklepom. Če pristojni organ ugotovi, da niso izpolnjeni pogoji iz prejšnjega člena, zahtevek s sklepom zavrže, v nasprotnem primeru pa dovoli vložitev ponovne prošnje in ravna v skladu s 45. členom tega zakona.

(5) Zahtevek za uvedbo ponovnega postopka, ki ga oseba vloži po tem, ko ji je bil že izdan izvršljiv sklep o zavrženju prvega zahtevka o uvedbi ponovnega postopka ali izvršljiva odločba o zavrnitvi prve ponovne prošnje kot neutemeljene, pristojni organ s sklepom zavrže.

submitted by the person referred to in the preceding paragraph.

(4) After receiving the notification referred to in paragraph one of Article 66 of this Act, a person who has been granted subsidiary protection status may file a request for the introduction of a subsequent procedure in accordance with paragraphs one and three of this Article before the expiry of such status. He or she may file a request only if he or she is not seeking an extension of subsidiary protection.

Article 65 **(Procedure regarding a subsequent application)**

(1) The persons referred to in paragraphs one and four of the preceding Article shall file a request to initiate a subsequent procedure with the competent authority. In such request, the person shall present evidence himself or herself or state new facts justifying a new procedure.

(2) If, after submitting his or her request for the introduction of a subsequent procedure, his or her statutory representative submits the first application for a child born in the Republic of Slovenia, such application shall constitute a request as referred to in the preceding paragraph.

(3) If a person referred to in paragraphs one and four of the preceding Article withdraws his or her request to initiate a subsequent procedure prior to the competent authority's decision, the procedure shall be discontinued by an order.

(4) The competent authority shall decide on the first request to initiate a subsequent procedure by an order. If the competent authority finds that the conditions referred to in the preceding Article have not been fulfilled, it shall reject the request by an order, otherwise it shall allow the filing of a subsequent application and act in accordance with Article 45 of this Act.

(5) A request to initiate a subsequent procedure filed by a person after the final order rejecting the first request for the introduction of a subsequent procedure was issued, or the final decision dismissing the first subsequent application as unfounded, shall be rejected by the competent authority by an order.

(6) Oseba, ki je bila v skladu z Uredbo 604/2013/EU vrnjena v Republiko Slovenijo, po tem ko je bil njen postopek skladno s šestim odstavkom 49. člena tega zakona ustavljen, ima pravico vložiti novo prošnjo, ki se ne obravnava kot ponovna prošnja iz 64. člena tega zakona.

4. oddelek

POSTOPEK PODALJŠANJA SUBSIDIARNE ZAŠČITE

66. člen **(postopek podaljšanja subsidiarne zaščite)**

(1) Ministrstvo osebi s priznano subsidiarno zaščito 60 dni pred potekom statusa pošlje pisno obvestilo o pogojih za podaljšanje subsidiarne zaščite, posledicah, če podaljšanja ne uveljavlja, in možnosti vložitve zahtevka za uvedbo ponovnega postopka. Obvestilo vključuje tudi obrazec, s katerim lahko oseba s priznano subsidiarno zaščito uveljavlja podaljšanje subsidiarne zaščite v Republiki Sloveniji.

(2) Obrazec iz prejšnjega odstavka se določi v predpisu iz drugega odstavka 90. člena tega zakona.

(3) Izpolnjen obrazec iz prvega odstavka tega člena, ki velja kot prošnja za podaljšanje subsidiarne zaščite, oseba pristojnemu organu vrne 30 dni pred potekom statusa.

(4) Po prejemu obrazca iz prejšnjega odstavka tega člena pristojni organ izda sklep, s katerim ugotovi, da je oseba iz prvega odstavka tega člena v postopku podaljšanja subsidiarne zaščite.

(5) Pristojni organ z osebo iz prejšnjega odstavka tega člena

(6) A person who has been returned to the Republic of Slovenia in accordance with Regulation 604/2013/EU after his or her procedure was discontinued in accordance with paragraph six of Article 49 of this Act may file a new application, which shall not be examined as a subsequent application as referred to in Article 64 of this Act.

Section 4

PROCEDURE FOR EXTENDING SUBSIDIARY PROTECTION

Article 66 **(Procedure for extending subsidiary protection)**

(1) The ministry shall send a written notification to a person under subsidiary protection 60 days before the expiry of his or her status on the requirements for extending subsidiary protection, the consequences of not claiming an extension, and the possibility to file a request to initiate a subsequent procedure. The notification shall also include the form by which the person under subsidiary protection may apply for the extension of subsidiary protection in the Republic of Slovenia.

(2) The form referred to in the preceding paragraph is determined in the regulation referred to in paragraph two of Article 90 of this Act.

(3) Such person shall return the completed form referred to in paragraph one of this Article, which at the same time shall serve as an application for the extension of subsidiary protection, to the competent authority 30 days before the expiry of such status.

(4) After receiving the form referred to in the preceding paragraph of this Article, the competent authority shall issue an order establishing that the person referred to in paragraph one of this Article is subject to a procedure extending subsidiary protection.

(5) The competent authority shall conduct an interview with the

opravi osebni razgovor in preveri obstoj razlogov za podaljšanje subsidiarne zaščite.

(6) Če obstajajo razlogi za podaljšanje, pristojni organ izda odločbo, s katero subsidiarno zaščito podaljša za dve leti.

(7) Če oseba ne izpolnjuje pogojev za podaljšanje, pristojni organ izda odločbo, s katero zavrne prošnjo za podaljšanje subsidiarne zaščite.

(8) Če oseba pred sprejetjem odločitve o prošnji za podaljšanje subsidiarne zaščite svojo prošnjo izrecno umakne, pristojni organ postopek s sklepom ustavi.

(9) Osebi iz četrtega odstavka tega člena do pravnomočne odločitve v postopku podaljšanja pripadajo pravice iz prvega odstavka 90. člena tega zakona.

(10) Do pravnomočno končanega postopka podaljšanja subsidiarne zaščite oseba ne more vložiti zahtevka za uvedbo ponovnega postopka ali vložiti nove prošnje.

5. oddelek

PRENEHANJE IN ODVZEM STATUSA MEDNARODNE ZAŠČITE

67. člen **(razlogi za prenehanje mednarodne zaščite)**

- (1) Beguncu preneha status, če:
- prostovoljno sprejme zaščito države, katere državljan je,
 - državljanstvo po njegovi izgubi prostovoljno ponovno pridobi,
 - pridobi novo državljanstvo in uživa zaščito države, ki mu ga je podelila,
 - se prostovoljno ponovno nastani v državi, ki jo je zapustil in v katero se ni vračal zaradi strahu pred preganjanjem,

person referred to in the preceding paragraph of this Article and verify the existence of grounds for the extension of subsidiary protection.

(6) If reasons for an extension exist, the competent authority shall issue a decision extending subsidiary protection for two years.

(7) If the person has failed to comply with the requirements for extension, the competent authority shall issue a decision dismissing the application for the extension of subsidiary protection.

(8) If the person has withdrawn his or her application for the extension of subsidiary protection pending a decision, the competent authority shall issue an order discontinuing the procedure.

(9) Persons referred to in paragraph four of this Article shall be entitled to the rights referred to in paragraph one of Article 90 of this Act pending the finality of the decision in the extension procedure.

(10) Such persons cannot file a request to initiate a subsequent procedure or file a new application pending the finality of the procedure for extending subsidiary protection.

Section 5

TERMINATION AND WITHDRAWAL OF INTERNATIONAL PROTECTION STATUS

Article 67 **(Grounds for the termination of international protection)**

- (1) A refugee's status shall terminate where:
- he or she has voluntarily availed himself or herself of the protection of the country of which he or she is a citizen,
 - he or she voluntarily re-acquires the citizenship that he or she lost,
 - he or she acquires a new citizenship and enjoys the protection of the country of new citizenship;
 - he or she voluntarily resettles himself or herself in the country which he or she left and to which he or she has not returned owing to fear of

- prenehajo okoliščine, zaradi katerih mu je bil priznan status begunca in ne more več zavračati zaščite države, katere državljan je,
- se kot oseba brez državljanstva zaradi prenehanja okoliščin, zaradi katerih mu je bil priznan status begunca, lahko vrne v prejšnjo državo običajnega prebivališča.

(2) Osebi, ki ji je priznana subsidiarna zaščita, preneha status, kadar okoliščine, zaradi katerih ji je bila priznana subsidiarna zaščita, prenehajo ali se spremenijo do te mere, da taka zaščita ni več potrebna.

(3) Če obstajajo okoliščine iz pete in šeste alineje prvega odstavka ter drugega odstavka tega člena, status ne preneha, če oseba navede utemeljene razloge, ki izhajajo iz preganjanja v preteklosti ali resne škode, povzročene v preteklosti, zaradi katerih noče izkoristiti zaščite države, katere državljan je, oziroma države prejšnjega običajnega prebivališča, če gre za osebo brez državljanstva.

(4) Če oseba s priznano mednarodno zaščito umre, status preneha z dnem smrti osebe.

(5) Status osebi z mednarodno zaščito preneha z dnem sprejema v državljanstvo Republike Slovenije.

(6) Če se oseba s priznano mednarodno zaščito zaščiti nedvoumno odpove, ji mednarodna zaščita preneha z dnem pravno močne odločbe o prenehanju statusa.

68. člen **(razlogi za odvzem statusa mednarodne zaščite)**

- (1) Beguncu se status odvzame, če:
- se po tem, ko mu je status priznan, ugotovi eno od dejstev, določenih v prvem odstavku 31. člena tega zakona,

- persecution,
- the circumstances in connection with which he or she has been granted refugee status have ceased to exist and he or she may no longer continue to refuse to avail himself or herself of the protection of the country of citizenship;
- being a stateless person, he or she is able to return to his or her former country of habitual residence, because the circumstances in connection with which he or she was granted refugee status have ceased to exist.

(2) The status of a person under subsidiary protection shall terminate when the circumstances which led to the granting of subsidiary protection cease to exist or have changed to such a degree that protection is no longer required.

(3) Where the circumstances pursuant to indents five and six of paragraph one and pursuant to paragraph two of this Act are established, the status shall continue to be valid provided that the person has cited compelling reasons arising out of previous persecution or harm for refusing to avail himself or herself of the protection of the country of citizenship or, being a stateless person, of his or her country of former habitual residence.

(4) If a person under international protection dies, the status shall cease to be valid as of the day of death.

(5) The status of a person under international protection shall cease to be valid on the day the person obtains citizenship of the Republic of Slovenia.

(6) Where a person under international protection unequivocally relinquishes protection, international protection shall cease to be valid on the day when the decision terminating such status becomes final.

Article 68 **(Reasons for withdrawal of international protection)**

- (1) A refugee's status shall be withdrawn where:
- one of the facts pursuant paragraph one of Article 31 of this Act is established after such status has been granted;

- je bilo njegovo napačno prikazovanje ali izpuščanje dejstev, vključno z lažnimi dokumenti, odločilnega pomena za priznanje statusa begunca,
- obstajajo utemeljeni razlogi, da se ga obravnava kot nevarnega za varnost Republike Slovenije, kar se kaže zlasti v ogrožanju varnosti ozemeljske celovitosti, suverenosti, izvrševanja mednarodnih obveznosti in ogrožanju varstva ustavne ureditve,
- po pravnomočni obsodbi za hudo kaznivo dejanje predstavlja nevarnost za Republiko Slovenijo.

(2) Osebi se subsidiarna zaščita odvzame, če:

- se ugotovi eno od dejstev, določenih v drugem odstavku 31. člena tega zakona,
- so izpolnjeni pogoji iz četrtega odstavka 31. člena tega zakona,
- je bilo njeno napačno prikazovanje ali izpuščanje dejstev, vključno z lažnimi dokumenti, odločilnega pomena za priznanje subsidiarne zaščite.

69. člen (postopek prenehanja in odvzema statusa)

(1) Pristojni organ lahko postopek prenehanja ali odvzema statusa uvede, če izve za okoliščine, ki kažejo, da v konkretnem primeru obstajajo razlogi iz prvega ali drugega odstavka 67. člena tega zakona ali prvega ali drugega odstavka prejšnjega člena.

(2) O uvedbi postopka iz prejšnjega odstavka pristojni organ s pisnim obvestilom obvesti osebo s priznano mednarodno zaščito. V pisnem obvestilu pristojni organ navede tudi razloge za začetek tega postopka.

(3) Pred sprejetjem odločitve pristojni organ osebi iz prejšnjega odstavka omogoči, da na osebni razgovor predstavi razloge, zakaj ji status mednarodne zaščite ne bi smel biti odvzet.

- his or her misrepresentation or omission of facts, including the use of false documents, was decisive in the granting of refugee status,
- reasonable grounds exist for deeming him or her to be a threat to the security of the Republic of Slovenia, which is especially reflected in a threat to territorial integrity, sovereignty, the fulfilment of international obligations or the protection of the constitutional system,
- after having been convicted by a final judgement of a particularly serious crime, he or she is considered a danger to the Republic of Slovenia.

(2) A person's subsidiary protection shall be withdrawn where:

- one of the facts pursuant to paragraph two of Article 31 of this Act is established,
- the requirements referred to in paragraph two of Article 31 of this Act are complied with;
- he or she misrepresented or omitted facts, including the use of false documents, that were decisive in granting subsidiary protection.

Article 69 (Procedure for the termination or withdrawal of status)

(1) The competent authority may initiate the procedure for the termination or withdrawal of status where it becomes aware of circumstances showing that the reasons referred to in paragraphs one or two of Article 67 of this Act or paragraphs one or two of the preceding Article are applicable in a concrete case.

(2) The competent authority shall inform the person under international protection in writing of the institution of the procedure referred to in the preceding paragraph. The written notice of the competent authority shall also state the reasons for instituting the procedure.

(3) Before deciding, the competent authority shall enable the persons referred to in the preceding paragraph to present in a personal interview the reasons why their international protection status should not be withdrawn.

(4) Če obstajajo razlogi iz pete in šeste alineje prvega odstavka 67. člena tega zakona in drugega odstavka 67. člena tega zakona, pristojni organ v postopku pridobi informacije iz osme in devete alineje 23. člena tega zakona.

(5) Pri ugotavljanju razlogov iz pete in šeste alineje prvega odstavka 67. člena tega zakona in drugega odstavka 67. člena tega zakona mora biti sprememba okoliščin bistvena in trajna do te mere, da strah pred preganjanjem ne more biti več utemeljen, oziroma, da osebi ne grozi več resno tveganje ali resna škoda.

(6) Če obstojajo okoliščine iz pete in šeste alineje prvega odstavka 67. člena tega zakona in drugega odstavka 67. člena tega zakona, status ne preneha, če oseba navede utemeljene razloge, ki izhajajo iz preganjanja v preteklosti ali resne škode, povzročene v preteklosti, zaradi katerih noče izkoristiti zaščite države, katere državljan je, oziroma države prejšnjega običajnega prebivališča, če gre za osebo brez državljanstva.

(7) Pristojni organ v postopku o prenehanju ali odvzemu statusa mednarodne zaščite izda odločbo.

V. POGLAVJE

SODNO VARSTVO

70. člen (sodno varstvo)

(1) Zoper odločbo pristojnega organa je mogoče vložiti tožbo na upravno sodišče. Zoper odločbo, izdano v rednem postopku, je tožbo mogoče vložiti v 15 dneh, zoper odločbo, izdano v pospešenem postopku, pa v osmih delovnih dneh od vročitve.

(2) Zoper vse sklepe, izdane na podlagi tega zakona, se tožba

(4) If the reasons referred to in indents five and six of paragraph one of Article 67 of this Act and paragraph two of Article 67 of this Act exist, the competent authority shall obtain the information referred to in indents eight and nine of Article 23 of this Act in the course of the procedure.

(5) In examining whether the reasons referred to in indents five and six of paragraph one of Article 67 of this Act and paragraph two of Article 67 of this Act apply, the change in circumstances must be substantial and non-temporary to the extent that the fear of being persecuted can no longer be regarded as well-founded, or that the person no longer faces a real risk or serious harm.

(6) Where the circumstances referred to in indents five and six of paragraph one of Article 67 of this Act and in paragraph two of Article 67 of this Act exist, such status shall not cease to be valid provided that the person has cited compelling reasons arising out of previous persecution or harm for refusing to avail himself or herself of the protection of his or her country of citizenship or, being a stateless person, of his or her country of former habitual residence.

(7) The competent authority shall issue a decision terminating or withdrawing international protection status.

CHAPTER V

JUDICIAL PROTECTION

Article 70 (Judicial protection)

(1) An action may be brought against a decision of the competent authority before the Administrative Court. An action may be brought against a decision issued in the regular procedure or in the accelerated procedure within 15 days or eight days, respectively.

(2) An action may be brought against any order issued

lahko vloži v osmih dneh od vročitve, razen sklepa iz 84. člena tega zakona, ko se tožba lahko vloži v treh dneh od vročitve.

(3) Tožba zoper odločbo o zavrnitvi prošnje v rednem postopku, odločbo o zavrnitvi prošnje v pospešenem postopku, odločbo o zavrnitvi podaljšanja subsidiarne zaščite, odločbo, izdano na podlagi sedmega odstavka 69. člena tega zakona, odločbo o prenehanju statusa mednarodne zaščite zaradi razloga, navedenega v šestem odstavku 67. člena tega zakona, sklep o zavrnjenju prošnje na podlagi tretje alineje 51. člena in četrtega odstavka 65. člena tega zakona zadrži izvršitev odločbe oziroma sklepa. V primeru vseh drugih odločitev po tem zakonu tožba ne zadrži njihove izvršitve.

71. člen (pravila postopka)

(1) Upravno sodišče o tožbah zoper odločbe, izdane na podlagi tega zakona, odloči v 30 dneh, razen o tožbi zoper odločbo o zavrnitvi prošnje v pospešenem postopku na podlagi pete alineje prvega odstavka 49. člena tega zakona, o kateri odloči v sedmih dneh od prejema tožbe.

(2) Upravno sodišče izvede glavno obravnavo tudi v primeru, če ugotovi, da dejansko stanje ni bilo ugotovljeno pravilno in popolno ali če je bil iz ugotovljenih dejstev napravljen napačen sklep o dejanskem stanju.

(3) Upravno sodišče o tožbi zoper sklep, izdan na podlagi tega zakona, odloči v sedmih dneh, razen če ni s tem zakonom drugače določeno.

(4) V postopku sodnega varstva po tem zakonu se uporablja zakon, ki ureja upravni spor, če s tem zakonom ni drugače določeno.

(5) V postopkih sodnega varstva po tem zakonu lahko ministrstvo zastopa javni uslužbenec, ki nima opravljenega pravniškega

pursuant to this Act within eight days following service, except against the order referred to in Article 84 of this Act, with respect to which an action may be brought within three days of service.

(3) The execution of a decision or order shall be stayed in the event of an action challenging a decision dismissing an application in the regular procedure, a decision dismissing an application in the accelerated procedure, a decision rejecting the extension of subsidiary protection, a decision issued on the basis of paragraph seven of Article 69 of this Act, a decision terminating international protection status for the reasons referred to in paragraph six of Article 67 of this Act, and an order rejecting an application pursuant to indent three of Article 51 and paragraph four of Article 65 of this Act. Actions challenging other decisions pursuant to this Act shall not stay their execution.

Article 71 (Rules of the procedure)

(1) The Administrative Court shall rule on actions brought against decisions issued pursuant to this Act within 30 days, except when an action is brought against a decision dismissing an application in the accelerated procedure pursuant to indent five of paragraph one of Article 49 of this Act, in which case the court shall render a decision within seven days of receiving the action.

(2) The Administrative Court shall hold a main hearing also if it finds that the facts were not determined correctly or completely or if a incorrect order regarding the facts found was issued.

(3) The Administrative Court shall decide on actions brought against orders issued pursuant to this Act within seven days, unless otherwise provided by this Act.

(4) The procedure for judicial protection pursuant to this Act shall be subject to the Act governing administrative disputes, unless otherwise provided by this Act.

(5) In procedures for judicial protection pursuant to this Act, the ministry may be represented by civil servants who have not passed the

državnega izpita, pod pogojem, da ima vsaj pet let delovnih izkušenj na področju mednarodne zaščite in ga za zastopanje pooblasti minister.

72. člen (ustavna pritožba)

Ustavna pritožba se lahko vloži v 15 dneh od dneva vročitve posamičnega akta na podlagi tega zakona, zoper katerega je na podlagi zakona, ki ureja postopek pred Ustavnim sodiščem Republike Slovenije, mogoča ustavna pritožba.

VI. POGlavJE

DRŽAVLJANI TRETJIH DRŽAV IN OSEBE BREZ DRŽAVLJANSTVA, KI IZPOLNJUJEJO POGOJE ZA PRIZNANJE STATUSA MEDNARODNE ZAŠČITE IN SO SPREJETI V REPUBLIKO SLOVENIJO NA PODLAGI KVOTE

73. člen (opredelitev kvote)

(1) Status begunca se lahko prizna tudi državljanom tretjih držav in osebam brez državljanstva, ki so v Republiko Slovenijo sprejeti na podlagi kvote.

(2) Kvoto oseb, ki se jim na podlagi prejšnjega odstavka lahko prizna status begunca, določi Vlada Republike Slovenije na predlog ministrstva, določi pa tudi naloge posameznih ministrstev, vladnih služb in drugih državnih organov pri nastanitvi in vključevanju oseb v Republiko Slovenijo.

(3) Pri pripravi predloga iz prejšnjega odstavka ministrstvo upošteva svetovne migracijske trende, krizna žarišča v svetu, integracijske zmogljivosti Republike Slovenije in druge pomembne okoliščine.

bar exam if they have at least five years of work experience in the field of international protection and they are authorised to provide representation by the minister.

Article 72 (Constitutional complaints)

A constitutional complaint may be lodged within 15 days from the date of service of an individual act pursuant to this Act against which a constitutional complaint is allowed in accordance with the Act governing procedures before the Constitutional Court of the Republic of Slovenia.

CHAPTER VI

THIRD-COUNTRY NATIONALS AND STATELESS PERSONS QUALIFYING FOR INTERNATIONAL PROTECTION STATUS WHO ARE ADMITTED TO THE REPUBLIC OF SLOVENIA BASED ON A QUOTA

Article 73 (Definition of a quota)

(1) Refugee status may also be granted to third-country citizens and stateless persons who have been admitted to the Republic of Slovenia on the basis of a quota.

(2) The quota of persons who may be granted refugee status based on the preceding paragraph shall be determined by the Government of the Republic of Slovenia on the proposal of the ministry. The Government shall also determine the tasks of individual ministries, government services, and other state bodies concerning the accommodation and integration of persons in the Republic of Slovenia.

(3) In drawing up the proposal referred to in the preceding paragraph, the ministry shall take into account global migration trends, crisis areas in the world, the integrational capacity of the Republic of Slovenia, and other important circumstances.

(4) Vlada Republike Slovenije izda predpis, s katerim določi način izvedbe preselitve oseb v Republiko Slovenijo, ki so vanjo sprejete na podlagi postopkov iz tega poglavja.

74. člen (pogoji)

Na podlagi kvote se osebam iz prejšnjega člena tega zakona lahko prizna status begunca, če:

- izpolnjujejo pogoje za priznanje statusa begunca po tem zakonu in
- se nahajajo v državi, kjer so varni pred preganjanjem in kjer pogoji bivanja niso primerni za vključevanje v okolje.

75. člen (postopek)

Pristojni organ v postopku priznanja statusa begunca upošteva poročilo, ki ga za vsako posamezno osebo pripravi uradna oseba pristojnega organa ali Visoki komisariat oziroma druga mednarodna organizacija v državi iz druge alineje prejšnjega člena. Poročilo vsebuje:

- mnenje o pogojih za vključevanje v okolje v državi iz druge alineje prejšnjega člena in
- mnenje o izpolnjevanju pogojev za priznanje begunca po tem zakonu.

76. člen (vstop v državo)

(1) Republika Slovenija organizira prihod oseb iz države iz druge alineje 74. člena tega zakona.

(2) Pred vstopom v Republiko Slovenijo se te osebe zdravstveno pregledajo.

(4) The Government of the Republic of Slovenia shall issue a regulation laying down the manner of settling persons admitted to the Republic of Slovenia in accordance with the procedures laid down in this Chapter.

Article 74 (Conditions)

Based on such quota, the persons referred to in the preceding Article of this Act may be granted refugee status if:

- they fulfil the conditions to be granted refugee status under this Act, and
- they are present in a country where they are safe from persecution, but where the living conditions are inappropriate for their integration into society.

Article 75 (Procedure)

In the procedure for granting refugee status, the competent authority shall take into account the report prepared for each individual by an official from the competent authority or the High Commissioner or other international organisation in the country referred to in indent two of the preceding article. The report shall include:

- an opinion on the requirements for integration in the country referred to in indent two of the preceding Article, and
- an opinion on the fulfilment of the conditions to be granted refugee status pursuant to this Act.

Article 76 (Entry into the country)

(1) The Republic of Slovenia shall arrange for the arrival of persons from a country referred to in indent two of Article 74 of this Act.

(2) Before entering the Republic of Slovenia, these persons shall undergo a medical examination.

77. člen

(delitev bremen med državami članicami Evropske unije)

(1) Ne glede na določbe tega poglavja lahko Vlada Republike Slovenije na predlog ministrstva določi število prosilcev za mednarodno zaščito oziroma oseb, ki jim je bila mednarodna zaščita že priznana v drugi državi članici Evropske unije, ki izpolnjujejo pogoje za priznanje mednarodne zaščite po tem zakonu in ki jih bo Republika Slovenija sprejela zaradi delitve bremen med državami članicami Evropske unije, in opredeli naloge posameznih ministrstev in vladnih služb pri nastanitvi in vključevanju oseb v Republiko Slovenijo.

(2) V primerih iz prejšnjega odstavka pristojni organ dejansko stanje ugotavlja na podlagi dokumentacije, ki jo pridobi država članica iz prejšnjega odstavka, in na podlagi prošnje.

(3) Če pristojni organ ugotovi, da so izpolnjeni pogoji iz prvega odstavka tega člena, ravna v skladu s prvo ali drugo alinejo prvega odstavka 49. člena tega zakona in osebam iz prvega odstavka tega člena prizna mednarodno zaščito v Republiki Sloveniji.

VII. POGLAVJE

PRAVICE IN DOLŽNOSTI PROSILCEV ZA MEDNARODNO ZAŠČITO PRI SPREJEMU

78. člen **(pravice prosilcev)**

(1) Prosilec ima na področju sprejema pravico do:

- prebivanja v Republiki Sloveniji,

Article 77

(Sharing the burden among European Union Member States)

(1) Notwithstanding the provisions of this Chapter, the Government of the Republic of Slovenia, on the proposal of the ministry, may determine the number of applicants for international protection or persons who have already been granted international protection in another Member State of the European Union who fulfil the conditions to be granted international protection pursuant to this Act and whom the Republic of Slovenia will admit in order to share the burden among the Member States of the European Union, and it shall determine the tasks of individual ministries and government services concerning the accommodation and integration of such persons in the Republic of Slovenia.

(2) In the cases referred to in the preceding paragraph, the competent authority shall determine the facts on the basis of the documentation obtained by the Member State referred to in the preceding paragraph, and on the basis of applications.

(3) If the competent authority establishes that the conditions referred to in paragraph one of this Article have been met, it shall act in accordance with indents one or two of Article 49 of this Act, and shall grant international protection in the Republic of Slovenia to the persons referred to in paragraph one of this Article.

CHAPTER VII

RIGHTS AND OBLIGATIONS OF APPLICANTS FOR INTERNATIONAL PROTECTION UPON RECEPTION

Article 78 **(Rights of applicants)**

(1) Applicants shall enjoy the following rights upon reception:

- residence in the Republic of Slovenia,

- materialne oskrbe v primeru nastanitve v azilnem domu ali njegovi izpostavi,
- finančne pomoči v primeru nastanitve na zasebnem naslovu v skladu s tem zakonom,
- nujnega zdravljenja,
- izobraževanja,
- dostopa na trg dela,
- humanitarne pomoči,
- žepnine.

(2) Pravice iz prejšnjega odstavka prosilec pridobi z vložitvijo prošnje in trajajo do izvršljivosti odločitve pristojnega organa o prošnji.

(3) Pravice iz prvega odstavka tega člena pridobijo tudi državljani tretjih držav in osebe brez državljanstva, ki pri pristojnem organu vložijo prvi zahtevek za uvedbo ponovnega postopka, in sicer do izvršljivosti sklepa o zavrženju tega zahtevka oziroma izvršljive odločbe o zavrnitvi ponovne prošnje kot neutemeljene.

(4) Vlada Republike Slovenije izda predpis, s katerim podrobneje določi pogoje in načine za zagotavljanje pravic iz prvega odstavka tega člena, ob upoštevanju določb 12. in 14. člena tega zakona.

(5) Prosilcu se žepnina dodeli enkrat na mesec. Višino žepnine določi Vlada Republike Slovenije. Način izplačevanja žepnine se določi v predpisu iz prejšnjega odstavka tega člena.

79. člen (pravica do materialne oskrbe)

Pravica do materialne oskrbe obsega:

- nastanitev,
- prehrano,
- obleko in obutev,

- material support if accommodated in the Asylum Centre or a branch thereof,
- financial assistance, if accommodated in a private residence in accordance with this Act,
- emergency medical treatment,
- education,
- access to the labour market,
- humanitarian aid,
- an allowance.

(2) An applicant shall acquire the rights referred to in the preceding paragraph by filing an application and shall be able to exercise these rights pending the enforceability of the competent authority's decision on the application.

(3) The rights referred to in the preceding paragraph of this Article shall also be granted to third-country nationals or stateless persons who file a first request with the competent authority to initiate a subsequent procedure pending the enforceability of the order rejecting this request or the enforceability of a decision dismissing the subsequent application as unfounded.

(4) The Government of the Republic of Slovenia shall issue a regulation prescribing in detail the conditions and method of ensuring the rights referred to in paragraph one of this Article, with due consideration of the provisions of Articles 12 and 14 of this Act.

(5) Applicants shall receive a monthly allowance. The amount of the allowance shall be determined by the Government of the Republic of Slovenia. The manner in which the allowance is paid shall be determined in the regulation referred to in the preceding paragraph of this Article.

Article 79 (Right to material support)

The right to material support shall comprise:

- accommodation,
- food,
- clothing and footwear,

- higienske potrebščine.

80. člen (azilni dom)

(1) Za nastanitev oseb iz drugega in tretjega odstavka 78. člena tega zakona Vlada Republike Slovenije ustanovi azilni dom. Urad upravlja azilni dom ter organizira delovanje in bivanje v njem. Vlada Republike Slovenije lahko na podlagi javnega natečaja, ki ga izvede urad, za organizacijo delovanja in bivanja v azilnem domu pooblasti izbrano društvo, ustanovo, zavod ali drugo podobno nepridobitno pravno osebo, katere dejavnost obsega področje nastanitve prosilcev.

(2) Če se pričakuje povečano število prosilcev, ki bi lahko presegle nastanitvene zmogljivosti azilnega doma, Vlada Republike Slovenije za nastanitev prosilcev lahko organizira izpostave azilnega doma.

81. člen (nastanitev v sprejemnih prostorih azilnega doma)

(1) Vlagatelj namere se po obravnavi s strani policije nastani v sprejemnih prostorih azilnega doma ali druge nastanitvene kapacitete države, kjer so mu zagotovljeni ustrezna prehrana, nujne higienske potrebščine in dostop do nujnega zdravljenja.

(2) Oseba iz prejšnjega odstavka, ki samovoljno zapusti sprejemne prostore azilnega doma ali druge nastanitvene kapacitete države, se obravnava po zakonu, ki ureja vstop, zapustitev in bivanje tujcev v Republiki Sloveniji. O tem je vlagatelj namere obveščen takoj po nastanitvi, in sicer v jeziku, ki ga razume, kar potrdi s svojim podpisom.

82. člen (bivanje v azilnem domu)

- toiletries.

Article 80 (Asylum Centre)

(1) In order to accommodate the persons referred to in paragraphs two and three of Article 78 of this Act, the Government of the Republic of Slovenia shall provide an Asylum Centre. The Asylum Centre shall be managed and operated by the office. On the basis of a public call for applications, the Government may authorise an association, institution, institute or other similar non-profit legal entity whose activities include the accommodation of applicants to organise activities and accommodation in the Asylum Centre.

(2) In the event of an expected increased number of applicants exceeding the accommodation capacity of the Asylum Centre, the Government of the Republic of Slovenia may organise branches of the Asylum Centre.

Article 81 (Accommodation in the reception facilities of the Asylum Centre)

(1) After being processed by the police, a person declaring the intention to file shall be accommodated in the reception facilities of the Asylum Centre, where his or her need for meals, essential toiletries, and emergency medical care shall be met.

(2) A person referred to in the preceding paragraph who arbitrarily leaves the reception area of the Asylum Centre or other national accommodation capacities shall be treated in accordance with the Act governing the entry into, departure from and residence of foreigners in the Republic of Slovenia. This shall be brought to the attention of persons declaring the intention to file immediately upon being accommodated in a language that he or she understands, which he or she shall acknowledge by signature.

Article 82 (Residing in the Asylum Centre)

(1) Urad nastani osebe iz drugega in tretjega odstavka 78. člena tega zakona v azilnem domu ali njegovi izpostavi, kjer jim zagotovi materialno oskrbo.

(2) Stroške materialne oskrbe v primeru nastanitve v azilnem domu ali njegovi izpostavi krije urad.

(3) Prosilci, ki imajo lastna sredstva za preživljanje ali jim je preživljanje zagotovljeno kako drugače, sami krijejo stroške ali sorazmeren delež stroškov materialne oskrbe iz 79. člena tega zakona.

(4) Prosilci, ki bivajo v azilnem domu, morajo spoštovati določbe hišnega reda, ki ga predpiše Vlada Republike Slovenije. Če prosilec namerno povzroči škodo v azilnem domu ali njegovi izpostavi, urad od njega zahteva povrnitev škode. Če prosilec ne povrne povzročene škode, se mu z namenom povrnitve škode odvzame žepnina, in sicer v višini povzročene škode.

(5) V utemeljenih primerih lahko prosilci prenočijo tudi zunaj azilnega doma ali njegove izpostave. Dovolilnico za prenočitev zunaj azilnega doma ali njegove izpostave lahko izda urad za največ sedem dni, pri čemer skupno število izdanih dovolilnic ne sme preseči skupno 60 dni v obdobju enega leta.

(6) Prosilec lahko pomaga v azilnem domu ali njegovi izpostavi pri delih, povezanih z vzdrževanjem in nastanitvijo, lahko pa pomaga tudi pri vsakodnevem sporazumevanju uradnih oseb z drugimi prosilci. Za ustrezno opravljeno delo prejme nagrado v skladu s sprejetim cenikom urada.

(7) Za zagotavljanje varnosti oseb in premoženja se v azilnem domu zagotovi varovanje. Varovanje lahko zagotavlja tudi Policija.

83. člen
(razselitev izven azilnega doma)

(1) The office shall accommodate the persons referred to in paragraphs two and three of Article 78 of this Act in the Asylum Centre or a branch thereof and provide material support.

(2) The costs of material support upon accommodation in the Asylum Centre or a branch thereof shall be paid for by the office.

(3) Applicants with their own means of subsistence or whose maintenance is guaranteed in some other manner shall cover the costs or a proportionate share of the costs of the material support referred to in Article 79 of this Act.

(4) Applicants accommodated in the Asylum Centre must comply with the provisions of the house rules prescribed by the Government of the Republic of Slovenia. In the event an applicant deliberately causes material damage to the Asylum Centre or a branch thereof, the competent authority shall require that he or she reimburse the damage. If the applicant fails to reimburse the damage caused, an amount equivalent to the damage caused shall be deducted from his or her allowance.

(5) In well-founded cases, overnight stays in a place other than the Asylum Centre or a branch thereof shall be permitted. A permit for staying overnight outside the Asylum Centre or a branch thereof may be granted by the office for a maximum of seven days, while the total number of permits issued may not exceed 60 days during a one-year period.

(6) An applicant may help in the Asylum Centre or a branch thereof with work related to maintenance and accommodation, and may also help with everyday communication between officials and other applicants. An applicant may be rewarded for good performance in accordance with the tariff adopted by the office.

(7) Security shall be provided in the Asylum Centre to ensure the safety of people and property. Security may also be provided by the police.

Article 83
(Relocation from the Asylum Centre)

(1) Urad lahko odobri prosilcu razselitev na zasebni naslov, če so izpolnjeni naslednji pogoji:

- da je njegova istovetnost ugotovljena na podlagi drugega odstavka 42. člena tega zakona,
- da so mu na zasebnem naslovu zagotovljeni ustrezni pogoji za bivanje,
- da je bil z njim opravljen osebni razgovor.

(2) Ne glede na pogoje iz prejšnjega odstavka lahko urad v primeru izjemnih osebnih okoliščin prosilca razseli v druge primerne institucije, če mu ne more zagotoviti nastanitve v azilnem domu ali njegovi izpostavi.

(3) Ob izpolnjevanju pogoja iz druge alineje prvega odstavka tega člena lahko urad v primeru izjemnih osebnih okoliščin prosilca razseli na zasebni naslov, če mu ne more zagotoviti nastanitve v azilnem domu ali njegovi izpostavi.

(4) Obstoj izjemnih osebnih okoliščin iz drugega in tretjega odstavka tega člena ugotavlja komisija, ki jo imenuje predstojnik urada.

(5) Prosilcu, ki mu je odobrena razselitev na podlagi drugega ali tretjega odstavka tega člena in nima lastnih sredstev za preživljanje ali mu preživljanje ni zagotovljeno kako drugače ter nima zagotovljene brezplačne nastanitve ali na podlagi drugega predpisa ni določen drug zavezanec za plačilo, urad krije stroške nastanitve v drugi primerni instituciji oziroma mu v primeru razselitve na zasebni naslov dodeli finančno pomoč v višini, določeni s predpisom iz četrtega odstavka 78. člena tega zakona.

(6) O razselitvi odloči urad z odločbo.

(7) Če prosilec samovoljno zapusti zasebni naslov, kjer je nastanjen, stanodajalec o tem nemudoma obvesti urad.

(8) Urad razveljavi odločitev, s katero je bila prosilcu odobrena

(1) The office may permit an applicant to move to a private residence if the following conditions are fulfilled:

- his or her identity has been established on the basis of paragraph two of Article 42 of this Act,
- suitable conditions for accommodation have been provided to the applicant in a private residence,
- a personal interview has been conducted with the applicant.

(2) Notwithstanding the conditions referred to in the preceding paragraph, in the event of exceptional individual circumstances, the office may relocate an applicant to other suitable institutions if it is not able to provide accommodation in the Asylum Centre or a branch thereof.

(3) If the condition referred to in indent two of paragraph one of this Article is met, in exceptional individual circumstances the office may relocate an applicant to a private residence if it is not able to provide accommodation in the Asylum Centre or a branch thereof.

(4) The existence of the specific individual circumstances referred to in paragraphs two and three of this Article shall be established by a commission appointed by the head of the office.

(5) To cover the costs of an applicant's accommodation in another suitable institution or in the event of relocation to a private residence, the office shall provide financial assistance in the amount determined by the regulation referred to in paragraph four of Article 78 of this Act to the applicant whose relocation has been approved on the basis of paragraphs two or three of this Article and who does not have his or her own means of subsistence or whose maintenance has not been guaranteed in some other manner and who has not been provided with free-of-charge accommodation or, if no other person is liable to pay for accommodation, on some other statutory basis.

(6) The office shall issue a decision on relocation.

(7) If an applicant leaves the private residence where he or she is accommodated on a voluntary basis, the owner of the residence shall immediately notify the office.

(8) The office may revoke the decision permitting an applicant

razselitev na zasebni naslov na podlagi prvega in tretjega odstavka tega člena, če:

- je na podlagi postopkov v Republiki Sloveniji ugotovljeno, da je prosilec kršil javni red Republike Slovenije oziroma opravljal delo na črno,
- pogoji bivanja na zasebnem naslovu zaradi spremenjenih okoliščin niso več ustrezni ali
- je to potrebno za hitro in učinkovito obravnavo njegove prošnje za mednarodno zaščito.

84. člen (omejitev gibanja)

(1) Če ni mogoče po določbah tega zakona zagotoviti doseganja ciljev po določbah tega odstavka, lahko prosilcu pristojni organ odredi ukrep obveznega zadrževanja na območje azilnega doma iz naslednjih razlogov:

- da se v primeru obstoja očitnega dvoma preveri ali ugotovi njegova istovetnost ali državljanstvo,
- da se ugotovijo določena dejstva, na katerih temelji prošnja za mednarodno zaščito, ki jih brez izrečenega ukrepa ne bi bilo mogoče pridobiti, in obstaja utemeljena nevarnost, da bo prosilec pobegnil,
- kadar je prosilcu omejeno gibanje zaradi postopka vračanja v skladu z zakonom, ki ureja vstop, bivanje in zapustitev tujcev v Republiki Sloveniji, da bi se izvedel in izvršil postopek vrnitve ali postopek odstranitve ter je mogoče utemeljeno domnevati, da je prosilec prošnjo podal samo zato, da bi zadržal ali oviral izvedbo odstranitve, pri čemer je imel možnost zaprositi za mednarodno zaščito,
- kadar se preprečuje ogrožanje varnosti države ali ustavne ureditve Republike Slovenije ali je to nujno potrebno zaradi varstva osebne varnosti, premoženjske varnosti in drugih primerljivih razlogov javnega reda. Za ogrožanje varnosti države ali ustavne ureditve Republike Slovenije se šteje ogrožanje notranje ali zunanje varnosti države, ki jo predstavlja ogrožanje delovanja institucij in temeljnih javnih služb ter preživetja prebivalstva, tveganje resnih motenj v mednarodnih odnosih ali mirnem sožitju med narodi in ogrožanje obrambnih interesov države. Drugi primerljivi razlogi javnega reda se razumejo kot tisti, ki predstavljajo resnično, sedanjo in dovolj resno

to be relocated to a private residence on the basis of paragraphs one and three of this Article if:

- it is established on the basis of other procedures in the Republic of Slovenia that the applicant has violated the public order of the Republic of Slovenia or performed undeclared work,
- the accommodation conditions in the private residence are no longer suitable due to changed circumstances, or
- this is necessary for his or her application for international protection to be examined quickly and efficiently.

Article 84 (Restriction of movement)

(1) If the objectives under the provisions of this paragraph cannot be attained through the implementation of this Act, the competent authority may require an applicant to stay in the area of the Asylum Centre for the following reasons:

- to verify or establish his or her identity or citizenship if there is obvious doubt about this,
- to establish certain facts on which the application for international protection is based that could not be acquired without the imposed measure, and there is a danger that the applicant will abscond,
- when the applicant's movement is restricted due to the readmission procedure in accordance with the Act governing the entry into, departure from and residence of foreigners in the Republic of Slovenia in order to carry out the readmission or removal procedure and there are well-founded reasons to believe that the applicant has filed his or her application only to stay or impede removal, including the fact that he or she has already had an opportunity to apply for international protection,
- when a threat to the security of the country or the constitutional order of the Republic of Slovenia will thereby be prevented, or when this is necessary in order to protect people and property or other comparable reasons related to public order. A threat to the security of the country or the constitutional order of the Republic of Slovenia is a threat to the internal or external security of the country, including a threat to the functioning of institutions and basic public services and the survival of the population, a risk of serious disturbances in international relations or peaceful coexistence among nations, and a threat to the defence interests of the country. Other comparable

grožnjo temeljnemu interesu države,

- v skladu z 28. členom Uredbe 604/2013/EU.

(2) Če pristojni organ ugotovi, da v posameznem primeru ni mogoče učinkovito izvesti ukrepa iz prejšnjega odstavka ali prosilec samovoljno zapusti območje obveznega zadrževanja, se lahko prosilcu, ki ni mladoletnik ali mladoletnik brez spremstva, odredi ukrep omejitve gibanja na Center za tujce.

(3) O izreku ukrepov po prvem in drugem odstavku pristojni organ odloči s sklepom.

(4) Prosilcu se ukrep iz prvega in drugega odstavka tega člena izreče ustno. Prosilec o izrečenem ukrepu nemudoma prejme zapisnik, ki vsebuje razloge za izrek ukrepa. Zapisnik je prosilcu prebran v njem razumljivem jeziku. Pisni odpravek sklepa pristojni organ izda najpozneje v 48 urah od ustnega izreka sklepa, prosilcu pa ga vroči v treh delovnih dneh od izdaje sklepa.

(5) Ukrep iz prvega in drugega odstavka tega člena, razen v primerih iz pete alineje prvega odstavka tega člena, lahko traja do prenehanja razlogov, vendar največ tri mesece. Če razlogi po tem času še obstajajo, se ukrep s sklepom lahko podaljša še za en mesec. Ukrepa iz prvega ali drugega odstavka tega člena se odpravita po uradni dolžnosti, če prenehajo razlogi, ki so jih narekovali. Predsednik upravnega sodišča lahko odloči, da je treba opraviti neposredni nadzor nad izvajanjem ukrepa iz prvega ali drugega odstavka tega člena in določi sodnika ali sodnike upravnega sodišča, da ga opravijo v rokih, na krajih, katere določi ali glede morebitnih določenih prosilcev ter da mu o tem poročajo. Če sodnik upravnega sodišča v okviru opravljenega nadzora ugotovi, da razlogi za omejitev gibanja za določenega prosilca niso več podani, odredi odpravo ukrepa.

reasons related to public order are understood as reasons that indicate a realistic, current and sufficiently serious threat to the basic interests of the country,

- in accordance with Article 28 of Regulation 604/2013/EU.

(2) If, in an individual case, the competent authority establishes that it is not possible to effectively implement the measure referred to in the preceding paragraph, or if an applicant arbitrarily leaves the area where he or she has been required to stay, the applicant shall be imposed the measure of having his or her movement restricted to the Centre for Foreigners if he or she is not a minor or an unaccompanied minor.

(3) The imposition of the measures pursuant to paragraphs one and two shall be decided on by the competent authority by an order.

(4) The measure referred to in paragraphs one and two of this Article shall be imposed on the applicant orally. The applicant shall immediately receive a record of the imposed measure stating the reasons for the measure. The record shall be read to the applicant in a language he or she understands. A written copy of the decision shall be issued by the competent authority no later than 48 hours after the decision was delivered orally and must be served on the applicant within three working days.

(5) The measures referred to in paragraphs one and two of this Article may continue until the grounds for such cease, but no longer than three months, except in the cases referred to in indent five of paragraph one of this Article. If, after this period, the reasons for the restriction of movement still exist, the measure may be extended for another month based on a decision. The measures referred to in paragraphs one or two of this Article shall terminate *ex officio* if the underlying grounds cease to exist. The president of the Administrative Court may decide that the implementation of the measure referred to in paragraph one or two of this Article be supervised, and may appoint a judge or judges of the Administrative Court to carry out such review within the time limits and at locations determined by the president thereof or regarding certain applicants, and to report thereon. If as part of the review a judge of the Administrative Court establishes that the reasons for the restriction of the movement of a certain applicant no longer exist, he or she shall order the measure to be eliminated.

(6) Zoper sklep iz tretjega odstavka tega člena ima prosilec v treh dneh po njegovi vročitvi pravico do vložitve tožbe na upravno sodišče. Sodišče po predhodnem ustnem zaslišanju prosilca o tožbi odloči v treh delovnih dneh.

(7) Zoper sklep iz petega odstavka tega člena ima prosilec v treh dneh po njegovi vročitvi pravico do vložitve tožbe na upravno sodišče, ki o tožbi odloči v treh delovnih dneh.

(8) V primeru izreka ukrepa omejitve gibanja na Center za tujce ranljivi osebi s posebnimi potrebami pristojni organ prednostno poskrbi za varovanje njenega zdravja, vključno z duševnim zdravjem, ter zagotovi redno spremljanje in ustrezno pomoč, pri čemer upošteva poseben položaj te osebe.

85. člen (neizplačilo žepnine)

(1) Če prosilec prenoči izven azilnega doma brez dovolilnice iz petega odstavka 82. člena tega zakona, se mu mesečna žepnina ne izplača.

(2) O neizplačilu žepnine iz prejšnjega odstavka in četrtega odstavka 82. člena tega zakona odloči pooblaščen uradna oseba urada. Zoper odločbo je mogoč ugovor v treh dneh od vročitve. O ugovoru odloči predstojnik urada. Ugovor zoper odločbo ne zadrži izvršitve.

86. člen (zdravstveno varstvo)

(1) Nujno zdravljenje prosilcev obsega pravico do:

1. nujne medicinske pomoči in nujnega reševalnega prevoza po odločitvi zdravnika ter pravico do nujne zobozdravstvene pomoči;

(6) An action may be brought by an applicant against the order referred to in paragraph three of this Article before the Administrative Court. The court shall decide on the case within three working days after a preliminary oral hearing.

(7) An applicant has the right to bring an action against the order referred to in paragraph five of this Article with the Administrative Court within three days of service. The court shall decide on the case within three working days.

(8) If the measure of the restriction of movement to the Centre for Foreigners has been imposed on a vulnerable person with special needs, the competent authority shall as a priority ensure that his or her health, including mental health, is protected and shall ensure regular monitoring and adequate assistance, while taking into account the specific situation of that person.

Article 85 (Non-payment of the allowance)

(1) An applicant's overnight stay outside the Asylum Centre without the permit referred to in paragraph five of Article 82 of this Act shall result in the non-payment of the monthly allowance.

(2) The non-payment of the allowance referred to in the preceding paragraph and paragraph four of Article 82 of this Act shall be decided on by an authorised official of the office. A complaint against a decision may be filed within three days of the service thereof. The complaint shall be decided on by the head of the office. A complaint against the decision shall not stay its execution.

Article 86 (Health care)

(1) The emergency medical treatment of applicants shall include the right to:

1. emergency medical care and emergency transport upon a physician's decision and the right to emergency dental care;

2. nujnega zdravljenja po odločitvi lečečega zdravnika, ki obsega:
- ohranitev življenjsko pomembnih funkcij, zaustavljanje večjih krvavitev oziroma preprečitev izkrvavitve;
 - preprečitev nenadnega poslabšanja zdravstvenega stanja, ki bi lahko povzročilo trajne okvare posameznih organov ali življenjskih funkcij;
 - zdravljenje šoka;
 - storitve pri kroničnih boleznih in stanjih, katerih opustitev bi neposredno in v krajšem času povzročila invalidnost, druge trajne okvare zdravja ali smrt;
 - zdravljenje vročinskih stanj in preprečevanje širjenja infekcije, ki bi utegnila voditi do septičnega stanja;
 - zdravljenje oziroma preprečevanje zastrupitev;
 - zdravljenje zlomov kosti oziroma zvinov ter drugih poškodb, pri katerih je nujno posredovanje zdravnika;
 - zdravila s pozitivne in vmesne liste v skladu s seznamom medsebojno zamenljivih zdravil, ki so predpisana na recept za zdravljenje navedenih bolezni in stanj;
3. zdravstvenega varstva žensk: kontracepcijskih sredstev, prekinitve nosečnosti, zdravstvene oskrbe v nosečnosti in ob porodu.

(2) Ranljiva oseba s posebnimi potrebami, izjemoma pa tudi drug prosilec, ima pravico do dodatnega obsega zdravstvenih storitev, vključno s psihoterapevtsko pomočjo, ki ga odobri in določi komisija iz četrtega odstavka 83. člena tega zakona.

(3) Mladoletni prosilci in prosilci, ki so mladoletniki brez spremstva, so upravičeni do zdravstvenega varstva v enakem obsegu kot otroci, ki so obvezno zdravstveno zavarovani kot družinski člani. V enakem obsegu so do zdravstvenega varstva upravičeni tudi šolajoči otroci po 18. letu starosti, in sicer do konca šolanja, vendar največ do dopolnjenega 26. leta starosti.

87. člen

(dostop na trg dela in poklicnega usposabljanja prosilcev)

(1) Prosilec ima pravico do prostega dostopa na trg dela devet mesecev po vložitvi prošnje, če mu v tem času ni bila vročena odločitev pristojnega organa in te zamude ni mogoče pripisati prosilcu.

2. emergency treatment upon a decision of the attending physician, which encompasses:
- the preservation of essential functions, stopping serious haemorrhaging and preventing blood loss;
 - the prevention of a sudden deterioration of his or her health condition which could cause permanent damage to individual organs or bodily functions;
 - treatment for shock;
 - health-care services addressing chronic illnesses and conditions which, if not received, could directly and in a relatively short period of time lead to disability, permanent damage to health, or death;
 - treatment for hyperthermia and the prevention of the spread of an infection that might lead to sepsis;
 - treatment or prevention of poisoning;
 - treatment of bone fractures or sprains and other injuries requiring immediate intervention by a physician;
 - medication from the positive and intermediate lists in accordance with the list of mutually interchangeable medication prescribed for the treatment of indicated illnesses and conditions;
3. health care for women: contraception, abortions, and health care during pregnancy and while giving birth.

(2) Vulnerable persons with special needs, and in exceptional cases other applicants, shall also be entitled to additional health-care services, including psychotherapy, which are approved and determined by the commission referred to in paragraph four of Article 83 of this Act.

(3) Applicants who are minors and unaccompanied minors shall be entitled to health care equivalent to that enjoyed by children under mandatory health insurance as family members. School children aged 18 years or older shall be entitled to health care to the same degree until they leave school, but not after they reach the age of 26.

Article 87

(Access to the labour market and vocational training for applicants)

(1) An applicant shall have the right to access the labour market nine months after filing an application if, during this period, he or she has not been served a decision from the competent authority and this

(2) Prosilcu se po poteku devetih mesecev po vložitvi prošnje omogoči dostop do tečajev poklicnega usposabljanja v skladu s predpisom iz četrtega odstavka 78. člena tega zakona.

88. člen (izobraževanje)

(1) V skladu s predpisi, ki urejajo obvezno osnovnošolsko izobraževanje, se prosilcem najkasneje v treh mesecih od dneva vložitve prošnje zagotovi pravica do osnovnošolskega izobraževanja.

(2) Prosilcem se omogoči, mladoletnemu prosilcu in mladoletniku brez spremstva pa se ob sodelovanju z zakonitim zastopnikom zagotovi dostop do izobraževanja na poklicnih in srednjih šolah pod pogoji, ki veljajo za državljane Republike Slovenije.

(3) Prosilcem se omogoči dostop do višješolskega, visokošolskega in izobraževanja odraslih pod pogoji, ki veljajo za državljane Republike Slovenije.

(4) Dostop do izobraževalnega sistema se zagotovi najkasneje v treh mesecih od dneva vložitve prošnje mladoletnika. Po potrebi se mladoletniku zagotovi pripravljalna učna pomoč z namenom olajšanja dostopa do izobraževalnega sistema.

(5) Prosilcem, ki so vključeni v redni izobraževalni sistem v skladu s prvim, drugim in tretjim odstavkom tega člena in se izobraževanja redno udeležujejo, stroške javnega prevoza do izobraževalnih institucij, krije urad.

(6) Breme dokazovanja izobrazbe, pridobljene v izvorni državi, nosi prosilec.

89. člen (dolžnosti prosilca)

Prosiliec mora:

delay cannot be attributed to the applicant.

(2) Following the expiry of the nine-month period, applicants shall have access to vocational training courses in accordance with the regulation referred to in paragraph four of Article 78 of this Act.

Article 88 (Education)

(1) In accordance with the regulations on mandatory primary education, applicants shall be guaranteed the right to primary education no later than three months after filing an application.

(2) Applicants, minor applicants and applicants who are unaccompanied minors, in cooperation with a statutory representative, shall have access to education in vocational and secondary schools under the conditions applicable to citizens of the Republic of Slovenia.

(3) Applicants shall be allowed access to higher, university and adult education under the conditions that apply to citizens of the Republic of Slovenia.

(4) Access to the education system shall be provided within three months at the latest following the filing of an application. If necessary, minors shall be provided preparatory study assistance in order to facilitate their access to the education system.

(5) The costs of public transport for applicants included in the regular education system in accordance with paragraphs one, two and three of this Article who demonstrate regular attendance shall be covered by the office.

(6) The responsibility to prove the qualifications acquired in the country of origin shall be borne by the applicant.

Article 89 (Obligations of applicants)

An applicant shall:

- spoštovati pravni red Republike Slovenije,
- spoštovati integriteto uradnih oseb,
- biti vedno dosegljiv pristojnemu organu, se odzivati na njegova vabila in se podrežati njegovim ukrepom,
- urad nemudoma obvestiti o spremembi naslova prebivališča,
- uradni osebi nemudoma predložiti vse dokumente, ki so pomembni za obravnavanje njegove prošnje,
- sodelovati pri ugotavljanju istovetnosti,
- uradni osebi omogočiti, da pregleda njega in predmete, ki jih ima pri sebi, pri vstopu v azilni dom ali njegovo izpostavo, pri čemer osebni pregled opravi oseba enakega spola, upoštevajoč osebno dostojanstvo in fizično ter psihično integriteto prosilca,
- na zahtevo urada opraviti zdravniški pregled iz razlogov javnega zdravja,
- dovoliti, da ga uradna oseba fotografira, odvzame prstne odtise in po predhodnem obvestilu posname ustne izjave, podane v postopku,
- v najkrajšem možnem času utemeljiti svojo prošnjo in po resnici predstaviti okoliščine in dejstva, potrebna za utemeljitev prošnje,
- prepričljivo in verodostojno obrazložiti razloge, s katerimi utemeljuje svojo prošnjo, še zlasti če ni drugih razpoložljivih dokazov,
- spoštovati pravila, ki določajo hišni in požarni red azilnega doma,
- uradu posredovati podatke in dokumentacijo, ki vplivajo na uresničevanje pravic na področju sprejema,
- uradu posredovati odločbe oziroma sklepe prekrškovnih in inšpekcijskih organov.

VIII. POGLAVJE

PRAVICE IN DOLŽNOSTI OSEB S PRIZNANO MEDNARODNO ZAŠČITO

90. člen

(pravice osebe, ki ji je priznana mednarodna zaščita)

(1) Oseba, ki ji je priznana mednarodna zaščita, ima pravico

- comply with the legal order of the Republic of Slovenia,
- respect the integrity of officials,
- always be accessible to the competent authority, respond to its invitations and comply with its decisions,
- immediately notify the office of a change of residence address,
- immediately surrender to a public official all documents needed to examining his or her application,
- cooperate in establishing his or her identity,
- allow an official to search him or her and examine his or her personal belongings upon entering the Asylum Centre or a branch thereof; a search of a person shall be carried out by a person of the same sex and with consideration for the applicant's personal dignity as well as physical and mental integrity,
- undergo a medical examination at the request of the office for reasons of public health,
- allow an official to photograph him or her, take his or her fingerprints and, with prior notice, record oral statements given in a procedure,
- substantiate his or her application in the shortest time possible and truthfully present the circumstances and facts justifying the application,
- explain the grounds underlying the application in a convincing and credible manner, especially in the absence of other evidence,
- comply with the house rules and fire protection plan of the Asylum Centre,
- submit to the office information and documentation affecting the exercise of his or her reception rights,
- submit to the office decisions or orders of minor offence and inspection authorities.

CHAPTER VIII

RIGHTS AND OBLIGATIONS OF PERSONS UNDER INTERNATIONAL PROTECTION

Article 90

(Rights of persons granted international protection)

(1) A person who has been granted international protection

do:

- pridobitve informacij o statusu, pravicah in dolžnostih oseb z mednarodno zaščito v Republiki Sloveniji,
- prebivanja v Republiki Sloveniji,
- denarnega nadomestila za zasebno nastanitev,
- zdravstvenega varstva,
- socialnega varstva,
- izobraževanja,
- zaposlitve in dela,
- pomoči pri vključevanju v okolje.

(2) Vlada Republike Slovenije izda predpis, s katerim podrobneje določi načine in pogoje za zagotavljanje pravic iz prejšnjega odstavka.

(3) Pravice iz prvega odstavka tega člena oseba pridobi z dnem vročitve odločbe iz prve oziroma druge alineje prvega odstavka 49. člena tega zakona. Pravice prenehajo s pravnomočnostjo odločbe iz sedmega odstavka 66. člena tega zakona, v skladu s petim odstavkom 67. člena tega zakona ter s pravnomočnostjo odločbe, izdane na podlagi sedmega odstavka 69. člena tega zakona in šestega odstavka 67. člena tega zakona.

(4) Osebi, ki pred potekom subsidiarne zaščite vloži zahtevek za uvedbo ponovnega postopka, do pravnomočnega sklepa o zavrženju tega zahtevka oziroma do pravnomočne odločitve v zvezi s ponovno prošnjo pripadajo pravice iz prvega odstavka tega člena.

91. člen (informiranje)

Urad osebo, ki ji je priznana mednarodna zaščita, v njej razumljivem jeziku v najkrajšem možnem času od pridobitve statusa informira glede njenih pravic in dolžnosti, potrebnih za njeno lažje vključevanje v okolje, predvsem s področja nastanitve, uveljavljanja denarnih pomoči, socialnega in zdravstvenega varstva, izobraževanja, zaposlovanja in brezplačne pravne pomoči.

92. člen

shall have the right to:

- receive information about the status, rights and obligations of persons under international protection in the Republic of Slovenia,
- reside in the Republic of Slovenia,
- financial compensation for private accommodation,
- health care,
- social assistance,
- education,
- employment and work,
- assistance in integrating into society.

(2) The Government of the Republic of Slovenia shall issue a regulation prescribing in detail the manner of and conditions for ensuring the rights referred to in the preceding paragraph.

(3) A person shall acquire the rights referred to in paragraph one of this Article on the date of service of the decision referred to in indents one and two of Article 49 of this Act. These rights shall cease with the finality of the decision referred to in paragraph seven of Article 66, in accordance with paragraph five of Article 67 of this Act and with the finality of the decision issued pursuant to paragraph seven of Article 69 of this Act and paragraph six of Article 67 of this Act.

(4) A person who has filed a request to initiate a subsequent procedure prior to the expiry of subsidiary protection shall retain the rights as per paragraph one of this Article pending the finality of the order rejecting the request or the final decision on the subsequent application.

Article 91 (Information)

The office shall inform a person granted international protection, in a language he or she understands and in the shortest possible time after the granting of status, of the rights and obligations facilitating his or her integration into society, in particular of accommodation options, financial support benefits, social assistance and health care, education, employment and free legal aid.

Article 92

(prebivanje v Republiki Sloveniji)

(1) Osebi, ki ji je v Republiki Sloveniji priznan status begunca, odločba o priznanju statusa z dnem vročitve velja tudi kot dovoljenje za stalno prebivanje v Republiki Sloveniji.

(2) Osebi, ki ji je v Republiki Sloveniji priznana subsidiarna zaščita, odločba o priznanju ali podaljšanju statusa z dnem vročitve velja tudi kot dovoljenje za začasno prebivanje v Republiki Sloveniji dokler traja ta zaščita.

(3) Dovoljenje za prebivanje iz prvega in drugega odstavka tega člena ministrstvo izda v obliki, določeni z zakonom, ki ureja vstop, zapustitev in bivanje tujcev v Republiki Sloveniji.

93. člen

(nastanitev v nastanitvenih zmogljivostih urada)

(1) Urad do zapolnitve razpoložljivih kapacitet osebi s priznano mednarodno zaščito omogoči nastanitev v integracijski hiši ali drugih nastanitvenih zmogljivostih urada, ki jih določi Vlada Republike Slovenije, vendar najdlje za eno leto od dneva pridobitve statusa.

(2) Za čas nastanitve osebe s priznano mednarodno zaščito v integracijski hiši ali drugi nastanitveni kapaciteti urada so do nastanitve upravičeni tudi družinski člani osebe s priznano mednarodno zaščito, ki so na podlagi pravice do združitve družine pridobili dovoljenje za prebivanje v Republiki Sloveniji na podlagi določb zakona, ki ureja vstop, zapustitev in bivanje tujcev.

(3) Ne glede na določbo prvega odstavka tega člena lahko urad osebi s priznano mednarodno zaščito, pri kateri obstajajo utemeljeni zdravstveni ali drugi razlogi, ki jih ugotovi urad, enkrat podaljša obdobje nastanitve v integracijski hiši ali drugih nastanitvenih zmogljivostih urada, vendar najdlje za šest mesecev. Utemeljene zdravstvene in druge razloge urad ugotovi na podlagi mnenja komisije iz četrtega odstavka 83. člena tega zakona.

(Residence in the Republic of Slovenia)

(1) The decision granting refugee status in the Republic of Slovenia shall at the same time serve as a permanent residence permit in the Republic of Slovenia as of the day of service.

(2) The decision granting or extending subsidiary protection in the Republic of Slovenia shall also have the effect of a temporary residence permit in the Republic of Slovenia as of the day of service and for the duration of the protection.

(3) The ministry shall issue the residence permit referred to in paragraphs one and two of this Article in the form determined by the Act governing the entry into, departure from and residence of foreigners in the Republic of Slovenia.

Article 93

(Accommodation in accommodation facilities of the office)

(1) Until full accommodation capacity is reached, the office shall place persons under international protection in an integration house or other accommodation facilities of the office, but for no longer than one year following the day they obtain such status.

(2) Family members of a person under international protection who have acquired a residence permit in the Republic of Slovenia based on the right to family reunification pursuant to the provisions of the Act regulating the entry, departure and residence of foreigners shall also be entitled to stay in an integration house or other accommodation facilities of the office for the duration of the stay of the person under international protection.

(3) Notwithstanding the provision of paragraph one of this Article, the office may extend the period of accommodation of persons under international protection in an integration house or other accommodation facilities of the office once, for a maximum of six months, if it finds that there are well-founded medical or other reasons for such. The office shall establish whether well-founded medical or other reasons exist on the basis of the opinion of the commission referred to in paragraph four of Article 83 of this Act.

94. člen
(bivanje v nastanitvenih zmogljivostih urada)

(1) Pravila bivanja v integracijski hiši in drugih nastanitvenih zmogljivostih urada, namenjenih nastanitvi oseb s priznano mednarodno zaščito, določa hišni red, ki ga predpiše Vlada Republike Slovenije.

(2) Težje kršitve hišnega reda so:

1. izražanje kakršne koli oblike rasne, verske, nacionalne, spolne, politične ali druge nestrpnosti,
2. žaljiv ali nasilen odnos do sostanovalcev, zaposlenih in obiskovalcev,
3. posedovanje ali uporaba orožja ali eksplozivnih snovi,
4. odtujevanje predmetov,
5. namerno uničevanje prostorov in opreme v integracijski hiši,
6. omogočanje bivanja drugim osebam,
7. vnašanje ali uživanje prepovedanih drog.

95. člen
(ukrepi ob težjih kršitvah hišnega reda)

Za težje kršitve hišnega reda se izrečejo:

- pisni opomin,
- ukrep preselitve v druge nastanitvene zmogljivosti urada,
- odpoved nastanitve v nastanitvenih zmogljivostih urada,
- povrnitev škode.

96. člen
(postopek izrekanja ukrepov)

(1) Urad izreka ukrepe zaradi kršitev hišnega reda z odločbo, razen ukrep pisnega opomina, ki ga izreče s sklepom.

Article 94
(Residence in the accommodation facilities of the office)

(1) The rules on residing in an integration house and other accommodation facilities of the office accommodating persons under international protection shall be determined by the house rules prescribed by the Government of the Republic of Slovenia.

(2) The following shall be considered major violations of the house rules:

1. the expression of any form of racial, religious, national, sexual, political or other intolerance,
2. offensive or violent behaviour towards co-tenants, employees and visitors,
3. the possession or use of weapons or explosive substances,
4. theft,
5. the deliberate destruction of the premises and equipment in an integration house,
6. enabling other persons to reside there,
7. illicit drug possession or abuse.

Article 95
(Sanctions for serious violations of the house rules)

Serious violations of the house rules shall be subject to the following sanctions:

- a written warning,
- relocation to another accommodation facility of the office,
- denial of accommodation in the accommodation facilities of the office,
- reimbursement of damage.

Article 96
(Sanctions)

(1) The office shall impose measures for violations of the house rules by issuing a decision, except for a written warning, which shall be imposed by an order.

(2) Za prvo težjo kršitev hišnega reda urad izreče pisni opomin.

(3) Če oseba s priznano mednarodno zaščito ponovi katero koli težjo kršitev, ji urad izreče ukrep preselitve v druge nastanitvene zmogljivosti urada.

(4) Po drugi ponovitvi katere koli težje kršitve urad izreče ukrep odpovedi nastanitve v nastanitvenih zmogljivostih urada.

(5) Ukrep povrnitve škode urad izreče za težjo kršitev iz 5. točke drugega odstavka 94. člena tega zakona.

(6) Zoper izrečen ukrep iz prvega odstavka tega člena je mogoč ugovor v treh dneh od vročitve. Ugovor se vloži pri pooblašeni uradni osebi urada. O ugovoru odloči predstojnik urada.

(7) Ugovor zoper sklep iz prvega odstavka tega člena ne zadrži izvršitve.

97. člen

(denarno nadomestilo za nastanitev na zasebnem naslovu)

(1) Oseba s priznano mednarodno zaščito, ki je nastanjena na zasebnem naslovu in nima lastnih sredstev za preživljanje ali ji bivanje ni zagotovljeno kako drugače, je 18 mesecev od dneva pridobitve statusa upravičena do denarnega nadomestila za nastanitev na zasebnem naslovu.

(2) Oseba s priznano mednarodno zaščito iz prejšnjega odstavka je upravičena do denarnega nadomestila za zasebno nastanitev za nadaljnjih osemnajst mesecev, če se je v prvih osemnajstih mesecih po pridobitvi statusa udeležila tečaja iz tretjega odstavka 103. člena tega zakona in bila na njem prisotna na vsaj 80 odstotkih ur.

(2) A written warning shall be imposed by the office for the first serious violation of the house rules.

(3) If a person under international protection repeats a serious violation, he or she shall be relocated by the office to another accommodation facility of the office.

(4) If a person commits a serious violation for the second time, the office shall withdraw accommodation in the facilities of the office.

(5) The penalty of requiring the reimbursement of damage shall be imposed for a serious violation referred to in point 5 of paragraph two of Article 94 of this Act.

(6) A complaint may be lodged against the sanction under paragraph one of this Article within three days of service. A complaint shall be filed with the authorised official of the office. The complaint shall be decided on by the head of the office.

(7) A complaint against the order referred to in paragraph one of this Article shall not stay the execution thereof.

Article 97

(Financial compensation for accommodation in a private residence)

(1) A person under international protection who is accommodated in a private residence and does not have his or her own means of subsistence or whose maintenance is not guaranteed in some other manner shall be entitled to financial compensation for accommodation in the private residence for 18 months following the day of the acquisition of the status.

(2) A person under international protection referred to in the preceding paragraph shall qualify for financial compensation for accommodation in a private residence for a further 18 months if the person attends the course referred to in paragraph three of Article 103 of this Act in the first 18 months after acquiring status, and attends at least 80% of the classes.

(3) Ne glede na prvi in drugi odstavek tega člena je oseba s priznano mednarodno zaščito, ki je nastanjena na zasebnem naslovu in nima lastnih sredstev za preživljanje ali ji bivanje ni zagotovljeno kako drugače in ima status dijaka ali študenta ali pa je udeleženec izobraževanja odraslih in v Republiki Sloveniji nima zavezancev za preživljanje, upravičena do denarnega nadomestila za nastanitev na zasebnem naslovu za obdobje treh let od pridobitve statusa. Obdobje upravičenosti do denarnega nadomestila za zasebno nastanitev se podaljša za čas šolanja, vendar ne dlje kot do dopolnjenega 26. leta starosti.

(4) Oseba iz prvega odstavka tega člena, ki je kot mladoletnik brez spremstva bivala v posebni, za mladoletnike primerni nastanitvi in je medtem postala polnoletna, je dve leti po preteku bivanja v tej nastitvi upravičena do denarnega nadomestila za nastanitev na zasebnem naslovu.

(5) Oseba s statusom begunca, ki je na podlagi zakona, ki ureja vstop, zapustitev in bivanje tujcev, združila družino, je z dnem prihoda družinskih članov v Republiko Slovenijo upravičena do denarnega nadomestila za zasebno nastanitev tudi za družinske člane, in sicer do konca obdobja upravičenosti do denarnega nadomestila za zasebno nastanitev iz prvega, drugega in tretjega odstavka tega člena.

(6) Sredstva za denarno nadomestilo za nastanitev na zasebnem naslovu zagotavlja urad.

(7) Odmera, način dodelitve in izplačevanje denarnega nadomestila za nastanitev na zasebnem naslovu se določijo s predpisom iz drugega odstavka 90. člena tega zakona.

98. člen
(zdravstveno varstvo oseb s priznano mednarodno zaščito)

(1) Osebe, ki jim je bila priznana mednarodna zaščita, se

(3) Notwithstanding paragraphs one and two of this Article, a person under international protection who is accommodated in a private residence and who does not have his or her own means of subsistence or whose maintenance is not guaranteed in some other manner, and who does not have student status or does not attend adult education and no person is obliged to support him or her, is entitled to financial compensation for accommodation in the private residence for three years following the acquisition of status. The period of entitlement to financial compensation for accommodation in a private residence shall be extended for the period of schooling, but for no longer than until he or she reaches the age of 26 years.

(4) A person referred to in paragraph one of this Article who resided as an unaccompanied minor in a specialised accommodation facility adapted to minors and became an adult in the meantime, has the right to receive financial compensation for accommodation in a private residence for two years following the expiry of the right to reside in such facility.

(5) A person with refugee status who is reunited with his or her family on the basis of the Act regulating the entry, departure and residence of foreigners is entitled to financial compensation for accommodation in a private residence also for his or her family members until the end of the period of entitlement to financial compensation for private accommodation referred to in paragraphs one, two and three of this Article.

(6) The funds for financial compensation for accommodation in a private residence shall be provided by the office.

(7) The amount, manner of allocation and payment of financial compensation for accommodation in a private residence shall be determined in the regulation referred to in paragraph two of Article 90 of this Act.

Article 98
(Health care for persons under international protection)

(1) Persons granted international protection shall be provided

obvezno zdravstveno zavarujejo iz tega naslova, če niso obvezno zdravstveno zavarovane na drugi podlagi.

(2) Otroci, ki imajo priznano mednarodno zaščito, so upravičeni do zdravstvenih storitev v enakem obsegu in pod enakimi pogoji kot otroci, ki so obvezno zdravstveno zavarovani kot družinski člani. V enakem obsegu so do zdravstvenega varstva upravičeni tudi šolajoči otroci po 18. letu starosti, in sicer do konca šolanja, vendar največ do dopolnjenega 26. leta starosti.

99. člen

(socialno varstvo oseb, ki jim je priznana mednarodna zaščita)

Osebe, ki jim je priznana mednarodna zaščita, so pri uveljavljanju pravic iz socialnega varstva izenačene z državljani Republike Slovenije. Sredstva za socialno varstvo oseb, ki jim je priznana mednarodna zaščita, se zagotavljajo skladno z nacionalno zakonodajo.

100. člen

(mladoletnik brez spremstva s priznano mednarodno zaščito)

(1) Center za socialno delo, ki je krajevno pristojen za območje, na katerem je nastanjen mladoletnik brez spremstva s priznano mednarodno zaščito, mladoletniku brez spremstva skladno s predpisi, ki urejajo družinska razmerja, nemudoma postavi skrbnika.

(2) Center za socialno delo, ki je krajevno pristojen za območje, na katerem je nastanjen mladoletnik brez spremstva s priznano mednarodno zaščito, oziroma drug pristojni organ izvede postopek nastanitve mladoletnika brez spremstva v skladu z veljavnimi predpisi.

(3) Bratov in sester se praviloma ne loči, pri čemer se upošteva korist mladoletnika brez spremstva, zlasti pa njegova starost in stopnja zrelosti. Spremembe prebivališča mladoletnika brez spremstva se omejijo na najmanjši možni obseg.

(4) Če se še ni začelo, se iskanje članov družine mladoletnika

mandatory health insurance on the basis of international protection unless they are insured on some other basis.

(2) Children granted international protection are entitled to health-care services to the same extent and under the same conditions as children who are covered by mandatory health insurance as family members. School children aged 18 years or older are entitled to health care to the same extent until they leave school, but not after they reach the age of 26.

Article 99

(Social assistance for persons under international protection)

Persons granted international protection shall enjoy social assistance rights to the same degree as citizens of the Republic of Slovenia. Funds for social assistance for persons under international protection shall be allocated in accordance with national legislation.

Article 100

(Unaccompanied minors under international protection)

(1) The social work centre with territorial jurisdiction for the area where an unaccompanied minor under international protection is staying shall immediately appoint a guardian for the unaccompanied minor under international protection in accordance with the regulations governing family relationships.

(2) The social work centre with territorial jurisdiction for the area where an unaccompanied minor under international protection is staying or another competent authority shall carry out the procedure for accommodating the unaccompanied minor in accordance with the regulations in force.

(3) As far as possible, siblings shall be kept together, taking into account the best interests of unaccompanied minors, in particular their age and degree of maturity. Changes of residence of unaccompanied minors shall be limited to the minimum level.

(4) Unless already in progress, the search for the family

brez spremstva začne takoj po priznanju statusa mednarodne zaščite, hkrati pa mora pristojni organ varovati koristi mladoletnika. Če se je iskanje članov družine že začelo, pristojni organ z iskanjem nadaljuje, kadar je to primerno. Kadar bi lahko bila ogrožena življenje ali telesna celovitost mladoletnika ali njegovih bližnjih sorodnikov, zlasti če so ti ostali v izvorni državi, je treba poskrbeti, da so zbiranje, obdelava in kroženje informacij o teh osebah izvedeni zaupno.

101. člen

(izobraževanje in usposabljanje oseb, ki jim je priznana mednarodna zaščita)

(1) Osebe s priznano mednarodno zaščito so pri uveljavljanju obsega pravic na področjih predšolske vzgoje, osnovnošolskega, srednješolskega, višješolskega, visokošolskega izobraževanja in izobraževanja odraslih izenačene z državljani Republike Slovenije.

(2) Osebe s priznano mednarodno zaščito so upravičene do državne štipendije in nastanitve v dijaških in študentskih domovih pod enakimi pogoji kot državljani Republike Slovenije.

(3) Stroške, povezane s priznavanjem in vrednotenjem izobraževanja, ki se izkazuje s tujo diplomom, spričevalom in drugimi dokazili o formalni izobrazbi oseb, ki jim je priznana mednarodna zaščita, krije urad.

(4) Urad krije tudi stroške, povezane s priznavanjem in vrednotenjem izobraževanja v primerih, ko osebe s priznano mednarodno zaščito formalne izobrazbe ne morejo dokazati z dokumenti.

(5) Osebam z mednarodno zaščito brez lastnih dohodkov oziroma drugače zagotovljenega preživljanja tri leta od priznanja statusa mednarodne zaščite druge stroške, povezane z udeležbo na rednem programu izobraževanja in osnovne šole za odrasle, krije urad.

members of an unaccompanied minor shall begin immediately after his or her international protection status has been granted, while at the same time, the competent authority shall protect the interests of the minor. Where the search for family member is already in progress, the competent authority shall continue the search insofar as practicable. In cases where there may be a threat to the life or physical integrity of an unaccompanied minor or his or her close relatives, particularly if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information about these persons is undertaken on a confidential basis.

Article 101

(Education and training of persons under international protection)

(1) Persons granted international protection shall enjoy the rights to pre-school, primary, secondary, higher and university education and adult education to the same degree as citizens of the Republic of Slovenia.

(2) Persons granted international protection shall be entitled to state scholarships and accommodation in student dormitories under the same terms as citizens of the Republic of Slovenia.

(3) The costs of the recognition and assessment of qualifications proven by foreign diplomas, certificates and other documents attesting to the formal education of persons granted international protection shall be paid for by the office.

(4) The office shall also pay for the costs of recognising and assessing qualifications in cases when persons granted international protection are not able to prove their formal education by documents.

(5) The office shall pay for other costs related to attending a regular programme of education and primary school for adults for persons granted international protection who do not have their own means of subsistence or whose maintenance is not guaranteed in some other manner.

102. člen
(dostop na trg dela)

(1) Osebe, ki jim je priznana mednarodna zaščita, uveljavljajo pravice iz naslova zaposlovanja in dela v skladu s predpisi, ki urejajo zaposlovanje in delo tujcev.

(2) Osebe, ki jim je priznana mednarodna zaščita, uveljavljajo pravice za primer brezposelnosti v skladu s predpisi, ki urejajo trg dela.

103. člen
(pomoč pri vključevanju v okolje)

(1) Oseba s priznano mednarodno zaščito ima tri leta od pridobitve statusa pravico do pomoči pri vključevanju v okolje.

(2) Pomoč pri vključevanju v okolje temelji na osebnem integracijskem načrtu, ki se pripravi in izvaja na podlagi posameznikovih potreb, znanja, zmožnosti in sposobnosti ter vključuje načrt aktivnosti, namenjenih lažjemu vključevanju v okolje. Pri pripravi in načrtovanju aktivnosti v okviru osebnega integracijskega načrta v prvem letu se lahko v utemeljenih primerih izključno z namenom komunikacije z uradno osebo urada osebi z mednarodno zaščito zagotovi prevajanje v jezik, ki ga razume. Za pripravo osebnega integracijskega načrta je pristojen urad, ki lahko pripravo in izvedbo osebnega integracijskega načrta delno ali v celoti prenese na druge organizacije.

(3) Za lažje vključevanje v okolje ima oseba s priznano mednarodno zaščito v času izvajanja osebnega integracijskega načrta pravico do udeležbe na tečaju slovenskega jezika in tečaja spoznavanja slovenske družbe, ki jo osebi s priznano mednarodno zaščito v najkrajšem možnem času po priznanju statusa zagotovi urad. Tečaj slovenskega jezika in tečaj spoznavanja slovenske družbe sta lahko združena in se izvajata kot enotni program.

Article 102
(Access to the labour market)

(1) Persons under international protection shall exercise rights related to employment and work in accordance with the regulations on the employment and work of foreigners.

(2) Persons under international protection shall exercise the right to unemployment benefits in accordance with the regulations on the labour market.

Article 103
(Assistance with integration into society)

(1) A person under international protection has the right to assistance integrating into society for three years following the granting of status.

(2) Assistance with integration into society is based on a personal integration plan which is prepared and implemented on the basis of the individual's needs, knowledge, abilities and skills, and includes an activity plan for easier integration into society. In preparing and planning activities as part of a personal integration plan, translation into a language the person under international protection understands may be provided in the first year in well-founded cases solely for the purpose of communicating with an official of the office. The preparation of a personal integration plan is the responsibility of the office, which may transfer responsibility for the preparation and implementation of the personal integration plan in part or fully to other organisations.

(3) During the implementation of a personal integration plan, for the purpose of easier integration into society, a person under international protection has the right to attend a Slovenian language course and a course on Slovenian society, which the office shall provide such person in the shortest time possible following the granting of status. The Slovenian language course and the course on Slovenian society may be combined and implemented as a single programme.

(4) Oseba z mednarodno zaščito je za redno udeležbo na tečaju slovenskega jezika in tečaju spoznavanja slovenske družbe, na katera ju napoti urad, upravičena do mesečne vozovnice za mestni promet, in sicer za čas trajanja tečajev.

104. člen

(pravice oseb, ki so v Republiko Slovenijo sprejete na podlagi kvote ali delitve bremen med državami članicami Evropske unije)

(1) Osebe, ki so v Republiko Slovenijo sprejete v skladu s postopki iz VI. poglavja tega zakona, urad pred prihodom seznanjeni z informacijami o Republici Sloveniji ter o pravicah in dolžnostih oseb s priznano mednarodno zaščito.

(2) Osebam iz prejšnjega odstavka tega člena, ki pridobijo status mednarodne zaščite v Republici Sloveniji, se poleg pravic iz prvega odstavka 90. člena tega zakona zagotovi uvajalno obdobje, ki traja tri mesece. V uvajalnem obdobju se izvede orientacijski program, ki je namenjen učenju osnov slovenskega jezika, pomoči pri urejanju dokumentov in praktičnemu spoznavanju vsakdanjega življenja v Republici Sloveniji. Vsebina in trajanje tega programa se podrobneje določi s predpisom iz četrtega odstavka 73. člena tega zakona. Sredstva za pripravo in izvajanje orientacijskih programov zagotavlja urad.

(3) Osebe iz prejšnjega odstavka so med uvajalnim obdobjem upravičene do nastanitve v integracijski hiši ali drugih nastanitvenih zmogljivostih ministrstev in samoupravnih lokalnih skupnosti. Stroške nastanitve zagotavlja urad.

(4) Po poteku uvajalnega obdobja se osebam iz drugega odstavka tega člena izvajanje pravic iz 93. in 103. člena tega zakona zagotavlja tako dolgo, kakor je določeno s tem zakonom.

(4) A person under international protection who regularly attends Slovenian language and society courses in accordance with the office's instructions is entitled to a monthly ticket for public transport for the duration of the courses.

Article 104

(Rights of persons admitted to the Republic of Slovenia on the basis of a quota or sharing the burden among European Union Member States)

(1) Prior to their arrival, the office shall provide persons who are admitted to the Republic of Slovenia in accordance with the procedures referred to in Chapter VI of this Act with information on the Republic of Slovenia and the rights and obligations of persons granted international protection.

(2) The persons referred to in the preceding paragraph of this Article who are granted international protection status in the Republic of Slovenia shall, in addition to the rights referred to in paragraph one of Article 90 of this Act, be granted an introductory period of three months. An orientation programme shall be implemented in the introductory period aimed at teaching the basics of the Slovenian language, handling documents and becoming familiar with everyday life in the Republic of Slovenia. The content and duration of this programme shall be prescribed in detail by the regulation referred to in paragraph four of Article 73 of this Act. The funds for the preparation and implementation of orientation programmes shall be provided by the office.

(3) During the introductory period, the persons referred to in the preceding paragraph are entitled to accommodation in an integration house or other accommodation facilities of the ministry and self-governing local communities. The cost of accommodation shall be covered by the office.

(4) At the end of the introductory period, the persons referred to in paragraph two of this Article shall enjoy the rights referred to in Articles 93 and 103 of this Act for as long as determined by this Act.

105. člen

(dolžnosti osebe, ki ji je priznana mednarodna zaščita)

(1) Oseba s priznano mednarodno zaščito mora spoštovati ustavno ureditev, predpise in druge splošne akte v Republiki Sloveniji ter ukrepe državnih organov in organov samoupravnih lokalnih skupnosti.

(2) Oseba, ki ji je priznana mednarodna zaščita, je dolžna organe, pristojne za pomoč pri vključevanju v okolje, obveščati o vseh spremembah, ki vplivajo na uveljavljanje njenih pravic in izvrševanje dolžnosti, zlasti pa o:

- pridobljeni denarni socialni pomoči, dohodkih in drugih prejemkih ter premoženju,
- opravljanju preizkusa znanja slovenskega jezika,
- uspešnosti šolanja na vseh stopnjah izobraževanja,
- zaposlitvi,
- spremembi naslova prebivališča,
- spremembi osebnega imena,
- spremembi zakonskega stanu,
- sprejemu v novo državljanstvo, razen državljanstva Republike Slovenije.

(3) Oseba, ki ji je priznana mednarodna zaščita, nova dejstva in okoliščine ali spremembe iz prejšnjega odstavka sporoči v osmih dneh od dneva, ko so nastale.

106. člen

(vrnitev v izvorno državo)

(1) Urad zagotavlja pomoč prosilcem in osebam s priznano mednarodno zaščito, ki se želijo vrniti v izvorno državo.

(2) Prosilci in osebe s priznano mednarodno zaščito, ki se odločijo za vrnitev v izvorno državo, ohranijo pravice in obveznosti, ki jih določa ta zakon, do dneva odhoda iz države.

Article 105

(Obligations of persons granted international protection)

(1) Persons granted international protection shall abide by the constitutional order, regulations and other general legal acts of the Republic of Slovenia and measures undertaken by public authorities and authorities of self-governing local communities.

(2) A person granted international protection shall be obliged to inform the authorities in charge of facilitating integration into society of all changes affecting the exercise of his or her rights and compliance with obligations, especially regarding:

- acquired financial social assistance, income and other benefits, and property,
- taking a Slovenian language test,
- performance at all levels of education,
- employment,
- changes in his or her address of residence,
- changes in his or her personal name,
- changes in his or her marital status,
- obtaining new citizenship, except citizenship of the Republic of Slovenia.

(3) A person granted international protection shall be obliged to report new facts and circumstances or the changes referred to in the preceding paragraph within eight days following their occurrence.

Article 106

(Return to one's country of origin)

(1) The office shall assist applicants and persons under international protection who wish to return to their country of origin.

(2) Applicants and persons under international protection who decide to return to their country of origin shall retain the rights and obligations determined by this Act until the day of their departure from the country.

(3) Če prosilec ali oseba s priznano mednarodno zaščito nima zadostnih lastnih sredstev, stroške vrnitve v izvorno državo krije urad.

(3) If an applicant or a person under international protection does not hold sufficient means of subsistence, the cost of returning to his or her country of origin shall be paid for by the office.

IX. POGLAVJE

CHAPTER IX

LISTINE

DOCUMENTS

107. člen (izkaznica prosilca)

Article 107 (Applicant identity card)

(1) Izkaznica prosilca je dokument, ki potrjuje prosilčev status in je hkrati dovoljenje, da oseba ostane v Republiki Sloveniji do izvršljivosti odločitve v postopku mednarodne zaščite.

(1) An applicant identity card shall mean a document confirming the status of the applicant and shall at the same time serve as authorisation to remain in the Republic of Slovenia pending the enforceability of a decision issued in an international protection procedure.

(2) Izkaznica iz prejšnjega odstavka se prosilcu izda najpozneje v treh dneh po vložitvi prošnje.

(2) The identity card referred to in the preceding paragraph shall be issued to the applicant within three days of the filing of an application at the latest.

(3) Izkaznica prosilca se izda za obdobje največ 120 dni. Po poteku se izda nova izkaznica.

(3) The applicant identity card shall be issued with a maximum validity of 120 days. After expiry, a new identity card shall be issued.

(4) Način izdaje, obliko in vsebino prosilčeve izkaznice določi vlada v predpisu iz četrtega odstavka 78. člena tega zakona.

(4) The manner of issuing, and the format and content of the applicant identity card shall be determined by the Government in the regulation referred to in paragraph four of Article 78 of this Act.

108. člen (način izdaje, vsebina, razveljavitev in oblika izkaznice dovoljenja za prebivanje)

Article 108 (The manner of issuing, content, revocation and format of residence permit cards)

(1) Izkaznica dovoljenja za prebivanje, izdana kot samostojna listina, je javna listina, ki izkazuje istovetnost osebe s priznano mednarodno zaščito in potrjuje priznani status mednarodne zaščite.

(1) A residence permit card shall be a separate public document identifying a person under international protection and confirming his or her international protection status.

(2) Beguncu se izkaznica dovoljenja za prebivanje izda kot samostojna listina z veljavnostjo desetih let.

(2) A refugee shall be issued a residence permit as a separate document with a ten-year validity period.

(3) Osebi, ki ji je priznana subsidiarna zaščita, se izkaznica dovoljenja za prebivanje izda kot samostojna listina z veljavnostjo za čas, za katerega ji je priznana ta zaščita.

(4) Na podlagi sklepa iz četrtega odstavka 66. člena tega zakona se osebi izkaznica dovoljenja za prebivanje izda kot samostojna listina z veljavnostjo 12 mesecev z možnostjo podaljšanja.

(5) Na podlagi vloženega zahtevka za uvedbo ponovnega postopka se osebi iz četrtega odstavka 64. člena tega zakona izkaznica dovoljenja za prebivanje izda kot samostojna listina z veljavnostjo šestih mesecev z možnostjo podaljšanja.

(6) Izkaznica dovoljenja za prebivanje poleg fotografije osebe s priznano mednarodno zaščito vsebuje še:

- priimek in ime osebe,
- državljanstvo,
- datum rojstva in spol,
- EMŠO,
- rok veljavnosti,
- podobo obraza in dva prstna odtisa, obdelane in shranjene kot biometrične podatke,
- vrsto dovoljenja za prebivanje,
- obliko mednarodne zaščite,
- datum in kraj izdaje.

(7) Izkaznica dovoljenja za prebivanje, ki je izdana imetniku, mlajšemu od šestih let, ali imetniku, ki iz zdravstvenih razlogov ne more dati nobenega prstnega odtisa, ne vsebuje prstnih odtisov. Izkaznica dovoljenja za prebivanje, izdana imetniku, ki iz zdravstvenih razlogov lahko da samo en prstni odtis, vsebuje en prstni odtis.

(8) Imetnikom izkaznice dovoljenja za prebivanje iz prejšnjega odstavka tega člena se lahko izda izkaznica dovoljenja za prebivanje v obliki samostojne listine z veljavnostjo, krajšo od desetih let.

(9) Če status mednarodne zaščite preneha ali se odvzame oziroma se osebi s subsidiarno zaščito ta ne podaljša ali če se zahtevk za uvedbo ponovnega postopka, ki ga je vložila oseba iz četrtega

(3) A person granted subsidiary protection shall be issued a residence permit card as a separate document that is valid for the duration of protection.

(4) On the basis of the order referred to in paragraph four of Article 66 of this Act, a person shall be issued a residence permit card as a separate document with a validity period of 12 months, with the possibility of renewal.

(5) On the basis of a request for the initiation of a subsequent procedure, a person referred to in paragraph four of Article 64 of this Act shall be issued a residence permit card as a separate document with a validity period of six months, with the possibility of renewal.

(6) In addition to a photograph of the person under international protection, the residence permit shall contain:

- the name and surname of the person,
- his or her citizenship,
- his or her date of birth and gender,
- his or her personal identification number,
- the validity date,
- a facial image and two fingerprints, processed and stored as biometric data,
- the type of residence permit,
- the type of international protection,
- the date and place of issue.

(7) A residence permit card issued to a holder under the age of six or a holder unable to provide fingerprints for medical reasons shall not include fingerprints. A residence permit issued to a holder who, for medical reasons, is able to give only one fingerprint shall include one fingerprint.

(8) Holders of residence permit cards referred to in the preceding paragraph of this Article may be issued a residence permit card as a separate document with a validity period of less than ten years.

(9) A residence permit card issued as a separate document shall cease to be valid if the international protection status terminates or is withdrawn or if a person under subsidiary protection does not have his or

odstavka 64. člena tega zakona, zavrne, izkaznica dovoljenja za prebivanje, izdana kot samostojna listina, preneha veljati. Imetnik v osmih dneh vrne izkaznico dovoljenja za prebivanje, izdana kot samostojno listino. Če tega ne stori, mu policija ob preverjanju zakonitosti prebivanja v državi ali vstopa vanjo ali ob preverjanju istovetnosti izkaznice dovoljenja odvzame in jo pošlje ministrstvu.

(10) Oseba s priznano mednarodno zaščito je v postopku izdaje izkaznice dovoljenja za prebivanje oproščena plačila upravne takse in stroškov tiskovine.

(11) Za vsebino, obliko, način izdaje izkaznice dovoljenja za prebivanje, način zajemanja prstnih odtisov ter način in označitev razveljavitve ali prenehanja dovoljenja za prebivanje, se smiselno uporabljajo predpisi izdani na podlagi zakona, ki ureja vstop, zapustitev in bivanje tujcev v Republiki Sloveniji.

109. člen

(podatki za izdelavo izkaznice dovoljenja za prebivanje)

(1) V postopku izdaje izkaznice dovoljenja za prebivanje osebi, ki ji je priznana mednarodna zaščita, se uporabijo podatki iz evidence oseb, ki jim je priznana mednarodna zaščita, o osebnem imenu, datumu in kraju rojstva, EMŠO, spolu in državljanstvu.

(2) Oseba s priznano mednarodno zaščito v postopku izdaje dovoljenja za prebivanje priloži fotografijo predpisane velikosti v fizični ali digitalni obliki, ki kaže njeno pravo podobo, in da dva prstna odtisa za digitalni zajem. Oseba, mlajša od šestih let, in oseba, ki iz zdravstvenih razlogov ne more dati nobenega prstnega odtisa, ne data prstnih odtisov. Oseba, ki iz zdravstvenih razlogov lahko da samo en prstni odtis, da en prstni odtis.

(3) Prstna odtisa oziroma prstni odtis se hrani do vročitve izkaznice dovoljenja za prebivanje.

her status extended, or if a request to initiate a subsequent procedure filed by a person referred to in paragraph four of Article 64 of this Act is dismissed. The holder shall return the residence permit card issued as a separate document within eight days. Upon failing to do so, the police shall seize the permit when checking the legality of residence in the country or upon entry into the country or upon identification, and shall send the permit to the ministry.

(10) A person under international protection shall be exempt from paying administrative fees and printing costs in the procedure for issuing a residence permit card.

(11) With respect to the content, format and manner of issuing a residence permit, the manner of fingerprinting and the manner and labelling of a revocation or termination of a residence permit, the regulation adopted on the basis of the Act governing the entry into, departure from and residence of foreigners in the Republic of Slovenia shall apply *mutatis mutandis*.

Article 109

(Data required for a residence permit card)

(1) In the procedure for issuing of a residence permit card to a person who has been granted international protection, data from the register of persons granted international protection on the individual's personal name, date and place of birth, personal identification number, gender and citizenship shall be used.

(2) In the procedure for issuing a residence permit, a person under international protection must enclose his or her photograph of the prescribed size, in both physical and digital form, which depicts his or her true likeness, and provide two fingerprints for digital capture. A child younger than 6 and a person who for medical reasons is not able to provide fingerprints shall not provide fingerprints. A person who for medical reasons is able to give only one fingerprint shall give one fingerprint.

(3) Fingerprint/s shall be kept until a residence permit card has been served on the holder.

110. člen
(pogrešitev dovoljenja)

(1) Pogrešitev, izgubo ali tatvino (v nadaljnjem besedilu: pogrešitev) dovoljenja za prebivanje v Republiki Sloveniji imetnik takoj, če pa to ni mogoče, pa najpozneje v osmih dneh, naznani ministrstvu.

(2) Pogrešitev dovoljenja za prebivanje v tujini imetnik takoj, če pa to ni mogoče, pa najpozneje v osmih dneh, naznani najbližjemu diplomatsko-konzularnemu predstavništvu Republike Slovenije v tujini, da o pogrešitvi obvesti ministrstvo, ki je dovoljenje izdalo.

(3) V naznanitvi pogrešitve dovoljenja za prebivanje imetnik navede tudi točne podatke o okoliščinah te pogrešitve.

(4) Ministrstvo osebi s priznano mednarodno zaščito izda novo listino.

(5) Zaradi zagotovitve varnosti pravnega prometa in odkrivanja ukradenih ali pogrešanih dovoljenjih za prebivanje se o ukradenih in pogrešanih dovoljenjih za prebivanje podatki o pristojnem organu, ki je izdal dovoljenje, datumu izdaje, veljavnosti in serijski številki dovoljenja ter datumu prijave pogrešitve dovoljenja javno objavijo na enotnem državnem portalu e-uprave.

111. člen
(potni list za begunca)

(1) Postopki izdaje, vročitve in naznanitve pogrešitve potnega lista za begunca se izvajajo v skladu z zakonom, ki ureja potne listine za državljane Republike Slovenije, razen če ta zakon določa drugače.

(2) Pristojni organ za izvajanje postopkov izdaje, vročitve in naznanitve pogrešitve potnega lista za begunca je ministrstvo.

Article 110
(Permits that are unaccounted for)

(1) An unaccounted for, lost or stolen residence permit for residence in the Republic of Slovenia (hereinafter: an unaccounted for permit) must be reported by the holder thereof to the ministry immediately or within eight days at the latest.

(2) A residence permit unaccounted for during a stay abroad must, immediately or within eight days at the latest, be reported by its holder to the nearest diplomatic or consular authority of the Republic of Slovenia abroad, which shall notify the ministry that issued the permit.

(3) Upon reporting an unaccounted for permit, the holder must also provide exact details as to the circumstances of it being misplaced.

(4) The ministry shall issue a new document to the person under international protection.

(5) For reasons of legal transaction safety and the registration of stolen or unaccounted for permits, details as to the competent authority that issued the stolen or unaccounted for permit, its date of issue, validity and serial number, and the date of reporting the loss of such missing permit shall be published on the public portal of the e-administration (e-uprava).

Article 111
(Refugee passports)

(1) The procedures for issuing, serving and reporting an unaccounted for refugee passport shall be carried out in accordance with the Act regulating travel documents for citizens of the Republic of Slovenia, unless otherwise provided by this Act.

(2) The authority responsible for implementing the procedures for issuing, serving and reporting unaccounted for refugee passports shall be the ministry.

(3) Potni list za begunca se praviloma izda z veljavnostjo desetih let. Za potne liste, izdane z veljavnostjo, krajšo od desetih let, se smiselno uporabljajo določbe zakona iz prvega odstavka tega člena.

(4) Begunec potni list po prenehanju ali odvzemu statusa begunca v osmih dneh izroči ministrstvu.

(5) Begunec, ki nima lastnih sredstev za preživljanje ali mu preživljanje ni zagotovljeno na drug način, je v postopku izdaje potnega lista oproščen plačila upravne takse in stroškov tiskovine.

(6) Določbe tega člena se smiselno uporabljajo tudi za namen vstopa osebe z mednarodno zaščito, ki je v Republiko Slovenijo sprejeta na podlagi letne kvote. V tem primeru pristojni organ izda potni list za begunca brez dveh prstnih odtisov in podpisa, in sicer z veljavnostjo do 90 dni.

(7) Minister predpiše ceno obrazca listine ter vsebino, obliko in način izdaje potnega lista za begunca. S tem predpisom se določi tudi način zajemanja prstnih odtisov.

112. člen (podatki za izdajo potnega lista za begunca)

(1) Za izdajo potnega lista za begunca se uporabijo podatki iz evidenc oseb, ki jim je priznana mednarodna zaščita, o osebnem imenu, datumu in kraju rojstva, EMŠO, spolu, državljanstvu in stalnem prebivališču.

(2) Begunec k vlogi za izdajo potnega lista za begunca priloži fotografijo predpisane velikosti v fizični ali digitalni obliki, ki kaže njegovo pravo podobo, in da dva prstna odtisa v digitalni obliki. Begunec, mlajši od 12 let, in begunec, ki iz zdravstvenih razlogov ne more dati nobenega prstnega odtisa, ne data prstnih odtisov. Begunec, ki iz zdravstvenih razlogov lahko da samo en prstni odtis, da en prstni odtis.

(3) Refugee passports shall generally be issued with a validity of ten years. The provisions of the Act referred to in paragraph one of this Article shall apply *mutatis mutandis* to passports with a validity of less than ten years.

(4) A refugee shall hand over such passport to the ministry within eight days following the termination or withdrawal of refugee status.

(5) A refugee lacking his or her own means of subsistence or whose maintenance is not guaranteed in some other manner shall be exempt from paying the administrative fee in the procedure for issuing a passport.

(6) The provisions of this Act shall also apply *mutatis mutandis* to the purpose of entry of a person under international protection who is admitted to the Republic of Slovenia on the basis of an annual quota. In such case, the competent authority shall issue a refugee passport without two fingerprints or a signature, with a validity of up to 90 days.

(7) The minister shall prescribe the cost of the document and the content, format and manner of issuing a refugee passport. This regulation shall also lay down the manner of fingerprint capture.

Article 112 (Data required to issue a refugee passport)

(1) Data from the registers of persons who have been granted international protection as to their personal name, date and place of birth, personal identification number, gender, citizenship and permanent residence shall be used in issuing a refugee passport.

(2) A refugee must enclose with his or her application for a refugee passport a photograph of himself or herself of the prescribed size, in both physical and digital form, which depicts his or her true likeness, and provide two fingerprints in digital form. A refugee under 12 years of age and a refugee who for medical reasons is not able to provide any fingerprints shall not provide fingerprints. A refugee who for medical reasons is able to provide only one fingerprint shall give one fingerprint.

(3) Prstna odtisa oziroma prstni odtis se hrani do vročitve potnega lista.

(4) Potni list za begunca vsebuje tudi pomnilniški medij, na katerem so podoba obraza in prstna odtisa imetnika, obdelani in shranjeni kot biometrični podatek.

113. člen
(potni list za osebo s subsidiarno zaščito)

(1) Oseba s subsidiarno zaščito uporablja svoj nacionalni potni list.

(2) Če oseba iz prejšnjega odstavka nima svojega nacionalnega potnega lista, ji pristojni organ za čas subsidiarne zaščite izda potni list za tujca, razen če obstajajo razlogi za zavrnitev izdaje v skladu z zakonom, ki ureja vstop, zapustitev in bivanje tujcev v Republiki Sloveniji.

(3) Oseba s subsidiarno zaščito, ki nima lastnih sredstev za preživljanje, ali ji preživljanje ni zagotovljeno na drug način, je v postopku izdaje potnega lista oproščena plačila upravne takse in stroškov tiskovine.

(4) Pristojni organ za izvajanje postopkov izdaje, vročitve in naznanitve pogrešitve potnega lista za osebo s subsidiarno zaščito je ministrstvo.

X. POGLAVJE

EVIDENCE

114. člen
(zbirke osebnih podatkov)

(3) Fingerprint data shall be kept until the passport has been served on the holder.

(4) A refugee passport shall also include a storage medium with the facial image and fingerprints of the holder processed and stored as biometric data.

Article 113
(Passports of persons under subsidiary protection)

(1) A person under subsidiary protection shall use his or her national passport.

(2) If a person referred to in the preceding paragraph does not possess his or her national passport, he or she shall be issued a foreigner passport by the competent authority for the duration of subsidiary protection, unless there are reasons for refusing to issue such pursuant to the Act governing the entry into, departure from and residence of foreigners in the Republic of Slovenia.

(3) A person under subsidiary protection who does not have his or her own means of subsistence or whose maintenance is not guaranteed in some other manner shall be exempt from paying the administrative fee and printing costs in the procedure for issuing a passport.

(4) The authority responsible for implementing the procedures for issuing and serving a passport and reporting an unaccounted for passport regarding a person under subsidiary protection shall be the ministry.

CHAPTER X

RECORDS

Article 114
(Personal databases)

(1) Ministrstvo za opravljanje nalog po tem zakonu vodi:

1. evidenco prosilcev za mednarodno zaščito (v nadaljevanju: evidenca prosilcev);
2. evidenco oseb, ki jim je bila priznana mednarodna zaščita;
3. evidence listin, izdanih na podlagi tega zakona (v nadaljevanju: evidence izdanih listin).

(2) Evidenco iz 1. točke prejšnjega odstavka ministrstvo vodi za namen odločanja o prošnjah prosilcev za mednarodno zaščito, zagotavljanja pravic prosilcem za mednarodno zaščito in izvajanja drugih postopkov v skladu s tem zakonom.

(3) Evidenco iz 2. točke prvega odstavka tega člena ministrstvo vodi z namenom odločanja o pravicah in obveznostih oseb, ki jim je bila priznana mednarodna zaščita, in izhajajo iz tega statusa.

(4) Evidence iz 3. točke prvega odstavka tega člena ministrstvo vodi za namen preverjanja istovetnosti, tujskega statusa ter prehoda državne meje prosilcev in oseb z mednarodno zaščito.

(5) Evidence iz tega člena se vodijo v elektronski obliki in zagotavljajo evidentiranje dostopov do podatkov in dokumentov, in sicer tako, da se shranjujejo podatki o tem, kdo in kdaj je izvajal posamezna opravila v zvezi s posameznim podatkom ali dokumentom. Pri skeniranih dokumentih se shranjujejo tudi podatki o tem, kdo in kdaj je dokument skeniral.

(6) Za namen opravljanja nalog v skladu s tem zakonom ministrstvo omogoči uradu dostop in obdelavo podatkov iz evidenc iz tega člena.

115. člen
(osebni podatki prosilcev za mednarodno zaščito in evidenca prosilcev)

(1) For the purposes of implementing tasks under this Act, the ministry shall keep:

1. a record of applicants for international protection (hereinafter: record of applicants);
2. a record of persons granted international protection;
3. records of documents issued on the basis of this Act (hereinafter: records of issued documents).

(2) The ministry shall keep the record referred to in point 1 of the preceding paragraph for the purpose of deciding on applications by applicants for international protection, ensuring the rights of applicants for international protection, and implementing other procedures in accordance with this Act.

(3) The ministry shall keep the record referred to in point 2 of paragraph one of this Article for the purpose of deciding on the rights and obligations of persons who have been granted international protection, and which result from this status.

(4) The ministry shall keep the record referred to in point 3 of paragraph one of this Article for the purpose of verifying the identity, foreigner status and crossing of the national border by applicants and persons under international protection.

(5) The records referred to in this Article shall be kept in electronic form and shall enable a record of access to the information and documents, i.e. by recording information as to when and who performed individual tasks related to an individual item of information or document. For scanned documents, details on the time of scanning and the person who scanned the documents shall also be stored.

(6) The ministry shall enable the office to access and process data kept in the records referred to in this Article for the purposes of discharging tasks under this Act.

Article 115
(Personal data of applicants for international protection and the record of applicants)

(1) Evidenca prosilcev vsebuje naslednje osebne podatke prosilca:

1. podatke iz petega odstavka 45. člena tega zakona;
2. fotografijo iz 26. točke petega odstavka 45. člena tega zakona;
3. prstne odtise iz 26. točke petega odstavka 45. člena tega zakona;
4. EMŠO iz šestega odstavka 45. člena tega zakona;
5. začasno prebivališče iz šestega odstavka 45. člena tega zakona;
6. podatke o izdani izkaznici za prosilca (številka in datum izdaje);
7. podatke o postavitvi zakonitih zastopnikov in skrbnikov za mladoletne prosilce brez spremstva ter osebno ime, datum rojstva in stalno prebivališče zakonitega zastopnika oziroma skrbnika;
8. dokumentacijo, ki v okviru izvajanja nalog po tem zakonu nastaja v času od vložitve prošnje za mednarodno zaščito do pravnomočne odločitve in vsebuje podatke o:
 - zdravstveno in psiho-socialnem stanju prosilca v zvezi z nastanitvijo v azilnem domu,
 - vlogah in rešitvah komisije iz četrtega odstavka 83. člena tega zakona,
 - izdanih dovolilnicah za prenočitev zunaj azilnega doma,
 - izvajanju vzdrževalnih del prosilcev v azilnem domu,

 - dostopanju prosilcev do svetovalcev za begunce,
 - vključevanju v sistem šolanja in izobraževanja,
 - zaposlitvi,
 - izplačani finančni pomoči v primeru nastanitve na zasebnem naslovu in žepnine v primeru nastanitve v azilnem domu ter odvzemu žepnine,
 - materialni oskrbi prosilca z obleko, obutvijo in sredstvi za osebno higieno.

(2) Ko je sprejeta pravnomočna odločitev o prošnji za priznanje mednarodne zaščite, se v evidenco prosilcev vpišejo podatki o vrsti in datumu odločitve, vsi ostali podatki, razen podatkov o osebnem imenu,

(1) The record of applicants shall contain the following personal data on an applicant:

1. the information referred to in paragraph one of Article 45 of this Act;
2. the photograph referred to in point 26 of paragraph five of Article 45 of this Act;
3. the fingerprints referred to in point 26 of paragraph five of Article 45 of this Act;
4. the personal identification number referred to in paragraph six of Article 45 of this Act;
5. the temporary residence referred to in paragraph six of Article 45 of this Act;
6. information on identity cards issued to applicants (the number and date of issue);
7. information on the appointment of statutory representatives and guardians for unaccompanied minors and the personal name, date of birth and permanent residence of such statutory representatives or guardians;
8. the documentation generated during the course of implementing tasks pursuant to this Act, i.e. from the filing of an application for international protection until a final decision, which contains information on:
 - the health and psychosocial condition of the applicant in relation to accommodation in the Asylum Centre,
 - the applications and decisions of the commission referred to in paragraph four of Article 83 of this Act,
 - permits issued for spending nights outside the Asylum Centre,
 - performance of maintenance works by applicants in the Asylum Centre,
 - the access of applicants to refugee counsellors,
 - inclusion in the education and training system,
 - employment,
 - financial assistance received in the case of accommodation in a private residence and allowances in the case of accommodation in the Asylum Centre and the withdrawal of the allowance,
 - material support, such as clothing, footwear and toiletries.

(2) Once a final decision on an application for international protection has been adopted, the data on the type and date of the decision shall be entered in the register of applicants, while all other data,

datumu rojstva, kraju rojstva, spolu in državljanstvu, pa se blokirajo. Dostop do blokiranih podatkov je dovoljen le pristojnim državnim organom zaradi pregona kaznivega dejanja, katerega storilec se preganja po uradni dolžnosti, v drugih primerih, ki so povezani z zagotavljanjem nacionalne varnosti ali ustavne ureditve in so določeni z zakonom, ter na podlagi izrecne privolitve prosilca. Ponovna vložitev prošnje za priznanje mednarodne zaščite šteje kot izrecna privolitev za dostop do blokiranih podatkov. Po poteku 50 let po sprejeti pravnomočni odločitvi o prošnji za priznanje mednarodne zaščite se blokirani podatki nepovratno uničijo, neblokirani pa arhivirajo.

116. člen

(evidenca oseb, ki jim je priznana mednarodna zaščita)

(1) Če je prosilcu priznana mednarodna zaščita, se pred blokiranjem podatkov iz evidence prosilcev v evidenco oseb, ki jim je bila priznana mednarodna zaščita, prevzamejo podatki o osebnem imenu, datumu rojstva, kraju rojstva, spolu, državljanstvu, materinem jeziku, izobrazbi in poklicu, zakonskemu stanu, imenu in priimku, državljanstvu ter naslovu začasnega prebivališča družinskih članov, ki že prebivajo v Republiki Sloveniji, ki živijo v izvorni državi in ki živijo izven izvorne države ter podatki ter podatki iz 2., 4. in 7. točke prvega odstavka prejšnjega člena.

(2) Evidenca oseb, ki jim je bila priznana mednarodna zaščita, vsebuje:

1. podatke iz prejšnjega odstavka;
2. številko, datum izdaje in vrsto izdanega dovoljenja za prebivanje;
3. naslov stalnega prebivališča v Republiki Sloveniji;
4. naslov začasnega prebivališča v Republiki Sloveniji;
5. številko in datum izdaje potnega lista za begunca oziroma potnega lista za tujca za osebo s subsidiarno zaščito;
6. dokumentacijo, ki v okviru izvajanja nalog po tem zakonu nastaja v obdobju vključevanja osebe z mednarodno zaščito v slovensko družbo, in sicer:
 - osebni integracijski načrt,
 - podatke o vključitvi v sistem socialnega varstva in o prejetih denarnih pomočeh,

excluding data on the individual's personal name, date of birth, place of birth, gender and citizenship, shall be blocked. Access to blocked data shall only be allowed to competent state authorities for the purpose of prosecuting a criminal offence whose perpetrator is prosecuted *ex officio*, in other cases related to the protection of national security or the constitutional order and which are determined by law, and on the basis of the explicit consent of the applicant. A subsequent application for international protection shall be deemed to constitute explicit consent to access blocked information. The blocked information shall be irreversibly destroyed fifty years after the adoption of a final decision on an application for international protection, while unblocked information shall be archived.

Article 116

(Record of persons granted international protection)

(1) Where an applicant has been granted international protection, the details on the his or her name, date of birth, place of birth, gender, citizenship, native language, education and profession, and marital status, and the name and surname, citizenship, and temporary residence address of family members who already reside in the Republic of Slovenia, who live in the country of origin or who live outside the country of origin and the information referred to in points 2, 4 and 7 of paragraph one of the preceding Article shall be transferred to the register of persons who have been granted international protection before blocking the information from the record of applicants.

(2) The record of persons who have been granted international protection shall contain:

1. the information referred to in the preceding paragraph;
2. the number, date of issue and type of residence permit issued;
3. the address of permanent residence in the Republic of Slovenia;
4. the address of temporary residence in the Republic of Slovenia;
5. the number and date of issue of a refugee passport or foreigner passport for a person under subsidiary protection;
6. the following documentation generated in the course of implementing tasks pursuant to this Act in the period of the integration of a person under international protection into Slovenian society:
 - his or her personal integration plan,
 - information on inclusion in the social assistance system and financial assistance received,

- podatke o vključitvi v sistem zdravstvenega zavarovanja,
- podatke in poročila o zaposlitvi, dohodkih in drugih prejemkih ter premoženju,
- podatke o izplačilu denarnega nadomestila za nastanitev na zasebnem naslovu,
- podatke in poročila o obiskovanju tečaja slovenskega jezika in opravljanja preizkusa znanja,
- podatke in poročila o obiskovanju tečaja spoznavanja slovenske družbe,
- psiho-socialna poročila v zvezi z nastanitvijo v integracijski hiši,
- podatke o vključevanju v sistem šolanja in izobraževanja in o pridobljeni izobrazbi v Republiki Sloveniji,
- postavitev zakonitih zastopnikov in skrbnikov za mladoletne osebe z mednarodno zaščito brez spremstva,
- izrečene ukrepe glede kršitev hišnega reda integracijske hiše,
- poročila o zdravstvenem stanju, če begunec oziroma oseba s subsidiarno zaščito s tem pisno soglaša.

(3) Osebni podatki iz evidence oseb, ki jim je bila priznana mednarodna zaščita, se razen podatkov o osebnem imenu, datumu rojstva, kraju rojstva, spolu in državljanstvu, ob prenehanju statusa osebe s priznano mednarodno zaščito blokirajo. Dostop do blokiranih podatkov je dovoljen le pristojnim državnim organom zaradi pregona kaznivega dejanja, katerega storilec se preganja po uradni dolžnosti, v drugih primerih, ki so povezani z zagotavljanjem nacionalne varnosti ali ustavne ureditve in so določeni z zakonom, ter na podlagi izrecne privolitve prosilca. Po poteku 50 let od prenehanja statusa osebe z mednarodno zaščito se blokirani podatki nepovratno uničijo, neblokirani pa arhivirajo.

117. člen (evidence izdanih listin)

- (1) Evidence izdanih listin sestavljajo:
- evidenca izkaznic prosilca, izdanih na podlagi 107. člena tega zakona (v nadaljnjem besedilu: evidenca izkaznic);
 - evidenca izkaznic dovoljenj za prebivanje, izdanih na podlagi

- information on inclusion in the health insurance system,
- information and reports on employment, income and other benefits and property;
- information on receiving financial compensation for accommodation in a private residence,
- information and reports on attending a Slovenian language course and taking exams,
- information and reports on attending a course on Slovenian society,
- psychosocial reports related to accommodation in an integration house,
- information on inclusion in the system of education and training and education acquired in the Republic of Slovenia;
- the appointment of statutory representatives and guardians for unaccompanied minors under international protection,
- penalties imposed for violations of the house rules of an integration house,
- information concerning health if the refugee or the person under subsidiary protection provides written consent.

(3) Personal data from the record of persons who have been granted international protection, except for data on a person's personal name, date of birth, place of birth, gender and citizenship, shall be blocked following the expiry of the status of a person under international protection. Access to blocked information shall only be allowed to competent state authorities for the purpose of prosecuting a criminal offence whose perpetrator is prosecuted *ex officio*, in other cases related to the protection of national security or the constitutional order and which are determined by law, and on the basis of the explicit consent of an applicant. The blocked information shall be irreversibly destroyed fifty years after the expiry of the status of a person under international protection, while unblocked information shall be archived.

Article 117 (Records of issued documents)

- (1) Records of issued documents shall comprise:
- a record of the identity cards of an applicant issued on the basis of Article 107 of this Act (hereinafter: record of identity cards);
 - a record of residence permit cards issued on the basis of Article 108

108. člena tega zakona (v nadaljnjem besedilu: evidenca izkaznic dovoljenj za prebivanje);

- evidenca potnih listov za begunca, izdanih na podlagi 111. člena tega zakona (v nadaljnjem besedilu: evidenca potnih listov za begunce);
- evidenca potnih listov za tujca za osebe s subsidiarno zaščito, izdanih na podlagi 113. člena tega zakona (v nadaljnjem besedilu: evidenca potnih listov za tujce).

(2) Evidenca izkaznic vsebuje naslednje podatke iz evidence prosilcev: osebno ime, datum in kraj rojstva, spol, državljanstvo, EMŠO, naslov začasnega prebivališča v Republiki Sloveniji in fotografijo prosilca ter številko in datum izdaje izkaznice.

(3) Evidenca izkaznic dovoljenj za prebivanje vsebuje naslednje podatke iz evidence oseb, ki jim je priznana mednarodna zaščita: osebno ime, datum in kraj rojstva, spol, državljanstvo, EMŠO, naslov stalnega in začasnega prebivališča in fotografijo imetnika dovoljenja, osebno ime, datum in kraj rojstva zakonitega zastopnika ali skrbnika imetnika dovoljenja, serijska številka, datum izdaje dovoljenja, podatki o veljavnosti, vrsti izdanega dovoljenja ter podatke o ukradenih in pogrešanih dovoljenjih, izdanih istemu imetniku.

(4) Evidenca potnih listov za begunce vsebuje naslednje podatke iz evidence oseb, ki jim je priznana mednarodna zaščita: osebno ime, datum in kraj rojstva, spol, državljanstvo, naslov stalnega in začasnega prebivališča, EMŠO, fotografijo ter prstni odtis imetnika potnega lista s podatki o roki in prstu prstnega odtisa, osebno ime, datum in kraj rojstva zakonitega zastopnika oziroma skrbnika imetnika potnega lista, ter številko in datum izdaje odločbe oziroma podatek o vrsti potnega lista, registrski in serijski številki potnega lista, datumu izdaje in veljavnosti potnega lista ter podatke o ukradenih in pogrešanih potnih listih, izdanih istemu imetniku.

(5) Evidenca potnih listov za tujce vsebuje naslednje podatke iz evidence oseb, ki jim je priznana mednarodna zaščita: osebno ime, datum in kraj rojstva, spol, državljanstvo, naslov začasnega prebivališča, EMŠO, fotografijo ter prstni odtis imetnika potnega lista s podatki o roki in prstu prstnega odtisa, osebno ime, datum in kraj rojstva zakonitega zastopnika

of this Act (hereinafter: record of residence permit cards);

- a record of refugee passports issued on the basis of Article 111 of this Act (hereinafter: record of refugee passports);
- a record of foreigner passports for persons under subsidiary protection issued on the basis of Article 113 of this Act (hereinafter: record of foreigner passports).

(2) The record of identity cards shall contain the following information from the record of applicants: the personal name, date and place of birth, gender, citizenship, personal identification number, temporary residence address in the Republic of Slovenia, a photograph of the applicant, and the number and date of issue of the card.

(3) The record of residence permit cards shall contain the following information from the record of persons granted international protection: the personal name, date and place of birth, gender, citizenship, personal identification number, temporary and permanent residence address and photograph of the holder of the permit, the personal name and date and place of birth of the holder's statutory representative or guardian, the serial number, date of issue of the permit, information on its validity, the type of permit issued, and information on the holder's stolen or unaccounted for permits.

(4) The record of refugee passports shall contain the following information from the record of persons granted international protection: the personal name, date and place of birth, gender, citizenship, temporary and permanent residence address, personal identification number, and a photograph and fingerprint of the passport holder, with information on the hand and finger of the fingerprint, the personal name and date and place of birth of the holder's statutory representative or guardian, and the number and date of issue of the decision or information on the type of passport, registration and serial number of the passport, the date of issue and validity of the passport, and information on the holder's stolen or unaccounted for passports.

(5) The record of foreigner passports shall contain the following information from the record of persons granted international protection: the personal name, date and place of birth, gender, citizenship, temporary residence address, personal identification number, and a photograph and fingerprint of the passport holder with information on the hand and finger

ali skrbnika imetnika potnega lista, ter številko in datum izdaje odločbe oziroma podatek o vrsti potnega lista, registrski in serijski številki potnega lista, datumu izdaje in veljavnosti potnega lista ter podatke o ukradenih in pogrešanih potnih listih, izdanih istemu imetniku.

118. člen

(zbiranje, obdelava in posredovanje osebnih podatkov)

(1) Pristojni organ zbira osebne podatke za vpis v evidence iz 1. in 2. točke prvega odstavka 114. člena tega zakona neposredno od posameznikov, na katere se podatki nanašajo, prič, iz uradnih in drugih zbirk osebnih podatkov ter na podlagi izvedenih aktivnosti zagotavljanja pravic in integracijskih ukrepov za osebe, ki jim je priznana mednarodna zaščita. Kadar tako določa ta zakon, pristojni organ po uradni dolžnosti sam generira podatke.

(2) Upravljavci zbirk osebnih podatkov, ki razpolagajo s podatki, ki so potrebni za ugotovitev dejstev v zvezi z vodenjem in odločanjem v postopkih po tem zakonu, so dolžni na podlagi obrazložene pisne zahteve pristojnega organa brezplačno najkasneje v roku 15 dni posredovati zahtevane podatke. Zahteva vsebuje navedbo zahtevanih podatkov, pravno podlago za posredovanje, namen njihove uporabe in številko zadeve.

(3) Ministrstvo osebne podatke iz evidenc iz 1. in 2. točke prvega odstavka 114. člena tega zakona lahko posreduje le na obrazloženo pisno zahtevo uporabnika, ki izkaže pravno podlago za pridobitev osebnih podatkov v zakonu ali izrecni pisni privolitvi posameznika, na katerega se osebni podatki nanašajo.

(4) Za odstranitev osebe, katere prošnja je bila zavrnjena ali zavržena in je bila odrejena njena prisilna odstranitev v izvorno državo, se tujim organom lahko posreduje le osebno ime, datum in kraj rojstva, spol, državljanstvo, podatke o dokumentih, ki jih je izdala izvorna država, ter zadnji naslov v tej državi.

(5) Podatki, pridobljeni z daktiloskopiranjem in fotografije

of the fingerprint, the personal name and date and place of birth of the holder's statutory representative or guardian, and the number and date of issue of the decision or information on the type of passport, the registration and serial number of the passport, the date of issue and validity of the passport, and information on the holder's stolen or unaccounted for passports.

Article 118

(The collection, processing and communication of personal data)

(1) The competent authorities shall collect personal data for entry into the records referred to in points 1 and 2 of paragraph one of Article 114 of this Act directly from data subjects, witnesses, official and other databases, and on the basis of implemented activities related to ensuring rights and integration measures regarding persons who have been granted international protection. When so stipulated by this Act, the competent authority shall generate data *ex officio*.

(2) Data controllers processing data required to determine facts related to the conduct of and deciding in procedures in accordance with this Act are obliged to communicate the requested data free of charge on the basis of a written and well-founded request from the competent authority within 15 days. Requests shall indicate the data requested, the legal basis for the communication thereof, the purpose of their use, and the reference number.

(3) The ministry may communicate personal data from the records referred to in points 1 and 2 of paragraph one of Article 114 of this Act only upon a written and well-founded request by a user, who must provide the statutory basis for acquiring personal data or the explicit written consent of the data subject.

(4) For the purpose of removing a person whose application has been dismissed or rejected and whose deportation to the country of origin has been ordered, foreign authorities may be communicated the person's name, date and place of birth, gender, citizenship, data on the documents issued by the country of origin, and the most recent address in that country.

(5) For the purpose of implementing Regulation 604/2013/EU,

prosilca, se za izvajanje Uredbe 604/2013/EU posredujejo državi članici Evropske unije in državi pristopnici k tej uredbi.

119. člen
(varstvo osebnih podatkov)

(1) Pristojni organi vse osebne podatke prosilcev in oseb s priznano mednarodno zaščito še posebej varujejo pred organi njegove izvirne države.

(2) Osebne podatke prosilcev in oseb s priznano mednarodno zaščito, potrebne za izdelavo izkaznice prosilca iz 107. člena tega zakona, izkaznice dovoljenja za prebivanje iz 108. člena tega zakona, potnega lista za begunca iz 111. člena tega zakona in potnega lista za tujca za osebo s subsidiarno zaščito iz 113. člena tega zakona, sme uporabljati pooblaščen podjetje ali organ zgolj za vnos v navedenim listinam pripadajoče obrazce in za izdelavo navedenih listin in jih v 30 dneh po uporabi uniči.

XI. POGlavJE

PREHODNE IN KONČNE DOLOČBE

120. člen
(podzakonski predpisi)

(1) Podzakonske predpise na podlagi tega zakona je treba izdati v enem letu po uveljavitvi tega zakona.

(2) Z dnem uveljavitve tega zakona prenehajo veljati:

- Uredba o načinih in pogojih za zagotavljanje pravic osebam z mednarodno zaščito (Uradni list RS, št. 55/11 in 36/14);

data acquired by fingerprinting and the photographs of an applicant shall be submitted to Member States of the European Union and countries acceding to this Regulation.

Article 119
(Personal data protection)

(1) The competent authority shall protect all personal data of applicants and persons under international protection, especially from the authorities of the country of origin.

(2) The personal data of applicants and persons under international protection required to produce an applicant identity card referred to in Article 107 of this Act, a residence permit card referred to in Article 108 of this Act, a refugee passport referred to in Article 111 of this Act, and a foreigner passport for a person under subsidiary protection referred to in Article 113 of this Act may only be used by an authorised company or authority for the purpose of entering information in forms relating to the mentioned documents and for the production of the mentioned documents. The data shall be destroyed within 30 days of being used.

CHAPTER XI

TRANSITIONAL AND FINAL PROVISIONS

Article 120
(Implementing regulations)

(1) Implementing regulations on the basis of this Act shall be issued within one year following the entry into force of this Act.

(2) On the day this Act enters into force, the following Acts and regulations shall cease to be in force:

- Decree on the methods and conditions for ensuring the rights of persons with international protection (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 55/11 and 36/14);

- Uredba o načinu izvedbe preselitve oseb, ki so v Republiko Slovenijo sprejete na podlagi letne kvote (Uradni list RS, št. 59/11);
- Pravilnik o postopku s tujcem, ki izrazi namen podati prošnjo za mednarodno zaščito v Republiki Sloveniji ter postopku sprejema prošnje za mednarodno zaščito (Uradni list RS, št. 64/11 in 29/13);
- Pravilnik o načinu dostopa prosilcev za mednarodno zaščito do svetovalcev za begunce ter nagrajevanju in povračilu stroškov svetovalcem za begunce (Uradni list RS, št. 3/12 in 29/13);
- Pravilnik o načinu izvajanja zakonitega zastopanja mladoletnikov brez spremstva ter načinu zagotavljanja ustrezne nastanitve, oskrbe in obravnave mladoletnikov brez spremstva zunaj azilnega doma ali njegove izpostave (Uradni list RS, št. 6/12 in 36/14);
- Pravilnik o pravicah prosilcev za mednarodno zaščito (Uradni list RS, št. 68/11, 42/12 in 64/14);
- Pravilnik o organizaciji in pravilih bivanja v integracijski hiši (Uradni list RS, št. 48/11);
- Pravilnik o vsebini, obliki in načinu izdaje potnega lista za begunce (Uradni list RS, št. 55/11 in 52/13);
- Pravilnik o hišnem redu Azilnega doma (Uradni list RS, št. 62/11);
- Pravilnik o usposabljanju in opravljanju preverjanja znanj svetovalcev za begunce (Uradni list RS, št. 101/11).

(3) Do uveljavitve podzakonskih predpisov na podlagi tega zakona se uporabljajo predpisi iz prejšnjega odstavka, če niso v nasprotju z določbami tega zakona.

121. člen (izdaja potnega lista)

Do ureditve v zakonu, ki ureja vstop, zapustitev in bivanje

- Decree on the method of implementation of the resettlement of persons admitted to the Republic of Slovenia on the basis of an annual quota (Official Gazette of the Republic of Slovenia [*Uradni list RS*] No. 59/11);
- Rules on the procedure for foreigners who would like to apply for international protection in the Republic of Slovenia and on the procedure for the acceptance of applications for international protection (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 64/11 and 29/13);
- Rules on the access of applicants for international protection to refugee counsellors and the remuneration and reimbursement of the expenses of refugee counsellors (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 3/12 and 29/13);
- Rules on the implementation of the legal representation of unaccompanied minors and the manner of providing adequate accommodation, care and treatment to unaccompanied minors outside the Asylum Centre or a branch thereof (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 6/12 and 36/14);
- Rules on the rights of applicants for international protection (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 68/11, 42/12 and 64/14);
- House and organisation rules of an integration house (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 48/11);
- Rules on the content, format and method of issuing a refugee passport (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 55/11 and 52/13);
- Asylum Centre house rules (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 62/11);
- Rules on the training and knowledge assessment of refugee counsellors (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 101/11).

(3) The regulations referred to in the preceding paragraph shall apply pending the entry into force of the implementing regulations based on this Act, provided they do not contravene the provisions of this Act.

Article 121 (Issuing passports)

The provisions of Article 113 of this Act shall apply *mutatis*

tujcev v Republiki Sloveniji, se za namen vstopa družinskega člana osebe z mednarodno zaščito, ki nima veljavne potne listine, smiselno uporabljajo določbe 113. člena tega zakona. V tem primeru pristojni organ izda potni list za tujca brez dveh prstnih odtisov in podpisa družinskega člana osebe s priznano mednarodno zaščito, in sicer z veljavnostjo do 90 dni.

122. člen (uskladitev predpisov)

(1) Določbe predpisov s področja zdravstva in zdravstvenega zavarovanja, ki se nanašajo na zdravstveno varstvo oseb s priznano mednarodno zaščito, se uskladijo z določbami tega zakona v šestih mesecih po uveljavitvi tega zakona.

(2) Določbe predpisov s področja socialnega varstva, ki se nanašajo na socialno varstvo oseb s priznano mednarodno zaščito, se uskladijo z določbami tega zakona v šestih mesecih po uveljavitvi tega zakona.

(3) Določbe predpisov s področja družinske politike, ki se nanašajo na osebe s priznano mednarodno zaščito, se uskladijo z določbami tega zakona v šestih mesecih po uveljavitvi tega zakona.

123. člen (izkaznice in potni listi)

Izkaznice prosilca, izkaznice dovoljenja za prebivanje, izdana kot samostojna listina, potni listi za begunca in potni listi za osebo s subsidiarno zaščito, ki so bili izdani na podlagi Zakona o mednarodni zaščiti (Uradni list RS, št. 11/11 – uradno prečiščeno besedilo, 98/11 – odl. US, 83/12, 111/13, 114/13 – odl. US in 82/15 – odl. US), ostanejo v veljavi do poteka njihove veljavnosti.

124. člen (obvestilo organizacij)

mutandis for the purpose of the entry of a family member of a person under international protection who is not a holder of a valid passport until this is regulated by the Act governing the entry into, departure from and residence of foreigners in the Republic of Slovenia. In this case, the competent authority shall issue a foreigner passport without two fingerprints or a signature of the family member of the person with international protection, with a validity of up to 90 days.

Article 122 (Harmonisation of regulations)

(1) The provisions of the regulations on health care and health insurance related to the protection of the health of persons under international protection shall be harmonised with the provisions of this Act within six months of its entry into force.

(2) The provisions of the regulations on social assistance related to social assistance for persons under international protection shall be harmonised with the provisions of this Act within six months of its entry into force.

(3) The provisions of the regulations on family policy related to persons under international protection shall be harmonised with the provisions of this Act within six months of its entry into force.

Article 123 (Identity cards and passports)

Applicant identity cards, residence permit cards issued as separate documents, refugee passports, and passports for persons under subsidiary protection issued on the basis of the International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 11/11 – Official Consolidated Text, 98/11 – Dec. of the CC, 83/12, 111/13, 114/13 – Dec. of the CC and 82/15 – Dec. of the CC) shall remain valid until their date of expiry.

Article 124 (Notification by organisations)

Organizacije, ki delujejo v imenu Visokega komisariata v Republiki Sloveniji, pristojni organ v šestih mesecih po uveljavitvi tega zakona obvestijo o prenosu nalog in načinu ter obsegu delovanja v imenu Visokega komisariata v Republiki Sloveniji.

125. člen
(zaključek postopkov)

Postopki, ki so se začeli na podlagi določb Zakona o mednarodni zaščiti (Uradni list RS, št. 11/11 – uradno prečiščeno besedilo, 98/11 – odl. US, 83/12, 111/13, 114/13 – odl. US in 82/15 – odl. US), se nadaljujejo in končajo po določbah tega zakona. Če je oseba vložila prošnjo za mednarodno zaščito pred uveljavitvijo tega zakona, se za postopke sodnega varstva uporabljata določbi 74. in 75. člena Zakona o mednarodni zaščiti (Uradni list RS, št. 11/11 – uradno prečiščeno besedilo, 98/11 – odl. US, 83/12, 111/13 in 114/13 – odl. US).

126. člen
(nadaljevanje z delom)

(1) Svetovalci za begunce, ki so bili imenovani na podlagi določb Zakona o mednarodni zaščiti (Uradni list RS, št. 11/11 – uradno prečiščeno besedilo, 98/11 – odl. US, 83/12, 111/13, 114/13 – odl. US in 82/15 – odl. US), nadaljujejo delo do izteka obdobja, za katero so bili imenovani.

(2) Zakoniti zastopniki, imenovani na podlagi določb Zakona o mednarodni zaščiti (Uradni list RS, št. 11/11 – uradno prečiščeno besedilo, 98/11 – odl. US, 83/12, 111/13, 114/13 – odl. US in 82/15 – odl. US), nadaljujejo z delom.

(3) Člani komisije iz tretjega odstavka 83. člena Zakona o

Organisations working on behalf of the High Commissioner in the Republic of Slovenia shall notify the competent authority of the transfer of tasks and the manner and scope of their work on behalf of the High Commissioner in the Republic of Slovenia within six months of the entry into force of this Act.

Article 125
(Completion of procedures)

Procedures commenced pursuant to the provisions of the International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 11/11 – Official Consolidated Text, 98/11 – Dec. of the CC, 83/12, 111/13, 114/13 – Dec. of the CC and 82/15 – Dec. of the CC) shall continue and conclude under the provisions of this Act. With respect to applications for international protection lodged prior to the entry into force of this Act, the provisions of Articles 74 and 75 of the International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*] No. 11/11 – Official Consolidated Text, 98/11 – Dec. of the CC, 83/12, 111/13, 114/13 – Dec. of the CC) shall apply for judicial protection procedures.

Article 126
(Continuation of work)

(1) Refugee counsellors who were appointed on the basis of the provisions of the International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 11/11 – Official Consolidated Text, 98/11 – Dec. of the CC, 83/12, 111/13, 114/13 – Dec. of the CC and 82/15 – Dec. of the CC) shall continue their work until the expiry of the period for which they were appointed.

(2) Statutory representatives appointed on the basis of the provisions of the International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*] No. 11/11 – Official Consolidated Text, 98/11 – Dec. of the CC, 83/12, 111/13, 114/13 – Dec. of the CC and 82/15 – Dec. of the CC) shall continue their work.

(3) Members of the commission referred to in paragraph three

mednarodni zaščiti (Uradni list RS, št. 11/11 – uradno prečiščeno besedilo, 98/11 – odl. US, 83/12, 111/13, 114/13 – odl. US in 82/15 – odl. US) nadaljujejo delo kot člani komisije na podlagi določb četrtega odstavka 83. člena tega zakona do izteka njihovega mandata.

127. člen
(prenehanje veljavnosti)

Z dnem uveljavitve tega zakona preneha veljati Zakon o mednarodni zaščiti (Uradni list RS, št. 111/07, 58/09, 99/10, 11/11 – uradno prečiščeno besedilo, 98/11 – odl. US, 83/12, 111/13, 114/13 – odl. US in 82/15 – odl. US).

128. člen
(začetek veljavnosti)

Ta zakon začne veljati trideseti dan po objavi v Uradnem listu Republike Slovenije.

of Article 83 of the International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 11/11 – Official Consolidated Text, 98/11 – Dec. of the CC, 83/12, 111/13, 114/13 – Dec. of the CC and 82/15 – Dec. of the CC) shall continue their work as members of the commission on the basis of the provisions of paragraph four of Article 83 of this Act until the expiry of their terms.

Article 127
(End of validity)

(2) The International Protection Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos 111/07, 58/09, 99/10, 11/11 – Official Consolidated Text, 98/11 – Dec. of the CC, 83/12, 111/13, 114/13 – Dec. of the CC and 82/15 – Dec. of the CC) shall cease to be in force on the day this Act enters into force.

Article 128
(Entry into force)

This Act shall enter into force on the thirtieth day following its publication in the Official Gazette of the Republic of Slovenia.