



European
Commission

SPECIFICATIONS FOR NATIONAL REPORT PART 2 AND STATISTICAL ANNEX

**CONTRIBUTING TO THE
EMN ANNUAL REPORT ON MIGRATION AND ASYLUM 2018**

ANNUAL REPORT 2018 ON MIGRATION AND ASYLUM IN SLOVENIA NATIONAL REPORT (PART 2)

EXECUTIVE SUMMARY

INTRODUCTION

National Report Part 2 needs to be read as additional part of policy developments on EU, international and national level on migration and asylum area. Other additional documents, alongside with other relevant EU, international and national legislation and policy decision and reports, should be taken into consideration as well, which will be highlighted in different Chapters or as part of footnotes, in order to have wider view regarding migration and asylum policy developments in 2017 in Slovenia.

Most of information was gathered from other relevant reports for the year 2017 which have been introduced by the relevant (state) institutions or/and experts which are active in the area of migration, asylum and police activities. Most information introduced in the Part 2 of the National Report were contributed by the members of the Slovenian National Contact Point of the European Migration Network, different experts from Ministry of the Interior, the Internal Administrative Affairs, Migration and Naturalization Directorate (IAAMND), Slovenian Police, the Office for Support and Integration of Migrants (UOIM), the National Coordinator for Trafficking in Human Beings, Ministry for Foreign Affairs, and Ministry of Labour

In each chapter(s) you can find a general information on main developments in particular areas on migration and asylum. For more information on activities, project, legislative progress, etc. which have been implemented on EU, international and/or national level, together with relevant statistics, graphs, tables, etc. the link on website there annual report(s) will be provided. For a better overview and understanding on immigration and asylum developments in republic Slovenia for 2017, we highly recommend checking additional information on provided links.

For Sub-chapters: **III. Legal migration and Mobility, IV. International protection; V. Unaccompanied minors and other vulnerable groups and VI. Integration**, there will be a link provided to access the Annual Report 2017, which Migration Office published each year and is available as well on the main website of the Ministry of the Interior (<http://www.mnz.gov.si/en/>) and EMN Slovenian Contact Point (<http://emm.si/en/>). In the Annual Report 2017, you can find more information on each particular area of migration and asylum, evaluation of the progress and development, implemented project, reliable statistical data, tables and graphs, etc. Information available in the Annual Report 2017 shown activities, which have been implemented as part of EU obligation as well as on national and international level.

In Sub-chapters: **VII. Irregular migration and VIII. Return** a general information, will be provided together with a link to access Annual Report 2017, which Slovenian Police

published each year together with all regular reports and information on their website (<https://www.policija.si/eng/>).

In Sub-chapter: **IX. Actions addressing trafficking in human beings** a general information, on activities will be provided together with a link to access website of the Slovenian National Coordinator for trafficking in human beings (http://www.vlada.si/en/projects/fight_against_trafficking_in_persons/combating_trafficking_in_human_beings/) where you can find more information and reports on activities, projects, etc.

This is the Report on the Work of the Migration Office for 2018, which highlights key achievements and statistical data on legal migration and international protection. The Report comprises the most important activities regarding amendments to legislation on migration, international protection, the drawing of European funds and the inclusion of citizens of third countries into Slovenian society, and regarding the establishment of an inter-ministerial working group on preparing and implementing the migration strategy of the Republic of Slovenia. In 2018, the Migration Office cooperated with the competent state authorities and civil society organisations. Representatives of the Migration Office participated in the preparation of various documents and legislative proposals on legal migrations and international protection within EU institutions, the European Asylum Support Office, the European Migration Network, the national contact point for integration and partner international organisations. The tasks of the Migration Office, which is part of the Internal Administrative Affairs, Migration and Naturalization Directorate (DUNZMN), are to plan and implement the migration policy, prepare and coordinate proposals for measures to implement the migration policy, and to prepare proposals for normative acts from the Office's field of work. The competences of the Migration Office also include 12 conducting procedures and decision making in administrative matters at first and second instance in the field of residence permits for foreigners, determining financial compensation for persons erased from the Register of Permanent Residents, granting beneficiary status and granting international protection.

OVERVIEW OF ASYLUM AND MIGRATION POLICY DEVELOPMENTS

1 LEGAL MIGRATION

2.1.1 Act Amending the Act Regulating the Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents (Official Gazette of the Republic of Slovenia, No. 85/18) With decision no. U-I-80/16-36, U-I-166/16-28, U-I-173/16-33 of 15 March 2018, the Constitutional Court of the Republic of Slovenia ruled that Article 12 of the Act Regulating the Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents (Official Gazette of the Republic of Slovenia, No. 99/13; hereinafter: ZPŠOIRSP), which limited the amount of financial compensation that could be determined for beneficiaries in judicial proceedings, was unconstitutional. The said decision of the Constitutional Court provided the legislator with an opportunity to adopt a new legal regulation in nine months (by 13 January 2019), which will regulate in a different way financial compensation for damage sustained as a result of erasure from the register of permanent residents determined for beneficiaries in judicial proceedings. To enforce the said decision of the Constitutional Court of the Republic of Slovenia, the Act Amending the Act Regulating the Compensation for Damage Sustained as a Result of Erasure from the Register of Permanent Residents (Official 14 Gazette of the Republic of Slovenia, No. 85/18; hereinafter: ZPŠOIRSP-A) was passed and entered into force on 30 December 2018. The ZPŠOIRSP-A eliminated the unconstitutionality of Article 12 of the ZPŠOIRSP established with the decision of the Constitutional Court of the Republic of Slovenia. Amended Article 12 eliminated the limitation of the amount of financial compensation and regulated anew default interests determined for beneficiaries in judicial proceedings. Beneficiaries are eligible for the payment of the whole principal for material and non-material damage established in judicial proceedings, with the only limitation being imposed on interest, which is decided for beneficiaries in judicial proceedings, i.e. interest is limited to the amount of the awarded principal of the compensation. The amended regulation applies to the second group of injured parties as defined by the decision of the Constitutional Court of the Republic of Slovenia. The second group of injured parties comprises injured parties who filed claims for damages after the ZPŠOIRSP entered into force on 18 June 2014 or before the ZPŠOIRSP entered into force, i.e. before 18 June 2014, but whose claims would be time-barred according to the previous regulation. For the first group of injured parties, i.e. injured parties who had filed claims for damages before the ZPŠOIRSP entered into force (before 18 June 2014) and whose claims were not time-barred when they were filed, the Constitutional Court of the Republic of Slovenia repealed Article 12 of the ZPŠOIRSP with immediate effect. The Court 15 assessed that limiting the amount of financial compensation in judicial proceedings does not comply with the Constitution of the Republic of Slovenia, and that injured parties were eligible to full compensation for material damage, and to just financial compensation for non-material damage.

2.1.2 Rules for the implementation of the amended Foreigners Act On the basis of the latest amendment to the Foreigners Act (Official Gazette of the Republic of Slovenia, No. 59/17), which entered into force on 1 January 2018, three new sets of rules were prepared which regulate in more detail the implementation of the amended act, i.e. the Rules amending the Rules on the method of means testing for sufficient funds in issuing procedures for residence permits, the Rules on the content, form, method of issuance and expiry of residence registration certificates and residence permits for citizens of EEA countries and the family members thereof, as well as for family members of Slovenian citizens and the Rules on the method of issue, content and form of residence permits for citizens of the Swiss Confederation and their family members. 16

2.1.2.1 Rules amending the Rules on the method of means testing for sufficient funds in the issuing procedures for residence permits The main amendment to the Rules is the determination of a new period for which foreigners and their family member must prove sufficient funds to support themselves; funds are proven for the past six months (instead of the previous period of three months). Also amended was the amount of sufficient funds for foreigners' family members, which are proven for an individual family member in a certain relation to the basic amount of minimum income, pursuant to the act which regulates social assistance benefits.

2.1.2.2 Rules on the content, form, method of issuance and expiry of registration certificates and residence permits for citizens of EEA countries and the family members thereof as well as for family members of Slovenian citizens The Act Amending the Foreigners Act renamed two types of residence permits for citizens of the European Economic Area and family members of Slovenian citizens, and amended the content of registration certificates or residence permits. The annex to the Rules was also amended to determine the content of the permanent residence registration certificate for EU and EEA

citizens and renames it; the annexes determining forms to apply for the issue of a registration certificate or forms for certificates on filed application. 17

2.1.2.3 Rules on the method of issue, content and form of the residence permits for citizens of the Swiss Confederation and their family members The content of the Rules did not change; instead, the price of the card was increased due to additional security elements being added to the card of residence certificate.

2 INTERNATIONAL PROTECTION INCLUDING ASYLUM

3 UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

4 INTEGRATION

5 CITIZENSHIP AND STATELESSNESS

6 BORDERS, VISA AND SCHENGEN

7 IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

8 TRAFFICKING IN HUMAN BEINGS

In the field of legislation and policies, it needs to be emphasised that on 6 December 2018 the Republic of Slovenia signed the Council of Europe Convention against Trafficking in Human Organs, thus becoming the 19th signatory state of the Convention. In November 2018 the Anti-Trafficking Service was set up at the Ministry of the Interior, ensuring inter-ministerial co-operation and harmonisation of activities in the field of prevention of trafficking in human beings and combating trafficking at a state level as well as offering professional support to the national co-ordinator for combating trafficking in human beings. The Inter-Ministerial Working Group for combating trafficking in human beings has prepared an annual report on its work, which has been presented to the Commission for Petitions, Human Rights and Equal Opportunities of the National Assembly of the Republic of Slovenia.

In 2018 the field of prevention again focused on four target groups, i.e. the general public, high-risk target groups, potential service users, and the professional public. To this end, the Government of the Republic of Slovenia co-funded five projects carried out by non-governmental and humanitarian organisations with a total value of EUR 30,000. With regard to raising the awareness of the high-risk target groups, it needs to be emphasised that approximately one-third of the workshops in the context of the projects aimed at raising awareness among youths were implemented in territories where young Roma live and the topic of raising awareness of forced and arranged marriages was added. In addition to regular annual training of public employees whose work relates to the problem of trafficking in human beings, awareness-raising and training was also implemented in 2018 for staff in administrative units who deal with issuing residence permits to foreign nationals, third-country nationals, and for heads of units who are members of the working group for internal affairs and transport. A lecture on trafficking in human beings was implemented for primary and secondary school principals.

In the field of detecting, investigating and prosecuting trafficking in human beings, it has been established that in Slovenia trafficking in human beings for the purposes of sexual exploitation still prevails. In 2018, however, the first case of trafficking for forced criminal activities was processed. In three investigations, the police dealt with 71 criminal offences of trafficking in human beings against 33 natural persons and three legal persons. In the reporting year, the Specialised State Prosecutor's Office of the Republic of Slovenia raised a charge against seven natural persons and the court passed a judgement of conviction for seven accused persons. Within the context of their jurisdictions, the Labour Inspectorate of the Republic of Slovenia and the Financial Administration of the Republic of Slovenia also implemented activities aimed at detecting trafficking in human beings, with an emphasis on the field of forced labour exploitation.

In 2018 assistance to victims of trafficking in human beings and their protection was implemented by the Ključ Association and Caritas Slovenia, in the context of projects initiated by the Ministry of the Interior and the Ministry of Labour, Family, Social Affairs and Equal Opportunities. A total of 101 victims of trafficking in human beings were recognised, of whom 35 were moved to crisis accommodation and four to accommodation in a safe place. The other victims refused the offer of the possibility of accommodation. With regard to the recognition, assistance and protection of victims of trafficking in human beings and/or sexual violence in the admittance of applicants for international protection, the PATS project continued in 2018. In the context of this project, 246 applicants for international protection were informed about the issue of trafficking in human beings.

In the international field, members of the Inter-Ministerial Working Group for combating trafficking in human beings, and especially the national co-ordinator, participated in numerous events and conferences which are regularly organised by the OSCE, the Council of Europe, the United Nations, and the European Commission. The Republic of Slovenia is continuing its endeavours to strengthen international co-operation in combating trafficking in human beings, paying special attention to the region of South-Eastern Europe. In March 2018, in Brdo pri Kranju, the Ministry of the Interior organised the informal Brdo Process Ministerial Conference, which was also attended by representatives of the Network of National Anti-trafficking Coordinators from South-Eastern Europe, which was set up on the initiative of Slovenia. The

ministers confirmed further support for the successful work of the Informal Network of National Anti-trafficking Coordinators from South-Eastern Europe and on this occasion adopted a Joint Declaration on Strengthening Regional Cooperation in SEE to Combat Trafficking in Human Beings. Since September 2018 Slovenia has also been participating in the implementation of a two-year project of close inter-institutional co-operation in the Republic of Serbia titled 'Support to Strengthening Fight against Trafficking in Human Beings'.

9 RETURN AND READMISSION

With the support of AMIF Fund a progress was made in order to provide better living condition for TCNs in the detention facility, so called the Centre for Foreigners - the Police department responsible for detention identification and return of TCN). The male department was renovated which included as following: the rooms with additional furniture, room for social activities and media room with internet access. Before renovation has been made, a good practices have been collected from different sources such as information provided through Member States (EMN AHQs, etc.) and some field visits were made by the police staff from Centre for Foreigners.

In 2018 most of efforts have been focused on strengthening cooperation with third countries and their official representatives abroad (diplomatic consular, embassies, etc.) in the area of identification of TCNs and acquisition of travel documents. Cooperation with certain third countries become very challenging and for this reason the involvement of the Slovenian Foreign Ministry has been necessary. Slovenia is having lack of presence of third country' diplomatic representatives (consular(s)) in Slovenia. Moreover, the majority of countries with the highest number of illegal staying TCNs waiting for return, have no diplomatic or consular representatives in Slovenia. However, they are accredited in other EU Member States instead. For this reasons, the Centre for Foreigner has been appointed to enhance cooperation with third country representatives in the field of return.