



PRIPOROČILA ZA IZBOLJŠANJE SLOVENSKEGA SISTEMA ZA ZDRUŽITEV DRUŽINE

RECOMMENDATIONS ON THE IMPROVEMENT OF THE SLOVENIAN FAMILY REUNIFICATION SYSTEM





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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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PRIPOROČILA ZA IZBOLJŠANJE SLOVENSKEGA SISTEMA ZA ZDRUŽITEV DRUŽINE

I. UVOD

a. O projektu COMP4SEE

Dopolnilne poti za Jugovzhodno Evropo (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 olajšanjem 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.¹ 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 2019.²

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

² 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)³ poudarja, da je cilj pakta "zmanjšati nevarne in iregularne poti ter spodbujati trajnostne in varne pravne poti za tiste, ki potrebujejo zaščito".⁴ Poleg preselitve EK poziva države članice, naj omogočijo 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 poti⁵ 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

³ 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>.

⁴ Ibid.

⁵ 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.⁶

II. O sistemu združitve družine v Slovenji

Združevanje družin je uveljavljena komponenta sistema mednarodne zaščite v Sloveniji. Je pravica vsakega upravičenca do mednarodne zaščite v Sloveniji, saj je sestavni del pravice do zasebnega in družinskega življenja, ki je opredeljena v 8. členu Evropske konvencije o človekovih pravicah (v nadaljevanju: EKČP) in v 53. členu Ustave Republike Slovenije. Postopek je opredeljen v Zakonu o tujcih (v nadaljevanju: ZTuj-2), saj se družinski člani, ki se združujejo, po veljavnem pravnem okviru štejejo za tujce (za razliko od oseb, ki potrebujejo zaščito). Zato so v Zakon o tujcih vključene tudi določbe o prebivanju družinskih članov upravičencev do mednarodne zaščite. Zakon o mednarodni zaščiti (v nadaljnjem besedilu: ZMZ) ureja pravice družinskih članov do nastanitve, obnovo družinskih vezi mladoletnikov brez spremstva⁷ in določa, da mora prošnja za mednarodno zaščito vsebovati informacije o družinskih članih prosilca za azil, vključno s tistimi, ki še vedno živijo v državi izvora ali zunaj nje.⁸

Družinski člani beguncev dobijo dovoljenje za stalno prebivanje, družinski člani imetnikov subsidiarne zaščite pa dovoljenje za začasno prebivanje, ki traja enako dolgo kot velja subsidiarna zaščita. Dovoljenje se lahko podaljša pod enakimi pogoji, kot je bilo izdano, in za enak čas, kot je podaljšan status subsidiarne zaščite sponzorja. Po petih letih zakonitega bivanja lahko imetniki dovoljenja za začasno prebivanje zaprosijo za dovoljenje za stalno prebivanje, če izpolnjujejo vse pogoje (kot so zadostna finančna sredstva in znanje jezika).⁹

V splošnem migracijskem kontekstu je pravzaprav združitve družine ena od glavnih podlag za prebivanje v Sloveniji. Statistični podatki kažejo, da je bilo 31. decembra 2021 državljanom tretjih držav izdanih 88.005 dovoljenj za začasno prebivanje. Glede na namen prebivanja je imela večina dovoljenje za začasno prebivanje zaradi zaposlitve in dela (60.000 dovoljenj), sledi pa razlog združitve družine s 17.815 dovoljenji.¹⁰

Leta 2021 je bilo največ dovoljenj za prebivanje (začasno in stalno) izdanih državljanom Bosne in Hercegovine (52 %), Kosova (18 %), Srbije (13,7 %), Severne Makedonije (6 %) in Ruske federacije (2,5 %). Leta 2021 je bilo državljanom tretjih držav izdanih 6.848 prvih dovoljenj za začasno prebivanje zaradi združitve družine, kar je nekoliko več kot leta 2020 (6.438) in

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

⁷ Člen 100 ZMZ.

⁸ Člen 45 ZMZ.

⁹ Pogoji si določeni v členu 25 ZTuj-2.

¹⁰ MNZ, Poročilo o delu Direktorata za migracije za leto 2021, p. 14-15. Dostopno na:

<https://www.gov.si/assets/ministrstva/MNZ/Dokumenti/DM/porocilo-DM-2021/Porocilo-o-delu-Direktorata-za-migracije-za-let-2021.pdf>



podobno ravni pred pandemijo (6.756). Med njimi je bilo največ dovoljenj izdanih državljanom Bosne in Hercegovine, Kosova, Srbije, Severne Makedonije in Rusije.¹¹

V letu 2021 je bila mednarodna zaščita v Sloveniji podeljena le 19 osebam, kar je najmanj po letu 2008.¹² Pred letom 2021 je bilo letno priznanih približno 80 statusov. V letu 2021 je bilo podanih 72 vlog za izdajo dovoljenja za prebivanje zaradi združitve družine z osebo z mednarodno zaščito v Republiki Sloveniji. Med njimi je bilo 70 vlog za izdajo dovoljenja za stalno prebivanje zaradi združitve z osebo s priznanim statusom begunca. Direktor za migracije Ministrstva za notranje zadeve (v nadaljevanju: MNZ) je odločil o 64 vlogah, od tega je bilo 45 vlogam ugodeno in izdano dovoljenje za prebivanje, 2 vlogi sta bili zavrnjeni, v 17 primerih pa je bil postopek ustavljen,¹³ ker vlagatelji niso predložili potrebnih dokumentov oziroma dokazil.¹⁴

Vidimo lahko, da je združitev družine upravičencev do mednarodne zaščite statistično marginalen del celotne migracije v Slovenijo, povezane z združitvijo družine. Po drugi strani pa je med begunci pogosta in vsako leto je vloženih relativno veliko število prošelj za združitev z njihovimi družinskimi člani. Zato jo je treba prepoznati kot sistem, ki ga je treba nenehno razvijati, in kot temelj uspešne integracije.

S spremembo ZTuj-2 marca 2021 je bilo v člen 47 uvedeno opravljanje preizkusa slovenskega jezika na ravni A1 kot pogoj za podaljšanje dovoljenja za prebivanje družinskih članov vseh državljanov tretjih držav, kar zadeva tudi družinske člane upravičencev do mednarodne zaščite, če jim ne uspe začeti postopka združitve družine pod olajšanimi pogoji (v 90 dneh po priznanju statusa). Sistem združitve družine je v zadnjih letih doživel nekaj pomembnih sprememb, nekatere od njih pa so znatno zožile tudi obseg pravic združenih družinskih članov upravičencev do mednarodne zaščite.

III. Pravni okvir

V Sloveniji postopek za združitev družine sproži sponzor, torej upravičenec do mednarodne zaščite. Za družinske člane, pri katerih je družinska vez obstajala že pred prihodom upravičenca v Slovenijo, mora le-ta kot sponzor vložiti vlogo za izdajo dovoljenja za prebivanje za družinske člane pri Direktoratu za migracije MNZ. Če so bile družinske vezi vzpostavljene po naselitvi v Sloveniji, se uporabi splošni postopek, kot je določen v členu 47 ZTuj-2., in ga izvede upravna enota.¹⁵

¹¹ MNZ, Poročilo o delu Direktorata za migracije za leto 2021, p. 20. Dostopno na:

<https://www.gov.si/assets/ministrstva/MNZ/Dokumenti/DM/porocilo-DM-2021/Porocilo-o-delu-Direktorata-za-migracije-za-leto-2021.pdf>

¹² ECRE, AIDA Country Report for Slovenia: 2021 Update, p. 17. Dostopno na: https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-SI_2021update.pdf

¹³ MoI, Report on the work of Migration Directorate in 2021, p. 23. Available at:

<https://www.gov.si/assets/ministrstva/MNZ/Dokumenti/DM/porocilo-DM-2021/Porocilo-o-delu-Direktorata-za-migracije-za-leto-2021.pdf>

¹⁴ ECRE, AIDA Country Report for Slovenia: 2021 Update. Available at: https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-SI_2021update.pdf

¹⁵ INT-NA2



Kdo je lahko sponzor

Do združitve družine so upravičene osebe s statusom begunca¹⁶ in subsidiarno zaščito¹⁷ ter osebe z začasno zaščito.¹⁸ Osebe s statusom begunca in subsidiarno zaščito (vendar le tiste, ki jim je status dodeljen za več kot eno leto) lahko zaprosijo za združitev družine takoj po pravnomočnosti odločbe o dodelitvi statusa.¹⁹ Medtem ko upravičenci, ki jim je bila subsidiarna zaščita priznana za eno leto, pridobijo pravico do združitve družine šele ko je subsidiarna zaščita podaljšana.²⁰ Če sponzor vloži prošnjo v roku 90 dni po prejemu pravnomočne odločbe o mednarodni zaščiti, so pogoji za združitev olajšani za družinska razmerja, ki so nastala pred njihovim vstopom.²¹ Če sponzor ta rok zamudi, bo isti oddelek na MNZ izvedel redni postopek združitve družine brez olajšanih pogojev.²²

Upravičeni družinski člani

Za družinske člane se štejejo:

- zakonec, partner v partnerski zvezi ali partner, s katerim begunec živi v dolgoročni življenjski skupnosti;²³
- mladoletni neporočeni otroci begunca;
- mladoletni neporočeni otroci zakonca, partnerja v partnerski zvezi ali partnerja, s katerim begunec živi v dolgoročni življenjski skupnosti;
- polnoletni neporočeni otroci in starši begunca, zakonca, partnerja ali partnerja, s katerim begunec živi v dalj časa trajajočem življenjskem razmerju, če ga je begunec, zakonec, partner ali partner, s katerim begunec živi v dalj časa trajajočem življenjskem razmerju, dolžan preživljati po pravu države, katere državljan je;
- starši begunca, ki je mladoletnik brez spremstva.²⁴

Zakon vsebuje odprto določbo, po kateri se lahko izjemoma za družinskega člana šteje tudi drug sorodnik begunca, če posebne okoliščine govorijo v prid združitvi družine (življenjska skupnost med drugimi sorodniki, ki je zaradi posebnih dejanskih okoliščin bistveno podobna primarni družini ali ima enako funkcijo kot primarna družina, kar pomeni zlasti pristne družinske vezi med družinskimi člani, fizično skrb, zaščito, čustveno podporo in finančno odvisnost).²⁵ V primeru poligamne zakonske zveze je do združitve upravičen le en zakonec.²⁶

¹⁶ Člen 47.a ZTuj-2.

¹⁷ Člen 47.b ZTuj-2.

¹⁸ Člen 36 TPDPA.

¹⁹ Člen. 47.a and 47.b ZTuj-2.

²⁰ Člen 47.b ZTuj-2.

²¹ Člen 47.a/3 ZTuj-2 in člen. 47.b/3 ZTuj-2. Primerjaj s členom 9(2) Direktive 2003/86/ES.

²² člen 47.a/3 ZTuj-2, člen. 47.b/3 ZTuj-2; glej tudi člen. 33/3 ZTuj-2 in člen. 47 ZTuj-2.

²³ V tem delu dokumenta se izraza begunec in upravičenec do subsidiarne zaščite uporabljata izmenično, saj je obseg pravic pri obeh enak.

²⁴ Člen 47.a/2 ZTuj-2. Glej tudi člen 47.b/2 ZTuj-2.

²⁵ Člen 47.a/4 ZTuj-2.

²⁶ člen. 47.a/9 ZTuj-2.



V primerjavi z Direktivo o pravici do združitve družine je opredelitev družinskih članov v slovenski zakonodaji široka.

Združitev družine pod olajšanimi pogoji za državljane tretjih držav (47.a in 47.b člen Zakona o tujcih)

V skladu s postopkom pod olajšanimi pogoji, razen dokazovanja identitete in ustreznosti družinske vezi, **ni posebnih pogojev za združitev družine**. Upravičenci lahko za združitev zaprosijo takoj po priznanju statusa mednarodne zaščite (vendar ne imetniki enoletne subsidiarne zaščite, ki jim je bila le-ta podeljena prvič!), saj zanje ne veljajo nobene zahteve po obdobju zakonitega bivanja.²⁷ Prav tako sponzorju ni treba izpolnjevati nikakršnih pogojev glede zagotavljanja nastanitve, zdravstvenega zavarovanja ali rednih dohodkov oz. sredstev za preživljanje²⁸ ali izpolnjevati integracijskih ukrepov v skladu s členom 7(2) Direktive 2003/86/ES.

Redna združitev družine (47. člen zakona o tujcih)

Če prošnja za združitev družine ni bila vložena v treh mesecih po priznanju statusa sponzorja, nacionalna zakonodaja med pogoji iz člena 7(1) Direktive 2003/86/ES predpisuje izpolnitev finančnega pogoja: "sredstva za preživljanje družinskih članov ne smejo biti nižja od ravni, določene za upravičenost do socialne pomoči v skladu z zakonom, ki ureja socialnovarstvene prejemke",²⁹ ter pogoja zdravstvenega zavarovanja ("ustrezno zdravstveno zavarovanje, ki zajema vsaj nujne zdravstvene storitve").³⁰

Status združenih družinskih članov

Združeni družinski člani dobijo dovoljenje za prebivanje v skladu z Zakonom o tujcih. Družinski člani oseb s statusom begunca dobijo dovoljenje za stalno prebivanje, družinski člani oseb s subsidiarno zaščito pa dovoljenje za začasno prebivanje, ki traja enako dolgo kot subsidiarna zaščita sponzorja. Dovoljenje za začasno prebivanje se lahko podaljša pod enakimi pogoji, kot je bilo izdano, in za enak čas, kot je podaljšan status subsidiarne zaščite sponzorja.³¹ Pred zakonskimi spremembami leta 2014 je bil družinskim članom sponzorja dodeljen enak status (begunca ali subsidiarne zaščite) kot sponzorju.³²

Družinski člani so upravičeni do enakih pravic glede zdravstvenega varstva, socialne varnosti, izobraževanja in zaposlovanja kot državljani Republike Slovenije.³³

²⁷ Primerjaj s členom 8/1 in 8/2 of Direktive 2003/86/ES.

²⁸ Člen 7/1 of Direktive 2003/86/ES. .

²⁹ Člen 47.a/7 ZTuj-2.

³⁰ Člen. 33/3 ZTuj-2.

³¹ Členi 47.a/3, 47.b/3,7 ZTuj-2.

³² AIDA Country Report: Slovenia (2021 update), p. 96-97, dostopno na: https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-SI_2021update.pdf

³³ Družinski člani oseb s subsidiarno zaščito v skladu z izrecno določbo člena 47.b(12) Zakona o tujcih in družinski člani oseb s statusom begunca kot imetniki dovoljenja za stalno prebivanje.



Družinski člani so upravičeni do nastanitve v integracijski hiši ali finančne pomoči pri nastanitvi na zasebnem naslovu skupaj s sponzorjem, razen družinskih članov osebe s subsidiarno zaščito, ki niso upravičeni do finančne pomoči.³⁴

Integracija in vključevanje združenih družinskih članov

Civilnodružbeni akterji, upravičenci in druge zainteresirane strani navajajo več težav s sistemom integracije, ki znatno ovirajo proces vključevanja beguncev in zlasti nekaterih njihovih združenih družinskih članov. Proces vključevanja je bil v zadnjih letih temeljito raziskan, Mirovni inštitut pa je v okviru projektov kot so [NIEM](#), [VIW](#) ter [MICREATE](#) o tej temi objavil več publikacij. Leta 2021 je bil sistem integracije bistveno spremenjen, kar so kritizirali številni deležniki. Obdobje podpore pri integraciji je bilo skrajšano s treh na dve leti, uvedeni pa so bili tudi novi pogoji za podaljšanje dovoljenja začasno prebivanje in za dostop do socialne podpore.

³⁴ Členi. 93/2 in 97/5 ZMZ.



IV. PRIPOROČILA ZA IZBOLJŠANJE SLOVENSKEGA SISTEMA ZA ZDRUŽITEV DRUŽINE

a. Ozadje

Ta priporočila za izboljšave temeljijo na (a) raziskavi zakonodajnih, institucionalnih in izvedbenih vidikov sistemov združevanja družin, (b) empirični raziskavi procesov združevanja družin z vidika oseb s priznano mednarodno zaščito in njihovih družinskih članov.

Povzetki rezultatov raziskave zakonodajnega in institucionalnega sistema združevanja družin oseb z mednarodno zaščito v Sloveniji so na kratko predstavljeni v razdelkih II. in III. tega dokumenta. Da bi zbrali več relevantnih perspektiv in izkušenj ter bolje razumeli morebitne težave in ovire, smo v empirični raziskavi opravili polstrukturirane intervjuje z najmanj petimi udeleženci iz petih skupin deležnikov, vključenih v sistem združevanja družin. Skupine deležnikov so: 1. begunci in njihovi družinski člani, 2. organizacije civilne družbe, ki nudijo pomoč v procesu združevanja družin, 3. pristojni nacionalni organi, 4. mednarodne organizacije in 5. diplomatsko osebje.

b. Priporočila

1. Postopke združevanja družin bi bilo treba poenostaviti

Postopke je treba poenostaviti tako, da bodo dostopni tudi upravičencem do mednarodne zaščite, ki nimajo pravnega zastopanja.

Zapleti, do katerih prihaja v upravnih postopkih, so bili omenjeni kot težava, ki lahko sama po sebi ustvarja socialne probleme, tudi če jih prej ni bilo. Deležniki so kot problem opredelili tudi napačne informacije o pravicah družinskih članov oseb z mednarodno zaščito. Druga težava je zapleten pravni okvir in upravna praksa.

Družine, združene po rednem postopku, se lahko soočijo s precejšnjimi ovirami tudi, ko bi bilo treba podaljšati dovoljenja za prebivanje (družine oseb s subsidiarno zaščito).

Da bi zagotovili enotnost družine in učinkovito izvajanje pravice do združitve družine, bi bilo treba upoštevati **različne kulturne in birokratske razmere ter prepreke na strani upravičencev in njihovih družinskih članov**. Nekateri od njih se soočajo z velikimi težavami pri pridobivanju potrebne dokumentacije.



2. Vsi vpleteni deležniki bi si morali prizadevati za pospešitev postopka

Raziskava je pokazala, da postopek združitve družine v praksi pogosto traja predolgo. To dodatno obremenjuje družine, ki so bile pogosto ločene že več let, še preden se je postopek združitve družine sploh začel.

3. V sodelovanju med deležniki je treba vzpostaviti sistem finančne podpore za namene združitve družine.

Ena glavnih ovir je odsotnost vsakršne sistemske finančne podpore in astronomski stroški združitve družine (stroški pridobivanja ustreznih dokazov, zlasti testov DNK, potni stroški, morebitno spremstvo IOM v primeru ranljivih upravičencev, izstopni vizumi in drugi stroški, ki skupaj znašajo na tisoče evrov). Finančne sheme pomoči niso vzpostavljene, kar povzroča dodatne težave osebam z mednarodno zaščito (sponzorjem) in jih lahko potisne v dolgove. To še toliko bolj velja za mladoletne otroke, ki so nosilci pravice do združitve družine. Nekatere nevladne organizacije organizirajo kampanje za zbiranje sredstev za vsak primer združitve posebej in tako poskušajo pomagati pri kritju stroškov. Vendar bi morala finančno podporo ponuditi tudi država. Med drugim, v zvezi z overjenimi prevodi potrebnih dokumentov, bi morale biti sponzorjem omogočeno, da predložijo dokumente v izvorniku, prevod v slovenski jezik pa nato zagotovi MNZ (podobno kot v postopku mednarodne zaščite).

4. Vzpostaviti je treba telo za koordinacijo med vsemi deležniki

Raziskava je pokazala, da so slovenske oblasti precej fleksibilne pri postopkih združitve družine in aktivno iščejo praktične (*ad hoc*) rešitve v posameznih primerih. Po drugi strani pa nekateri deležniki pogrešajo večjo stopnjo koordinacije in partnerskega pristopa s strani oblasti. To pomanjkanje ustrezne podpore in zaupanja v oblasti je bilo omenjeno tudi kot ovira za organizacije civilne družbe pri sodelovanju v morebitnih shemah zasebnega ali skupnostnega sponzorstva.

Za odpravo te vrzeli bi bilo treba ustanoviti koordinacijsko telo vseh deležnikov, ki bi omogočilo boljše usklajevanje, sodelovanje, zaupanje in razpravo med deležniki (vsa pristojna ministrstva, centri za socialno delo, NVO, mednarodne organizacije in upravičenci do mednarodne zaščite).

5. Združeni družinski člani upravičencev do subsidiarne zaščite bi morali biti v svojih pravicah izenačeni z družinskimi člani beguncev.

Družinski člani oseb s subsidiarno zaščito sicer dobijo dovoljenje za začasno prebivanje za enak čas, kolikor traja subsidiarna zaščita, niso pa upravičeni do finančne pomoči za nastanitev, kar pomeni, da mora stroške v celoti kriti sponzor. To je še posebej težko za mladoletnike brez spremstva, ki zaprosijo za združitev družine. V tem primeru mora mladoletni sponzor kriti te stroške, kar je izredno obremenjujoče in v nekaterih primerih prisili otroke, da zapusti šolo, da lahko preživlja svoje družinske člane.



6. Med postopkom združitve in po njem, ob prehodu v fazo integracije, je treba upoštevati tudi potrebe družinskih članov po zaščiti

Družinski člani imajo pogosto enake potrebe po zaščiti kot sponzorji, lahko so tudi sami v nevarnosti. To je treba upoštevati med celotnim postopkom združitve družine. Potrebo po zaščiti je treba upoštevati tudi v nacionalni politiki glede podeljevanja državljanstva otrokom, ki se po združitvi družine v Sloveniji rodijo osebam z mednarodno zaščito in njihovim partnerjem.

7. Združeni družinski člani bi morali biti deležni enakih integracijskih ukrepov in podpore kot njihovi sponzorji – upravičenci do mednarodne zaščite

Da bi pridobili boljše možnosti za integracijo, bi morali družinski člani uživati enake ukrepe za integracijo kot njihovi sponzorji – upravičenci do mednarodne zaščite. Integracijski sistem ima kronične težave, zaradi katerih se družine leta in leta borijo z integracijo in vključevanjem v slovensko družbo. Določenim skupinam upravičencev število ur slovenskega jezika ne zadošča, še posebej, če prihajajo iz povsem različnih jezikovnih okolij.

Drugo pereče vprašanje je pomanjkanje dostopa do ustreznih stanovanj. To vprašanje je v preteklih letih postalo pereče za večino slovenske družbe, kjer so begunci in begunske družine (pogosto večje družine) v najslabšem položaju zaradi visokih najemnin, rasizma in ksenofobije najemodajalcev, dezinformacij, administrativnih in drugih ovir itd.

Družine imetnikov subsidiarne zaščite so v še slabšem položaju, saj so drugače (slabše) obravnavani kot družinski člani oseb s statusom begunca.

8. Ponuditi je treba širšo podporo združenim družinam tudi v poznejših fazah integracije, da se ljudem omogoči, da se v Sloveniji uveljavijo in dosežejo dostojno in neodvisno življenje

Selitev in sprememba okolja je zahtevna za družine, ki se pogosto združijo po daljšem času. Pri integraciji potrebujejo dolgoročno podporo, vključno z vključevanjem centrov za socialno delo in dostopom do programov psihološke ali psihosocialne podpore.

Poleg tega so nekateri deležniki izrazili zaskrbljenost nad položajem žensk, ki so med družinskimi člani, ki se najpogosteje združujejo. Medtem ko so otroci vključeni v izobraževalni sistem in se zato lažje integrirajo, je lahko za odrasle ženske v družini vključevanje zelo zahtevno. Posebej negotov je položaj žensk v primeru, da se želijo ločiti, medtem ko v Sloveniji bivajo na podlagi dovoljenja za začasno prebivanje. Ločitev je včasih lahko tudi posledica stiske po dolgotrajni ločenosti in pomanjkanja podpore v procesu integracije, kar lahko vodi tudi v nasilje v družini. Deležniki so kritizirali, da tak sistem postavlja ženske v preveč odvisen in podrejen položaj v odnosu do sponzorja, kar je problematično samo po sebi, še bolj pa v primerih nasilja v družini ali nasilja na podlagi spola. Intervjuvani združeni družinski člani so poročali o ženskah, ki se ne upajo ločiti, ker se bojijo, kaj bo z njihovim statusom, in ni nikogar, ki bi jim dal natančne informacije.



9. Kapacitete za podporo upravičencem do mednarodne zaščite in njihovim družinam je treba okrepiti z uvedbo več programov, zagotovitvijo zadostnih finančnih sredstev, ponudbo kakovostnejših storitev s strani države in predvsem lokalnih oblasti

Integracijski sistem nima zmogljivosti za podporo vsem upravičencem. Organizacije civilne družbe so izrazile potrebo po spremembi zakonodaje, ki bi med ranljive skupine vključila tudi ranljive združene družine.

Podpora bi morala biti celostna in kontinuirana, a tako civilna družba kot država nimata zadostnih zmogljivosti. Urad za podporo in integracijo migrantov nima dovolj kadra za pomoč družinam in vztraja na stališču, da je odgovoren samo za upravičence do mednarodne zaščite, ne pa tudi za njihove družine. Zato je treba dodatna sredstva usmeriti v krepitev zmogljivosti.

Integracija poteka na lokalni ravni, zato morajo lokalne oblasti postati bolj aktivne in vključene. Potrebna je celovita strategija vključevanja ter jasna razdelitev vlog in odgovornosti med deležniki na državni in lokalni ravni. Predvsem na lokalni ravni je treba v pripravo strategije vključevanja in njeno izvajanje vključiti vse relevantne deležnike (lokalne oblasti in uprava, službe, izobraževalno skupnost, nevladne organizacije, delodajalce, verske skupnosti itd.).

10. Položaje, izkušnje in potrebe upravičencev do mednarodne zaščite in njihovih družinskih članov je treba upoštevati pri oblikovanju vladnih politik, zakonodaje in odločitev oblasti.

S predstavniki upravičencev do mednarodne zaščite in njihovimi družinskimi člani se je treba posvetovati in jih vključiti v delovne skupine ali ustrezne organe pri ocenjevanju obstoječih in pripravi novih politik, ukrepov in zakonodaje.



RECOMMENDATIONS FOR THE IMPROVEMENT OF THE SLOVENIAN FAMILY REUNIFICATION SYSTEM

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. The project aims 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

Among the goals of the project is to analyse current family reunification systems in Slovenia, Croatia and Bulgaria and develop recommendations for their improvement. The objective is also to reduce practical barriers to family reunification in selected number of cases. Namely, the project is piloting the provision of pre-departure assistance and post-arrival integration measures to several families in each of the participating countries. The project is providing financial support schemes for family reunification of those people who do not have sufficient resources to cover the costs.

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.³⁵ 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

³⁵ <https://www.unhcr.org/refugee-statistics/>, accessed on 25 January 2023.



from non-EU countries to EU Member States (MS), 156 % more than in 2020 and 2 % more than in 2019.³⁶

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,³⁷ 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)³⁸ emphasises that the Pact "aims to reduce unsafe and irregular routes and promote sustainable and safe legal pathways for those in need of protection".³⁹ 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 pathways⁴⁰ 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

³⁶ https://ec.europa.eu/info/strategy/priorities-2019-2024/promoting-our-european-way-life/statisticsmigration-europe_en, accessed on 25 January 2023.

³⁷ FRA (2015) Legal entry channels to the EU for persons in need of international protection: a toolbox.

³⁸ 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>

³⁹ Ibid.

⁴⁰ 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>



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.

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.⁴¹

c. About family reunification in Slovenia

Family reunification is an established component of the international protection system in Slovenia. It is a right of every beneficiary of international protection (hereinafter: BIP) in Slovenia, as it forms an integral part of the right to private and family life, defined in Article 8 of the European Convention on Human Rights (hereinafter: ECHR), as well as in Article 53 of the Constitution of Republic of Slovenia. The procedure is defined in the Foreigners Act (hereinafter: FA), as reunifying family members are considered foreigners by the existing legal framework (as opposed to persons in need of protection). Therefore, residency provisions for family members are included in the Foreigners Act as well. The International Protection Act (hereinafter: IPA) regulates accommodation entitlements of family members, restoring family links of unaccompanied minors,⁴² and states that the application for international protection must include information about family members of the asylum seeker, including those who still live inside or outside their country of origin.⁴³

Family members of refugees are granted a permanent residence permit, while family members of subsidiary protection holders are granted a temporary residence permit for the same duration as that of subsidiary protection. The permit can be extended under the same conditions as it is granted and for the same time as the extension of the subsidiary protection status of the sponsor. After five years of legal stay, temporary residence permit holders may apply for a permanent residence permit if they fulfil all the conditions (such as sufficient financial means and language proficiency).⁴⁴

In a general migration context in fact family reunification is one of the main grounds of residency in Slovenia. Statistics show that on 31 December 2021 there were 88,005 permits for temporary residence issued to third-country nationals (hereinafter: TCNs). In terms of the

⁴¹ COMP4SEE (2022), An Overview of Private Sponsorship Schemes: Programmes and Emerging Practices.

⁴² Art. 100 IPA.

⁴³ Art. 45 IPA.

⁴⁴ The conditions are laid down in Art. 52 of the Foreigners Act.



purpose of residence the majority had temporary residence permit for employment and work (60,000 permits), followed by family reunification purpose with 17,815 permits.⁴⁵

In 2021, the most permits for residence (temporary and permanent) were issued to citizens of Bosnia and Herzegovina (52%), Kosovo (18%), Serbia (13.7%), North Macedonia (6%) and the Russian Federation (2.5%).⁴⁶ There were 6,848 first-time temporary residence permits issued to TCNs for the purpose of family reunification in 2021, which is slightly more than in 2020 (6,438) and similar to the pre-pandemic level (6,756).⁴⁷ Amongst these, most permits were issued to citizens of Bosnia and Herzegovina, Kosovo, Serbia, North Macedonia and Russia.⁴⁸

In 2021 only 19 persons were granted international protection in Slovenia, which is the lowest figure since year 2008.⁴⁹ Before 2021, there were approximately 80 statuses recognised per year. In 2021, there were 72 applications for the issuance of a residence permit for the purpose of family reunification with a person with international protection in the Republic of Slovenia. Amongst them there were 70 applications for the issuance of a permanent residence permit for reunification with a foreigner with a recognized refugee status. The Migration Directorate of the Ministry of the Interior (hereinafter: MoI) decided on 64 applications, of which 45 applications were approved and residence permits issued, 2 applications were rejected, and in 17 cases the procedure was stopped,⁵⁰ because the applicants did not submit the necessary documents or proof.⁵¹

We can see the family reunification of BIPs is statistically a marginal part of the whole family reunification-related migration to Slovenia. On the other hand, it is popular amongst refugees, and there is a relatively high number of applications for reunification each year. Therefore, it should be recognised as a system in need of constant development, and a fundament of successful integration.

⁴⁵ MoI, Report on the work of Migration Directorate in 2021, p. 14-15. Available at:

<https://www.gov.si/assets/ministrstva/MNZ/Dokumenti/DM/porocilo-DM-2021/Porocilo-o-delu-Direktorata-za-migracije-za-let-2021.pdf>

⁴⁶ MoI, Report on the work of Migration Directorate in 2021, p. 18. Available at:

<https://www.gov.si/assets/ministrstva/MNZ/Dokumenti/DM/porocilo-DM-2021/Porocilo-o-delu-Direktorata-za-migracije-za-let-2021.pdf>

⁴⁷ MoI, Report on the work of Migration Directorate in 2021, p. 20. Available at:

<https://www.gov.si/assets/ministrstva/MNZ/Dokumenti/DM/porocilo-DM-2021/Porocilo-o-delu-Direktorata-za-migracije-za-let-2021.pdf>

⁴⁸ MoI, Report on the work of Migration Directorate in 2021, p. 20. Available at:

<https://www.gov.si/assets/ministrstva/MNZ/Dokumenti/DM/porocilo-DM-2021/Porocilo-o-delu-Direktorata-za-migracije-za-let-2021.pdf>

⁴⁹ ECRE, AIDA Country Report for Slovenia: 2021 Update, p. 17. Available at: https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-SI_2021update.pdf

⁵⁰ MoI, Report on the work of Migration Directorate in 2021, p. 23. Available at:

<https://www.gov.si/assets/ministrstva/MNZ/Dokumenti/DM/porocilo-DM-2021/Porocilo-o-delu-Direktorata-za-migracije-za-let-2021.pdf>

⁵¹ ECRE, AIDA Country Report for Slovenia: 2021 Update. Available at: https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-SI_2021update.pdf



The FA was amended in March 2021 and art. 47 introduced passing an A1 level Slovene language test as a condition for extension of the residence permit of family members of TCNs in general, which also affects BIPs' family members if they do not manage to start the family reunification procedure under facilitated conditions (within 90 days upon status recognition). The family reunification system has seen some significant changes and developments in recent years, some of them significantly tightening the body of rights of reunified family members of BIPs.

d. Legal framework

In Slovenia, the procedure for family reunification is initiated by the sponsor, that is the BIP. For family members where family link has existed prior to coming to Slovenia, the sponsor must submit an application for issuance of a residence permit for family members at the MoI, Directorate of Migration. If family links were established after settling in Slovenia, a general procedure defined in Art. 47 FA is utilised and it is carried out by an administrative unit.⁵²

Eligibility for sponsorship

Eligible for family reunification are BIPs (meaning holders of refugee status⁵³ and beneficiaries of subsidiary protection⁵⁴) as well as beneficiaries of temporary protection.⁵⁵ Persons with refugee status and subsidiary protection (but only those who are granted status for longer than one year) may apply for family reunification immediately after the decision granting them status becomes final.⁵⁶ Whereas, beneficiaries who have been granted subsidiary protection for one year obtain the right to family reunification only once their status is extended.⁵⁷ If the sponsor submits the application within the deadline of 90-days after receiving the final decision on international protection, the conditions for reunification are facilitated for family relationships predating their entry.⁵⁸ If the sponsor misses this deadline, the same department at the MoI will carry out a regular family reunification procedure without facilitated conditions.⁵⁹

Eligible family members

The following are considered as family members:

- a spouse, a partner in a civil partnership or a partner with whom the refugee⁶⁰ lives in a long-term living arrangement;

⁵² INT-NA2

⁵³ Art. 47.a FA.

⁵⁴ Art. 47.b FA.

⁵⁵ Art. 36 TPDPA.

⁵⁶ Arts. 47.a and 47.b FA.

⁵⁷ Art. 47.b FA.

⁵⁸ Art. 47.a/3 FA and art. 47.b/3 FA. Compare with Article 9 (2) of the Directive 2003/86 / EC.

⁵⁹ Art. 47.a/3 FA, art. 47.b/3 FA; see also art. 33/3 FA and Art. 47 FA.

⁶⁰ In this section terms refugee and beneficiary of subsidiary protection are used interchangeably, as the scope of rights is the same for both.



- 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 maintain 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.⁶¹

The law includes an open clause, where, exceptionally, another relative of the refugee may be considered to be a family member if special circumstances are in favour of family reunification (a living community between other relatives which, 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).⁶² In case of a polygamous marriage only one spouse is eligible for reunification.⁶³

In comparison with the Family Reunification Directive, the definition of family members in Slovenian legislation is broad.

Family reunification under facilitated conditions for BIPs (Article 47.a and 47.b of Foreigners Act)

According to the procedure under facilitated conditions, there are no **special conditions for reunification**, apart from proving the identity and a particular family link with the family members. Eligible beneficiaries can apply immediately after recognition of status (but not the ineligible first-time holders of subsidiary protection of one year!). There is no waiting period or requirement of a period of lawful stay.⁶⁴ Neither does the sponsor need to meet the conditions for accommodation, health insurance or stable and regular resources,⁶⁵ or comply with integration measures in accordance with Article 7 (2) of Directive 2003/86/EC.

Regular family reunification (Article 47 of the Foreigners Act)

If an application for family reunification has not been submitted within three months of the recognition of sponsor's status, amongst Article 7 (1) of Directive 2003/86 / EC conditions, the national legislation prescribes the fulfilment of a financial condition: “the means of subsistence used to support the members of the family must not be less than the level laid down for entitlement to social assistance in accordance with the law governing social security benefits”⁶⁶

⁶¹ Art. 47.a/2 FA. See also art. 47.b/2 FA.

⁶² Art. 47.a/4 FA.

⁶³ Art. 47.a/9 FA.

⁶⁴ Compare with Art. 8/1 and 8/2 of Directive 2003/86 / EC.

⁶⁵ Art. 7/1 of Directive 2003/86 / EC.

⁶⁶ Art. 47.a/7 FA.



as well as the insurance condition (“adequate health insurance covering at least emergency medical services”).⁶⁷

Status of reunified family members

Reunified family members are granted residency under the Foreigners Act. Family members of persons with refugee status are granted a permanent residence permit, while family members of persons with subsidiary protection are granted a temporary residence permit with the same duration as that of subsidiary protection. The temporary residence permit can be extended under the same conditions as it is granted and for the same time as the extension of the subsidiary protection status of the sponsor.⁶⁸ As mentioned above, before legislative changes in 2014, family members of the sponsor were granted the same status (refugee or subsidiary protection) as the sponsor.⁶⁹

Family members are entitled to the same rights regarding health care, social security, education and employment as citizens of the Republic of Slovenia.⁷⁰

Family members are entitled to accommodation in an Integration House or financial assistance with accommodation at a private address together with the sponsor, except for family members of a person with subsidiary protection, who are not entitled to financial assistance.⁷¹

System of integration and inclusion of reunified family members

Civil society actors, beneficiaries themselves as well as other stakeholders list several issues with the integration system and possibilities which significantly hinder the process of integration of refugees, and especially some of their reunified family members. The process of integration has been thoroughly researched in recent years, and the Peace Institute has published extensively on the topic within the [NIEM](#), [VIW](#), [MICREATE](#), and other projects. In 2021 the integration system was significantly changed, which was criticised by several stakeholders. Period of integration support was shortened from three to two years, and new conditions for extension of a temporary residence permit, and for access to social support were introduced.

⁶⁷ Art. 33/3 FA.

⁶⁸ Arts. 47.a/3, 47.b/3,7 FA.

⁶⁹ AIDA Country Report: Slovenia (2021 update), p. 96-97, available at: https://asylumineurope.org/wp-content/uploads/2022/05/AIDA-SI_2021update.pdf

⁷⁰ Family members of persons with subsidiary protection pursuant to an explicit provision in Article 47.b(12) Foreigners Act and family members of persons with refugee status as holders of a permanent residence permit.

⁷¹ Arts. 93/2 and 97/5 IPA.



II. RECOMMENDATIONS FOR THE IMPROVEMENT OF THE SLOVENIAN FAMILY REUNIFICATION SYSTEM

a. Background

These recommendations for the improvements are based on (a) research of legislative, institutional and implementation aspects of family reunification systems, (b) empirical research of family reunification processes from the perspective of the people granted international protection and members of their families.

Summaries of the research on the Family Reunification of Beneficiaries of International Protection in Slovenia are briefly presented in section I.c and d of this document. In our empirical research, we have conducted semi-structured interviews with at least five participants from five groups of stakeholders, involved in the family reunification system, to collect multiple relevant perceptions and experiences and gain a better understanding of potential problems and obstacles. The groups of stakeholders are: 1. Refugees and their family members, 2. CSOs providing assistance in the process of family reunification, 3. Relevant national authorities, 4. International organisations, and 5. Diplomatic staff.

b. Recommendations

1. The family reunification procedures should be simplified

The procedures should be simplified in the manner to make it accessible to BIPs without legal representation.

Complications in administrative procedures were mentioned as an issue that may in itself create a social problem even if it did not exist before. Misinformation about the rights of family members of BIPs was also identified by the stakeholders as an issue. The other is a complicated legal framework and administrative practice.

Families, reunified through a regular procedure may also face significant barriers when residence permits would have to be renewed (families of beneficiaries of subsidiary protection).

In this context, **different cultural and bureaucratic realities of applicants and their family members should be taken into account in order to secure family unity and an effective implementation of the right to family reunification.** Some of them face major difficulties in obtaining the necessary documentation.



2. The procedure should be sped up by all the stakeholders involved

Research shows that in practice, the family reunification procedure often takes too long. This puts additional strains on families, who were often separated for years even before the family reunification process started.

3. A system of financial support for family reunification purposes should be established in cooperation amongst stakeholders

One of the main obstacles is absence of any financial support and astronomical costs of family reunification (costs of obtaining the appropriate evidence – especially DNA testing, travel costs, IOM escort, exit visas and other costs – amounting to thousands of euros). There are no financial schemes in place which causes additional hardship for BIPs (sponsors) and might push them into debt. This is even more so for minor children who are beneficiaries of family reunification. Some of the NGOs organise fundraising campaigns for each individual reunification and try to help with covering the costs. But there should be financial support offered by the state. When it comes to official translations of the necessary documents, the sponsors should be allowed to submit documents in the original language, with MoJ then securing the translation into Slovenian (similarly as in the international protection procedure).

4. A stakeholders coordination body should be established

It is evident the Slovenian authorities are quite flexible in procedures of family reunification and are actively searching for practical (ad-hoc) solutions in individual cases. On the other hand, several stakeholders lack coordination and partnership approach on the side of the authorities. This lack of proper support, trust and reliance on the authorities was mentioned also as an obstacle for CSOs to participate in potential private or community sponsorship schemes.

To close this gap, a stakeholders coordination body should be established, which would facilitate better coordination, cooperation, trust and discussion amongst stakeholders (all the relevant ministries, social work centres, CSOs, international organisations, and BIPs).

5. The reunified family members of beneficiaries of subsidiary protection be equal in rights to family members of refugees

While family members of subsidiary protection holders are granted a temporary residence permit for the same duration as that of subsidiary protection, they are not eligible for financial assistance for accommodation, which means that the costs have to be fully covered by the sponsor. This is particularly difficult for unaccompanied children who apply for family reunification. In this case, the child-sponsor must cover these costs, which is burdensome and, in some cases, forces the child to leave school so they can support their family members.



6. The protection needs of reunifying family members be taken into account during and after the procedure, as well as after arrival in phase of integration, inclusion

Family members often have the same protection needs as the sponsors, they may themselves be in danger. This should be taken into account during the entire procedure of family reunification. The need for protection should be taken into account in the state's policies regarding granting citizenship to children born in Slovenia to BIPs and their partners after family reunification has taken place.

7. Reunified family members would receive equal integration measures and support as their family member with international protection

In order to gain a better chance of integration, family members should benefit from equal integration measures as their sponsor (BIP). The **integration system** has chronic problems leaving families to struggle with integration and inclusion into Slovenian society for years on end. For certain groups of beneficiaries, **the number of Slovenian language lessons is not sufficient**, particularly if they come from completely different linguistic backgrounds.

Another pressing issue is the **lack of access to appropriate housing**. This issue has become overlying for the majority of Slovenian society in past years, where refugees and refugee families (often larger families) are amongst the worst-off, due to high rent, racism and xenophobia of landlords, misinformation, administrative and other obstacles etc.

Families of subsidiary protection holders are in an even worse situation due to the difference in treatment to family members of refugees.

8. Wider support should be offered to reunified families also in later stages of integration, to give opportunity to people to establish themselves in Slovenia and attain a dignified and independent life

The move and change of the environment is challenging for the families who are often reunited after longer periods of time. They require long-term support in their integration, including the involvement of social work centres and access to programmes of psychological or psychosocial support.

Furthermore, some of the stakeholders expressed worries over the **situation of women**, who are amongst the family members most often reunified. While children are included in the education system and therefore integrate more easily, for adult women in the family, integration can be very challenging. The position of the women is especially precarious in case they want to separate (which can at times also be a consequence of hardship after long separation and lack of support in the integration process, which can also lead to domestic violence) after residing in Slovenia on a temporary permit. Stakeholders criticised that such a system puts women in an overly reliant and subordinate position to the sponsor, which is problematic per-se but even more so in cases of domestic or gender-based violence. Interviewed reunified family members reported on women who do not dare to get a divorce, because they are afraid of what will happen with their status and there is no one who would provide them with exact information.



9. Capacities for support of beneficiaries of international protection and their families be widened by introducing more programmes, securing enough finances, offering more quality services by the government and especially local authorities

The integration system lacks capacity to support all the beneficiaries. CSOs expressed the need for legislative changes that would include vulnerable reunited families among vulnerable groups.

Support should be holistic and continuous, but both civil society and the state lack the capacity. The Office for Support and Integration of Migrants does not have sufficient staff to help the families and maintains the position it is only responsible for the sponsors, but not for their families. Therefore, additional resources should be directed into strengthening the capacities.

The integration happens on the local level, thus the local authorities must become more active and involved. A comprehensive integration strategy is needed and clear division of roles and responsibilities between the stakeholders at the state level and the local level. Especially at the local level all relevant stakeholders (local authorities and administration, services, educational community, NGOs, employers, religious communities etc.) should be involved in the preparation of the integration strategy and its implementation.

10. Realities, experiences and needs of BIPs and their family members be taken into account in producing of government policies, legislations, and decisions of the authorities

Representatives of BIPs and their family members should be consulted and included in the working groups or relevant bodies when evaluating the existing and preparing new policies, measures and legislation.