



Maja Ladić, Iza Thaler, Veronika Bajt

# NATIONAL INTEGRATION EVALUATION MECHANISM SLOVENIA

REPORT FOR  
2020–2021



**NATIONAL INTEGRATION EVALUATION MECHANISM**  
**Slovenia: Report for 2020–2021**

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**EVALUATION MECHANISM**

**SLOVENIA**  
**Report for 2020–2021**

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Safe harbour



**NIEM**  
ALL IN FOR INTEGRATION

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## INTRODUCTION

This is the third National Report on Slovenia implemented as part of the project “The National Integration Evaluation Mechanism (NIEM)” on the implementation of various areas of integration policy towards beneficiaries of international protection (hereinafter BIPs). The first report focused on the period from 1 January to 31 December 2016 and was the first ever comprehensive evaluation of migration and integration policies in Slovenia (see Ladić et al., 2018). The second report encompassed the period from 1 January to 31 December 2018, and it highlighted three selected fields that most significantly affected life trajectories and living situations of persons with international protection in Slovenia: 1) accommodation/housing, 2) recognition of education, possibilities for further schooling and vocational training, and 3) employment (see Ladić et al., 2020).

The present report completes the third evaluation round implemented in 2021. It consists of over 180 indicators aimed at estimating the existing situation in Slovenia in the period between 1 January 2020 and 31 March 2021. Due to significant legislative changes and consequently changes in practice, the most current available data is included where it merits a timely update. However, in March 2022, the situation with Ukrainian refugees drastically changed some of the existing practices, but this was not the subject of the present report which was created at the end of 2021 and the beginning of 2022.

The current report reminds us of the EU integration principles that have informed the construction of the NIEM tool. The principles should be seen as the pillars on which each EU Member State’s integration policy is built following the specific national circumstances. It presents and analyses profound legislative changes in a Member State that forms a part of a region grappling with challenges and issues of integration in times of a pandemic and a region serving as a gateway to the core European Union Member States. The report highlights the main changes, in theory and practice, which significantly affect the life trajectories and living situations of BIPs and asylum seekers in Slovenia, including the impact of the COVID-19 pandemic, which undoubtedly affected everyone, especially the most vulnerable members of the society.

## Methodology and report structure

Beside over 180 indicators of the NIEM tool, the report draws on two focus groups with 8 BIPs. In addition, 45 interviews and 30 discussions with BIPs and asylum seekers were conducted in 2020, and 13 interviews with BIPs and asylum seekers, as well as 18 discussions with BIPs who did not agree to be formally interviewed, were completed in 2021.<sup>1</sup> Furthermore, the researchers conducted desk research and interviews with stakeholders, amongst them 2 representatives of state institutions, 1 representative of an international organisation and 12 NGO representatives, academics and activists. Moreover, written questions were addressed to various NGOs, state institutions and local authorities.

The report begins with a general introduction and a brief description of the methodology. Chapter 2 covers the fundamental principles which should inform integration policies in line with the EU asylum and integration politics and policies (the EU Action plan on integration and inclusion 2021–2027, the EU Anti-racism action plan 2020–2025), and the latest research findings on inclusion. Such resources informed the initial construction of the NIEM tool and the present report. In Chapter 3, the report tackles the political context in Slovenia in 2020 and 2021, which significantly influenced the legislative changes and the practice in the field of integration of BIPs. Pushbacks in Slovenia and along the Balkan migratory route reflect a broader EU stance towards migrants in general and refugees specifically. Pushbacks are a major influence on people’s lives and affect their predispositions for successful integration in Slovenia. Chapter 4 contains data on asylum seekers and BIPs in Slovenia in 2020 and 2021. The asylum procedure is another aspect on which we elaborate to enable the reader a better insight into how the procedure itself is often a traumatising experience for asylum seekers. What follows in Chapter 5 is an overview of the most significant legal and policy changes since the last monitoring in 2018 (see Ladić, Bajt and Jalušič, 2020). While in almost every area under review, minor changes or additions were made, we focused on the most

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<sup>1</sup> As is otherwise common in field research involving vulnerable groups in precarious situations (e.g. Bajt, Leskošek and Frelj, 2018), BIPs and asylum seekers are particularly frequently traumatised and often afraid to share information about their life situations. Therefore, it is not uncommon that access to such populations can be severely limited. Reflecting the demographics of BIPs and asylum seekers in Slovenia, most interviewees were male and the cultural mediator who assisted with research was also male. To address the rather limited representation of female refugees, the gender gap was balanced when at the end of 2021 also a female field officer was engaged with good access to female BIPs.

significant alterations. Further, Chapter 5 overviews the monitoring in 2020 by each field, including a reflection on the influence of the COVID-19 pandemic on asylum seekers and BIPs as some of the most vulnerable members of the society. Supported by existing research and drawing on the most recent NIEM evaluation mechanism of BIPs' integration, we conclude that significant change is necessary to ensure the proclaimed integrational goals and acclamations. Hence, our reflection and conclusions are presented in the final Chapter 6.

## BROADER EU CONTEXT: INTEGRATION POLICY AND PRACTICE<sup>2</sup>



In many regards, human mobility is a current matter in today's Europe and the global context, and thus the issues of diversity and integration appear highly pertinent. Within the European Union, the implementation of integration lies with each Member State. However the EU has an essential role in coordinating, supporting, steering, and establishing policies on integration (European Commission, n.d.). Hence the level of integration in the EU Member States has not proven to be adequate or uniform. When it comes to implementation, to a great degree, integration in the EU has failed to meet the ideal of being a two-way process. The most recent strategy by the EU for the 2021–2027 period (European Commission, 2020a) aims to tackle various deficiencies by fostering a two-way integration and diversity through the “inclusion for all” and other key principles, particularly in the areas of education, employment, health, and housing.

Overall, how a newcomer becomes a part of a society is complex, and the concept of integration can be interpreted and thus deployed in various ways.

*“The very broadness of the integration process makes it hard to define in any precise way. Integration of newcomers to a society takes place at every level and in every sector of society. It involves a wide range of social players: public officials, political decision-makers, employers, trade union officials, fellow-workers, service providers, neighbours and so on.” (Castles et al., 2002: 19)*

There are different emphases and conceptual frameworks of what the so-called successful integration involves. For instance, Ager and Strang (2008) frame “successful” integration as based on “foundation” (rights and citizenship), “facilitators” (such as language and cultural knowledge), “social connections”, and “means and markets” (employment, housing, education, health). The understandings and practices of integration do not only differ in each host society and policy framework, but they also depend on who is to “be integrated”. Formally granted status of a person, for instance, whether one is a refugee or an asylum seeker, impacts the interpretation and practical processes of integration across different migratory groups and domains. An example of this, as discussed by


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<sup>2</sup> The authors wish to thank Anna Pitkänen for her assistance in the composition of this section.

Federico and Baglioni (2021), is the hierarchy of status and rights in the labour market that occurs between migrants, refugees and asylum seekers.

Predominantly, integration processes are mandated by states, and it is not uncommon for state authorities and policy-makers to perceive integration as a rather technical, non-comprehensive, one-way process, resulting in a problematic practice of formally tying integration narrowly to only one or a few domains. It is not uncommon that integration is perceived only as apparently successful integration in the labour market domain, rather than treating integration as a complex and much more comprehensive set of processes (cf. Pace and Şimşek, 2019: 8). Different integration policies, such as those within the EU, and their outcomes are subjected to discursively given meanings on what the perceived obstacles and enablers of integration are. Therefore, policy frameworks have power in relation to categorisations of the “subjects” of integration processes (e.g. Jalušič and Bajt, 2021). Moreover, shifts in policy frameworks and de facto opportunities for integration do not take place in a vacuum but are rather influenced by dominant political discourses and media representations that can associate migratory groups with either positive attributions or, in turn, they may discursively frame immigrants and foreigners as a threat or burden to the society. The latter has been particularly evident in recent years in various national contexts across the EU and beyond (Jalušič and Bajt, 2020).

According to the EU, integration implies a dynamic process that can positively impact European societies. As stated in the New EU Pact on Migration and Asylum:



*“Successful integration benefits both the individuals concerned, and the local communities into which they integrate. It fosters social cohesion and economic dynamism. It sets positive examples for how Europe can manage the impacts of migration and diversity by building open and resilient societies.” (European Commission, 2020b: 26–27)*

Since 2003 the European Commission has explicitly defined integration as a “two-way process”, where both third-country nationals and host societies play an essential role. The definition entails a balance of rights and obligations. As stated by the Commission, while the host society holds the responsibility to ensure the rights of the immigrants for them to be included in different domains of the society, the immigrants should respect the host state’s set of norms and values – while retaining their own cultural identity – as well as take an active part in the

integration process. Moreover, integration is considered a holistic process encompassing all domains of life, varying from economic and social integration to cultural and religious diversity, political participation, and citizenship (European Commission, 2003: 17–18).

The newest EU strategy on integration 2021–2027, launched in November 2020, regards integration as a two-way, “win-win” process that benefits the whole society and holistically considers all forms of participation (European Commission, 2020a: 1–2). In comparison with the previous 2016 Action plan (European Commission, 2016), the most recent strategy for integration has broadened its scope by not only considering third-country nationals (TCNs) but also “migrants and EU citizens with a migrant background”. This more inclusive approach stems from the recognition that matters regarding integration and inclusion can be challenging to migrants, as well as to EU citizens with a migrant background. Furthermore, the EU realises the role of these people and their additional burden amidst the COVID-19 pandemic, noting that a significant number of migrants and EU citizens with a migrant background have made important contributions to essential work during the crisis. Simultaneously, they are often those who are at greater risk in facing negative consequences of the pandemic (European Commission, 2020a: 1–2). Also, in addition to the “inclusive for all” principle, the Action Plan 2021–2027 is guided by a needs-based, intersectional approach, which pays special attention to the gender dimension. The strategy recognises the role and a need for multi-stakeholder partnerships and support in all stages of the integration process (ibid., 5–7). While the former EU integration strategy from 2016 prioritised the areas of pre-departure and pre-arrival measures, labour market, education, vocational training, basic services, and active participation and social inclusion (European Commission, 2016), the 2021–2027 plan aims to target especially the domains of employment, education, health, and housing (European Commission, 2020a). It remains to be seen to what extent the EU as a larger community can learn and improve from prevailing and past issues related to integration and how the Member States will engage with the set plans and the principle of a two-way process of integration.






## NATIONAL CONTEXT

### Political context in 2020–2021

The governing coalition of five centre-left parties, which took power in September 2018, held only 43 out of 90 parliament seats. After his government was struggling to pass bills through the parliament, in February 2020, Prime Minister Marjan Šarec stepped down in a bid to push for a snap election. This failed to materialise, and, as predicted by the analysts, the opposition right-wing Slovenian Democratic Party (SDS), the largest party in the parliament, formed a new government led by Janez Janša. A nationwide quarantine to tackle the COVID-19 pandemic came into effect on 12 March 2020, the day before the new government took office.


As the pandemic hit all the sectors across the globe, Slovenia's socio-political situation also deteriorated significantly due to the governmental policies. Since April 2020, there have been numerous protests against the government and its politics as well as against the COVID-19 measures. Slovenia has been added to a watch list of countries that have seen a recent and rapid decline in fundamental civic freedoms: "Under Prime Minister Janez Janša's government, civil society organisations have been undermined by funding cuts and journalists and the country's press agency have been targeted, leading to a decline in civic freedoms in the country" (CIVICUS, 2021). Existing analyses of governmental measures show that the epidemic in Slovenia has only temporarily – if at all – overshadowed anti-immigration policies and discourse, as the resurgence of xenophobic government rhetoric has been noticeable since at least the second half of 2020 (Bajt, 2021). In December 2020, for example, the proposed amendment to the International Protection Act (IPA), despite warnings from the Ministry of Justice and NGOs, retained controversial provisions restricting asylum seekers from adequate judicial protection. The government also tightened conditions in the amendment to the Foreigners Act (FA) and the Employment and Work of Foreigners Act. The FA, which was passed without proper discussion in March 2021 and has been in force since May 2021, chips away at a multitude of fundamental rights of different population groups. The tightening of study conditions for students from non-EU countries resonated with the public. In addition, legislative amendments restrict the rights of foreign workers and their families, the rights of those kept in the Postojna Centre for foreigners and the rights of asylum seekers. Shortly after the epidemic was declared in Slovenia, a group of activists cautioned:



*"The Government of the Republic of Slovenia is abusing the pandemic to enforce policies of fear and discrimination against one of the most vulnerable groups in Europe – migrants and refugees trapped on the Balkan route [...] The epidemic is used as an excuse for military presence on the border [with Croatia] when in fact enhanced military operations at the border would only serve to prevent people from continuing to seek refuge and international protection within the European Union." (Info Kolpa et al., 2020)*

Apart from the legislative and policy changes, which we describe in more detail in Chapter 5, the political rhetoric and the overall atmosphere towards migrants (and refugees) also became increasingly hostile. The government also purchased even more razor wire fences and placed them at the Slovenian-Croatian border, despite mounting evidence against fences and walls as effective deterrents preventing people from attempting to enter the "fortress Europe".

Due to the pandemic, the legislative changes were made in complete disregard of expert feedback and under pretence of a supposed state of emergency (which had never been officially declared). Using this as an excuse for limiting human rights, the government acted as if having a free hand in making decisions also in the field of migration (U. Z., 2022). The problematic amendments to the FA have introduced the institute of "a complex crisis in the field of migration". In the event of a declaration of a complex crisis, the police would no longer apply the IPA when dealing with migrants, nor would the provisions of the Convention Relating to the Status of Refugees, to which the Republic of Slovenia is a signatory, apply (U. Z., 2022).



*"The Constitutional Court has already ruled on such conduct, recalling in case U-I-59/17 of 18 September 2019, the principle of non-refoulement enshrined in Article 18 of the Constitution. This prohibits the extradition of persons at risk of inhuman treatment – which includes physical violence and cases of outright sadistic torture by representatives of the Croatian and Bosnian police. Our Constitution and international laws demand that every individual has the right to enter the country and seek protection – and the competent authorities must ensure fair and effective individual treatment. The provisions on complex crisis suspend these principles – in practice, this means the suspension of the International Refugee Convention." (Levica, 2021)*

Noting that the government has in this way re-enacted provisions that could temporarily suspend the constitutional order and international conventions, in February 2022, the opposition MPs lodged a case for the review of the constitutionality of disputed articles of both acts.

Simultaneously, significant operational issues mentioned also in the Strategy have still not been resolved. A key example is the lack of a structural and permanent solution for the housing of UAMs. Moreover, although the EU integration action plan has established that integration takes place in local communities, in Slovenia, the municipalities still do not have any factual responsibilities and are not involved in integration processes in this regard.

On April 24 2022, the newly formed Freedom Movement (Gibanje Svoboda), which was formed on the wings of resistance against the government coalition, won the parliamentary elections convincingly. Time will tell what impact the change of government will have on migration, asylum and integration in Slovenia, starting with legislative changes, further through practice and all the way to the removal of razor-wired fences at the Slovenian borders.

## The role of Slovenia in the Balkan route and pushbacks

The practice of pushbacks – meaning informal returns of migrants in breach of the principle of non-refoulement, the right to access asylum, due process rights and the prohibition of collective expulsions – is not specific to the Slovenian context but rather reflects the attitude of the EU towards migrants in general and asylum seekers specifically. This illegal practice has been consistently reported from the Mediterranean;<sup>3</sup> the Spanish enclaves in Morocco (BVMN, 2021), the French-Italian border (ECRE, 2021), the Greece-Turkey land and sea borders (Amnesty International, 2021a), as well as from the Balkan route (Barker and Zajović, 2020). The practice is becoming increasingly violent, with accusations even of Frontex’s implication (Statewatch, 2021). Moreover, in the past years, it has involved active shooting of live ammunition on migrants by police officers in Croatia (Tondo, 2019), as well as the disappearance of the migrants pushed-back by the Libyan “coast-guard” (ANSA, 2022). Slovenia is no exception, and there have been consistent reports by Amnesty International (2018; 2021b), the Human Rights Ombudsman of the Republic of Slovenia (2021) and other organisations, such as Info Kolpa (2020), about the restriction of access to asylum and illegal informal readmissions to Croatian authorities. In light of consistent reports of inhumane and humiliating treatment, amounting even to torture, such conduct of Slovenian authorities is in manifest breach of the fundamental right to the prohibition of torture, which was in 2020 and 2021 also found by the Administrative Court of the Republic of Slovenia and the Supreme Court.<sup>4</sup>

The case concerned an asylum seeker who tried to enter Slovenia twice in 2019 (pt. 9 and pts. 83-84 of Judgement USRS I U 1686/2020-126). The first time he entered, in the spring of 2019, he called the police on the emergency number after he was on the territory of Slovenia, asking about the nearest police station, where he could file an asylum claim. He did not receive the appropriate information and was at some point arrested by the police after he was spotted near a road by locals. Despite attempting to file for asylum, he was handed over to Croatian police (pts. 83-84). He tried to enter and file for asylum again in August 2019, when he was travelling together with another asylum seeker. At the police station, they were

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<sup>3</sup> See Alarm Phone, <https://alarmphone.org/en/>.

<sup>4</sup> See Judgements UPRS I U 1686/2020-126 of 7 December 2020 and VSRS I Up 23/2021 of 9 April 2021.




interviewed together, not as individuals, which could also be deduced from the police documentation. There was no appropriate interpretation (pt. 8). Most importantly, the applicant was at no point officially made aware that he would be handed over to the Croatian authorities (pts. 252, 254). Thus, he was deprived of the possibility to safeguard his rights actively and have control of his own destiny. He was treated as an object, not a subject of the procedure (pt. 27). He tried to claim asylum with several police officers he encountered during the procedure, but was either ignored or told another officer will take up his asylum claim. One of the officers even told him: »No asyl« (pt. 406).

The courts found<sup>5</sup> that in August 2019, Slovenia violated the applicant's right to access asylum, the prohibition of collective expulsions and, most importantly, the prohibition of torture – which includes the prohibition of refoulement. The courts noted that a person's right to apply for international protection establishes a requirement for effective, genuine opportunities for the individual to express that desire or need (pt. 36 of Judgement VSRS I Up 23/2021). Furthermore, not only does the principle of non-refoulement establish the right not to be returned to a country where the individual is at risk of torture, but it creates an obligation on the authorities to assess the safety of the individual upon deportation to this country (pt. 78). The state is responsible for its violation of the prohibition of torture no matter if the risk of torture after an illegal return materialises or not (pt. 79). Relying on the case law of the European Court of Justice and the European Court of Human Rights, the obligation to make this assessment of risk upon return exists even between the European Union Member States, when there is so much information about the risk of inhumane treatment or torture in the receiving country available that it is not possible for the returning Member State to not be aware of the risks. Based on consistent reports of the illegal conduct of Croatian authorities, this is undoubtedly true for returns to Croatia. The extreme violence of the Croatian police was brought up with the Slovenian Police by Amnesty International Slovenia and Legal centre for the protection of human rights and environment (PIC) already in 2018 (Amnesty International, 2018; Regvar, 2018).

In the lawsuit, the applicant had submitted a motion to remedy the situation in which he found himself due to the illegal conduct of Slovenian authorities, and the motion was granted. Slovenia was thus obliged to let the applicant enter into an

asylum procedure in Slovenia. The state responded, claiming such remedy is unenforceable as it lacks a legal basis. But the Supreme Court remarkably noted in its response to the appeal:



*“The claim of unenforceability is not substantiated. The obligation is imposed on the Republic of Slovenia, thus, as a state, through the competent authorities, it has all the leverage to enable (allow) the applicant to enter the Republic of Slovenia, including, if necessary, by adopting the relevant legal bases (regulations). These would enable not only the applicant but all similarly situated individuals, to have their application for protection processed and thus enable the State to act in accordance with the right to asylum under Article 18 of the Charter of Fundamental Rights (EU Charter of Fundamental Rights)” (Judgement VSRS I Up 23/2021 of 9 April 2021, para. 52).*

It is thus evident the Supreme Court is aware of the systematic nature of the practice the applicant was subjected to and anticipates similar claims in the future. The described case law only confirms the persistent allegations of the illegal conduct of Slovenian authorities. Furthermore, in the past four years, the razor-wire border fence and non-existent legal pathways into the EU have claimed the lives of at least 27 migrants (Petrovčič, 2021), who died in car chases with the police, of hypothermia and drowning. By participating in illegal chain returns, developing and implementing militarised borders, Slovenia continues to participate in the policy of Fortress Europe, which claims thousands of lives each year and leaves the survivors physically and mentally broken. This policy approach majorly influences people's lives and predispositions for successful integration into society.

Studies show the prevalence of common mental disorders (e.g. depression, anxiety and post-traumatic stress disorder) is much higher among refugees than in local populations (Blackmore et al., 2020; Fazel, Wheeler and Danesh, 2005; Hajak et al., 2021). Asylum seekers especially tend to be at elevated risk of suicide, and the incidence of psychoses has been linked with the cumulative effect of adverse circumstances before, during and after the migration (WHO, 2021). Studies involving migrants on the Balkan route report prevailing feelings of hopelessness, desperation, lack of self-value and self-esteem; interviewees reported psychosomatic symptoms, such as headaches, tremors and heart palpitations, due to the continuous and excessive stress they experienced (Arsenijević et al., 2018:

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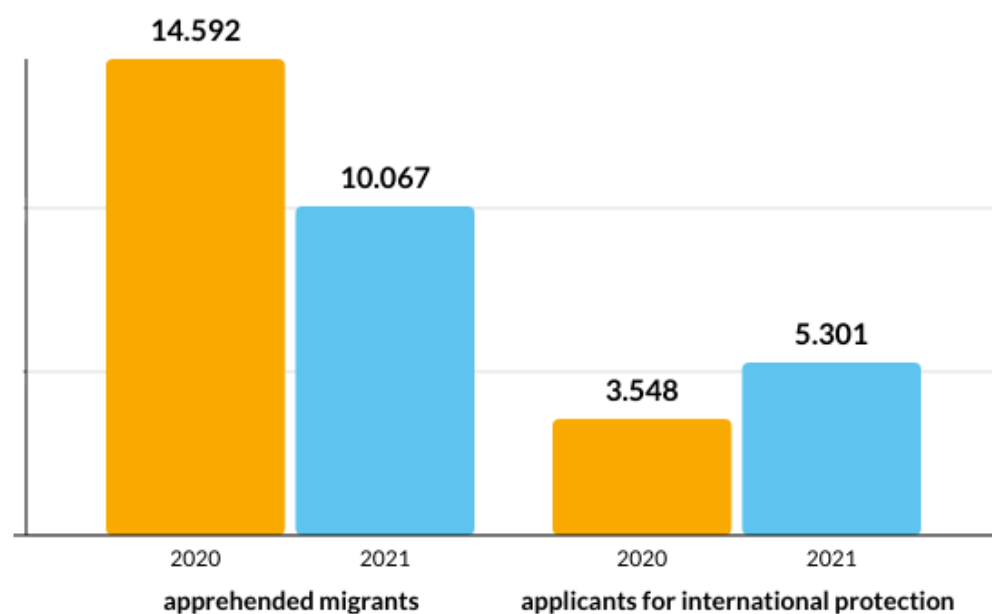
<sup>5</sup> Judgements UPRS I U 1686/2020-126 of 7 December 2020 and VSRS I Up 23/2021 of 9 April 2021.



91–92). Traumatic events in countries of origin, combined with violence on the road, leave long term effects on the mental health of teenagers and children: “From January to June 2017, 25% (31) of children seen by Medecins Sans Frontieres (MSF) psychologists presented symptoms of anxiety, 16% (20) adjustment and acute reactions, 11% (14) symptoms of depression” (MSF, 2017: 5). More research on the subject is needed.

As the Human Rights Ombudsman wrote in the National Report on the Situation of Human Rights of Migrants at the Borders (2021: 11–12), in 2020, the police apprehended 14,592 migrants (most of them were from Pakistan, Afghanistan and Morocco) and only 3,548 of them , which is only 24%. It is unlikely that the majority of the people apprehended would not want to apply for asylum, especially knowing that the only other option was to be returned (pushed back) to Croatia. Several activists and NGOs have reported the migrants’ testimonies that the Slovenian Police has ignored their requests for asylum (see Barker and Zajović, 2020), and the Ombudsman received some individual complaints as well, yet the authorities persistently deny all allegations.

In 2021 the police apprehended 10,067 migrants at the border, and 5,301 of them applied for asylum, which is almost 53%. Statistics show that in 2021, there has been a significant drop in irregular migration, which may be in relation to a shift in the migratory route that turned north over Romania and Ukraine towards Poland. Also, a new route through Belarus meant an increased number of migrants attempting to enter the EU via the new Eastern route towards Lithuania and Poland.



## ASYLUM SEEKERS AND BENEFICIARIES OF INTERNATIONAL PROTECTION IN SLOVENIA

In the Republic of Slovenia, **international protection** refers to the refugee status and the subsidiary form of protection. **Temporary protection** refers to people who would receive this status in case of mass influx, provided that Directive 2001/55/EC was applied at the EU level, which had not happened until March 2022, when a large number of people fled war-torn Ukraine.<sup>6</sup> **Refugee status** can be granted to a third-country national (i.e. any person who is not a citizen of the European Union) who, owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of their nationality and is unable or, owing to such fear, unwilling to avail themselves of the protection of that country, or a stateless person, who is outside the country of their former habitual residence as a result of such events and is unable or, owing to such fear, unwilling to return to it. The institution granting international protection is the Ministry of the Interior of the Republic of Slovenia (Moi). Persons with international protection have certain rights and are under the jurisdiction of the Government Office for the Support and Integration of Migrants (OSIM) for the first two years upon status recognition. They are assigned a consultant for integration, who – in cooperation with them – prepares an individualised integration plan, and from 2021 onward, they need to sign a special contract which then provides for the full scope of beneficiaries’ rights. BIPs are then involved in a month-long orientation programme (until 2020, it was three months long; however, only for relocated and resettled BIPs) in the form of projects implemented by NGOs, as well as in the Slovene language classes in the scope of 400 hours. BIPs in the first two years after their status recognition (until the 2021 legislative change, this period was 3 years) heavily depend on the help of NGOs providing group and individual assistance, such as searching for housing, general practitioners, arranging bureaucracy, opening bank accounts, etc.

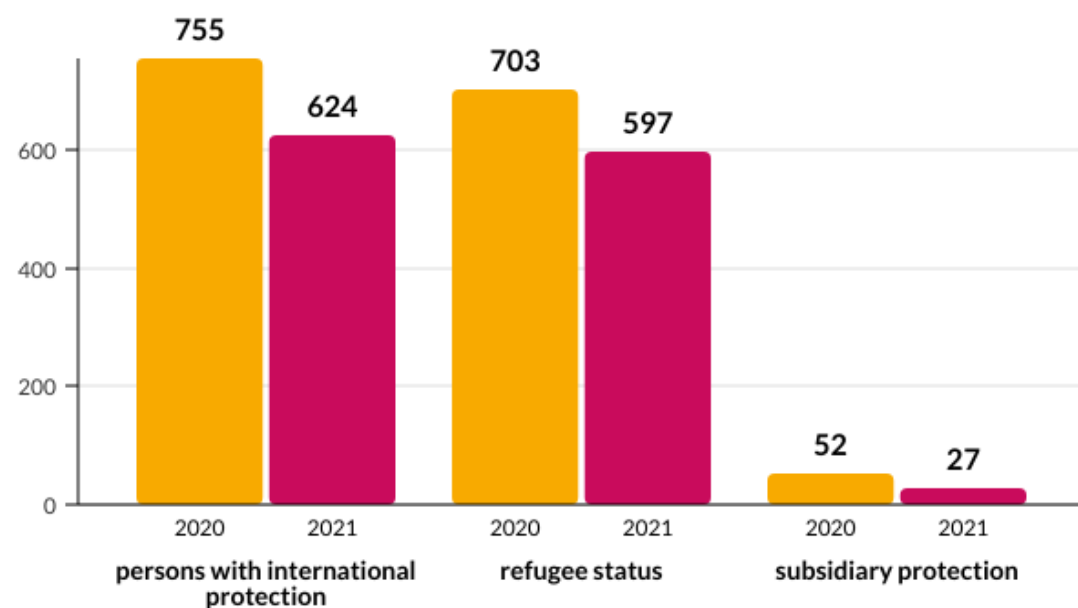
The status of a **subsidiary form of protection** can be granted to a third-country national or a stateless person who fails to qualify for a refugee status when substantive grounds exist to suspect that upon their return to the country of origin

<sup>6</sup> Because this report was finalised in April 2022, and because it primarily addresses years 2020 and 2021, the recent developments concerning refugees from Ukraine are not included here but will rather be covered in a separate report.

or in the case of a stateless person, the country of the last residence, the person would face a real risk of being subject to serious harm as stipulated in the International Protection Act (IPA). They only get a temporary residence status, which may be extended (however, not automatically; the authorities decide upon each individual case if there is still a need for subsidiary protection).

According to the OSIM, on 1 January **2020**, there were **755** BIPs in Slovenia (however, 151 of them unofficially lived outside Slovenia): 703 had refugee status and 52 received subsidiary protection. Among those with refugee status, 222 were women, and 508 were men, while among those with subsidiary protection, 19 were women and 33 were men. Among those with refugee status, 202 were under 18 years old, while among those with subsidiary protection, 22 were under 18 years old.

In 2020, 3,548 asylum applications were made (OSIM, 2021a). There were 220 female asylum seekers, while 3,328 were male, and 783 were under 18 years old. Among those, 560 were unaccompanied minors (hereinafter UAMs) (Mol, 2021: 24–26). Most asylum seekers were from Morocco, Afghanistan and Pakistan, followed by Algeria, Bangladesh, Egypt, Iraq, Iran, Syria, Turkey, Tunisia and India (OSIM, 2021b). 93% of all persons filing applications immediately left Slovenia. 457 applications were dismissed, and 2,875 were discontinued, while 89 positive and 215 negative decisions were given. Among 89 people who were granted international protection, 87 persons were granted refugee status, and 2 subsidiary protection (Mol, 2021: 26).

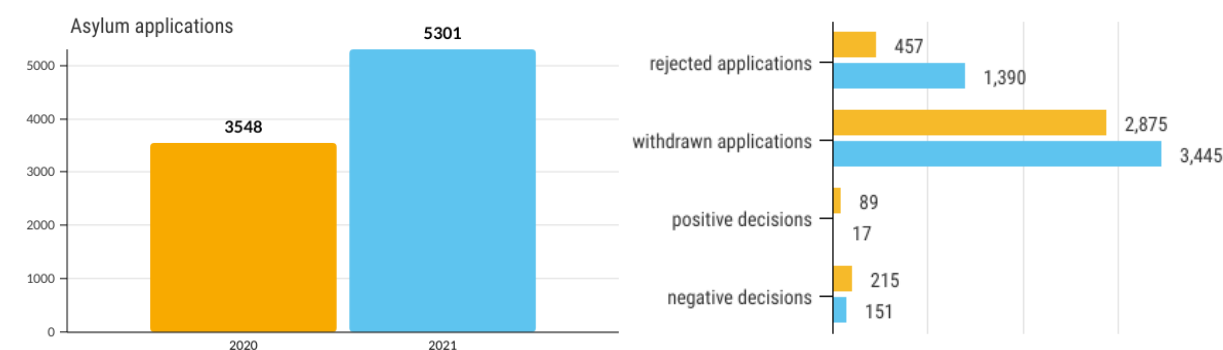


Note: Data for 2021 do not include beneficiaries who lived informally outside Slovenia.

According to the OSIM, on 1 January **2021**, there were **787** BIPs in Slovenia (however, 163 of them unofficially lived outside of the country). Of these 624 that lived in Slovenia, 597 had refugee status and 27 subsidiary protection. Among those with refugee status, 185 were women, and 439 were men, while among those with subsidiary protection, there was 1 woman, and 26 were men. Among those with refugee status, 139 were under 18 years of age, while among those with subsidiary protection, 3 were under 18 years old.

In 2021, 5,301 asylum applications were lodged (OSIM, 2022a). 1,390 applications were dismissed, and 3,445 procedures were discontinued, mainly because the applicants left the country after filing the asylum application. 5,008 applications were processed. Only 17 positive and 151 negative decisions were given. In 2021, nobody received subsidiary protection (OSIM, 2022b). Most asylum seekers were from Afghanistan (2,614), the rest from Pakistan, Iran, Turkey, Bangladesh, Iraq, Morocco, Algeria and Egypt (OSIM, 2022c).

According to Mol, two persons were relocated from Greece in 2019 (one from Eritrea and one from Sierra Leone, the first left Slovenia before the decision was made, the second person was granted refugee status), and five persons were relocated from Italy in 2021 (four from Cameroon and one from Somalia, all 5 persons were granted refugee status). The agreed relocation quota for Slovenia (since 2016) was 567 persons in total, 218 from Italy and 349 from Greece. So far, 260 persons have arrived in Slovenia through the relocation scheme: 124 persons in 2016, 108 in 2017, 21 in 2018, 2 in 2019 and 5 in 2021. Since 2019 none of the refugees have arrived in Slovenia through the resettlement programme.<sup>7</sup>



<sup>7</sup> This data was provided by the Mol on 15 March 2022.

## Asylum procedure

The asylum procedure in the Slovenian context is often a traumatising experience for asylum seekers. The length alone is especially tiring, and the lack of professional translators is often very stressful for the persons who have to undergo these lengthy and difficult procedures.

In its National Report on the situation of human rights of migrants at the borders, the Ombudsman writes: “If the police follow the procedure” when apprehending people on Slovenian territory, which indicates that the police often do differently, “asylum seekers are taken to the Asylum Centre in Ljubljana. Initially, they are placed in the pre-reception area of the Asylum Centre and are de facto detained” (Ombudsman, 2021: 17). This pre-reception area of the Asylum Centre is often overcrowded, and people are detained there for too long (according to the Ombudsman, in 2020, it was up to 20 days). Only after lodging the asylum application, which means having their first interview with a Mol official, the asylum seekers are then moved to the main accommodation area of the Asylum Centre in Ljubljana or one of its branch units – Kotnikova in Ljubljana or Logatec which is half an hour drive from Ljubljana. All three locations are open facilities, so people can exit and enter under the Decree on Asylum Centre House Rules (Art. 7 and 8). However, some asylum seekers – 216 persons in 2020 (Ombudsman, 2021: 20) – are issued a detention decision and taken to the Centre for Foreigners in Postojna, an immigration detention centre with a stricter regime than any prison in Slovenia.

According to Mol and OSIM data, 3,548 asylum applications were filed in 2020 and 5,301 asylum applications in 2021. “In 2020, of those who remained and whose procedures were completed with an on-merit decision, the overall refugee recognition rate at first instance was 29%, which represents a noticeable drop from 38% in 2019” (Ombudsman, 2021: 12). As mentioned above, in 2021, only 17 statuses were awarded with an on-merit decision, with additional two after a court decision, making the total of 19 statuses.

The average length of all procedures in 2020 was 59 days (Mol, 2021: 27), and in 2021 26 days. However, most asylum seekers left Slovenia right after submitting their application because they never wanted to apply for asylum in Slovenia in the first place. They only did so because they were caught by the police on their route toward western or northern European countries (and they were among the “lucky

ones” who were not pushed back to Croatia). The absconding rate in 2020 was 93% (Ombudsman, 2021: 12), and in 2021, it was 91% (according to our own calculation from the available data). The average length of substantive decision-making was 288 days in 2020 (Mol, 2021: 27) and 210 in year 2021. For comparison, as already mentioned in the previous NIEM report (see Ladić et al., 2020), the average length in 2019 was 328 days. In the case of favourable decisions granting persons international protection, the average length of the procedure is even longer – 359 days in 2020. However, there are cases of asylum seekers waiting for a final decision for several years, a few of them already 6 years, from 2016 until 2022. According to Article 47 of IPA, the decision should be made at the latest within six months from the lodging of the application or in two months in accelerated procedures. However, in practice, these deadlines are mostly not respected, and lengthy procedures are seen as one of the most significant shortcomings of the Slovenian asylum system also by the Ombudsman (2021: 18).

The official statistics indicate that the number of asylum seekers has dropped in 2020 (whereas numbers of irregular migrants caught crossing the border by the police show precisely the opposite) and increased significantly in 2021.<sup>8</sup> Representatives of NGOs explain that according to their information from the field, this is only in part due to the COVID-19 related restrictions. Mainly the decline in 2020 is related to the opening of a new route through Romania and to the effectiveness of restrictions on access to asylum through abuse of the readmission mechanism between Slovenia and Croatia. In April 2020, applications for international protection were not accepted (due to the COVID-19 epidemic), thus, a significant backlog occurred of interviews for lodging the asylum application. The Ombudsman gave his opinion (2021: 16–17) that asylum procedures are urgent and should not be interrupted by the COVID-19 preventive measures. Also, people coming to the territory of Slovenia and expressing a wish to apply for international protection (those who were not pushed back) since April 2020 were (and still are)<sup>9</sup>

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<sup>8</sup> In 2021, there was a significant rise in the number of asylum applications filed. It seems this might be a result of the Croatia's political decision and the changed practice of the Croatian police at the Croatian-Slovenian border. When Slovenian police tried to return (push back) people to Croatian police they would first ask them whether or not they wanted to apply for asylum in Slovenia. Most people – to avoid being pushed back – would have said yes. In those situations, the Slovenian police then had to take them to the Asylum Centre. We base this observation on descriptions by the asylum seekers and field activists, however such practice was never acknowledged or confirmed by the authorities.

<sup>9</sup> At the time of publishing this report, in April 2022.



put into 10 to 14 days-long quarantine, which also contributed to slowing down the already slow pace of procedures.

One of the main issues related to the asylum procedure is a lack of political will for cooperation and consultation with NGOs that offer support to asylum seekers (and BIPs), and with asylum seekers and BIPs themselves. IPA does not guarantee free legal aid. However, from 2007 until 2020, asylum seekers and BIPs had access to free legal aid through an NGO running a project financed by the Mol from AMIF. The NGO employed several lawyers and even held an office inside the Asylum Centre so asylum seekers could reach them daily. The employees of the NGO also held information sessions with asylum seekers prior to the lodging of the asylum application. During this information session, which was done either individually, or in small groups, and with translators, they were informed about the whole procedure, their rights and obligations. Since April 2020, this has been replaced by a video recording shown to asylum seekers, which is still better than not informing them at all. However, it is apparent that one cannot compare the impact of this video to the impact of a face-to-face information session. Furthermore, the video fails to explain the grounds for asylum as stated by the Refugee Convention. The free legal aid project of the mentioned NGO concluded right after the government changed in March 2020 and since then there was no support for this purpose from the Mol. The NGO had to cut down severely on their assistance in the period April 2020 to March 2022. They received some but minimal funds from the United Nations High Commissioner for Refugees (UNHCR) and, therefore, could only offer limited legal aid, which was causing a lot of frustration among asylum seekers as they were often not informed about their procedures. As already mentioned, the situation changed drastically in March 2022 when refugees from Ukraine started arriving in Slovenia. The above mentioned NGO re-established free legal aid service for asylum seekers, however Mol does not plan to further finance legal aid through an independent NGO but will offer legal aid in-house.

Asylum seekers who receive negative decisions can appeal at the Administrative Court of the Republic of Slovenia. In these court procedures, they are represented for free by specialised asylum lawyers (currently, there are 43 lawyers on the list published by the Ministry of Justice). As also reported by the Ombudsman (2021: 18), in 2020

*“the Administrative Court annulled the decision and returned the case to the first instance 151 times, and in 8 cases, the court replaced the decision*

*of the Ministry with its own and granted refugee status to the applicant. Compared to the total of 215 first instance rejection decisions issued in 2020, this also raises questions about the quality of decision making of the first-instance authority.”*

Based on interviews and discussions with practitioners and our own research findings, we believe the decisions often lack an individualised approach. They are hard to comprehend due to their excessive length and confusing argumentation. Cultural differences and particularities are not considered, and it seems decision-making is not conducted from a neutral perspective. What especially stands out is the selective use of the country-of-origin information. Consequently, dire prospects for a swift positive solution in the face of a biased approach, feelings of unwantedness, and a wearisome system that often seems as if it is deliberately structured in a way that makes life complicated and tough for asylum seekers, prompts many of them to leave the country, and seek justice and protection elsewhere.

Another issue related to the asylum procedure is a frequent lack of professional translators or cooperation with inadequate translators, who are not only improperly trained in the Slovene language and interpretation in the context of asylum but are also questionable since they translate for different institutions and purposes (especially due to their very precarious position as they are not regularly employed). For example, the same translator works for the police (in procedures at the border, even push-backs), Mol and OSIM – asylum procedures/interviews, the court, and the NGOs. It is true that for some languages, it is close to impossible to find an adequate translator who would be fluent in the Slovene language. However, involving inadequate translators in a procedure that determines the future of asylum seekers is worrying. The competent institutions should ensure that translators are properly trained and recruited to perform this work professionally. As long as translators are not trained both, linguistically and in the interpretation profession itself – including specific training for interpretation in the context of asylum (e.g. UNHCR, 2017), the shortcomings of translation must be taken into account when deciding on international protection proceedings.

To conclude, the asylum procedure itself is often not only frustrating but can also be traumatising for the asylum seekers as they have to verbalise and relive all their negative experiences from their country of origin as well as from their dangerous and challenging route. Many of them arrive in Slovenia after being on the way for

months or even years. Many are wounded physically and/or mentally, would need psychosocial help, professional help to deal with PTSD, etc. Many are caught between worrying about their families back home and their own future in the EU (and the fear of being rejected and sent back to their country of origin). Also, often they face racism and discrimination from the host society, negative portraying from the media, and a hostile environment offline and online. There are, of course, some support structures and groups or individuals expressing solidarity. However, such support is not enough since neither humanitarianism nor activism can replace proper state policies. It is state policies and governance as well as administrative measures that exclude asylum seekers and BIPs and make their lives in Slovenia difficult, while the xenophobic rhetoric of public officials legitimises anti-immigrant attitudes of the general population. With this in mind, projects and initiatives that assist integration and enable a decent life upon arrival to Slovenia to asylum seekers and BIPs are of utmost importance.

## ANALYSIS OF 2020–2021 EVALUATION

### Major legislative changes

The two most relevant laws that have been amended in 2021 are the International Protection Act (IPA) and the Foreigners Act (FA). However, some other legislative changes since 2019 have also impacted asylum seekers and/or BIPs.

#### The Foreigners Act

The Foreigners Act (FA) was already amended in 2017 so as to allow for restrictions on the right to asylum: the National Assembly (parliament) could vote on suspending access to the asylum procedure in case the migration posed “a threat to public order and internal safety in the Republic of Slovenia”. The provisions were later declared unconstitutional and annulled by the Constitutional Court.<sup>10</sup>

However, the government coalition, holding the majority in the parliament, contrary to the Constitutional Court’s decision, in the 2021 amendments to the FA reintroduced a similar option in case of “a complex crisis in the field of migration” (Art. 10a and 10b) which would allow the parliament to suspend the implementation of the IPA and restrict access to asylum. In such an event, the police officers would be able to ignore or reject all intentions for international protection applications, except in specified cases defined in Art. 10b: if it has been established that in a neighbouring country from which the foreigner has entered, there are systemic weaknesses in the international protection procedure and the conditions for the reception of applicants, which could lead to the risk of torture, inhumane or degrading treatment; if the foreigner has individually and validly demonstrated in the proceedings that he or she personally is in real danger of torture, inhumane or degrading treatment in a neighbouring country and that he or she could not apply for international protection in that country for justified reasons; if the individual health condition of the foreigner or her/his family member clearly prevents her/him from being sent to a neighbouring country; if by appearance,


<sup>10</sup> See Judgement USRS U-I-59/17-27 of 18 September 2019.





behaviour or other circumstances it appears to be a UAM. Such vague provision allows for arbitrary decision-making by the police officers as to who “seems” to be one of these exemptions. What is more, an appeal against such rejection does not stay the execution of the decision, which means people would still be returned to the country they entered from.

A group of NGOs and the Ombudsman, in its report (2021: 17), warned



*“that the criteria for declaring a ‘complex crisis’ had not been clearly defined, that the police cannot be asked to decide who to allow or reject access to the asylum procedure based on their protection needs, that no restrictions can be put on the prohibition of torture and that the amendment is therefore unconstitutional in much the same way as the annulled 2017 amendment.”*

And yet, the Ombudsman failed to decide to institute constitutional review proceedings before the Constitutional Court to declare the amendment unconstitutional, although the legislative amendment is manifestly contrary to the rule of law principle and a previous Constitutional Court decision.

The amended FA (Art. 47) also introduces passing an A1 level Slovene language test as a condition for extension of the residence permit of family members of third-country nationals (TCNs) in general, which also affects BIPs’ family members if they do not manage to start the family reunification procedure under reduced conditions (within 90 days upon status recognition). Further, the amended FA introduced a new condition to apply for permanent residence status, which is the passing of an A2 level Slovene language test. This is a significant change for beneficiaries of subsidiary protection and their family members applying for a permanent residence permit after 5 years of residence in Slovenia.

Family members of recognised refugees do not need to extend their residence permits because they initially receive a permanent residence permit. For family members of beneficiaries of subsidiary protection, the requirements depend on the basis on which they initially received their residence permit: if they received it under reduced requirements (based on Art. 47b of the FA), then it is also extended on this basis, meaning that they do not need to pass a Slovene language test, but if their family member, who is a subsidiary protection beneficiary, misses the 90-day deadline for reduced requirements, then they are in the same position as other


TCNs and need to pass a Slovene language test (level A1) before extension of their residence permit which is issued for the same time as subsidiary protection.

The FA amendments bring positive change as well, where BIPs are now entitled to free translation and interpretation not only when verifying family ties but also when verifying the identity of family members (Art. 47a and 47b). In addition, they have costs of printed materials for residence permits for family members covered (Art. 47b).

Furthermore, allowing for residence permits to be served through international organisations working in the field of migration, appropriately addresses a practical problem of serving documents in countries where the Republic of Slovenia does not have a diplomatic mission or consulate (Art. 47a and 47b).

On the other hand, the amendments add a provision that a family member may only be reunified if his/her identity is not disputed, which might present an unnecessary obstacle in certain cases when people do not have any documents (Art. 47a and 47b).

Another new provision (Art. 49a) states:



*“Child of a person with recognised international protection in the Republic of Slovenia, who was born abroad after at least one of the parents or guardian was granted international protection in the Republic of Slovenia, and who does not acquire Slovenian citizenship in the first three months of entry into the Republic of Slovenia does not need a residence permit.”*

The amended FA provision further states that a temporary residence permit issued to a child of a person with recognised subsidiary protection is valid for the period of their parents’ recognition of subsidiary protection status ex officio, but at most up until the child’s 18 years of age. This is problematic as it does not ensure legal certainty for individuals and puts BIPs’ children in an inferior position, especially the ones who are still enrolled in school, where under law, parents are obligated to take care of a schooling child until the age of 26.

Another problematic amendment influences the starting date from when BIPs can apply for family reunification under reduced conditions. Under Article 47b, the start of the 90-day deadline counts from the day their decision about international

protection status becomes final. This means after all proceedings are concluded, even potentially in court. Before this change, the starting date was when the status was confirmed in the first instance (by the Mol). Therefore, BIPs who received subsidiary protection were able to initiate family reunification proceedings already and, at the same time, seek court remedy to demand refugee status instead of subsidiary protection (which is not permanent and is restrictive about rights and services). According to the current FA, they are now not able to start the family reunification procedure if they appeal in court. Thus, we believe, it will discourage them from appealing to get their family members to Slovenia as soon as possible (court procedures can take months or even years).

## The International Protection Act

The International Protection Act (IPA) was amended in March and published in April 2021, and generally, the standards and rights for asylum seekers and BIPs were lowered. As also emphasised by the Ombudsman, “some of the changes raise questions about their impact on the fairness of procedures, and their constitutionality and conformity with EU and international law” (2021: 18). The first negative change is reducing the integration period from three to two years, meaning that systematic support with integration is now only provided for two years after the status recognition.

The new IPA amendment also introduces the so-called “contract on integration activities” that the beneficiary has to conclude with OSIM in one month after the recognition of status (Art. 90). The contract outlines integration activities, obligations of BIPs and obligations of OSIM. Many rights of BIPs are dependent on the conclusion of this contract. For example, only BIPs who conclude it are then entitled to attend a free language course and social orientation class, as well as receive housing support. Specifically, Art. 90 of the IPA lists the following rights granted only to those BIPs who sign this contract:

- Accommodation in integration house or other OSIM accommodation facilities,
- Financial assistance for private accommodation,
- Social orientation course of getting to know Slovenian society,
- Slovene language course,
- One-time free of charge Slovene language test,
- Covering other costs related to education,
- Covering costs of translations related to the recognition and evaluation of education based on relevant evidence,

- Covering costs related to the recognition and evaluation of education when BIPs cannot prove their formal education with documents.

While this contract in practice means nothing new for BIPs in Slovenia, it represents the state’s general paternalistic attitude towards them. It is yet another top-down measure that places BIPs in the position of a subordinate. If BIPs sign this contract, they have access to the rights to which each BIP should be entitled regardless of any such conditioning. Integration, namely, should be an inclusive two-way process, not something obliged upon a person by a contract. The reality is different, and some of the rights have already been conditional prior to the latest IPA changes, while the current IPA contains even more such provisions. For example, BIPs who are unemployed or without their own financial means are entitled to receive financial help from the state for renting private housing. This condition is now: at least 80% attendance of the Slovene language course, at least 80% attendance of social orientation course about Slovenian society, and once per month attendance at a meeting with an integration consultant at OSIM. The rights depending on these conditions entail:

- Financial housing support (12 months + conditionally 12 months) – Art. 97,
- Accommodation in the integration house or other OSIM accommodation facility of (12 months + conditionally 6 months) – Art. 93,
- Covering costs of translations of foreign diplomas, certificates and other evidence of formal qualifications required for the procedures of recognition and evaluation of education, and the costs of recognition and evaluation of education when formal education cannot be proven by documents (12 months + conditionally 12 months) – Art. 101,
- Free public transport to attend the 400-hour Slovene language course and 1 month-long social orientation course (as long as the courses are taking place) – Art. 103a.

It is, of course, true that regular attendance (be it 80% or even more) of the Slovene language course and social orientation course is beneficial and even crucial for the BIPs integration process. But rather than the state imposing such conditions as prerequisites, more encouraging and motivational measures could be put in place. Above all, language courses should be structured in a way as to allow BIPs to be employed (or in school) while attending and to tend to their other life obligations, such as childcare and other integrational activities.

There was also a change in the right to recognition and validation of education. According to Art. 101, the OSIM will cover the costs of validation and recognition only for a limited time and only to certain BIPs:

*“BIPs without their own means of subsistence or otherwise secured subsistence, who have concluded a contract on integration activities, costs of translations of foreign diplomas, certificates and other evidence of formal education required for procedures of recognition and evaluation of education, and costs of recognition and evaluation of education, when formal education cannot be proved by documents, one year from the conclusion of the contract is covered by the Office [OSIM]. The right to reimbursement of a person with recognised international protection is extended for another year if he/she has attended at least 80% of the Slovene language course and the course of getting to know Slovene society and attended a meeting with an integration consultant at least once a month.”*

Another negative IPA amendment introduces restrictions on the freedom of movement of asylum seekers (Art. 78), who are only allowed to move freely within the municipality where they are accommodated. There is no possibility to appeal and no specified time limitation. Since the asylum procedures in Slovenia in most cases take long, this means that asylum seekers could be limited to one municipality (Ljubljana or Logatec, which is a very small town) for months or even years.

The newly introduced obligation of legal counsellors (lawyers) representing asylum seekers to disclose personal information about their clients to the Mol under threat of being prevented from representing asylum seekers in future cases is among the most problematic changes. The IPA obliges lawyers to inform the Ministry about the identity of their client and any facts “based on which the applicant is not entitled to refugee or subsidiary protection status”, thus clearly breaching the attorney-client privilege that forms the basis of any fair procedure before a state institution. The NGOs had turned to the Advocate of the Principle of Equality and to the Ombudsman with a request to file the constitutional initiative. However, by the time of publishing this report, neither of the public bodies decided on it.

A positive change worth emphasising concerns family reunification. Before the recent change, UAMs in asylum procedures could only start family reunification

procedure for their parents and not their minor siblings. The 2021 IPA amendment explicitly added another family member to the list: “a minor sibling of the applicant, if unmarried” (Art. 2).

## Other relevant legislative changes

Although it might not be that obvious at first glance, there have been other legislative changes that impact BIPs. **Decree on criteria and circumstances establishing conditions for acquiring the citizenship of the Republic of Slovenia through naturalisation** was amended at the end of 2020 and further restricted access to citizenship. Before, to meet the condition of adequate financial means, it was enough to show an employment contract for permanent employment, which was concluded 6 months prior to the application. Now, this is only available to individuals who concluded such an employment contract after completing at least a higher professional programme in the Republic of Slovenia, which they concluded by the age of 28. For others, the financial condition is met if the applicant is employed and has a job contract for at least 2 years prior to the naturalisation procedure. Of course, it is challenging for BIPs to meet this condition. Between 1995 – when the first international protection statuses were granted – and 31 December 2020, a total of 137 BIPs have obtained Slovenian citizenship. In 2020, 7 applications were submitted for the acquisition of citizenship under Article 12(7) of the Citizenship of the Republic of Slovenia Act; and 7 persons also acquired citizenship in 2020 (there is no data on specific status of their international protection). Economic resource requirement is usually the most difficult condition to meet.

Another problem BIPs are facing is registering permanent residence. This is required for basic services in Slovenia, such as social assistance. One cannot apply without having a registered permanent residence address. According to the **Residence Registration Act**, everyone has to have a permanent residence registered at an address where they live. However, many house/apartment owners do not want to give their permission for a person to register their permanent residence there, even if the person does live there. Thus, some BIPs, who could not get their permanent residence registered at their actual address, had it registered at friends’ addresses. This was already pushing people into a legal grey zone but has become an even greater issue since the Residence Registration Act was amended in 2020 and now includes an obligatory minimum capacity (m<sup>2</sup>/person) for registering at an address. This might present an even greater problem for

persons who cannot secure permission from their landlords because, most likely, their friends cannot let them register at their addresses if their houses/apartments are not big enough.

Due to a December 2019 amendment to the **Labour Market Regulation Act**, a new condition is required for TCNs (also BIPs) to be registered in the unemployment register and access the minimum income support (social assistance). Unemployed persons must complete a Slovene language test (level A1) within 12 months of being registered in the unemployment register. If they fail to obtain a certificate for having completed the test successfully, they are to be struck off from the unemployment register and consequently cannot access social assistance, except in exceptional cases. However, the issue was out of the hands of TCNs (and BIPs), since there were not enough exams due to the limited capacities of institutions implementing language exams. For example, in Ljubljana, all institutions can accept around 300 people for one exam intake, while there were around 7,000 people who needed to take the exam. This new rule was supposed to be implemented as of 1 January 2022, which means all unemployed TCNs (and BIPs) should have passed the language exam by 31 December 2021, otherwise, they would have been struck off from this register and would have consequently lost social support. However, until April 2022, this has not yet happened, likely also due to public letters of protest sent to the responsible institutions, alerting them to the problem and demanding an adjustment. Different stakeholders from the field of BIPs integration shared information on an extended deadline (to April–May 2022), while they also shared concerns about several BIPs who will not be able to pass the language exam even by April–May 2022 due to their specific personal situations and a low level of knowledge of the Slovene language.

Another change in laws and regulations which might not appear relevant for BIPs at a first glance, but is of utmost importance because it concerns learning the Slovene language for all foreign students (including BIPs), was an amendment to the **Rules on Norms and Standards for the Implementation of the Primary School Programme**. Article 43c (additional Slovene lessons for foreign students) stipulates that for pupils whose mother tongue is not Slovene, upon enrolment in a primary school in Slovenia, the school shall organise additional Slovene language classes in the first year. For international students who enrol in primary school in the first assessment period, the school shall organise Slovene language classes under the following criteria based on the number of hours allocated per group: up to 4 students – 120 hours; 5 to 8 students – 160 hours; 9 to 17 students – 180 hours.<sup>11</sup>

For international students who enrol in primary school in the second assessment period, the school conducts only 35 hours of Slovene in the current school year but may include these students in the group in the following school year based on set criteria.<sup>12</sup>

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<sup>11</sup> There is a special curriculum (120–180 hours) for teaching Slovene as a second or foreign language for each primary school educational cycle, as well as a special curriculum (70 hours) for secondary schools (Center for Slovene as a second and foreign language, 2022). However, in practice, the situation varies from school to school, since apart from receiving financial support for a number of language classes, schools are mostly left to their own integration engagements.  
<sup>12</sup> See the Rules on norms and standards for the implementation of the primary school programme.



## Analysis of the situation and developments in 2020–2021

### Mainstreaming

There is still no specific national or local integration strategy for BIPs. The **2019 Government strategy in the field of migration** (the Strategy) emphasises the role of different institutions and organisations that come in contact with migrants or work with them, the need for mutual work and effective collaboration between these institutions and as one of the tasks, that these institutions “through their activities, provide protection against any discrimination based on racial, religious, national, ethnic or other discrimination against foreigners” (Strategija, 2019: 38). It also mentions: “The Government of the Republic of Slovenia is aware that an inclusive environment, especially the local environment, is essential for the successful integration of migrants into Slovenian society” (ibid.: 37). BIPs are mentioned in the Strategy, however, only briefly. Only 1.5 out of 75 pages is devoted to “Activities for specific groups of migrants”, amongst which BIPs and vulnerable groups (UAMs and reunited family members) are mentioned (ibid.: 44).

The field of migration, including integration, in Slovenia, is entirely within the competence of the state, and local authorities mostly also see it as such. The state does not transfer integration obligations to local communities, even though the integration is happening on the local level. However, the Strategy does state: “[A]reas that should be regulated at the local level include most social and cultural integration. Therefore, it is necessary to mobilise human resources also at the local level and to consider the transfer of competencies and funds for certain integration activities to the local level” (ibid.: 39). Some local authorities carry out some activities on their own initiative or the initiative of NGOs, but these activities are minimal and are not necessarily targeted towards support for integration of BIPs but migrants in general. For example, the City of Ljubljana provides free premises for some NGOs (e.g. the Slovene Philanthropy, which runs a day centre for refugees). On the other hand, there is a lot of resistance and xenophobia in some local communities against migrants in general and refugees specifically.<sup>13</sup>

<sup>13</sup> One such example is the City of Kranj, where on several occasions calls to segregate migrant pupils were made. The mayor has recently suggested a change in education legislation to segregate migrant children into “Slovene preparatory class” to ensure their understanding

The Strategy (ibid.: 43) notes:

*“The integration programmes for migrants and the majority population need to be strengthened. In various Slovenian towns, it is necessary to implement programmes of intercultural centres and to establish day centres for migrants, which would enable especially vulnerable individuals the possibility of information and counselling and participation in various group activities.”*

According to the Report on the Work of Migration Directorate for 2020 (p. 30) the Organisation of Intercultural Dialogue Centres projects were carried out in 2020 in Koper, Maribor and Velenje, and EUR 59,496.92 was spent on the implementation of these projects:

*“The key project objectives are to create an aware and informed environment that accepts and encourages the integration of foreigners into Slovenian society and to assist with the integration of foreigners (applicants for international protection, people who are under international protection and citizens of third countries) into the local environment, activate and bring together local residents who are willing to participate in creating an environment open to the integration of foreigners and to raise awareness of local residents of integration as a two-way process.”*

Even though, in theory, this sounds satisfying, there is actually a substantive gap between the theory and practice (both at the national and local level). Neither at the national nor local level, there is such a body that would also include BIPs and consult with them regarding issues concerning their integration. There is a governmental Council for the Integration of Foreigners, but since 2018 no foreigners (neither BIPs nor TCNs) have been involved. The constitution of the Council was changed so as to involve only state secretaries – representatives of the Ministries. The Council did not meet in 2018 and in 2019. In 2020, it did, and according to its annual report, it ordered two analyses regarding BIPs: 1) OSIM to prepare information on abuses of social transfers by foreigners with recognised international protection who leave Slovenia and send it to the Ministry of Labour,

of the Slovene language prior to inclusion in primary school, despite Slovenia’s existing practice of inclusivity in this regard. For more, see Municipal Council of the City of Kranj, Proposal for legislative change, no. 600-40/2022-1-(403001) of 1 March 2022.

Family, Social Affairs and Equal Opportunities for further consideration; and 2) until the end of 2021 there should have been an analysis done on the inclusion of foreigners in the programme “Initial Integration of Immigrants” (the Slovene language with elements of learning about Slovenian society), which ought to monitor the success and adequacy of the Slovene language learning programmes and propose possible changes (Poročilo sveta za vključevanje tujcev za leto 2020: 2). It can also be deduced from the annual report that the Council considers shortening the integration period for BIPs from 3 years to 2 years as a tool to “encourage BIPs to more actively integrate into Slovenian society in the field of employment” (ibid).

Yet another substantive gap between theory and practice can be observed if we compare the fieldwork data with what is stated in the Strategy:

*“Possible forms and ways of migrants’ participation in the formulation of integration policy and the implementation of integration activities should be examined, as this will make it possible to identify real needs and, at the same time, increase motivation to participate in activities, which will lead to greater efficiency in integration measures. The self-organisation of BIPs should be encouraged to defend and represent their rights and to be actively involved in the processes of preparing, implementing and monitoring integration policies and measures. Other immigrants are mostly already organised within associations. Following the example of the Council for the Integration of Foreigners, which operates at the national level, a similar form of the body should be considered to operate at a local level to identify integration problems, find appropriate solutions and prepare additional integration activities.” (Strategija, 2019: 43)*

While such a suggestion sounds reasonable on paper, yet another council about foreigners without foreigners on board is undoubtedly not needed.

Another issue to be emphasised concerns vulnerable applicants for international protection and the lack of proper vulnerability assessment. The IPA defines who individuals with special needs are: children, unaccompanied minors, persons with disabilities, elderly, pregnant women, single parents with minors, victims of trafficking, victims of rape, torture and other forms of physical, psychological and sexual violence, persons with intellectual disabilities, persons with mental health problems. Articles 12, 13 and 14 focus on the identification and treatment of

vulnerable people with special needs. The Act provides for specific treatment and care. During an examination defined in Article 42, the assessment is made whether the person has special reception needs or whether an applicant requires special procedural guarantees, and the assessment of the nature of such needs (specific needs might also be identified at any later stage in the process); material reception conditions, health and psychological counselling and care are adapted to applicants with special needs; adequate support is provided to applicants requires special procedural guarantees; Article 42(4) states: “Prior to carrying out further process [before submitting an application for international protection] a person undergoes sanitary disinfection and preventive medical examination”. However, the IPA does not define special treatment, care or guarantees. Also, there are no favourable procedural rules. The only more favourable procedural rule could be the nominal prioritised examination of claims, which is possible pursuant to the Art. 48 of the IPA if the applicant is a vulnerable person with special needs. But this is often not respected in practice, and there are no legal consequences when the deadline for examination is surpassed. According to AIDA Country Report for Slovenia for 2020 (2021: 43): “Since no special procedure for assessing vulnerability is in place, the vulnerability assessment is not as affected by the number of asylum seekers as by other factors like the person’s willingness to share sensitive personal information and the capacity of officials to detect special needs.”

The Strategy (2019: 46) recognises the need to “provide training in the field of developing intercultural competences, and special knowledge should also be acquired (identification of the vulnerable, identification of various symptoms, victims of violence, torture, trafficking in human beings, etc.)”. And the Report on the work of the Migration Directorate for 2020 (2021: 32) states:

*“Two national training courses were carried out in 2020 on the basis of European Asylum Support Office modules. The national coach for the Dublin Regulation carried out the training for 25 public officials, the national coach for interviewing vulnerable people carried out the training for six public officials. One public official was trained as a national coach for the procedural directive module and for the fundamental rights and international protection in the EU module. Coach training for searching information about the countries of origin also included one public official of the Migration Directorate.”*



While again, this sounds positive in theory, in practice, we often observe a lack of intercultural competences and victimisation of asylum seekers. It seems the competent authorities do not start with their conduct of proceedings and their decision-making from a neutral point but are already convinced the asylum seekers are trying to fool them and are abusing the institute of international protection. It does not seem that they are trying to establish material truth in the procedures but rather look for errors and discrepancies in the applicants' statements, disregarding that they might stem from translation, cultural differences, psychological state and many other circumstances. Often it seems a country-of-origin information is used selectively to the detriment or to the advantage of the applicant, depending on the starting point of the decision making or the country of origin of the applicant.<sup>14</sup>

## Residency

In the field of residency, there are still considerable differences between those BIPs receiving refugee status and those receiving subsidiary protection. The first group receives a permanent residency permit with the status, while the second group only receives a temporary residency permit which needs to be extended, just like subsidiary protection itself. Thus, their future is uncertain for at least five years, until they can finally apply for a permanent residence permit (if they meet all the conditions).

## Family reunification

While family reunification procedures are anything but easy for BIPs, it is worth emphasising the positive aspect of the legislation in this field. Namely, the broad definition of a family or family members, which includes:

*“a spouse, civil partner, or partner with whom the refugee has a long-term relationship; minor unmarried children of the refugee; minor unmarried children of the spouse, civil partner or partner with whom the refugee is living in a long-term relationship; the adult unmarried children and parents of the refugee, spouse, civil partner or partner with whom the refugee is*

*living in a long-term relationship, if the refugee, spouse, civil partner or partner with whom the refugee is living in a long-term relationship is obliged to support him/her under the law of the country of which he/she is a national; the parents of a refugee who is an unaccompanied minor.” (Art. 47a of the FA)*

Exceptionally, the competent authority may also consider another relative of the refugee as a family member if special circumstances are in favour of family reunification in the Republic of Slovenia. Special circumstances are given where there is a living community between other relatives that, due to specific factual circumstances, is substantially similar to the primary family or has the same function as the primary family, which means, in particular, genuine family ties between family members, physical care, protection, emotional support and financial dependence (Art. 47a(4) of the FA). However, it is very costly for BIPs to actually bring their family members to Slovenia (depending, of course, on the number of family members and the country of origin). Most BIPs cannot afford to cover such costs, and they depend on ad hoc fundraising campaigns of humanitarian organisations.

## Citizenship

In terms of access to citizenship, the positive aspect is that there are reduced conditions for BIPs compared to other TCNs, and that all years of actual living in Slovenia are counted towards the 5-year condition. Also, BIPs are exempt from paying the administrative fee (which is around EUR 200). However, there are still other costs related to the procedure, and some of the conditions are difficult to meet, especially the procurement and proof of sufficient financial means.

## Housing

One of the most problematic situations in terms of immigrant integration, in general, is the lack of affordable housing overall in Slovenia, where the majority of the population are owners of their accommodation and a significant share of renting is within a shadow economy. Rents have surged in the past years (especially in Ljubljana and in coastal towns, such as Koper etc.), and it is difficult to afford a suitable residence with average or even lower salaries or the financial assistance from the state. The problem is also that to receive financial assistance

<sup>14</sup> We base this observation on claims of several asylum seekers and BIPs, on first-hand examination of their (negative or positive) decisions, and on interviews with several practitioners and activists providing legal assistance to asylum seekers and BIPs.

from the state, BIPs need to present a tenancy agreement, whereas many flat owners do not give out a tenancy agreement at all or do not put the actual rent price in the contract to avoid paying taxes (knowing full well that they are in breach of law). The main additional problem is discrimination on the part of the flat owners, who do not want to rent to TCNs in general and BIPs especially.

Consequently, BIPs face instability and are often forced to move, which causes significant distress as they then have to also change kindergartens, schools, doctors, and their entire social network of neighbourhood ties that are crucial for their social integration and well-being. This is especially pertinent for families with children enrolled in schools. Furthermore, they are extremely stressed out as they do not know what their housing situation will be next month or the month afterwards. Some families move several times during their first years in Slovenia (i.e. from asylum home to integration house, then emergency first flat they find when they have to move out, then on to a better (or worse) flat, etc.); it can be between very different parts of town or even between different cities. Therefore, children must change schools and again start integrating into a new environment. Also, contracts given by landlords are not long-term, mainly up to a year. After two years, when BIPs are not entitled to financial housing support anymore, they have to fend for themselves, and covering rent for an apartment big enough for a family (usually on one low salary) is virtually impossible.

When renting an apartment, it is expected by owners that tenants would pay a security deposit plus one or two rents in advance. However, BIPs are usually waiting to receive financial assistance for more than one month or up to two months after recognition of status. During this period, most of them do not have any financial means, not even for food, and certainly not for rent or two rents. Owners of the apartments rarely agree to wait that long. This financial situation has become much worse since 2016, when the IPA was changed, and one-time financial help upon status recognition was abolished.

It has often been reported that some flat owners take advantage of the precarious situation of BIPs by asking unreasonable prices for very low-quality housing. One of the biggest problems is also that the owners do not allow BIPs to register the address as their permanent address (which they need to arrange all other formalities), because of the misbelief that tenants with permanent addresses registered at the rented apartment could not be evicted even if they stopped paying rent.

Immediately after receiving status, an ordeal starts for BIPs. They live in a perpetual state of crisis, as they have to take care of all the basic necessities for living and survival. The main one and one of the most challenging obstacles is housing. In the month or even more after receiving status or after they have used up the period of living in the integration house, BIPs spend all day long looking for a suitable flat, many with the help of not one but two, three volunteers and friends and NGOs. It completely preoccupies their life and takes a toll on all other aspects (job, school, language classes, social orientation classes, etc.) of integration. Dysfunction in one area of life impacts all other aspects. If one does not have appropriate housing, they have to look for a flat all the time, they cannot look for and get a job and focus on employment, they cannot apply for social assistance if they do not have a permanent address registered etc. The appalling lack of appropriate and affordable housing for the most vulnerable groups in Slovenia is indeed in dire need of swift change.

Another problematic issue related to housing concerns specifically asylum seekers. The Asylum Centre is not a suitable environment for children to be brought up in. They sometimes live there for years since the asylum procedures take so long, and this issue could have been resolved in a better way. Experts report that even especially vulnerable families wait for a long time to be settled outside of the Asylum Centre.

The housing situation for UAMs is another issue still awaiting systemic resolution. Currently, they are accommodated in the Student Dormitory Postojna (already as asylum seekers and also after they receive the status). An OSIM-led working group was set up to tackle the issue, but its work was stalled over the past two years. Student dormitory is a temporary solution, and it raises lots of issues, due to poor understanding of the children's needs. For example, during the weekend, Slovenian children mostly go home to stay with their parents, so the kitchen is closed. Therefore UAMs get cold meals throughout the weekend. At the end of 2020, five BIP children were living in Postojna. At the time of writing this report, a part of the building of the Asylum Centre in Logatec was renovated to be devoted to UAMs. However, before this happened, as in March 2022, the refugees from Ukraine started arriving in Slovenia, this renovated building was devoted exclusively to them. Thus, all UAMs continue to live in the Student Dormitory Postojna.

## Employment and vocational training

One of the issues in employment is that no institution (neither OSIM nor Employment Service of Slovenia) collects data on how many asylum seekers and BIPs are employed, self-employed, employed full-time, part-time, etc. The Employment Service only has data on those unemployed BIPs registered as unemployed, and once they get employed, the employment service does not keep track of them anymore. Therefore, a lot of information is missing for an in-depth analysis of this field. The general belief is that most BIPs are unemployed and receive social assistance. However, no research has been done so far to verify this assumption and present the actual data.

Asylum seekers may only start working legally 9 months after their initial asylum application, and only if their application is not rejected at the first instance in the meantime. During these months, they live in the asylum home, where they receive basic food, but apart from that, they have to survive on only EUR 18 allowance per month. This amount is not enough even to buy a monthly bus ticket, to be able to leave the industrial zone in which the Asylum Centre is placed (consequently, asylum seekers often search for informal jobs on the black market). If and once they do receive a working permit, some experts report, they are often momentarily in a better situation than BIPs, as they do not have so many other obligations (such as language and social orientation classes, looking for an apartment, family obligations, personal issues).

BIPs do have access to employment in Slovenia. However it is a question of what kind of jobs they are able to obtain (jobs related to their own profession or any kind of jobs or mainly physical work). Very often, they do not have documents to prove their profession or official education and it is difficult for them to obtain these documents. The Slovene language is usually emphasised as the main barrier, as for the majority of jobs in Slovenia, language knowledge is requested even in positions where this is not required by the daily work or could be bridged in another way. On the other hand, in places where employers need a low paid workforce, language is not presented as a problem. Still, NGOs are reporting that in some low paid jobs in factories, where labour involves high risks, employers prefer migrants from Balkan countries, as the languages are more similar, and it is thus easier to communicate with those workers. There is a lack of work positions where language would not be immediately required.

BIPs with specific qualifications/skills might find employment faster than those without any specific knowledge or expertise or any education at all. Some of them find work at different NGOs dealing with refugees as translators and similar, while most offers they get from the Employment Service are for assistance in the kitchen of restaurants, food deliveries, or other physical work. NGO representatives report that it is easiest for BIPs to get employed in low-paid work in production, construction, industry (but there is ample exploitation and high intensity work with bad working conditions) or with “alter” employers, for example, restaurants which offer ethnic food, in environments that are more adaptable and welcoming to diversity. Lately, many BIPs work in the platform economy, such as food delivery, which is notorious for precarious employment.

NGOs and BIPs also report that sometimes employers do not understand the legal framework for the employment of refugees and rather decide to not have “additional problems” with employing them (even though the framework is the same as for nationals). Some employers exploit the vulnerable position of BIPs, who, due to the language barrier and absence of a social network, accept lesser paid and harder jobs more quickly. It often results that working conditions are bad and also that BIPs are not informed about their rights and/or ways how to enforce them. Or even if they are, many times, there are no effective ways to enforce their basic workers’ rights (such as annual leave, sick leave, paid overtime etc.). Simultaneously, BIPs are often not aware of the labour law and culture in Slovenia (for example, if one is sick, one needs to get sick leave certificate from their general practitioner to be able to stay at home, etc.). It is tough for female BIPs to get employed. In contrast, on the other hand, there is an expectation on the side of some BIPs that women will take care of the family and that the family will be able to survive on one salary – which is not the case in Slovenia.

For obtaining a national vocational qualification, one may only participate if one can show a document confirming concluded elementary school. Many adult BIPs attend elementary school programmes for adults (if either they failed to finish primary school yet or they did not have proof and thus cannot continue their education in Slovenia) at the beginning but never finish as they see it takes too long and they need to start working to provide for themselves and their families. Also, they often feel that the knowledge they receive there will not help them get integrated and find suitable employment. The problem is also that the professions (mainly various crafts) for which they were skilled in their countries of origin do not exist or are rarer in Slovenia or pertain to a particular formal qualification as a

condition of employment. BIPs could be performing a particular profession for many years without having formal education for that profession (for example, hairdresser, running a cosmetic salon, etc.), but in Slovenia, they are not able to continue working if they do not have formal education for that or if they do not obtain a certificate for their professional qualifications, which is a complicated procedure for them. A lack of programmes exists for apprenticeships and learning the Slovene language on the job, which could be a good practice to overcome language barriers through employment.

## Health

BIPs are in an equal position to citizens, but it is mostly different in practice. BIPs can face numerous obstacles since it depends on what kind of health insurance they have (only basic or also additional) and which services it covers (however, this goes for all residents in Slovenia, not specifically BIPs). The main problem is access to the primary care – general practitioners: there are not enough of them, and it is a big issue for citizens and BIPs alike to find a general practitioner that would take them. General practitioners decide for themselves (depending on how overburdened/how much capacity) who they will accept. We are not sure if this works on a “first come, first served” basis. This problem is exacerbated every year and will have to be dealt with on a systemic level.

There is plenty discrimination and inappropriate attitude and relations in the health system toward BIPs. NGOs report that accompanying BIPs to the general practitioner makes all the difference, but that even they themselves were witnesses to shouting, screaming, and other sorts of discriminatory abuse of BIPs in the health system. Such conduct results from discrimination, prejudices, stereotypes, lack of inter-cultural competency and skills, language barriers (unavailability of translators and cultural mediators), insufficient financial means and not enough time (general practitioners have about 7 minutes per patient) to deal with each patient. Barriers of access were only exacerbated during the COVID-19 crisis when general practitioners were unreachable, one could not just walk into a health institution under no circumstances but had to secure an appointment beforehand, by phone or email, and general practitioners were (and still are) even less reachable than before.

One of the issues relating to various integration aspects, also health, is the lack of free access to inter-cultural mediators and interpreters – to bridge language as

well as cultural gaps and barriers. Free interpretation services are available to asylum seekers inside the Asylum Centre on certain occasions, not systematically and not always. In general, there are no interpretation services available in the health system. NGOs working with refugees (i.e. the Slovene Philanthropy, Odnos, the Red Cross) have their own cultural mediators and/or interpreters and can also use them for escorting people to medical appointments. However, this is not ensured systematically (especially if medical emergencies happen at a late hour or night). Also, the number of BIPs in the country is slowly rising, and needs are increasing. Many times, interpreters are unavailable, or they are overburdened. Many or even most of them work as volunteers. Very often, children are in a position to interpret for their parents, which should not be the practice. There was an interpretation tool created for communication between general practitioners and foreign language speaking patients, but it is not routinely in use. A systemic solution is needed.

For asylum seekers, only urgent health care is available. Thus, it is a question if their health issues are even recognised as “urgent” and then treated or not. However, lately, in practice, it often turns out that asylum seekers are better off than BIPs, because asylum seekers at least have access to a nurse (and to some extent a general practitioner) within the Asylum Centre, while for BIPs (especially in Ljubljana) it is virtually impossible to find a general practitioner that takes new patients. However, concerning asylum seekers, their medical issues are being dealt with in the medical wing of the Asylum Centre, but often – depending on the number of residents – there is not enough capacity to deal with everyone. Especially problematic is dental care – when asylum seekers suffer from dental pain, the only thing offered is a tooth extraction.

## Social security

Upon recognition of international protection, BIPs first meet with an integration counsellor at OSIM who informs them about their rights and entitlements regarding social services. They are also directed towards entering the Slovene language course and social orientation course. The NGOs assisting BIPs with integration also accompany unemployed BIPs and help them fill out applications for social assistance. However, there are no specific written materials provided by the state which would inform BIPs of their social assistance rights.

According to the legislation, BIPs shall be equal to citizens. The main barrier is complicated paperwork in the Slovene language, delays and long waiting periods, which became even longer in 2020 due to delays of the administrative institutions related to the pandemic. NGOs working with BIPs on a daily basis also report that some Centres for Social Work, the public institution which is competent to provide social assistance, or some individual social workers employed there, are not aware of the rights of BIPs in Slovenia or are ignorant of explanations and sometimes unduly deny BIPs applications for social assistance. The appeal process then unnecessarily prolongs the procedure, and BIPs have to somehow survive through months without any support.

The area of social work with BIPs is institutionally marginalised. There are not enough resources amongst social workers given to this issue. Furthermore, there is a lack of knowledge on their rights and status and discrimination. BIPs need enormous help from volunteers or NGOs to navigate the system, fill out the appropriate paperwork correctly, receive interpretation and advocacy services etc. NGOs report that during the COVID-19 pandemic, such help was needed even more, as it was even harder to get an appointment or they had to conduct activity with the bureaucratic systems through phones or emails, and BIPs needed additional help with such operations. They are worried, saying that even after 3 years of official integration period (which has been reduced to only 2 years), many BIPs are not able to fend on their own. Speculating, this is probably due to the language barrier and the overall complexity of the system, which is sometimes insurmountable even for nationals.

The precondition for applying for social assistance is a registered permanent residence address – meaning that BIPs must first rent out an apartment (assuming the owner lets them register their permanent residence at the actual address) or be housed in the integration house to be able to apply for social welfare assistance. One does not go without the other, and as already mentioned, the amendments in the Residence Registration Act exacerbated the already existing issues.

BIPs often face problems with opening bank accounts in Slovenia – which is essential for receiving a salary or social assistance. There was an attempt by state institutions, such as the Advocate for the Principle of Equality, to explain to the banks that this is a form of discrimination and that they are obliged to open the basic account for every person. However, there are still issues in practice.

As already mentioned earlier in this report, due to the 2019 amendment to the Labour Market Regulation Act, a new condition is required for all TCNs (including BIPs) to be registered in the unemployment register and access social assistance.<sup>15</sup>

## Education

Even though NIEM indicators show a minor step back in the field of education (due to specific information the indicators cover) for 2020, the educational field is among the more adequate regarding refugee integration. Based on the 2007 Strategy for the Integration of Migrant Children into the Education System, the Guidelines for the Education of Foreigners' Children in Kindergartens and Schools were adopted in 2009 and supplemented in 2012. In 2013, the Ministry of Culture adopted a Resolution on the National Programme for Language Policy 2014–2018, which sought to improve opportunities for learning the Slovene language for parents and children, to develop the basic school curriculum for the Slovene as a second language and new learning material. As a follow-up, in 2018, the Ministry of Culture began preparing the Resolution on the National Programme for Language Policy 2019–2023.

According to the legislation, migrant children residing in Slovenia have the right to attend primary school under the same conditions as children of Slovenian citizens. However, at the upper secondary education level only citizens of other EU Member States, Slovenes without Slovenian citizenship and refugees can enrol under the same conditions as Slovenian citizens. Other TCNs' right to education rests on the principle of reciprocity, which means based on international treaties, and the Ministry of Education determines the number of enrolment places for these students (MiCREATE, 2019: 85). In 2017, the document Integration of Immigrant Children into the Slovenian Education System was issued by the Ministry of Education. Based on the amended regulations, a concept for inclusion and work with immigrant children is being prepared by the Ministry.

Awareness-raising about refugees and integration among pupils/students and school staff is done on an ad hoc (projects) basis. The Peace Institute has also been carrying out workshops at schools,<sup>16</sup> sensitising students and professors on the issue of migration, asylum, integration etc.

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<sup>15</sup> See section 5.1.3.

<sup>16</sup> In 2020, after the government changed, the Government Communication Office decided

Too much organisation and additional programmes for BIP children are left to schools to fend on their own, decide whether to introduce special measures or not. Integration of UAMs is thus too big of a burden for schools, especially the ones lacking experience. There are some guidelines at the national level (the Ministry of Education). However, even language courses are left to schools to decide to what extent and how to organise them. Experts report that many migrant children (including BIPs) are deprived because they do not receive enough hours of the Slovene language course to be able to follow the curricula. Then it depends on schools if they provide additional language classes with the help of teachers or volunteers, or they push in the direction of getting some kind of behaviour or other disorder diagnosis, which is then the basis on which the school can assign additional help for children and financially manage it. In this way, the child can receive more individual help to follow the curricula. As a result, such a system produces systemic discrimination against migrant children.

There is a tendency for BIP children to be directed towards “easier” schools and vocational schools instead of grammar schools. In theory, they have equal access to secondary schools as nationals. However, they are often not eligible to get into certain (more demanding) grammar schools because their grades are too low due to the language barrier. It must be emphasised that most migrant (also BIP) children speak several languages when they arrive in Slovenia. Since there are only a few foreign (private) schools in Slovenia which are very expensive, migrant children have no choice but to continue schooling in the Slovene language.

The same challenge applies at the tertiary level. It is tough for BIPs to study in the Slovene language, even if they have lived in Slovenia for some time. There is only one public university programme in English – at the Faculty of Economics, University of Ljubljana. Thus, the majority of BIPs that study in Slovenia are enrolled in this programme. Furthermore, it is mainly impossible for BIPs that do not receive financial support from family to study as they have to work to survive.

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not to continue funding awareness-raising activities aiming at a two-sided integration process. It also refused to pay the costs of already implemented project activities. This was done as an attempt to quiet down those critical NGOs speaking openly and loudly about the numerous issues related to migration.

## Language learning & social orientation

It is generally true that younger children learn a new language quicker. However, pre-school children are not entitled to a Slovene language course. Those children that are enrolled in kindergarten mostly do learn Slovene (and learn quicker than their older siblings or parents). However, children that are not included in kindergarten (which is not obligatory) do not have any support to learn the language, which impairs their possibilities for development. Moreover, primary school children often do not receive enough Slovene language hours to learn the language and follow the curricula adequately.<sup>17</sup> This is even more so for high school children.

Also, adult BIPs report they do not consider 400 hours of the Slovene language course as sufficient for them to speak fluently. Most of them reach the basic level of A1 or A2. Some would want to continue learning and take an advanced course. However, this is mostly too expensive for them, and the state does not provide further free language courses. Some BIPs report feelings of shame as a barrier to fully participate in the courses and use their knowledge in practice. People often lack opportunities to practice the Slovene language if they do not have a social network or a job in Slovenia. Those who speak English very often continue to communicate in English instead of trying to communicate in the Slovene language.

One of the issues regarding the language is that children learn the language before their parents and are, due to the lack of available free translators frequently put into the position of having to translate for their parents and families. This way, they are even more exposed to everyday issues of poverty, inaccessibility, health issues etc., which is inappropriate, unacceptable, and is a further strain on their mental health.

An orientation programme is very much needed and should be implemented systematically, not through short term projects as it was in the past (with limited duration, financial and human resources). It seems it will be more official now that it has become a prerequisite to receiving financial help (with the IPA amendment), but it is still being deployed through project funding. NGOs receive limited financial means to implement projects (social orientation and assistance with integration).

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<sup>17</sup> See section 5.1.3.



Therefore, only a certain number of people (staff and cultural mediators and translators) can be employed – not enough to deliver intense quality programmes plus attend to all the specific needs of the beneficiaries and consider all vulnerable groups. They received reduced financial means in the past years.

Furthermore, by law, asylum seekers are eligible neither for publicly funded social orientation programme nor for language course. Considering how long the asylum procedures in Slovenia are, it would be beneficial not only for asylum seekers but also for the host society and state to include them while waiting for their status.

### **Building bridges to the civic engagement of BIPs**

It is not very likely that BIPs are involved in civic or (even less so) political activities. There is a whole spectrum of reasons for that. Some BIPs fled their countries of origin for political reasons, and they have a negative experience with political engagement. In their host country, they do not want to “get into trouble”. The lack of financial security or living in poverty and on the outskirts of the society is often blocking BIPs’ active social participation. Mostly, various socio-cultural activities in which BIPs participate are organised by NGOs that have a longer relationship with BIPs and, therefore, have built trust. There are also some cases of BIPs being actively involved in voluntary work within NGOs. BIPs in Slovenia are more motivated for voluntary work (compared to other countries) because there is a small monthly financial compensation for that (if they sign a contract on voluntary work).

The lack of a specific BIPs integration strategy at the national and the local level is hindering the process of building bridges with the host society. This should not be such a demanding step, especially in Slovenia, where there is a very low number of BIPs in the whole country. Other factors hindering the process of building bridges with the host society (which is actually a two-way process of integration) are prejudices, discrimination, xenophobia, and intolerance towards migrants in general. Some BIPs said they do feel welcome in their host society. However, many of them report the opposite. It is perhaps easier for families to bond with the host society through their children (meeting other children’s parents in school, for example). Schools often offer activities free of charge and help children get involved.

The reality is also that BIPs (especially in their first months after the status recognition) face severe financial problems, and they need to focus first on getting to know the system, contact all relevant state institutions, schools, health centres etc. They often do not have energy or motivation to think about how to be actively engaged also through various civil society organisations. Some beneficiaries do, but not that many. It is a bit easier for those who have built a good social network already while waiting to receive international protection.

Some NGOs report they had arrangements with the Asylum Centre to carry out their project for asylum seekers. However, when needed, there was no response. The authorities persistently ignored them. Also, NGOs representatives and experts stress the responsible institutions consistently ignore them, and how they are unable to build a partnership relationship for the benefit of BIPs and the host society. They have the most experience in the field, they work with BIPs and try to sort out their immense problems on a daily basis, they have the expertise, and they consistently follow developments nationally and internationally. Therefore, they are very much equipped with the knowledge and experience to put forward ideas for policy and practical changes. But they are being ignored. There is an atmosphere that the responsible institutions deem their ideas and critique as unfounded and hostile. Good practices are doubling up through unreliable/short-term project funding instead of being systematically implemented. However, it should be noted that this has changed in March 2022 with the arrival of the refugees from Ukraine. New practices of joint work and collaboration have been established with the arrival of refugees from Ukraine and we expect these practices to be anchored as permanent in the field of asylum in Slovenia.

## COVID-19 influence on BIPs lives and integration prospects

Following the global COVID-19 pandemic, on 12 March 2020 epidemic was declared also in Slovenia. From that day on, several measures have been adopted at the state level to prevent the further spread of the virus. In 2020, we conducted **interviews with BIPs and asylum seekers**, asking them how these measures have influenced their lives. In 2021, we conducted additional interviews and discussions with BIPs and asylum seekers, as well as with representatives of the **NGOs** that work with refugees on a daily basis. This gave us a good insight into how the epidemic and the government measures have influenced the everyday lives of BIPs and asylum seekers in Slovenia.

Around half of our interviewees said luckily, they did not need to arrange formalities during the lock-downs, while the other half said it took them quite some time to figure out how to arrange something online or over the phone. All formal procedures during the COVID-19 epidemic were either supposed to be arranged online or postponed. NGO representatives reported delays and difficult access to administrative units, where procedures for residency must be arranged, for example. Before the COVID-19 epidemic, the administrative units held working hours when people could access them in person. NGOs reported that they would accompany BIPs there directly. If they had a question, they could thus receive an answer and help with an issue immediately. Still, even before the epidemic, there were significant delays in the Department for Foreigners, while the situation at other administrative units was normal, and a positive experience with the staff was reported. But the COVID-19 epidemic significantly affected access to administrative units. It was impossible just to walk in and meet in person. Every client had first to schedule an appointment through a telephone call. Often, telephone lines were overburdened, and the officials answering the phone did not let people through, so sometimes, one needed to keep making the same phone call for days. The overwhelmed and inaccessible administrative units posed a challenge for everyone, but NGOs working with BIPs reported that this problem presented another issue since helping one BIP access the administrative unit for one issue took a lot more time and capacity on the NGOs' side.

The COVID-19 epidemic also impacted the prolonging of the procedure of family reunification after the application by Mol is approved. There were fewer flights, and

it was more difficult to organise a trip for family members to arrive in the country. There were also additional costs due to COVID-19 tests etc. One BIP reported he could not reunite with his family during the lockdown in 2020.

We asked the interviewees how the COVID-19 situation influenced their employment, income or financial situation. The majority of them said there were no changes for them since they were not employed and were receiving social assistance. Most others said they were still working as usual (working in fast-food restaurants, which were delivering food also during the lockdown), or working from home, or waiting at home for work to resume again (and were receiving lower income in this period or a “government support” in the amount of a minimum wage and they could temporarily stop paying their social contributions). A few persons lost their jobs after the epidemic was declared.

Even though the Employment Service of Slovenia employs two people to specifically work with the unemployed BIPs, according to information from NGOs, they were mostly unavailable in 2020 due to other commitments at the Employment Service. Apart from that, the only policy still available specifically to BIPs is (since February 2017) a special programme for “on-the-job” training for 6 months: employers receive some funds for the enactment of training, while the beneficiary receives transportation and food allowance and payment in the amount EUR 3 per hour. In 2020, most likely due to the COVID-19 epidemic, only 7 people were involved in this training. The Employment Service also offers special workshops for BIPs: integration into the labour market (90-hour programme). However, in 2020 the programme was inactive due to the COVID-19 epidemic.

During the pandemic, some BIPs had to move because they lost their jobs and could not afford to pay the rent anymore. In some rare cases, BIPs reported their landlords lowered the rent. However all of the interviewees said their costs, in general, increased (due to spending more time at home, consuming more electricity, heating etc.). For several people, their housing situation influenced their learning/working from home. Existing analyses confirm how the COVID-19 epidemic has had an immense impact on schools and education. The education process was interrupted and moved online. It took people quite some time to adapt to the new system especially due to lack of knowledge or skills in using technology (parents being computer illiterate), language skills (unable to follow online learning if not fluent in Slovene), strict timing of online courses (which lowered the possibility of communication between the students and teachers). The majority of interviewees said they or their children were learning from home and were getting

assignments online. Assisting their children and learning online was challenging also due to the low level of parents' education (not being able to assist their children with schoolwork). However, one of the biggest obstacles was the gap in level of language skills between children and parents. In all our interviewees' cases, children speak better Slovene than their parents, but still not enough to learn independently. Several people said they would have needed more help and assistance during the quarantine period. They were helped out by schools and humanitarian and volunteer organisations to some extent. Nevertheless, many children did not attend school anymore, especially the ones that just started attending and would from the beginning have to attend online, without knowing any schoolmates or teachers. Lack of technical equipment was a huge problem for big families because classes of children were mostly held at the same time, and they did not have enough tools for all of them to follow. NGOs explained that schools and the Ministry of Education did not by themselves immediately figure out that BIPs would need additional assistance with accessing computers and also due to computer illiteracy (of children and parents). After notification, they worked together with schools to try to bridge these gaps, but there are school children who completely dropped out. Two NGOs, the Slovene Philanthropy and Odnos, were trying hard in May and June 2020 to help school children pass to the next grade, and they were partly successful.

Also, for everyone attending the Slovene language classes, there were changes during the epidemic. Classes were suspended, and they only had a few meetings online with their teachers. The duration of the courses was even more compressed after the quarantine. Also, technical equipment amongst refugees was scarce as well as capacities and knowledge of the use of technical equipment. The one-month social orientation course was suspended because it is a group activity, after approval of the financier, it was moved online; the problem was that it took unusually long for the financier to approve the annexe of the funding contract (and allow for it to be done online), this was only in spring 2021, which meant that the orientation programme was suspended for almost a year.

The majority of interviewed BIPs said they received the information regarding COVID-19 and preventive measures on time and in a language they understood (English, Arabic, and Persian, for example) through OSIM. Others said they received at least some information but not in their language, and only a few of them said they did not receive enough information. The majority of interviewees said they would especially need more information about the changed medical system because they felt lost. Due to the COVID-19 epidemic the access to medical care

and assistance has been further reduced: all appointments that were not urgent were cancelled; personal access without an appointment is still strictly forbidden – whereas many general practitioners had their phone lines always busy, and it was near-impossible to reach them. It seems that, at least regarding the testing and vaccination, there have not been any issues for BIPs.

NGO representatives report that the pandemic measures took a toll on their access to institutions, especially the Asylum Centre. The NGO Društvo Up ran a project on psycho-social support inside the Asylum Centre, which ended during the pandemic, and a new project was not established. Rather, the OSIM decided to offer all services in the Asylum Centre “in-house” by their own staff. They even employed new people in positions titled “social worker”, even though the new employees are not social workers by profession and education. Asylum seekers reported that after Društvo Up left the Asylum Centre, the situation there changed fundamentally: there are no more special activities that used to take place (socialising, going out on field trips, having events, etc.). Now asylum seekers only do this sort of activity if they self-organise amongst themselves. A large majority of asylum seekers leave soon after arriving or at some point also because living in the Asylum home for a prolonged time becomes unbearable.

Around one third of the interviewed BIPs said they had no major issues during the lockdown period, while more than half of people responded the COVID-19 situation had had a big influence on their relations (some separated from their partners and conflicts between partners intensified), several people were facing mental health problems, depression or just having a difficult time staying at home or avoiding social contacts for so long.



## REFLECTION & CONCLUSION

The National Report on Slovenia presented the third – and within NIEM project also final – evaluation round on the implementation of various areas of integration policy toward BIPs. Its focus was the period between 1 January 2020 and 31 March 2021. It was aimed to not only offer the latest data and fieldwork results in the area of BIPs' integration in Slovenia but to also revisit and emphasise the existing EU integration principles that have informed the construction of the NIEM tool. These principles should be seen as the pillars on which each EU Member State's integration policy is built.

The report listed all relevant legislative changes and offered a critical analysis of their consequences on the factual life situation of people with international protection status in Slovenia. We investigated various processes that either thwart or facilitate the integration of BIPs by articulating the existing institutional dimensions and offering insight into factual experiences and actions of men, women and children affected by legislative changes. We argued that despite many obstacles and an often-hostile environment, especially in bureaucratic procedures, many BIPs still somehow manage to navigate the system, though notably with substantive assistance from NGOs, activists and certain public employees who, despite the flaws in the system, go the extra mile to accommodate refugees' needs and foster integration and inclusion.

Drawing on fresh empirical data gathered in 2020 and 2021 through individual interviews with male and female BIPs, as well as interviews with key NGOs in terms of migrant integration, we were particularly interested in the state's top-down perspective of integration through language acquisition and cultural adaptation of BIPs. This brought about a conclusion that corroborates already existing research which shows how BIPs overwhelmingly adapt to their host societies and invest their energies, resources and time in the process of integration. The same could not be said for Slovenia as the host society that, time and time again, reveals itself as a nationalising machine that lacks understanding of integration as a two-way process requiring an adaptation also from the local population and factual institutional inclusivity practices.

The biggest obstacles remain lengthy and unwelcoming official procedures, whereas due to the COVID-19 epidemic, the proverbial distance of Slovenian

people towards foreigners was only amplified, as human interaction almost stopped. In addition, lockdown meant that many BIPs were left entirely to their own devices and cut off from services that predominantly moved online and discriminated against non-Slovene speakers. Addressing the obstacles and needs experienced by BIPs, the COVID-19 pandemic but especially how the epidemic was managed by the state in Slovenia, was just another negative influence on their integration processes. Although the latest analyses indicate how education services – particularly language courses – were the most likely type of service to be moved online across all EU countries, the Slovenian reality was that overnight all crucial services previously available to BIPs, not only language and integration courses for foreign nationals, were stalled or even cancelled, resulting in a massive backlog in terms of accessibility, at least initially.

To be more successful, language courses should be tailor-made, and different factors should be considered. Some of them being: illiterate persons or illiterate in Latin handwriting should first attend a literacy course; groups of learners to be created based on their pre-knowledge and countries of origin (for example, a group of people from Western Balkans or Slavic countries learning together with people from African or Asian countries where languages have no similarities to the Slovene language is most likely not able to learn at the same pace; vulnerable groups should be identified, and their potential difficulties in learning should be addressed, etc.

Language barrier pops up in almost all fields of integration. Translation services are needed, there is no doubt about that. A systemic solution for the growing interpretation needs of BIPs and also other immigrants in different public services on a national and local level is needed. A call centre that would offer interpretation services, set up, for example, by OSIM and offered as a service to all public institutions, could be established to provide timely, qualified interpretation. The regularly employed interpreters should be well-trained in interpretation and the Slovene language with regular additional training and professional development. As long as translators are not trained both linguistically and in the interpretation profession itself – including specific training for interpretation in the context of asylum (e.g. UNHCR, 2017), the shortcomings of translation must be considered when deciding in international protection proceedings.

Due to the complexity of the social welfare system, which is often difficult to navigate even for the nationals, let alone the newcomer TCNs, the state should

provide specific materials which would inform BIPs of their social assistance rights, for example, a brochure on social assistance rights in various languages and translation of crucial information on web pages of the Centres for Social Work into languages, understood by the BIPs. Similar has already been done for the healthcare system for TCNs (including BIPs) and could be used as a good practice to learn from. However, in addition to creating such materials, they must be broadly distributed.

A social orientation programme is of utmost importance for the integration of refugees and should be implemented systematically, not through short term projects with limited duration, financial and human resources. The state should provide more support, and considering how long the asylum procedures are, it should fully include asylum seekers in the social orientation and the Slovene language programme. It would be beneficial not only for asylum seekers but also for the host society and state as such.

What is also beneficial for society is investing more efforts and means in the quick and holistic integration into the educational system (from pre-school to tertiary level). It might seem like a burden and a considerable expense to the state at the moment. However, this field should be looked at in relation to employment, and long-term strategies should be planned.

No simple solution exists for BIPs when it comes to housing as this is one of the main issues also for citizens and other TCNs living in Slovenia. However, at least in one part, this problem could be addressed and hopefully solved: if flat-owners do not allow BIPs to register the address as their permanent address because of the misbelief that tenants with permanent addresses registered at the rented apartment could not be evicted even if they stopped paying rent, there is a need for awareness-raising campaign to explain the legal basis and to bust this myth. However, it will be harder to break the racist prejudices and stereotypes in the minds of owners who, no matter what, do not want to hand over their property to foreigners, let alone refugees.

We conclude this report with a finding much like we did in the previous two rounds of the evaluation: that significant change is necessary to ensure the proclaimed integrational goals and acclamations. Administrative procedures that may appear exemplary on paper still need implementation in practice, and bureaucratic matters remain problematic in Slovenia. This involves receiving the correct and quick information in regards to various issues. Access to services is challenging in smaller towns and villages (or in places where there are considered to be no immigrants, let alone BIPs). There is also a lack of services or support to include BIPs in the needs assessment processes.

All our research findings as well as this report point to the fact that integration is by far not understood as a two-way process in practice, but rather as a process of assimilation of the individual BIP. The main issues and challenges that BIPs are facing in Slovenia still remain the same. Broad social and political integration as a two-way process should be the leitmotif of the comprehensive integration policies. Although this is still not the case, we remain optimistic and expect that this will soon change in Slovenia as well.



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**Mirovni inštitut**

Inštitut za sodobne družbene in politične študije

