



# PRIPOROČILA ZA UVEDBO PROGRAMOV ZASEBNEGA SPONZORSTVA V SLOVENIJI

## RECOMMENDATIONS ON THE INTRODUCTION OF PRIVATE SPONSORSHIP SCHEMES IN SLOVENIA





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Dopolnilne poti za jugovzhodno Evropo

*Complementary pathways for Southeast Europe*

**Projekt COMP4SEE - Dopolnilne poti za jugovzhodno Evropo**, ki ga implementirajo Hrvaški pravni center (HR), Mirovni inštitut (SI), Pravni center za varstvo človekovih pravic in okolja (SI) in Fundacija za dostop do pravic (BG)

**Project „COMP4SEE - Complementary pathways for Southeast Europe“** implemented by Croatian Law Centre (HR), Peace Institute (SI), Legal Centre for the Protection of Human Rights and Environment (SI), Foundation for Access to Rights (BG)

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### I. UVOD

#### a. O projektu COMP4SEE

Dopolnilne poti v jugovzhodni Evropi (COMP4SEE) je dvoletni projekt, katerega cilj je razviti dopolnilne sheme prihoda oseb, ki potrebujejo mednarodno zaščito v treh EU državah članicah – Hrvaški, Bolgariji in Sloveniji - ki še niso vzpostavile sistemov za zakonit sprejem, razen izpolnitve obveznosti, ki izhajajo iz Skupnega evropskega azilnega sistema in evropskih programov premestitve (delitve bremen). Namen projekta je vzpodbuditi uresničevanje Skupnega okvira EU za upravljanje azila in migracij ter Priporočila Evropske komisije o zakonitih poteh do mednarodne zaščite v EU, pri čemer oba dokumenta zagovarjata celovit pristop k migracijam, vključno s širitvijo zakonitih poti za državljane tretjih držav, ki potrebujejo mednarodno zaščito, in olajšanem dostopa do pravice do združitve družine.

Med cilji projekta je predlagati modele prihoda za osebe, ki potrebujejo mednarodno zaščito, ki dopolnjujejo obveznosti, ki izhajajo iz CEAS in shem EU za preselitev in premestitev. Z identifikacijo najboljših praks in raziskovanjem nacionalnega konteksta predlagani modeli upoštevajo nacionalni pravni in institucionalni okvir ter so v skladu s politiko EU za spodbujanje in omogočanje zakonitih migracij. Projekt predvideva, da bodo raziskave skupaj z dejavnostmi zagovorništva vodile do povečanja števila novih mest za zakonit sprejem in učinkovito integracijo.

#### b. O dopolnilnih poteh

Število beguncev v zadnjih letih narašča in UNHCR ocenjuje, da je število prisilno razseljenih oseb na svetovni ravni, do sredine leta 2022, doseglo 103 milijonov, od tega je 32,5 milijona beguncev in 4,9 milijona prosilcev za azil.<sup>1</sup> Hkrati so možnosti za ljudi, ki potrebujejo zaščito, da zakonito vstopijo v države, ki lahko nudijo takšno zaščito, omejene.

V okviru skupnih shem EU za preselitev, je od leta 2015 več kot 100 000 oseb našlo zaščito v EU. Leta 2021 je bilo okoli 22 500 ljudi, ki so potrebovali mednarodno zaščito, preseljenih iz držav nečlanic EU v države članice EU (DČ), kar je 156 % več kot leta 2020 in 2 % več kot v letu 2019.<sup>2</sup>

<sup>1</sup> <https://www.unhcr.org/refugee-statistics/>, dostopno 25. 1. 2023.

<sup>2</sup> [https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statisticsmigration-europe\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statisticsmigration-europe_en), dostopno 25. 1. 2023. .



Vendar pa se v zadnjih nekaj letih vse bolj zagovarja potreba po povečanju razpoložljivosti drugih zakonitih poti za doseganje ciljnih držav, pa tudi potreba po ustvarjanju dopolnilnih poti za osebe, ki potrebujejo mednarodno zaščito in se nahajajo v tretji državi, poti, ki bi lahko vodile do trajnih rešitev.

Sporočilo Evropske komisije (EK) o Novem paktu o migracijah in azilu (Pakt)<sup>3</sup> poudarja, da je cilj pakta "zmanjšati nevarne in iregularne poti ter spodbujati trajnostne in varne pravne poti za tiste, ki potrebujejo zaščito".<sup>4</sup> Poleg preselitve EK poziva države članice, naj vključijo dopolnilne poti do zaščite, npr. sheme humanitarnega sprejema in sheme, povezane s študijem ali delom, ter hkrati tudi izjavlja, da bo EU podprla države članice, ki želijo vzpostaviti skupnostne ali zasebne sponzorske sheme s financiranjem, krepitvijo zmogljivosti in izmenjavo znanja v sodelovanju s civilno družbo.

Priporočilo EK o zakonitih poteh za zaščito v EU: spodbujanje preselitve, humanitarnega sprejema in drugih dopolnilnih poti<sup>5</sup> določa, da je v skladu s triletno strategijo UNHCR (2019–2021) o preselitvi in dopolnilnih poteh potrebno spodbujati vzpostavitev ali nadaljnji razvoj modelov humanitarnega sprejema in drugih dopolnilnih poti z namenom, da se razširi število mest, za prihod preko varnih in zakonitih poti, poleg programa preselitve. V nadaljevanju, med drugim, spodbuja DČ da:

- zagotovijo poti za sprejem družinskih članov upravičencev do mednarodne zaščite prek humanitarnih programov sprejema, kot so sheme družinskega sponzorstva;
- prispevajo k EU pristopu skupnostnega sponzorstva, pri čemer se opirajo na široko paleto modelov humanitarnega sprejema za oblikovanje sprejemnih programov v skladu z njihovimi nacionalnimi prednostnimi nalogami ter upoštevajo prednostne naloge in interese zunanjih odnosov EU;
- tesno sodelujejo s civilno družbo, da se vzpostavi ali razširi skupnostne sponzorske sheme kot obliko humanitarne poti za sprejem, v kateri so zasebni sponzorji, skupine zasebnikov ali neprofitne organizacije vključeni v različne faze programa – od identifikacije tistih, ki potrebujejo mednarodno zaščito v državi nečlanici EU do integracije po njihovem prihodu..

Kot je razvidno iz zgoraj obravnavanih dokumentov in številnih drugih raziskav in povezanih virov, so sponzorski programi priznani kot ena od ključnih oblik dopolnilnih poti za sprejem

<sup>3</sup> Evropska komisija: Sporočilo komisije Evropskemu parlamentu, Svetu, Evropskemu ekonomsko-socialnemu odboru in Odboru regij o novem paktu o migracijah in azilu, Com/2020/609 final; dostopno na: <https://eur-lex.europa.eu/legal-content/SL/TXT/?uri=CELEX:52020DC0609>.

<sup>4</sup> Ibid.

<sup>5</sup> Priporočilo Komisije (EU) 2020/1364 z dne 23. septembra 2020 o zakonitih poteh do zaščite v EU: spodbujanje preselitve, humanitarnega sprejema in drugih dopolnilnih poti, dostopno na: <https://eur-lex.europa.eu/legal-content/ga/TXT/?uri=CELEX:32020H1364>



beguncev. Istočasno se koncept 'zasebnega sponzorstva' in/ali 'skupnostnega sponzorstva' uporablja za označevanje programov, ki se po svojih ključnih značilnostih zelo razlikujejo.<sup>6</sup>

### c. Slovenski pravni in institucionalni kontekst

Trenutno so na voljo le štiri možnosti za zakonih prihod oseb, ki potrebujejo mednarodno zaščito, v Slovenijo:

#### 1. združevanje družine

1. Dublin – v skladu z dublinskimi merili, ki se navezujejo na celovitost družine, je Slovenija lahko odgovorna za obravnavanje posamezne prošnje za mednarodno zaščito
2. Združevanje družine po pridobitvi statusa mednarodne zaščite (v skladu z Zakonom o tujcih)

#### 2. trajna preselitev iz tretjih držav

#### 3. premestitev (delitev bremen znotraj EU)

#### 4. reparticija potomcev slovenskih emigrantov, ki živijo v Bolivarski republiki Venezueli.

Posledično so ljudje, ki bežijo, še vedno prisiljeni uporabljati nevarne in drage iregularne poti, med njimi tudi t.i. balkansko pot, ki poteka skozi Slovenijo.

Novembra 2010 je Slovenija (s projektom EUREMA) premestila osem oseb, ki jim je bil na Malti priznan status beguncev na podlagi sklepa Vlade RS. Slovenija je v letih 2016–2018 na podlagi sklepov Sveta EU 2015/1523 z dne 14. septembra 2015 in 2015/1601 z dne 22. septembra 2015 iz Grčije in Italije premestila skupno 253 oseb, ki so potrebovale mednarodno zaščito.

V skladu z Izvedbenim načrtom za premestitev iz Italije in Grčije ter trajne preselitve iz tretjih držav<sup>7</sup>, bi Slovenija v okviru premestitev sprejela osebe iz držav, za katere je po podatkih EU delež uspešnih prošenj za mednarodno zaščito ,v skupnem številu odločitev najmanj 75 %. Takšne države v letu 2016 so bile: Sirija, Eritreja, Irak, Srednjeafriška republika, Svazi, Jemen in Bahrajn.

V okviru trajne preselitve so bile na ravni EU opredeljene prednostne regije Severna Afrika, Bližnji vzhod in Afriški rog oziroma regije, kjer se izvajajo evropski regionalni programi zaščite (RPPs).<sup>8</sup> Glede na navedeno se je Slovenija odločila za sprejem oseb iz Sirije, po

<sup>6</sup> COMP4SEE (2022), An Overview of Private Sponsorship Schemes: Programmes and Emerging Practices.

<sup>7</sup> Izvedbeni načrt za premestitev iz Italije in Grčije in trajno preselitev iz tretjih držav (št. 21400-5/2016/5, z dne 10. 3. 2016)

<sup>8</sup> Izvedbeni načrt za premestitev iz Italije in Grčije in trajno preselitev iz tretjih držav, (št. 21400-5/2016/5, z dne 10. 3. 2016, p. 1.)



možnosti družin.<sup>9</sup> Postopek je potekal na način, da je uradnik pristojnega organa ali UNHCR v tretji državi, v kateri so se nahajale osebe, ki bodo trajno preseljene, za vsako osebo pripravil poročilo. Poročilo je vključevalo mnenje o pogojih za integracijo v državi, iz katere bodo osebe preseljene in mnenje o upravičenosti do statusa begunca.<sup>10</sup>

Maja 2018 je bila v sodelovanju z Mednarodno organizacijo za migracije (IOM) izvedena misija v Ankaro. Na misiji je sodelovalo 11 oseb, od tega osem predstavnikov Ministrstva za notranje zadeve (MNZ) in trije predstavniki Urada Vlade RS za oskrbo in integracijo migrantov (UOIM). V 6 dneh bivanja v Turčiji so zaslišali 11 družin oziroma skupno 26 oseb in vložili 57 prošenj za mednarodno zaščito. Policija se je tudi odločila, da bo enega od prijaviteljev zaslišala ločeno.<sup>11</sup>

V primeru preselitve morajo osebe zaprositi za mednarodno zaščito že v tretji državi, kjer prebivajo pred prihodom v Slovenijo (v tem primeru v Turčiji), tako da vlogo oddajo predstavnikom slovenskih oblasti. Status begunca so trajno preseljenim osebam (Sircem) iz Turčije podelili že pred prihodom v Slovenijo.<sup>12</sup>

Slovenija je leta 2020 zaradi stopnjevanja politične in gospodarske krize ter nevzdržnih življenjskih razmer vzpostavila specifično nacionalno pot za legalen prihod Slovencev ali potomcev Slovencev iz Venezuele.<sup>1314</sup> Doslej je bilo repatriiranih 107 ljudi. Po ugotovitvah naše raziskave se ta model najbolj približa zasebnemu oziroma skupnostnemu sponzorstvu v slovenskem nacionalnem kontekstu. Model temelji na Zakonu o odnosih Republike Slovenije s Slovenci zunaj njenih meja pri čemer je pristojna institucija Urad vlade za Slovence v zamejstvu in po svetu. Status repatriirane osebe lahko traja največ 15 mesecev (v tem času ima večina dovoljenje za začasno prebivanje), nato pa si morajo repatriiranci urediti svoje bivanje na drugi pravni podlagi.<sup>15</sup> Urad vlade za Slovence v zamejstvu in po svetu sodeluje z NVO Slovenska Karitas, ki je zadolžena za informiranje in vsestransko podporo repatriiranim. Stik z njimi vzpostavijo že, ko so še v Venezueli, zaposleni in prostovoljci Karitas jih sprejmejo na letališču, jih odpeljejo v novi dom, kasneje pa jim nudijo vsestransko podporo 15 mesecev (neuradno ponekod tudi dlje). Stroške leta krije Republika Slovenija, repatrianti pa so upravičeni do socialne pomoči (v primeru brezposelnosti), otroških dodatkov in dodatne pavšalne denarne podpore za obdobje 15 mesecev, kar jih postavlja v boljši finančni položaj kot osebe s priznano mednarodno zaščito. Po drugi strani pa se repatrianti soočajo s podobnimi težavami kot so npr. pomanjkanje ustreznih stanovanj na stanovanjskem trgu, pravna podlaga

<sup>9</sup> Informacije Ministrstva za notranje zadeve št. 092-97/2022/5 (121-10), 28. 7. 2022.

<sup>10</sup> Informacije Ministrstva za notranje zadeve št. 092-97/2022/5 (121-10), 28. 7. 2022.

<sup>11</sup> Informacije Ministrstva za notranje zadeve št. 092-97/2022/5 (121-10), 28. 7. 2022.

<sup>12</sup> Informacije Ministrstva za notranje zadeve št. 092-97/2022/5 (121-10), 28. 7. 2022.

<sup>13</sup> <https://www.gov.si/novice/2022-12-14-medresorska-delovna-skupina-potek-repatriacije-iz-venezuele-oznacila-za-uspesen/>

<sup>14</sup> <https://www.sta.si/3119982/slovenija-doslej-sprejela-vec-kot-sto-repatriiranih-iz-venezuele>

<sup>15</sup> Zakon o odnosih Republike Slovenije s Slovenci zunaj njenih meja:  
<http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4387>



ne predvideva izdaje ustrezne osebne izkaznice, ki bi jim omogočala potovanje izven Slovenije.<sup>16</sup> Vezi z lokalno skupnostjo, vzpostavljene s pomočjo Karitasa, in posledično sprejemanje v lokalni skupnosti so označili kot najpomembnejša dejavnika uspešnega vključevanja.<sup>17</sup>

Naše raziskave so pokazale, da je model repatriacije Slovencev in potomcev Slovencev treba nadgraditi, pri čemer je potrebno uporabiti pozitivne izkušnje modela. To so: pred prihodom je treba prilagoditi ustrezen pravni okvir; status mora biti podeljen pred ali ob prihodu v Slovenijo; potovanje naj finančno krije država; določen čas naj država zagotovi finančna sredstva za ljudi, ki prihajajo in tudi za celostno podporo s strani NVO v postopku integracije; država naj sodeluje z lokalnimi oblastmi in aktivno vključuje lokalno raven v integracijska prizadevanja; lokalne skupnosti je potrebno obveščati o prihodu prišlekov in jih motivirati za aktivno vlogo pri integraciji.

Druge možne oblike zakonitega prihoda, ki jih predvideva nacionalna zakonodaja in bi lahko veljale tudi za begunsko populacijo, obstajajo izven področja uporabe azilne zakonodaje, so dovoljenja za začasno prebivanje na naslednjih podlagah:

- Zaposlitev ali delo - enotno dovoljenje za prebivanje in delo
- Samozaposlitev - enotno dovoljenje za opravljanje dela kot samozaposlena oseba
- Premestitev znotraj gospodarske družbe - enotno dovoljenje za osebo, premeščeno znotraj gospodarske družbe
- Enotno dovoljenje zaradi visokokvalificirane zaposlitve - modra karta EU
- Prostovoljno delo in sodelovanje v EU projektih prostovoljnega dela
- Študij
- Delo in raziskave, višje in nadaljnje izobraževanje
- Združitev družine
- Nacionalni interes

#### **d. Integracijski pogoji v Sloveniji**

Če so varne in zakonite poti prvi korak, so pogoji za uspešno integracijo naslednji korak, ki ga je treba temeljito pretehtati. Še vedno ni posebne nacionalne ali lokalne strategije vključevanja upravičencev do mednarodne zaščite. Za izvajanje integracijskih dejavnosti je v celoti odgovoren Urad Vlade RS za oskrbo in integracijo migrantov (UOIM), za integracijsko politiko pa vsa ministrstva in državni organi, katerih delo je povezano z migracijami. V praksi največji del integracijskih aktivnosti izvajajo nevladne organizacije. Nevladne organizacije so tiste, ki zagotavljajo dnevno podporo, socialno orientacijske tečaje in pomagajo beguncem pravzaprav pri vsem, od iskanja nastanitve, izpolnjevanja vlog za socialno pomoč, vrtce, šole pa do reševanja vsakodnevnih težav. Vsakemu upravičencu do mednarodne zaščite pomaga tudi

<sup>16</sup> Intervju s predstavnikom Slovenske Karitas, dne 23.9.2022.

<sup>17</sup> Intervju s predstavnikom Slovenske Karitas, dne 23.9.2022.



svetovalec za integracijo pri UOIM, ki ga mora obiskati enkrat mesečno, če so sklenili integracijski sporazum.<sup>18</sup>

Razmere se vsako leto spreminjajo in so se drastično spremenile od začetka vojne v Ukrajini februarja 2022. V Sloveniji v zadnjem letu beležimo ne le begunce iz Ukrajine, ampak nasploh velik porast prosilcev za azil. Država se mora na to ustrezno odzvati s prevzemanjem nacionalnih zmogljivosti, razpoložljivih zmogljivosti in človeških virov.

Ljudje, ki potrebujejo zaščito, iščejo predvsem varnost, pa tudi splošen občutek podpore skupnosti in možnosti za vzpostavitev dostojnega življenja. Zaradi pomanjkanja naštetega iščejo podporo pri svojih etničnih skupnostih in se pogosto odločijo potovati naprej – v države, kjer imajo sorodnike, prijatelje ali vsaj večje etnične skupnosti. Da bi se temu izognili, je treba pozornost in energijo vložiti v strukturne spremembe, ki obravnavajo sistemsko in skupnostno diskriminacijo, s katero se tujci, zlasti begunci, v Sloveniji pogosto soočajo, po drugi strani pa mora država zagotoviti pogoje za uspešno integracijo. Problem nedostopnosti bivališč je treba nujno in ambiciozno obravnavati, saj vse hujša kriza najemniškega trga dokazuje, da prosti trg tega vprašanja ne bo rešil. Opisana vprašanja vključevanja so neločljivo povezana z uspehom potencialne zasebne ali skupnostne sponzorske sheme v Sloveniji.

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<sup>18</sup> Ladić, M., Thaler, I., Bajt, V. (2022): Mehanizem za evalvacijo integracije: Slovenija. Poročilo za obdobje 2020-21. Ljubljana, Mirovni inštitut.





## II. PRIPOROČILA ZA UVEDBO ZASEBNEGA SPONZORSTVA V SLOVENIJI

### a. Ozadje

Ta priporočila temeljijo na ugotovitvah raziskav projekta COMP4SEE: (a) raziskava nacionalnih pravnih in institucionalnih okvirov, ki vplivajo na možnost uvedbe shem zasebnega sponzorstva, (b) empirična raziskava (fokusne skupine in intervjuji) o stališčih različnih nacionalnih deležnikov in potencialnih sponzorjev ter (c) ugotovljene najboljše prakse v drugih državah članicah EU.

Povzetki raziskave nacionalnih pravnih in institucionalnih okvirov so na kratko predstavljeni v točki I.c tega dokumenta. V empirični raziskavi smo izvedli šest fokusnih skupin, in sicer z begunci in njihovimi družinskimi člani, s predstavniki organizacij civilne družbe, s predstavniki verskih skupnosti, s predstavniki zasebnega sektorja, s predstavniki političnih strank, v zadnji fokusni skupini pa so sodelovali predstavniki vseh zgoraj omenjenih skupin. Skupaj smo gostili 28 udeležencev. Preko fokusnih skupin smo pridobili vpogled v ozaveščenost in poglede potencialnih akterjev, ki bi lahko delovali v okviru shem zasebnega sponzorstva. Poleg tega pa smo projektni partnerji izvedli podrobno primerjalno študijo shem zasebnega sponzorstva, ki so se izvajale v državah članicah EU do konca leta 2020 in tako zbrali primere dobrih praks, ki smo jih prav tako upoštevali pri pripravi tega dokumenta. .

### b. Priporočila

#### 1. Potrebe po zasebnem sponzorstvu

Naša empirična raziskava je potrdila potrebo po vzpostavitvi programa zasebnega sponzorstva v Sloveniji: programi varnega prihoda za begunce so nujni, da bi preprečili tako trgovino z ljudmi kot tudi potovanje ljudi, ki potrebujejo zaščito, po nevarnih in dragih trenutnih (neregularnih) poteh v Evropo.

Vendar so deležniki izpostavili naslednje pogoje, ki bi morali biti izpolnjeni, da bi bila takšna prizadevanja uspešna:

- Temeljito zbiranje informacij in prenos izkušenj iz tujine, zlasti dobrih praks, ki bi jih lahko prenesli tudi v slovenski prostor;
- Široka interdisciplinarna razprava med vladnimi in nevladnimi deležniki, vključno s skupnostmi beguncev in migrantov - za določitev vseh ključnih elementov sheme (vključno s tistimi v spodnjih priporočilih);
- Večdeležniški partnerski pristop: vključevanje tako vladnih organov kot mednarodnih organizacij, civilne družbe, akterjev privatnega sektorja in drugih relevantnih deležnikov, ki bi lahko sodelovali v različnih fazah programov. Pomembno vlogo bi



moralni imeti izkušeni akterji, kot so UNHCR, IOM in nevladne organizacije, ki pomagajo beguncem;

- Ozaveščanje v skupnostih, ki sprejemajo begunce;
- Skrbna priprava pravne podlage (zakonodaja in podzakonski akti, sklenitev morebitnih sporazumov med deležniki), pravočasno in pred prvimi prihodi upravičencev.

## 2. Povezovanje shem zasebnega sponzorstva z državnimi programi

Udeleženci fokusnih skupin so poudarili, da bi morala imeti v programu zasebnega/skupnostnega sponzorstva močno vlogo država, ki bi morala ostati odgovorna za postopke za priznanje statusa begunca ter postopke sprejema in sodelovati pri spremljanju in evalvaciji programov sponzorstva. Ker je Slovenija razmeroma majhna država z majhnim sektorjem NVO, ki podpirajo upravičence do mednarodne zaščite, bi bilo tudi primerneje sprva uvesti shemo, v kateri bi nevladne organizacije/civilna družba izvajale le nekatere podporne dejavnosti, država pa bi ohranila osrednjo vlogo.

Zato je treba **sheme zasebnega/skupnostnega sponzorstva najprej poskusno uvesti v okviru državnih programov, kot je preselitev (angl. resettlement)**. To bi pomenilo, da bi država po oblikovanju sheme v skladu z rezultati posvetovanja z vsemi vladnimi in nevladnimi deležniki ohranila osrednjo vlogo pri postopku izbire, podelitve statusa begunca in prihoda upravičencev. Upravičencem bi bil priznan status begunca in vključeni bi bili v državni sistem mednarodne zaščite. Nevladne organizacije/civilna družba bi bile vključene v procese orientacije pred odhodom, podpore po prihodu v Slovenijo in integracije.

V tem primeru bi bilo "načelo dodatnosti" (*principle of additionality*) sponzorske sheme upoštevano z vključitvijo "dodatnih" storitev in mentorstva, ki bi jih zagotavljale sheme zasebnega/skupnostnega sponzorstva (npr. pri integraciji), četudi shema sama po sebi ne bi odpirala dodatnih mest. V primeru uspešne izvedbe programa bi bilo treba v prihodnje oblikovati sponzorske sheme, ki predvidevajo sprejem dodatnih upravičencev - poleg tistih, ki v državo vstopajo prek programov, ki jih izvaja država.

Poleg tega je predlagana rešitev za slovenski prostor primernejša tudi z vidika razpoložljivosti zasebnega financiranja. Iz razgovorov v fokusnih skupinah izhaja, da v Sloveniji zasebno financiranje in donacije niso niti zadostne niti dovolj redne za vzdrževanje humanitarne podpore beguncem. Zato ni pričakovati, da bi se dopolnilne poti lahko v celoti financirale z zasebnimi sredstvi. **Priporoča se izvajanje sheme, ki bi se financirala iz sredstev EU za preselitev in premestitev** ter nacionalnih javnih sredstev, kot je to primer na Portugalskem.<sup>19</sup>

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<sup>19</sup> Evropska komisija, Študija o izvedljivosti in dodani vrednosti sponzorskih shem kot možne poti do varnih poti za sprejem v EU, vključno s preselitvijo: Končno poročilo, dostopno: <https://publications.europa.eu/en/publication-detail/-/publication/1dbb0873-d349-11e8-9424-01aa75ed71a1/language-en/format-PDF/source-77978210>



## 2.a. Študijske priložnosti in raziskovalni programi

Po vzoru projekta "Univerzitetni koridorji za begunce UNICORE 4.0", ki ga izvaja 32 italijanskih univerz ob podpori UNHCR, italijanskega Ministrstva za zunanje zadeve in mednarodno sodelovanje, Caritas Italiana, Diaconia Valdese, Centro Astalli in drugih partnerjev,<sup>20</sup> bi lahko Slovenija oblikovala podoben program, ki bi določenemu številu beguncev omogočil študij in raziskovalne priložnosti (magistrski, doktorski ali podoktorski program).

Cilj projekta UNICORE je povečati možnosti za izobraževanje beguncev, ki prebivajo v izbranih afriških državah.<sup>21</sup> Slovenija kot majhna država z omejenimi zmogljivostmi bi lahko izhajala iz izkušenj projektov in programov mednarodnega razvojnega sodelovanja in sledila že določenim prednostnim geografskim območjem (na primer podsaharska Afrika ali severna Afrika, kjer slovenske nevladne organizacije že več kot 15 let izvajajo razvojne projekte). Podobno kot v italijanskem primeru bi bilo treba vzpostaviti partnerstvo več deležnikov, in sicer zainteresiranih univerz, Ministrstva za zunanje zadeve (Direktorata za razvojno sodelovanje in humanitarno pomoč), Ministrstva za notranje zadeve (Direktorata za migracije), Ministrstva za visoko šolstvo, znanost in inovacije, UNHCR, nevladnih organizacij, ki imajo izkušnje v državah podsaharske ali severne Afrike, in nevladnih organizacij z izkušnjami s podporo beguncem v Sloveniji.

Pogoji za sprejem: UNHCR bi lahko s svojo široko mrežo pomagal pri dodelitvi statusa begunca in tako zmanjšal logistično breme za Ministrstvo za notranje zadeve in Ministrstvo za zunanje zadeve, medtem ko bi univerze v sodelovanju z Ministrstvom za visoko šolstvo lahko določile pogoje za sprejem v študijske programe in izvedle sprejemni postopek. Nevladne organizacije z izkušnjami z razvojnimi projekti v afriških državah bi lahko zagotovile predhodno orientacijo in pomagale premostiti razlike med državami izvora in državo gostiteljico. Ko bi študenti/begunci prispeli v Slovenijo, bi jih nevladne organizacije, ki imajo izkušnje s podporo beguncem, sprejele in jim nudile pomoč. Izbrani študenti/begunci bi morali biti upravičeni do enakega integracijskega programa kot drugi upravičenci do mednarodne zaščite. Hkrati bi morali imeti dostop do študentskih ugodnosti, kot je na primer študentski dom.

### 3. Izbor upravičencev

**Upravičenci naj bodo izbrani po načelu nediskriminacije.** Glavno merilo za izbor bi morala biti *prima facie* potreba po mednarodni zaščiti.

V drugih državah članicah so se pogosto uporabljala merila družinskih odnosov (razširjena družina), pa tudi **merila ranljivosti** in državljanstva. Nemški program NesT je na primer

<sup>20</sup> <https://universitycorridors.unhcr.it/>, dostopno 30.1.2023.

<sup>21</sup> *Ibid.*



namenjen žrtvam trgovine z ljudmi, mladoletnikom brez spremstva, nosečnicam in drugim ranljivim osebam.<sup>22</sup> Če imajo prednost ranljivi upravičenci, je potrebno zagotoviti, da se naslovijo njihove posebne potrebe, vključno s psihološko in terapevtsko podporo. **Izbirna merila in postopki morajo biti za potencialne upravičence jasni in pregledni.**

**Upravičenci bi morali biti izbrani v postopku “ujemanja” (angl. *matching process*).** Ugotovitve naše raziskave kažejo, da so udeleženci naših fokusnih skupin na splošno naklonjeni sistemu “ujemanja”, tako da upravičenca ne izbere sponzor, temveč zunanji deležnik, ki identificira in nato poveže upravičenca in sponzorja. Upravičenca lahko na primer identificira nacionalni organ, pogosto v sodelovanju z mednarodno organizacijo (UNHCR ali IOM), prav tako pa lahko organizirajo postopek usklajevanja (s sponzorji), bodisi nacionalni organi ali druge organizacije, odgovorne za usklajevanje shem sponzorstva.<sup>23</sup> Sistem “ujemanja” je bil prepoznan v programih, ki se izvajajo v Španiji, na Portugalskem, v Združenem kraljestvu, programu skupnostnega sponzorstva na Irskem in programu NesT v Nemčiji. Drug primer sistema “ujemanja” je program skupnostnega sponzorstva, ki se izvaja v Španiji, kjer je UNHCR izvedel identifikacijo ranljivih družin sirskih beguncev v tujini (v Jordaniji).

Vključenost države in mednarodnih organizacij je pomembna tudi za *prima facie* priznanje statusa begunca (glej spodaj: status upravičenca).

#### 4. Dostopnost informacij o Sloveniji kot državi sprejema

Za uspešno izvajanje programa bi moral biti eden od predpogojev dostopnost informacij potencialnim upravičencem o samem programu, vključno z informacijami o merilih za izbor upravičencev, fazah postopka, prihodu v ciljno državo in informacijah o statusu in podeljenih pravicah.<sup>24</sup>

Kot v primeru shem, ki se izvajajo v nekaterih državah članicah, je potrebno izvesti **orientacijo pred odhodom**.<sup>25</sup> Orientacija pred odhodom običajno vključuje informacije o ciljni državi in prihodnjem življenju v tej državi, kar se tiče statusa, namestitve, gospodarske situacije, socialne varnosti, skrbi za otroke in mladostnike, izobrazbe, zdravstvenega varstva, učenja jezika itd. To je pomembno za zagotovitev **informirane privolitve**.

**Potencialni upravičenci morajo prejeti vse ključne informacije o shemi pravočasno in v dostopni in razumljivi obliki.**

<sup>22</sup> Solano, G., Savazzi, V. (2019), Programi zasebnega sponzorstva in humanitarni vizumi: izvedljiv politični okvir za integracijo?, dostopno na: [https://www.migpolgroup.com/wp-content/uploads/2019/09/Discussion-Policy-Briefs-PSPs\\_0.pdf](https://www.migpolgroup.com/wp-content/uploads/2019/09/Discussion-Policy-Briefs-PSPs_0.pdf)

<sup>23</sup> COMP4SEE (2022), Pregled shem zasebnega sponzorstva: programi in nastajajoče prakse.

<sup>24</sup> Ibid.

<sup>25</sup> Na primer trije nemški zvezni sprejemni programi (tako imenovani HAP Syria 1-3).



## 5. Status upravičencev

Status sponzorirane osebe in dovoljenje za prebivanje, ki se ji izda, bi morala odražati dolgoročno perspektivo.<sup>26</sup> Kot je bilo že poudarjeno, mora izbirni postopek temeljiti na *prima facie* potrebi po mednarodni zaščiti, pri čemer imajo upravičenci dostop do postopka podelitve statusa begunca.

**Pri tem bi bilo treba uporabiti slovenske izkušnje pri preseljevanju, kjer je MNZ sodelovalo z UNHCR in IOM v Ankari v Turčiji pri izvedbi preselitve 11 družin iz Sirije (2017-2018). UNHCR je vodil postopek izbire upravičencev, slovenska misija pa je v sodelovanju z IOM opravila razgovore. Upravičenci so zaprosili za mednarodno zaščito že v Turčiji in jim je bil status begunca priznan pred prihodom v Slovenijo.**

Tako bi upravičenci imeli dostop do vseh pravic, ki jih imajo begunci v Sloveniji, vključno z združitvijo družine.

## 6. Sponzorji

Udeleženci naših fokusnih skupin so bili najbolj naklonjeni ideji, da bi vlogo sponzorja prevzele NVO, in niso podpirali ideje, da bi kot sponzorji delovali posamezniki. **Organizacije, ki bi bile vključene v sponzorski program, morajo imeti predhodne izkušnje z delom z migranti in tudi migrantskimi organizacijami.**

Čeprav bi organizacije delovale kot sponzorji, bi bilo treba v shemo vključiti sodelovanje širše skupnosti – sodelovanje prebivalcev in lokalnih skupnosti, da zagotovijo emocionalno in praktično pomoč na novo prispelim beguncem kot mentorji in prostovoljci, pod pogojem, da **so ustrezno usposobljeni in podvrženi postopkom preverjanja.**

Zaposleni v sponzorskih organizacijah, mentorji in prostovoljci naj se vključijo v obvezno usposabljanje, ki je zasnovano in izvedeno v sodelovanju med vladnimi in nevladnimi akterji na področju integracije.

Poleg tega bi lahko prišel v poštev pilotni projekt, ki bi temeljil na tem, da osebe s priznano mednarodno zaščito, ki že dlje časa živijo v Sloveniji, postanejo sponzorji svoji razširjeni družini.<sup>27</sup>

<sup>26</sup> ICMC, IOM, UNHCR (2017), ZASEBNO SPONZORSTVO V EVROPI: Razširitev dopolnilnih poti za trajno preselitev beguncev, dostopno na: <http://icmc.net/wp-content/uploads/2018/08/ERN-Private-Sponsorship-in-Europe-Expanding-complementary-pathways-for-refugee-resettlement.pdf>

<sup>27</sup> Za več idej in izkušenj upoštevajte nemška programa HAP Sirija 2 in 3.



## 7. Dolžnosti sponzorjev

Po definiciji, programi zasebnega sponzorstva pomenijo prenos nekaterih obveznosti z države na zasebne deležnike. V zvezi s tem so se razvili različni modeli, od omejenega sodelovanja sponzorjev do programov z natančno opredeljenimi in številnimi vlogami sponzorjev.<sup>28</sup> Udeleženci izvedenih fokusnih skupin so priporočali, da je za SLOvenijo bolj ustrezen model z bolj omejeno vlogo sponzorjev, pri kateri bi ti zagotavljali podporo pri vključevanju, medtem ko država ne bi smela biti razbremenjena vseh odgovornosti za sodelujoče osebe s priznano mednarodno zaščito.

Sponzorji bi lahko poskrbeli za:

- informiranje in usmerjanje pred prihodom;
- sprejem ob prihodu;
- pomoč pri pridobivanju zasebnih stanovanj / stalnih nastanitev ali upravljalni namenska stanovanja v lasti države;
- redno obiskovanje upravičencev, ki bivajo pri tretjih osebah;
- zbiranje in razdeljevanje osnovnih dobrin;
- pomoč v postopkih: pravno svetovanje in usmerjanje; pomoč v postopkih za uveljavljanje pravic do socialnih prejemkov; posredovanje s ponudniki socialnih stanovanj, da bi osebam s priznano mednarodno zaščito našli stalno nastanitev; povezovanje s pristojnimi institucijami na tem področju;
- pomoč pri vključevanju in podporo vsakemu posamezniku v vseh razsežnostih; pomoč pri dostopu do izobraževanja in zdravstvenega varstva; zagotavljanje pouka jezika in podpore pri izobraževanju; vzpostavljanje stikov beguncev z lokalnimi delodajalci;
- sodelovanje z lokalno skupnostjo, vključno z uradnimi predstavniki (kot so župani, pastori in drugi ugledni člani skupnosti), da se spodbudi in olajša izmenjava med novo prispelimi in lokalnimi prebivalci.

Sponzorji bi po prihodu zagotavljali podporo **24 mesecev. Za primere, ko je potrebna nadaljnja podpora, bi moralo biti na voljo podaljšanje podpore za 12 mesecev.** Ne glede na navedeno pa so obsežne raziskave na področju vključevanja pokazale, da še vedno obstajajo določeni posamezniki in družine, ki tudi po treh letih od prihoda potrebujejo precejšnjo podporo, da se lahko orientirajo v slovenski družbi in urejajo administrativne zadeve. V takih primerih bi morali integracijsko podporo prevzeti državni organi in upravičencu zagotoviti svetovalca, ki je dostopen, ki ga zagotavlja država in ki bo po potrebi (občasno) nudil podporo tudi po izteku obdobja sponzorstva. Takšni svetovalci bi lahko delovali v medkulturnih središčih, predvidenih v Strategiji Vlade RS na področju migracij (2019).

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<sup>28</sup> COMP4SEE (2022), Pregled shem zasebnega sponzorstva: programi in nastajajoče prakse.



## **8. Razpad odnosa med sponzorjem in upravičencem**

V primeru skrhanja in posledičnega popolnega pretrganja odnosa med sponzorjem in upravičencem so vse vezi s sponzorsko organizacijo prekinjene. Upravičence je treba povezati z drugo sponzorsko organizacijo. Če takšne možnosti ni, upravičenci nadaljujejo z vključevanjem ob podpori Urada za oskrbo in integracijo migrantov.

## **9. Sodelovanje z lokalnimi skupnostmi**

Ozaveščanje, krepitev zmogljivosti, kulturna orientacija in podobne oblike sodelovanja s predstavniki lokalnih organov in s širšo lokalno skupnostjo so značilnosti programov, ki predstavljajo dobro prakso. Te dejavnosti so lahko učinkovite in dragoceno orodje za povezovanje upravičencev in lokalnih skupnosti ter za izboljšanje vključevanja beguncev. Po drugi strani pa lahko gostiteljska skupnost z informiranjem prek teh dejavnosti bolje razume položaj beguncev, njihove potrebe in skrbi.<sup>29</sup>

## **10. Spremljanje in evalvacija programa**

Spremljanje izvajanja programa je pomembno za redno merjenje, ali program dosega svoje cilje, in za boljše razumevanje odnosa med sponzorjem in upravičencem, medtem ko je (končna) evalvacija ključna za razumevanje dolgoročne uspešnosti, ustreznosti, skladnosti, učinkovitosti in trajnosti programa.<sup>30</sup>

Vzpostaviti je treba mehanizem spremljanja, ki bo že v sami zasnovi enakopravno vključeval vse zainteresirane strani.

Ob zaključku programa je treba izvesti zunanjo oceno (evalvacijo).

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<sup>29</sup> COMP4SEE (2022), Pregled shem zasebnega sponzorstva: programi in nastajajoče prakse.

<sup>30</sup> Evropska komisija, Študija o izvedljivosti in dodani vrednosti sponzorskih shem kot možne poti do varnih poti za sprejem v EU, vključno s preselitvijo: Končno poročilo, dostopno: <https://publications.europa.eu/en/publication-detail/-/publication/1dbb0873-d349-11e8-9424-01aa75ed71a1/language-en/format-PDF/source-77978210>



## RECOMMENDATIONS ON THE INTRODUCTION OF PRIVATE SPONSORSHIP SCHEMES IN SLOVENIA

### I. INTRODUCTION

#### a. About COMP4SEE

Complementary Pathways in South-East Europe (COMP4SEE) is a two-year project aiming to develop complementary arrival schemes for persons in need of international protection in three EU Member States – Croatia, Bulgaria and Slovenia – that have not yet established systems for legal reception, other than to fulfil their obligations under the CEAS and the resettlement and relocation (burden-sharing) schemes. The project aims to encourage the implementation of the EU Common Framework for Asylum and Migration Management and the European Commission Recommendation on Legal Routes to International Protection, both of which advocate for a comprehensive approach to migration, including the expansion of legal routes for third-country nationals in need of international protection and facilitating access to the right to family reunification.

Among the goals of the project is to propose arrival models for people in need of international protection that are complementary to the obligations stemming from the CEAS and EU resettlement and relocation schemes. By identifying best practices and researching national context, the proposed models take into account national legal and institutional framework and are in line with the EU policy of encouraging and enabling legal migration. The project foresees that research, together with advocacy activities, will lead to an increase in the number of new places for legal admission and effective integration.

#### b. About complementary pathways

The number of refugees has been increasing in recent years and UNHCR estimates that global forced displacement by mid-2022 has reached 103 million, of whom 32.5 million were refugees and 4.9 million were asylum-seekers.<sup>31</sup> At the same time, possibilities for people in need of protection to legally enter countries that can offer such protection are limited.

Under joint EU resettlement schemes, more than 100,000 persons found protection in the EU since 2015. In 2021, around 22,500 people in need of international protection were resettled from non-EU countries to EU Member States (MS), 156 % more than in 2020 and 2 % more than in 2019.<sup>32</sup>

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<sup>31</sup> <https://www.unhcr.org/refugee-statistics/>, accessed on 25 January 2023.

<sup>32</sup> [https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statisticsmigration-europe\\_en](https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statisticsmigration-europe_en), accessed on 25 January 2023.





However, over the last few years, the need to increase the availability of other legal avenues to reach the destination countries has been increasingly advocated,<sup>33</sup> as well as the necessity to create complementary pathways for persons in need of international protection who find themselves in a third country, pathways that could lead to durable solutions.

European Commission's (EC) Communication on a New Pact on Migration and Asylum (Pact)<sup>34</sup> emphasises that the Pact "aims to reduce unsafe and irregular routes and promote sustainable and safe legal pathways for those in need of protection".<sup>35</sup> Beside resettlement, EC invites MS to include complementary pathways to protection, such as humanitarian admission schemes and measures such as study or work-related schemes but also stipulates that EU will support MS wishing to establish community or private sponsorship schemes through funding, capacity building and knowledge-sharing, in cooperation with civil society.

EC's Recommendation on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways<sup>36</sup> stipulates that, in line with the UNHCR three-year strategy (2019-2021) on resettlement and complementary pathways, it is appropriate to promote the putting in place or making further use of humanitarian admission models and other complementary pathways as an additional means of admission to expand the number of places offered through safe and legal pathways, in addition to resettlement. Further on, MS are, among other, invited to:

- provide pathways for admitting family members of beneficiaries of international protection through humanitarian admission programmes such as family-based sponsorship schemes;
- contribute to an EU approach to community sponsorship, drawing upon the wide range of models of humanitarian admission to design admission programmes in line with their respective national priorities and take into account EU external relation priorities and interests;
- cooperate closely with civil society to put in place or expand community sponsorship schemes as a humanitarian pathway for admission, where the private sponsors, groups of private individuals or nonprofit organisations are involved in different stages of the programme – from identification of those in need of international protection in the non-EU country to integration following their arrival.

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<sup>33</sup> FRA (2015) Legal entry channels to the EU for persons in need of international protection: a toolbox.

<sup>34</sup> European Commission: Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on a New Pact on Migration and Asylum, Com/2020/609 final; available at: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=COM%3A2020%3A609%3AFIN>

<sup>35</sup> Ibid.

<sup>36</sup> Commission Recommendation (EU) 2020/1364 of 23 September 2020 on legal pathways to protection in the EU: promoting resettlement, humanitarian admission and other complementary pathways, available at: <https://eur-lex.europa.eu/legal-content/ga/TXT/?uri=CELEX:32020H1364>



As indicated by the above-discussed documents and many other research and policy-related sources, sponsorship programmes are recognised as one of the crucial forms of complementary pathways for the admission of refugees. At the same time, the concept of ‘private sponsorship’ and/or ‘community sponsorship’ has been used to denote programmes very different in their key characteristics.<sup>37</sup>

### **c. Slovenian legal and institutional context**

There are only four possibilities of legal arrival in Slovenia for people in need of protection:

#### **1. family reunification**

1. Dublin – under the Dublin criteria referring to family unity Slovenia can be determined as the responsible state
2. Family reunification after international protection status recognition (defined in the Foreigners Act)

#### **2. permanent resettlement from third countries**

#### **3. relocation (burden sharing within the EU)**

#### **4. repatriation of descendants of Slovenian emigrants living in the Bolivarian Republic of Venezuela**

Consequently, fleeing people are still forced to use dangerous and costly irregular paths, one of them being the so-called Balkan route, which passes through Slovenia.

In November 2010, Slovenia relocated (through EUREMA project) eight persons recognised as refugees in Malta on the basis of a decision of the Government of the Republic of Slovenia. In 2016-2018, on the basis of EU Council Decisions 2015/1523 of 14 September 2015 and 2015/1601 of 22 September 2015, Slovenia relocated a total of 253 persons in clear need of international protection from Greece and Italy.<sup>38</sup>

According to the Implementation plan for relocation from Italy and Greece and permanent resettlement from third countries<sup>39</sup>, in the context of relocation, Slovenia would accept persons from countries for which, according to EU data, the share of successful applications for international protection in the total number of decisions is at least 75 %. Such countries in 2016 were: Syria, Eritrea, Iraq, Central African Republic, Swaziland, Yemen and Bahrain.

In the context of permanent resettlement, the priority regions identified at EU level were North Africa, the Middle East and the Horn of Africa, or regions where European Regional Protection Programmes (RPPs) are in place.<sup>40</sup> In view of the above, Slovenia has decided to accept persons

<sup>37</sup> COMP4SEE (2022), An Overview of Private Sponsorship Schemes: Programmes and Emerging Practices.

<sup>38</sup> Strategy (2019), p.32.

<sup>39</sup> Implementation plan for relocation from Italy and Greece and permanent resettlement from third countries (no. 21400-5/2016/5, dated 10. 3. 2016)

<sup>40</sup> Implementation plan for relocation from Italy and Greece and permanent resettlement from third countries, no. 21400-5/2016/5, 10. 3. 2016, p. 1.



from Syria, preferably families.<sup>41</sup> In terms of procedure, a report for each person was prepared by an official of the competent authority or UNHCR in the third country where the persons to be permanently resettled were located. The report included an opinion on the conditions for integration in the country from which the persons would be resettled and an opinion on the eligibility for refugee status.<sup>42</sup>

In May 2018, a mission to Ankara was carried out in cooperation with the International Organisation for Migration (IOM). The mission was carried out by 11 persons, including eight representatives of the Ministry of the Interior (MoI) and three representatives of the Government Office for Support and Integration of Migrants (OSIM). During 6 days in Turkey, 11 families or a total of 26 persons were interviewed and 57 applications for international protection were lodged. The Police also decided to interview one of the applicants separately.<sup>43</sup>

In cases of resettlement, persons must apply for international protection already in the third country where they reside before arrival to Slovenia (in this case in Turkey) by submitting an application to representatives of Slovenian authorities. The refugee status was granted to permanently resettled persons (Syrians) from Turkey already prior to their travel to Slovenia.<sup>44</sup>

In 2020, Slovenia has established a national-specific route for legal arrival of Slovenians or descendants of Slovenians from Venezuela due to the escalation of political and economic crisis and unbearable living conditions.<sup>45</sup> 107 people have so far been repatriated. According to our research findings this model comes closest to private or community sponsorships in the Slovenian national context. The model is based on the Act Regulating Relations between the Republic of Slovenia and Slovenians Abroad and the Government Office for Slovenians Abroad is the responsible state institution. The status of a repatriated person can last for a maximum of 15 months (during this time most of them have temporary residence permit) and after that the repatriates must arrange their residency on another legal basis.<sup>47</sup> The Office for Slovenians Abroad collaborates with the NGO Caritas Slovenia which is tasked with providing information and all-around support to repatriates. They communicate already when still in Venezuela, Caritas employees and volunteers welcome them at the airport, take them to their new home, and later provide all-round support for 15 months (unofficially, in some cases, also longer). Flight costs are covered by the Republic of Slovenia, and repatriates are entitled to social assistance (in case of unemployment), child benefits plus additional lump-sum financial support for the period of 15 months, which puts them in a better financial situation than beneficiaries of international protection. On the other hand, repatriates face similar issues with

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<sup>41</sup> Information from Ministry of Interior, no. 092-97/2022/5 (121-10), 28. 7. 2022.

<sup>42</sup> Information from Ministry of Interior, no. 092-97/2022/5 (121-10), 28. 7. 2022.

<sup>43</sup> Information from Ministry of Interior, no. 092-97/2022/5 (121-10), 28. 7. 2022.

<sup>44</sup> Information from Ministry of Interior, no. 092-97/2022/5 (121-10), 28. 7. 2022.

<sup>45</sup> <https://www.gov.si/novice/2022-12-14-medresorska-delovna-skupina-potek-repatriacije-iz-venezuele-oznacila-za-uspesen/>

<sup>46</sup> <https://www.sta.si/3119982/slovenija-doslej-sprejela-vec-kot-sto-repatriiranih-iz-venezuele>

<sup>47</sup> Act Regulating Relations between the Republic of Slovenia and Slovenians Abroad:  
<http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO4387>



lack of appropriate housing on the housing market, and the differential legal basis does not provide for issuance of an appropriate ID, which would allow them to travel outside Slovenia.<sup>48</sup> The ties with the local community, established with the help of Caritas, and the consequent acceptance from the local community were described as the most important factors of successful integration.<sup>49</sup>

Our research showed that the model of repatriation of Slovenians and descendants of Slovenians is to be built on, and lessons should be taken from its implementation. These are: the appropriate legal framework has to be adapted before the arrival; the status should be granted prior to or upon arrival to Slovenia; the travel should be financially covered by the state; for a certain extent of time, the state should provide financial means for people who arrive and also for holistic NGO support with integration; the state should cooperate with local authorities and actively include the local level in integration endeavours; local communities should be informed about the arrival of newcomers and motivated for an active role in integration.

Other possible forms of legal arrival provided by national legislation exist out of the scope of asylum legislation, which could also be applicable to the refugee population are temporary residence permits on the basis of:

- Employment or work - single residence and work permit
- Self-employment - single permit for self-employed person
- Intra-corporate transfer - single permit for an intra-corporate transferee
- Single permit for highly skilled employment - EU Blue Card
- Voluntary work and participation in EU Voluntary Service projects
- Study
- Work in research, higher and further education
- Family reunification
- Interest of the State

#### **d. Integration conditions in Slovenia**

The safe and legal pathways are the first step, while - after the arrival - the conditions for a successful integration are the next step to thoroughly consider. There is still no specific national or local integration strategy for beneficiaries of international protection.<sup>50</sup> The Government Office for the Support and Integration of Migrants (OSIM) has full responsibility for carrying out integration activities, whereas all ministries and state bodies whose work intersects with migration have the responsibility for integration policies. In practice, the biggest part of integration activities is carried out by the NGOs. The NGOs are the ones providing daily

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<sup>48</sup> Interview with a representative of Slovenian Caritas on 23.9.2022.

<sup>49</sup> Interview with a representative of Slovenian Caritas on 23.9.2022.

<sup>50</sup> Ladić et al. (2022): National Integration Evaluation Mechanism: Slovenia. Report for 2020-21, pp. 35-39.



support, social orientation courses and help the refugees with basically everything from searching for accommodation, applying for social benefits, kindergartens, schools, to solving daily problems. Each beneficiary of international protection is also supported by an integration consultant at the OSIM, which they must visit once per month if they have concluded an integration agreement.<sup>51</sup>

The situation is changing every year, and has drastically changed since the war in Ukraine started in February 2022. Not only refugees from Ukraine, but a large increase of asylum seekers in general has been recorded in Slovenia in the last year. The state must adequately respond to that by adopting the national capacities, available facilities and human resources.

People in need of protection seek in the first place security and a feeling of safety, as well as a general sense of support from the community, and opportunities to establish a decent life. Lacking the above, they seek support from their ethnic communities and often decide to travel on - to countries where they have relatives, friends or at least larger ethnic communities. To avoid that, notice and energy must be put into structural changes addressing systemic and community discrimination that foreigners, especially refugees, often face in Slovenia<sup>5253</sup> and, on the other hand, the state must ensure conditions for a successful integration. The issue of lack of access to accommodation must be urgently and ambitiously addressed, as the aggravating rent market crisis proves the free market will not solve this issue. The described integration issues are indivisibly tied to the success of a private or community sponsorship scheme in Slovenia.

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<sup>51</sup> Ladić et al. (2022): National Integration Evaluation Mechanism: Slovenia. Report for 2020-21. Ljubljana, Mirovni inštitut.

<sup>52</sup> Bajt, V. (2021) Reducing and eliminating discrimination on the basis of ethnicity, 'race', nationality and/or religion ([\*Zmanjševanje in odpravljanje diskriminacije na podlagi etničnosti, 'rase', nacionalnosti in/ali vere. Zaključno poročilo\*](#)). Ljubljana: Mirovni inštitut.

<sup>53</sup> Bajt, V. (2022) "Ethnic Discrimination: Research and Measurement Strategies" (Etnična diskriminacija: strategije raziskovanja in merjenja). Ljubljana: Mirovni inštitut.



## **II. RECOMMENDATIONS ON THE INTRODUCTION OF PRIVATE SPONSORSHIP SCHEMES IN SLOVENIA**

### **a. Background**

These recommendations are based on the conclusions of the COMP4SEE's (a) desk research of national legal and institutional settings that influence the possibility of introducing private sponsorship scheme, (b) empirical research (focus groups and interviews) of the attitudes of different national stakeholders and potential sponsors, and (c) identified best practices in other EU Member States.

Summaries of the research on national legal and institutional frameworks are briefly presented in section I.c of this document. In our empirical research, we held six focus groups (FGs), all in vivo, namely with: refugees and their family members, with representatives of civil society organisations, with representatives of religious communities, with representatives of the private sector, with representatives of political parties and in the last focus group the participants were mixed. In total we hosted 28 participants. Through these FGs, we obtained a snapshot of awareness and attitudes of potential actors that could be active within private sponsorship schemes. In addition, the project partners conducted a detailed comparative study of private sponsorship schemes implemented in the EU MS by the end of 2020, gathering examples of good practice that have also been taken into account in the preparation of this document.

### **b. Recommendations**

#### **1. The need for private sponsorship schemes**

The need for a private sponsorship scheme in Slovenia was confirmed through our empirical research: safe arrival programs for refugees would be very necessary in order to avoid or to prevent human trafficking and to save people in need of protection from travelling the dangerous and expensive current (irregular) routes to Europe.

However, the following preconditions have been highlighted that would need to be met for such endeavours to be successful:

- Thorough collection of information and the transfer of experiences from abroad, especially good practices that could also be transferred to Slovenian context;
- A wide interdisciplinary discussion among governmental and non-governmental stakeholders, including refugee and migrant communities - to determine all key elements of the scheme (including the ones in the below recommendations);
- Multi-stakeholder partnership approach: with governmental bodies on one side and international organisations, civil society, private actors or other relevant actors on the other side, acting and collaborating in different phases of the programmes. Experienced



actors, such as UNHCR, IOM, and NGOs assisting refugees, should play an important role;

- Awareness raising in the receiving communities;
- A careful preparation of the legal basis (legislation and bylaws, conclusion of possible agreements among stakeholders), timely and ahead of first arrivals.

## 2. Linking a private sponsorship scheme to a government-supported programme

The participants of the FGs emphasised that in any private/community sponsorship scheme, there should be a strong role of the state, who would need to remain responsible for admission procedures and involved in the monitoring and evaluation of sponsorships and other complementary models. As Slovenia is a relatively small country with a small NGO sector supporting beneficiaries of international protection, it would also be more appropriate to introduce a scheme in which NGOs/civil society undertake only certain support activities, while the state retains its central role.

Therefore, **private/community sponsorship schemes should first be piloted in the context of government-supported programmes such as resettlement.** This would mean that, once the scheme has been designed in consultation with all governmental and non-governmental stakeholders, the state would retain a central role in the selection process, granting refugee status and the arrival of beneficiaries. Beneficiaries would be recognised as refugees and included in the state system of international protection. NGOs/civil society would be engaged in the pre-departure orientation, post-arrival support and integration processes.

In this case, the *principle of additionality* of the sponsorship scheme would be respected by including “added” services and mentorship provided through private/community sponsorship, e.g., in integration, even if no additional places are being opened. In case of success, in the future, sponsorship schemes that provide for admission of beneficiaries in addition to those who enter through government-supported programmes should be implemented.

Furthermore, the proposed solution is also more appropriate for the Slovenian context in terms of the availability of private financing. The FGs showed that in Slovenia, private funding and donations are neither sufficient nor regular to sustain humanitarian support of refugees. Therefore, it is not to be expected that complementary pathways could be financed by private funds in full. **It is recommended to implement a scheme, which would be financed by EU funding for resettlement and relocation,** as well as national public funds, as is the case in Portugal.<sup>54</sup>

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<sup>54</sup> European Commission, Study on the Feasibility and Added Value of Sponsorship Schemes as a Possible Pathway to Safe Channels for Admission to the EU, Including Resettlement: Final Report, available at: <https://publications.europa.eu/en/publication-detail/-/publication/1dbb0873-d349-11e8-9424-01aa75ed71a1/language-en/format-PDF/source-77978210>



## 2.a. Study opportunities & research programs

Learning from the project “University Corridors for Refugees UNICORE 4.0” which is promoted by 32 Italian universities with the support of UNHCR, Italian Ministry of Foreign Affairs and International Cooperation, Caritas Italiana, Diaconia Valdese, Centro Astalli and other partners,<sup>55</sup> Slovenia could design a similar program offering a certain number of refugees study and research opportunities (masters, doctoral or postdoctoral programs).

UNICORE aims to increase education opportunities for refugees residing in selected African countries.<sup>56</sup> Slovenia, being a small country with limited capacities, could start from the experiences of international development cooperation projects and programs, and follow the priority geographical areas already set there (for example, Sub Saharan Africa or North Africa, where Slovenian NGOs have already been implementing development projects for more than 15 years). Like in the Italian case, a multi-stakeholder partnership should be established, namely interested universities, Ministry of Foreign Affairs (Directorate for Development Cooperation and Humanitarian Aid), Ministry of the Interior (Migration Directorate), Ministry of Higher Education, Science and Innovation, UNHCR, NGOs having experience in Sub Saharan or North African countries and NGOs experienced in supporting refugees in Slovenia.

Admission criteria: UNHCR with its wide network could assist with refugee status determination and thus reduce the logistical burden for the Ministry of the Interior and Ministry of Foreign Affairs, while universities in cooperation with the Ministry of Higher Education could set the admission requirements and carry out the admission procedure. NGOs having experience in African countries could provide pre-orientation and help bridging the gap between countries of origin and host country. Once students/refugees arrived in Slovenia, NGOs experienced in supporting refugees would welcome them and provide their assistance. Selected students/refugees should be entitled to the same integration program as other beneficiaries of international protection. At the same time, they should have access to student benefits, such as student housing.

### 3. Selection of beneficiaries

**Beneficiaries should be selected on the principle of non-discrimination.** The main selection criteria should be *prima facie* need for international protection.

In other Member States, criteria of family relations (extended family), as well as **vulnerability criteria** and nationality were often used. The German NesT Programme, for example, targets

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<sup>55</sup> <https://universitycorridors.unhcr.it/>

<sup>56</sup> *Ibid.*





victims of trafficking, unaccompanied minors, pregnant women and other vulnerable people.<sup>57</sup> However, if vulnerable beneficiaries are prioritised, measures must be taken to ensure that their specific needs are addressed, including psychological and therapeutic support. **Selection criteria and procedures have to be clear and transparent to potential beneficiaries.**

**Beneficiaries should be selected in a “matching” process.** Findings from our research show that in general, participants of our FGs favour a “matching” system, so the beneficiary is not chosen by the sponsor but by an external stakeholder who identifies and then connects the beneficiary and the sponsor. For example, a beneficiary can be identified by the national authority, often in collaboration with an international organisation (UNHCR or IOM), and a matching process (with sponsors) can also be organised, either by national authorities or other organisations responsible for coordinating sponsorship schemes.<sup>58</sup> The “matching” system was identified in programmes implemented in Spain, Portugal, UK, community sponsorship programme in Ireland and the NesT programme in Germany. Another example of the matching system is the community sponsorship programme implemented in Spain, where UNHCR conducted the identification of vulnerable Syrian refugee families abroad (in Jordan).

The involvement of the state and international organisations is also important for the *prima facie* recognition as refugees (see below: beneficiary status).

#### **4. Availability of information about Slovenia as the receiving country**

For the successful implementation of the programme, one of the prerequisites should be the availability of information for the potential beneficiaries about the programme itself, including information about the criteria for selection of beneficiaries, stages of the procedure, arrival in the destination country, and information on status and rights granted.<sup>59</sup>

As in the case of schemes operated in some of the Member States, a **pre-departure orientation** should be implemented.<sup>60</sup> Pre-departure orientation usually includes information about the country of destination and future life in that country such as status, accommodation, economic activity, social security, children and adolescents/education, health care, first language skills, etc. This is important for ensuring **informed consent**.

**Potential beneficiaries and beneficiaries must receive all the key information about the scheme in a timely, accessible and understandable form.**

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<sup>57</sup> Discussion Policy Brief : Private Sponsorship Programmes and humanitarian visas: a viable policy framework for integration?, Giacomo Solano and Valentina Savazzi, [https://www.migpolgroup.com/wp-content/uploads/2019/09/Discussion-Policy-Briefs-PSPs\\_0.pdf](https://www.migpolgroup.com/wp-content/uploads/2019/09/Discussion-Policy-Briefs-PSPs_0.pdf)

<sup>58</sup> COMP4SEE (2022), An Overview of Private Sponsorship Schemes: Programmes and Emerging Practices.

<sup>59</sup> Ibid.

<sup>60</sup> For example, three German federal admission programmes (so called HAP Syria 1-3).



## 5. Beneficiary status

A long-term perspective should be reflected in the status of, and residence permit granted to, the sponsored person.<sup>61</sup>

As already emphasised the selection process should be based on *prima facie* need for international protection with beneficiaries having access to refugee status determination process.

**In this respect, Slovenian experiences regarding resettlement should be implemented, where MoI cooperated with UNHCR and IOM in Ankara, Turkey, to carry out the relocation of 11 families from Syria (2017-2018). UNHCR conducted the beneficiary selection process and a Slovenian mission in cooperation with IOM conducted the interviews. The beneficiaries applied for international protection already in Turkey and their refugee status was granted prior to their travel to Slovenia.**

Thus, beneficiaries would have access to all rights refugees have in Slovenia, including family reunification.

## 6. Sponsors

In general, participants of our FGs favoured organisations, namely NGOs as sponsors and did not support the idea of individuals acting as sponsors. **Organisations to be included in a sponsorship programme should have prior experience in working with migrants and also migrant community organisations.**

Although organisations would act as sponsors, community engagement should be included in the scheme - engagement of residents and local communities to provide emotional and practical help to newly arrived refugees as mentors and volunteers, provided that they are subject to relevant **training and vetting processes**.

Staff members of the sponsor organisations, mentors and volunteers should engage in a compulsory training, designed and implemented in cooperation between governmental and non-governmental stakeholders in the field of integration.

Furthermore, a pilot project based on beneficiaries of international protection, who have lived in Slovenia for a longer period of time, acting as sponsors for their extended family could be considered for implementation.<sup>62</sup>

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<sup>61</sup> ERN+ Scoping paper (ICMC, IOM, UNHCR) PRIVATE SPONSORSHIP IN EUROPE: Expanding complementary pathways for refugee resettlement; <https://www.iom.int/sites/g/files/tmzbd1486/files/documents/ERN%2Bscoping-paper-Private-Sponsorship-inEurope.pdf>

<sup>62</sup> For more ideas and experience refer to the German HAP Syria 2 and 3 programmes.



## 7. Sponsors' responsibilities

By definition, private sponsorship programmes entail transfer of some responsibilities from the government to private actors. There is, however, a variety of models that have developed in this respect, ranging from a limited involvement of sponsors, to programmes with well-defined and numerous roles.<sup>63</sup> Our participants of FGs recommended a more limited role, in which sponsors would provide integration support, while the state should not be relieved of all responsibility for the beneficiaries.

Sponsors could provide:

- Pre-arrival orientation;
- Welcoming at arrival;
- Assistance towards private housing / permanent accommodation or management of designated government-owned housing;
- Regular visits to beneficiaries staying with third parties;
- Collection and distribution of basic goods;
- Assistance with procedures: legal advice and orientation; assistance with social benefits procedures; liaison with providers of social housing in order to find permanent accommodation for the refugees; liaison with competent institutions in the sector;
- Assistance with integration and support for each individual in all dimensions; assistance with access to education and access to health care; provision of language lessons or school support; putting refugees in contact with local employers;
- Joint engagement with the local community, incl. official representatives (such as majors, pastors and other respected members of the community) to facilitate exchange between the newly arrived and the locals.

After the arrival, the sponsors should provide their support to the beneficiaries for a period of **24 months. In cases where additional support is required, an extension of another 12 months should be available.** Nevertheless, extensive research in the field of integration has shown there are still certain individuals and families which even after 3 years since the arrival need significant support to be able to navigate Slovenian society and keep the bureaucratic issues in order. In such cases, the state authorities should take over the support and provide the beneficiary with an accessible state-provided counsellor, who will provide occasional support even after the sponsorship period has ended. Such counsellors could operate in the intercultural centres, envisioned by the Government Strategy in the Field of Migration (2019).

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<sup>63</sup> COMP4SEE (2022), An Overview of Private Sponsorship Schemes: Programmes and Emerging Practices.



## **8. Breakdown of the sponsor-beneficiary relationship**

In the event of a complete breakdown of the sponsorship all ties will be severed with the sponsoring organisation. Beneficiaries should be matched to another sponsor organisation. If there is no such option, beneficiaries continue their integration with the support of the Government Office for the Support and Integration of Migrants.

## **9. Engagement with the local communities**

Awareness raising, capacity building, cultural orientation and similar forms of engagement with the local authorities and wider local community are features of programmes that represent good practice. Those activities can be effective and valuable tools in connecting beneficiaries and local communities, and in improving the integration of refugees. On the other side, by informing through these activities, the host community can better understand refugees' situation, their needs and concerns.<sup>64</sup>

## **10. Monitoring and evaluation of the programme**

Monitoring is important to regularly measure whether the scheme is achieving its objectives and to better understand the relationship between sponsor and beneficiary, while evaluation is crucial for understanding the long-term effectiveness, relevance, coherence, efficiency and sustainability of the scheme.<sup>65</sup>

A monitoring mechanism following the multi-stakeholder approach should be set up.

An external evaluation at the completion of the programme should be carried out.

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<sup>64</sup> COMP4SEE (2022), An Overview of Private Sponsorship Schemes: Programmes and Emerging Practices.

<sup>65</sup> Study on the Feasibility and Added Value of Sponsorship Schemes as a Possible Pathway to Safe Channels for Admission to the EU, Including Resettlement: Final Report.