

An overview of the migration policies and trends - Slovenia

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Abstract:

Slovenia is predominantly an immigrant country thanks to migration flows from other republic of the former Yugoslavia – migrations started already in the 1950s and increased in the late 1990s. Many migrants born in other ex-Yu republics got Slovenian citizenship in the early 1990s when Slovenia became an independent state.

After that some of them, as well as all newcomers, faced a substantial change in their legal status: former co-nationals became foreigners and later on, with Slovenia's EU membership, even so-called "third country nationals". In this process a special (and not yet completely solved) case was a large group of people who didn't get Slovenian citizenship and at the same time they lost their status as permanent residents.¹

Slovenia is still the destination country for number of people from the territory of the former Yugoslavia. The share of residents of Slovenia with countries of birth from the territory of the former Yugoslavia among all foreign-born residents was 87% according to 2011 Census (89% in 2002).² Other immigrants come mainly from various European countries and only 3% from countries outside of Europe. The share of foreign citizens among the whole population in Slovenia was 4% in 2011.³

If we compare the statistical data of residence permits for foreign citizens issued by administrative units in the last few years, we can notice two opposite trends: on one hand, the number of valid permanent residence permits is increasing (38.715 in 2009, 43.074 in 2010, 48.228 in 2011) while the number of valid temporary residence permits is decreasing (61.540 in 2009, 53.806 in 2010, 52.682 in 2011). According to last available data (first half of 2012), residence permits were issued predominantly to citizens of ex-Yu successor states (mainly of Bosnia and Herzegovina): their share in the issued temporary residence permits was 84% (B&H citizens 40%)⁴ and 89% in the permanent residence permits (B&H citizens 58%).⁵

¹ As they were illegally erased from the register of permanent residents, this case was considered by many human rights organizations as a blatant violation of human rights. This assessment was later on confirmed by judgements of the Slovenian Constitutional Court and the European Court of Human Rights in several cases of the "erased" people.

² http://www.stat.si/eng/novica_prikazi.aspx?id=4430

³ http://www.stat.si/eng/novica_prikazi.aspx?id=4481

⁴ http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DMI/SMZ/Izdana_DZP_1.1.2012_do_30.6.2012.doc

⁵ http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DMI/SMZ/Izdana_DSP_1.1.2012-30.6.2012.doc

Statistical data show that majority of immigrants come to Slovenia searching for employment, family reunification is second main reason, and on the third place comes migration for the purpose of study.⁶ Majority of immigrant workers are male, between 30 and 40 years old, almost half of them are employed in construction, a significant part also in manufacturing.

Immigrants having so-called personal work permit (its holder can move freely between employers) are in better position than those with temporary permit (a migrant can work only for a specific employer). However, in practice, even migrants with personal work permit often encounter various obstacles in their attempt to get an equal access to Slovenian labour market. Employment of immigrants in low-skilled and low-paid jobs is not only related to their level of education but also to the fact that many of them, even those highly educated, have no other choice but to take on any kind of job.

Restrictive employment of immigrants

Since one of the key preconditions for issuing new work permits is the general situation on the labour market in Slovenia, they are subject to various restrictions. One of them was so-called quota system. Quotas as an administrative limitation of employment of foreign workforce were introduced in 2004, with a provision stipulating a maximum of 5% share of foreign workers in the whole Slovenia's active population. Quotas were growing in the period between 2004 and 2008 (they almost doubled), while the financial and economic crisis turned this trend in the opposite direction. After 2008 new restrictions were applied to employment of immigrants in Slovenia. An act entitled "Rules of work permits, on registration and de-registration of work and on the supervision of employment and work of aliens",⁷ which entered in force in 2008, cancelled previous more favourable status of so-called deficit professions. It means that even those professions, which were not that attractive for Slovenian citizens and therefore used to be part of the "uncontrolled" labour market, after 2008 had to be regulated by the migration policy. Another governmental act which has substantially limited employment of immigrant workers and entered in force in 2009 was called "Decree on Restrictions and Prohibition of Employment and Work".⁸ This act prohibited seasonal work in all sectors except in agriculture and forestry, it also prohibited issuing work permits for certain occupations, etc.

Following the last changes in the Slovenian policy of employment of immigrants introduced in 2011 by the Law on Employment and Work of Foreigners,⁹ the government is not obliged to define a yearly quota. It is now only an optional instrument which the government can use

⁶ Ministry of the Interior of RS, Migration and Integration Directorate Statistical Report 2011.
http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/DMI/Statisticno_porocilo_-_SLO_zadnja_verzija_-_popravljen.pdf

⁷ http://zakonodaja.gov.si/rpsi/r09/predpis_PRAV8639.html

⁸ http://zakonodaja.gov.si/rpsi/r03/predpis_URED5223.html

⁹ <http://www.uradni-list.si/1/objava.jsp?urlid=201126&stevilka=1152>

any time, depending on the actual situation on the labour market in Slovenia. In 2011 and 2012, instead of defining a yearly quota, the government stick to another provision of the above mentioned law, stipulating that employment of “third country nationals” is allowed only if there are no suitable unemployed Slovenian or EU citizens available for that kind of job. All these legislative measures introduced to the Slovenian legal order in the last five years clearly indicates protectionist policy responses to economic crisis and a rapid increase of the unemployment rate in Slovenia.

However, there are also some new possibilities for migrants to settle their residency in Slovenia, such as a temporary residence permit for highly qualified employment (“blue card”). Furthermore, an important bilateral agreement regulating employment of citizens of Bosnia and Herzegovina in Slovenia was signed in 2011 and ratified in 2012.

Strategy of Economic Migration and integration programs

In December 2010, after several years of discussions, Slovenian government adopted the Strategy of Economic Migration for the period 2010–2020. First part of this strategic document is devoted to contextualization of the Slovenian migration policy in terms of (negative) demographic trends, economic factors, structural discrepancies on the labour market and harmonization of the EU migration policy. In its second part, the Strategy of Economic Migration describes main instruments (including a detailed action plan) directed towards more coherent and effective management of economic migrations. There are ten strategic mechanisms elaborated in the action part of the document, such as promotion of migrant entrepreneurship, economic role of diaspora organizations, favourable conditions for mobility of researchers and students (while at the same time taking measures to prevent brain drain from source countries), better integration of immigrants, etc.

In “Resolution on migration policy of the Republic of Slovenia” which was adopted by the parliament in 2002, integration was listed among eight “main goals” of the migration policy.¹⁰ However, more systematic implementation of the integration policy was secured by the “Decree on integration of foreigners”, a normative act issued by the government in 2008.¹¹ Since then, there are several integration programs implemented by the Ministry of Interior, Employment Service and NGOs, such as Slovenian language courses for foreigners, learning Slovenian culture and history, Info Point for Foreigners, website Information for Foreigners (in Slovenian and six foreign languages),¹² etc.

Integration policy is also an integral part of the most recent Aliens Act adopted in 2011.¹³ Besides the so-called “blue card” which was mentioned above, new Aliens Act brought some

¹⁰ <http://www.uradni-list.si/1/objava.jsp?urlid=2002106&stevilka=5265>

¹¹ http://zakonodaja.gov.si/rpsi/r01/predpis_URED4351.html

¹² <http://www.infotujci.si/index.php?setLang=EN&t=&id=>

¹³ http://zakonodaja.gov.si/rpsi/r01/predpis_ZAKO5761.html

other provisions, such as introduction of a long-term visa for certain categories of foreigners (sportsmen, journalists, students, family members...), broadening of the definition of a “family member”, better protection of the rights of immigrant workers who are victims of illegal deeds of employers, etc.

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