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## INTEGRATION OF MIGRANTS IN SLOVENIA

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### **Abstract**

The paper discusses main characteristics of the contemporary situation concerning the integration of migrants in Slovenia, mainly after the emergence of the refugee crisis in 2015. The Global migration pact and relevant European legislation tackles it as a great humanitarian crisis. Majority of members of European Union, and Slovenia as well, have been faced with the dilemma of how much defense and security measures in their own country can be strengthened, and how to cope with the wave of migrants, while respecting accepted human rights standards. In Slovenia, in 2019 the comprehensive Government Strategy for migration was adopted and special Office for the Support and Integration of Migrants was established in 2018, to answer these challenges as comprehensively as possible. Policy measures towards regulation of status and integration of migrants in Slovenia are focused on implementation of rights of migrants who are already legally residing in Slovenia, aimed to provide necessary knowledge of Slovenian language and culture, needed for their integration.

**Key words:** migrants, integration, Slovenia, asylum, refugees

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### **General remarks**

Model for integration of migrants in Slovenia is carried out in accordance with the internal legislation and practice of other members of the EU. Slovenia shares the approach of many European countries which are primarily searching for effective models for protecting public order and internal state security, prevention of illegal entries of migrants into the country and establish and maintain a control over migration, while providing measures for integration for those who decided to stay in Slovenia<sup>2</sup>.

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<sup>2</sup>For the majority of refugees, Slovenia is only transit point and they intend to continue their way towards other Western European countries (Strategy 2019:34).

The term "migrants" in Slovenia covers a diverse group of immigrants and includes also those Slovene citizens living in Slovenia for decades, who are not ethnically Slovenes. The most numerous group of citizens of Slovenia who are ethnically not Slovenes, are immigrants from the former Yugoslav republics (namely Albanians, Bosnians, Croats, Muslims, Serbs) who settled in larger industrial centers after the World War II during the existence of the common state<sup>3</sup>.

Nowadays the term migrant is usually applied in Slovenian public discourse for refugees and economic migrants who are the Third countries nationals. Term is used also in official governmental documents e.g. in the name of the recently established governmental office Slovenian Government Office for the Support and Integration of Migrants /UOIM- Urad vlade za podporo in integracijo migrantov/. The UOIM was established in June 2017. According to official web presentation, it performs the tasks defined by the laws governing the aliens, international protection and temporary protections of displaced people. Within the scope of its functions it coordinates the work and tasks of other national authorities, non-governmental and other organizations regarding the support as well as integration of migrants, and monitors migration problems. It launches initiatives and proposals for solving the problems in this domain. The basic activity of the Office, as a separate government service, whose central tasks are the accommodation of and support to different categories of migrants, arises from the need for an orientated and controlled operation in supporting the migrants entering the territory of the Republic of Slovenia<sup>4</sup>.

Since the beginning of 2000, the foundations of the integration policy in Slovenia were outlined in the systemic laws and in two documents Resolution on the Migration Policy of the Republic of Slovenia<sup>5</sup>, adopted in 1999 and 2002. The integration of foreigners on the basis of these documents was based on an individual approach to migrants, who in most cases expressed the desire to stay in Slovenia and were motivated to participate in offered measures for facilitation of integration (Klopčič 2017: 256).

Indeed, a new situation has arisen with the onset of the refugee crisis and the arrival of significant number of refugees in Europe after the year 2015. Due to the geographical position, located on the Balkan migration

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<sup>3</sup>For the topic of their status and integration exist a range of studies and extensive bibliography. See for example: Komac, M (ed.) 2007: Priseljenci, Inštitut za narodnostna vprašanja.

<sup>4</sup>[http://www.uoim.gov.si/en/areas\\_of\\_work/](http://www.uoim.gov.si/en/areas_of_work/).

<sup>5</sup><http://www.pisrs.si/Pis.web/pregledPredpisa?id=RESO20#>, 15.3.2020.

route, Slovenia as a transit country faced a large number of migrants at the borders. Migrants only in a small number applied for asylum in Slovenia or expressed their desire for life in Slovenia.

### **Legal framework**

Situation and legal status of foreigners, and models for their inclusion in Slovenian society are regulated in the Aliens Act (Off. Gazette n. 16/17). Chapter X of the Aliens Act (Articles 105-108) deals with the inclusion of foreigners. In general, the Ministry responsible for internal affairs is responsible for coordinating measures for inclusion of foreigners. It shall provide the information necessary for foreigners for their inclusion in the Slovenian society, in particular regarding their rights and duties<sup>6</sup>. All asylum seekers are provided with access to the free language courses required to integrate and gain professional and professional qualifications. Several programs have been launched to facilitate the integration of asylum seekers and for training of the staff working with the migrants.

Article 106 prescribes that foreigners who are not EU citizens are entitled to programs that facilitate integration into the cultural, economic and social life of the Republic of Slovenia, by:

programs of learning the Slovene language and acquainting with Slovenian history, culture and constitutional provisions (hereinafter referred to as "getting to know Slovene society"),  
programs of mutual knowledge and understanding with Slovene citizens, information regarding their inclusion in a Slovenian society.

The Aliens Act prescribes that a foreigner with recognized international protection who has been legally resident in the Republic of Slovenia for five years (long-term resident status) shall be issued with a permanent residence permit<sup>7</sup>. Protection and status of refugees is further regulated by the International Protection Act (Off. Gazette n. 16/17)).

There are two statuses of international protection, namely refugee status or subsidiary protection. Refugee status is recognized to a person who

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<sup>6</sup>Therefore, the web portal *Info tujci* was established (27 March 2020). Funds for the establishment were contributed by the Ministry of the Interior of the Republic of Slovenia and the European Fund for the Integration of Third-country nationals.

<sup>7</sup>Article 53a of the Aliens Act (acquisition of a long-term resident status for an alien granted international protection in the Republic of Slovenia or another Member State of the European Union):

(3) A foreigner with recognized international protection who has obtained long-term resident status shall be issued with a permanent residence permit identifying the long-term resident status and shall enter the note: "International protection recognized in (Member State) on (date)."

provides justifiable and authentic proof that he or she is endangered in his or her home country due to race, religion, nationality, political beliefs or affiliation to a special social group. Subsidiary protection is granted to a person who does not meet the conditions for the recognition of refugee status but provides justifiable and authentic reasons that serious damage would be caused to him or her upon his or her return to the home country.

Article 87 of the International Protection Act regulates access to the labor market and vocational training of applicants for international protection /asylum seekers. The applicant has the right to have free access to the labor market nine months after the application has been submitted, if the decision of the competent authority has not been notified to him at that time and this delay cannot be attributed to the applicant. After the expiration of nine months after the application has been lodged, the applicant shall have access to vocational training courses. A person with recognized status of international protection enjoys three years from the acquisition of the status the right to assistance in integrating into the environment. Aid for integration into the environment is based on a personal integration plan drawn up and implemented on the basis of an individual's needs, knowledge, capabilities and skills, and includes a plan of activities aimed at facilitating integration into the environment (Article 103). Regarding access to the labor market and measures under the Active Employment Policy Program and the possibilities of continuing vocational education and training, they are equalized with the citizens of the Republic of Slovenia.

The amendments to the Aliens Act (Off. Gazette n. 16/17) inter alia, introduced provisions which prevent individual treatment of aliens in times of aggravated migration situation, in “the case of a mass influx of displaced persons from third countries”. The amendment allows the refusal to enter the country to foreigners without individual treatment. It stipulates that the police will reject the intention to submit an application for international protection as inadmissible if there are no systemic deficiencies in the asylum system in the neighboring EU Member State from which the alien entered the territory of Slovenia.

In 2019, the Constitutional Court annuls some provisions of the article 10 of the Aliens Act<sup>8</sup>. Constitutional Court underlined that in the case when

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<sup>8</sup> The Constitutional Court annulled the second, third and fourth sentences of the second paragraph and the third paragraph of Article 10b of the Aliens Act, because it was inconsistent with Article 18 of the Constitution. The Constitutional Court Decision U-I-59/17, October 2019.

a State sends back an individual to another EU Member State, the extent of protection afforded by the constitutional principle of non-refoulement should be respected. This principle of prohibition of the risk of torture, inhuman or degrading treatment of individual is ensured in Article 18 of the Constitution of the Republic of Slovenia<sup>9</sup>.

In 2019, the Government of the Republic of Slovenia adopted the Government's Strategy on Migration<sup>10</sup>. The strategy is based on interdepartmental integration and addresses migration in a multifaceted, comprehensive and long-term manner, and places a greater emphasis on understanding all aspects of migration and improving management measures. The strategy consists of six horizontal pillars linked to particular aspects of migration. These pillars are: the international dimension of migration, economic migration as part of legal migration, international protection, integration, illegal migration and return and security component.

### **Promotion of Integration**

The relevant ministries co-fund the implementation of projects and programs for integration of immigrants and asylum-seekers with financial assistance from the European Structural Funds and other European sources. The Ministry of the Interior, which is responsible for coordinating integration measures, seeks to build a cooperative atmosphere amongst the general public and migrants, funds and carries out programs aimed at educating and raising awareness among the general public and nationals of third countries about the importance of their integration into Slovenian society<sup>11</sup>. However, at the same time some hostile attitudes were expressed in public discourse, mixed with xenophobia, prejudices, and populist anti-migrant political statements, particularly on social media.

Government of Republic of Slovenia adopted Decree on ways and scope of providing programs of support for integration of third country nationals (Off. Gazette n. 70/12 and 58/16), which addresses the implementation of the programs for learning Slovenian language and increasing familiarity with Slovenian history, culture, and constitutional order. According to the Decree, the relevant Ministry (e.g. Ministry for Education) should fund the implementation of these programs.

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<sup>9</sup> Constitution of the Republic of Slovenia, Article 18 (Prohibition of Torture): No one shall be subjected to torture, inhuman or degrading punishment or treatment. It is forbidden for a person to do medical or other scientific experiments without his / her free consent.

<sup>10</sup><https://www.gov.si/assets/ministrstva/MNZ/SOJ/STR17072019.pdf>.

<sup>11</sup>[http://www.mnz.gov.si/si/mnz\\_zasvas/tujci\\_v\\_sloveniji/integracija\\_oseb\\_z\\_mednarodn\\_o\\_zascito/](http://www.mnz.gov.si/si/mnz_zasvas/tujci_v_sloveniji/integracija_oseb_z_mednarodn_o_zascito/), 27 March 2020.

Recently adopted programs, declarations, and strategies prescribe measures aimed at offering refugee's necessary knowledge of Slovenian language and culture needed for their successful integration. For example, in the program "Initial integration of immigrants" and a free first examination of basic level proficiency in Slovenian language, adult educational institutions throughout Slovenia have been engaged in multiple projects providing Slovenian language courses and intercultural dialogue that are aimed at enhancing the possibilities for integration of immigrants. These activities are funded by Slovenian authorities on the basis of public tenders.

Projects supporting the integration of foreigners into Slovenian society are focused on different areas of social life, particularly on granting access to education, employment and healthcare, as these are key aspect of successful integration of all persons, particularly members of vulnerable groups. In terms of integration and inclusion of individuals with status of international protection, the key problem areas are deficiencies in necessary language skills and familiarity with the Slovenian culture, habits, and environment. The Ministry of the Interior cosponsored the development of a multilingual dictionary for facilitating communication in healthcare in eight languages, including the Arabic and Farsi language. The publication of this dictionary in March 2017 is the result of the first phase of the project. The second phase involved 12 training workshops designed for healthcare professionals throughout Slovenia titled "The patient does not speak Slovenian"<sup>12</sup>.

According to the Slovenian legal regulation, all applicants for international protection have the right to work, nonetheless for employment they should obtain a work permit. However, for individuals who already obtained the status of international protection, this status also grants them the right to free access to the labor market, without a work permit. An integration plan in the field of employment and labor market for individuals who acquired the status of international protection in Slovenia was drafted by the Ministry of Labor, Family, Social Affairs and Equal Opportunities, in cooperation with the Employment Service. Emphasis is placed on intensive learning of Slovenian language and knowledge about Slovenian culture, as a prerequisite for entry into the labor market and successful integration.

The Social Chamber of Slovenia, a central professional social welfare association since 2015 started with projects and initiatives to identify

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<sup>12</sup><http://multilingualhealth.ff.uni-lj.si/>, 25. March 2020



necessary professional skills and specific knowledge for work with migrants and organize training of professional staff. Results of these projects lead to systemic solutions and complement legislation in this field, aimed to achieve successful integration of migrants. The main objective of these projects is developing additional professional qualifications of personnel employed in the field of social security, to enable provision of better response and services due to social changes brought by current migrant crisis.

With the migrant wave completely new tasks for practitioners of social policy, education, access to health, employment and integration of migrants in particular settings emerged. Professional staff in public services could not cope with them without additional specific knowledge and sensibilities or without multicultural competences. In 2018, the Social Chamber edited a special publication »An integrated approach to successful integration of migrants / Guide for competence development of professionals and employees in the overall integration of migrants/«. As stated in that manual "integration is a two-way process of adaptation - by migrants and by the receiving society at many levels: economic, social, cultural, religious and political. The success of integration depends on the willingness and commitment of foreigners to adapt to the new environment, as well as the willingness of their host communities to welcome new immigrants and their families. There are no international rules specifically stating the right to integration for migrants, so the approaches of countries are also different" (Lipič 2018: 54)<sup>13</sup>.

An initiative to create a professional standard of "cultural mediator" is proposed, which through its work can contribute in the long term to improving the quality of communication and mutual relations between migrants and professional staff, and to greater tolerance and understanding of the position and personal distress of members of different ethnic and religious communities.

### **International protection**

The legal framework governing international protection and asylum policy of the European Union is transposed in national legislation and

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<sup>13</sup>Structure of the publication follows the topics raised in the pilot implementation of the Erasmus education and training program on approaches to successful integration of migrants. It is structured into five content modules of continuing education and training programs. Basic Concepts and Legal Framework, Social Integration, Migration and Health, Integration into the Education and Work Process and Psychosocial Support and Assistance. Each module is additionally equipped with questions for reflection, elements for assessing the level of new knowledge gained and a professional literature for further reading.

implemented in practice<sup>14</sup>. The issues of admission of refugees, transfer and return of refugees are governed by the Dublin Agreement (2013), which sets out the basic criteria that must be met for admission, granting international protection and the return of those refugees who have been refused applications for international protection.

Dublin Agreement states that the refugee is under the jurisdiction of the EU country in which the person entered and applied for asylum for the first time<sup>15</sup>. Upon receipt of the application for international protection, the competent authority shall, on the basis of fingerprints sent to the European Central Eurodac System, and the documentation, check the situation and determine whether the applicant for international protection has already applied in any other Member State of the European Union<sup>16</sup>. According to the Dublin rules, asylum seekers whose applications have been refused can only be returned to another EU country if it is a "safe country" in which their lives are not endangered and conditions are met to meet their "elementary needs".

In 2015, an EU-Turkey agreement was signed which stipulates that Turkey will accept Syrian refugees returned from Greece and take all necessary measures to prevent irregular migration from Turkey to the EU, both by sea and land<sup>17</sup>.

### **Protection of vulnerable groups**

The project "Establishing mechanisms for the identification, assistance and protection of victims of trafficking in human beings and / or sexual violence in asylum procedures in Slovenia" /PATS/, was carried by the Ministry of Foreign Affairs until 2009, and after then by the Ministry for Interior. The PATS project is unique in several respects. The program is targeted directly at potential victims of trafficking, and in a language they understand, provides information about the dangers of trafficking and informs about the possibilities of seeking protection and assistance in Slovenia and other countries. Considering the fact that asylum

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<sup>14</sup> Slovenia had actively participated in the EU Solidarity Agreement on relocation and resettlement of refugees (2016), which prescribed quotes for relocation of migrants in different countries.

<sup>15</sup> It is the reason why many asylum seekers are struggling to avoid these rules and not to register in some of the EU transit countries. Majority of them seek to obtain asylum in one of the richer EU countries, most often in Germany.

<sup>16</sup> Procedure under EU Regulation 603/2013 - Eurodac Regulation and EU Regulation 604/2013.

<sup>17</sup> In line with the adopted humanitarian plan, the EU has already earmarked € 3 billion in the first phase of the implementation of the agreement for treatment, care and assistance to Syrian refugees in Turkey (2016). Agreement was amended in 2016 and 2018. Negotiations between EU and Turkey in 2020 are still ongoing.

procedures are often one of the migration channels that traffickers can abuse, the preventive effect of the asylum seekers program, which is one of the most vulnerable categories of migrants, in particular important. The specificity of the project is certainly also the cooperation between the governmental, non-governmental and intergovernmental sectors in the preparation and implementation phase of the PATS project. Each actor is individually involved in his work in the activities of the PATS project, but close coordination, mutual communication and provision of professional assistance is ongoing between project partners. The primary role in the PATS project, especially regarding direct work with potential victims, is played by a non-governmental organization that conducts preventative and individual information interviews with asylum seekers and asylum seekers on a daily basis. To this end, a person/specialist is present daily in the accommodation (five days a week / 4 hours a day). Interviews with the assistance of an interpreter help to inform and raise awareness, especially of the most at-risk populations of single women and unaccompanied children, about the existence and dangers of trafficking and sexual abuse. Applicants are also made aware of the elements of crime related to trafficking and / or sexual abuse, as this is the first step that facilitates victim identification and thus facilitates victim identification. Attention is also given to the fact that the status of "victim" does not mean that the asylum procedure is stopped. It is of paramount importance to inform the potential victim of the possibilities of access to assistance and protection in the Republic of Slovenia and in the countries in the region, so that persons can seek effective assistance at the moment when they identify themselves as victims of one and / or another abuse<sup>18</sup>.

Aliens Act prescribes in Article 15 that the best interest of the child is the primary concern in the treatment of minors. Minors should be provided with a standard of living appropriate to their mental, spiritual, moral and social development. In the field of education, minors have the same rights as Slovenian citizens, at all levels of education.

In particular, the following factors shall be considered in assessing the best interest of the child:

- the possibility of reunification with the family,
- the well-being and social development of a minor, considering the environment from which the minor is coming,
- security and safety issues, in particular where there is a risk that a minor is a victim of trafficking in human beings,

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<sup>18</sup><http://www.slideserve.com/hank/pats-project-against-human-trafficking-and-sex-and-gender-based-violence>, 27. March 2020.

- the opinion of the minor in accordance with his age and maturity.

Minors who have been victims of any abuse, neglect, exploitation, torture or cruel, inhuman and degrading treatment or have suffered from armed conflict should have access to rehabilitation and appropriate psychological treatment should be provided and, where appropriate, expert advice.

### **Concluding remarks**

The massive migrant wave initiated several questions and dilemmas regarding the concepts of multiculturalism, questioning possible models of coexistence of different ethnicities, races and religions in future. Humanitarian crisis, distress and misery of migrants from geographically distant war zones, has intervened in academic and professional debates and in the interpretation of the entire human rights dimension and reopened discussion of clash of civilizations at global, national and local levels.

After the massive refugee wave, Europe faces the challenge of maintaining the role of leading force for establishment of legal standards and the level of protection achieved in the field of human rights. Europe was leading this process in the historical development of human rights as an attribute of the civilization. The main problem seems to be growing anti-migrant populist discourse. Outbreaks of hatred, racism and exclusion of members of other ethnic and religious communities have warned policy makers that it is essential to strengthen the commitment to tolerance and respect between different ethnic and religious communities and to provide legal mechanism for protection of essential human rights of migrants. However, in international instruments it is clearly pointed that the sovereignty of States with regard to the right to control the entry of aliens and their expulsion or extradition is limited by the obligation that the State should not remove, expel or extradite an individual in a country where he is in serious danger of being subjected to inhuman treatment.

The Global Migration Agreement, signed in Marakesh in December 2018 raises the issue of migration and asylum in an international and multilateral framework in order to promote closer cooperation and dialogue between countries of origin, transit and destination of migration flows, with a view to promoting safe and legal migration in conformity with achieved human rights protection standards. Even though several countries opposed to the implementation of this agreement, it seems to be a roadmap for further migration management and integration within commonly agreed systemic solutions.

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