



Prospects for Integration of Migrants from “Third countries” and their Labour Market Situations: Towards Policies and Action



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Working Paper 2

Mapping and evaluating migration and integration policies – The case of Slovenia

Summary

Migration to Slovenia from other republics of Yugoslavia began in the 1950s and intensified in the late 1970s. As an independent state, Slovenia has seen increasing trends of migration flows from the late 1990s until the present. The generally positive economic trends coupled with the ageing of the “domestic” population and a growing need for labour force set the favourable conditions for newly-arrived (labour) migrants in the last decade. However, with the changed economic and political climate due to the recent global financial crisis and recession, the economic growth stopped also in Slovenia and unemployment is on the rise. Slovenia’s migration policy, already restrictive even before the adoption of EU standards, has been becoming even harsher with the 2004 EU membership and entering the Schengen border regime in 2008. At the same time, the current recession has greatly affected particularly the low-skilled, low-waged sectors predominantly employing the migrants. Their access to the labour market has become even more limited, they are the first to face massive layoffs, while migration and integration policies reflect ever stricter border controls, labour market closure towards “foreign” workers and continuous problems with implementation of integration mechanisms for migrants.

According to the Slovene legislation the main actor in setting the migration and integration policies is the Ministry of the Interior, while the Employment Service of Slovenia is the main implementer of the labour market provisions for “foreign” workers. In terms of migration and integration policies, Slovenia is still in early stages of development compared to many other EU countries. The basic framework for migration and integration policies is provided in the constitution, whereas Slovenia has adopted the standard EU framework, in particular the so-called “southern model” of migration policies, which stresses the importance of border controls and exclusion over integration measures. Slovenia also incorporated into the national legislation all major directives of the European Council that pertain to “third country nationals”. The 1999 *Resolution on Immigration Policy* and the 2002 *Resolution on Migration Policy of the Republic of Slovenia* both envisage the cultural plurality of Slovene society and ideate integration as a two-way process, adding the goals of prevention of discrimination, xenophobia and racism. Nevertheless, even though the goals of integration policy are based on principles of equality, freedom and mutual cooperation, the reality is that in Slovenia the integration is still a one-way process, where only migrants are obliged to adapt. According to the recently adopted *Decree on Aliens Integration* (2008) among the proposed

changes also transfer of competencies for implementation of integration measures to local (regional) level is to take place. The provision of Slovene language courses and courses about culture, history and the constitution is therefore expected to cater to the migrants' needs, yet the legislation that will introduce regions and transfer some of the jurisdictions from the state level to the regions and municipalities is still in the preparation phase.

With regard to all major social policies provisions, the Slovene legislation gives absolute priority to nationals, while in terms of catering to the needs of "foreigners" it clearly favours holders of permanent residence permits, who are at least formally entitled to most of the same rights and social security as Slovene citizens. Consequently, holders of permanent residence permits are more protected than TCNs holding temporary residence permits, who in fact constitute the majority of migrants in Slovenia. Especially problematic areas where most discrepancies are noted are the unemployment provisions, the health and social insurance and the migrants' access to appropriate and affordable housing. Only TCNs with permanent residence permits can claim financial assistance in case of unemployment and are entitled to other benefits such as parental benefits or health insurance in case of unemployment. In terms of access to health insurance, for instance, again TCNs with permanent residence are included in the compulsory health insurance according to the *Health Care and Health Insurance Act*, while all other TCNs are excluded, even though having a valid health insurance is a prerequisite in order to work in Slovenia. This means that TCNs are dependent on their employers to ensure their health and social insurance, which is often not the case, resulting in massive violation of labour legislation and discrimination of migrant workers.

Moreover, even though many TCNs' positions are characterised by precariousness and vulnerability, they are not entitled to social housing in Slovenia. Many of them thus live in accommodation of inadequate standards, sharing a small room with several other people, often having no heating or warm water, while they pay considerable prices for rent. It is evident that Slovenia lacks appropriate strategy for access to decent housing for migrant workers, as well as appropriate control of the standards of rented accommodation.

In terms of gender specificities of the policies legal provisions and principles are not sensitive to gender issues in migration, which are predominately neglected, while there is a gap in public policy. Even though certain policy provisions address women specifically, they do not consider migrant women in particular. The most relevant policy provision targeting specifically migrant women is the recently adopted (June 2009) prohibition of employment of TCN women in the entertainment sector (i.e. the so-called "dancer" work permits may no longer be issued to TCN migrant women).

Another rather under-investigated area in Slovenia is the category of undocumented workers. With the rise of unemployment, more and more people are resorting to alternative ways of earning, also participating in the informal economy and performing illicit work. Most undeclared work is present in the construction sector, whereas evidence suggests also domestic work as being predominantly in the realm of "grey economy". Construction is also the sector typically occupied by large numbers of migrant workers. Here, considerable violations regarding employment of TCN workers and work-related accidents are also present. Slovenia attempted to combat undeclared work by accepting various legal measures; however, more coherent and better coordinated approach in practice is still needed.

In view of current economic turmoil, the Slovene government introduced new stricter measures by adopting the *Decree on Restrictions and Prohibition of Employment and Work of Aliens* that extensively limits the employment and work of TCNs in Slovenia. Among the most notable are the prohibition of seasonal work in tourism and construction sectors, the prohibition of employing TCNs from certain regions – singling out citizens of Kosovo, and prohibition of issuing work permits for TCNs for certain occupations, i.e. the entertainment sector of "nightclub dancers". This Decree lists some questionable arguments for the implemented restrictions and the Office of the

Human Rights Ombudsman is already investigating the matter, especially the prohibition of employment of citizens of Kosovo, which indicates a breach of the equality principle of the constitution. It is expected that these recently adopted measures will further weaken the already vulnerable positions of many migrants on the labour market.

The recession also shifted the focus of public and political debates considerably in the direction of intolerance towards migrants, masked as “state protectionism” of “domestic” workforce. In Slovenia, the most frequently stigmatised are the marginalised groups such as the erased, the Roma and the Muslims. With the rising sentiment of the majority population that “foreigners” are “stealing” jobs of the “domestic” workforce, migrants may fast become the popular target of hate speech and negative attitudes. Greatly influencing the public opinion and the policies are the right-wing extremist associations and right-wing political parties, who often resort to populist scapegoating. All this combined contributed to the more restrictive economic and labour market policies, oriented towards the protection of “domestic” workforce. Also significant is the fact that Slovenia is lacking a prominent migrant association, which could serve as a successful counterbalance to such exclusionary rhetoric. Even though several NGOs work with migrants on various migrant issues and are advocating the rights of migrants, they are often faced with lack of human and financial resources.

There certainly is much room for improvement in the current integration and migration policies in Slovenia. The awareness of both public and private sphere about the necessary co-existence of majority and minority population has to be raised and the benefits migrants bring to the society and to the economy have to be acknowledged and promoted.