

ANNUAL REPORT 2020 ON MIGRATION AND ASYLUM IN SLOVENIA NATIONAL REPORT (PART 2)

EXECUTIVE SUMMARY

In 2020, Slovenian migration system was focused in mitigating effects of COVID-19 pandemic as well as drafting legislative changes in field of legal migration and asylum. The main purpose of the legislative changes is to transpose and additionally ensure harmonization with the European legislation. Additionally, the proposed legislative changes aim to strengthen integration and ensure rapid and effective international protection procedures by eliminating deficiencies that have been shown in the implementation of individual provisions in practice.

OVERVIEW OF ASYLUM AND MIGRATION POLICY

In 2020 several Acts governing Slovenian migration and asylum field were sent in National Assembly for legislative consideration and adoption. The aforementioned Act are: Act Amending the Foreigners Act; Act Amending International Protection Act; Act Amending Employment, Self-employment and Work of Foreigners Act.

Throughout 2020, coordinated response to COVID-19 epidemic was provided in all areas of migration and asylum. On 29th of May 2020, the National Assembly of the Republic of Slovenia adopted the Act on Intervention Measures for Mitigation and Elimination of the Consequences of the COVID-19 Epidemic which allowed seasonal workers to work on the basis of a seasonal work permit (issued in accordance with Employment, Self-employment and Work of Foreigners Act) for a maximum of 150 days instead of 90 days. In 2020 Slovenia adopted the order determining the occupations in which the employment of a foreigner is not tied to the labour market.

1 LEGAL MIGRATION

On 20th of March 2020, the Act on Provisional Measures in Connection with Judicial, Administrative and Other Public Law Matters for the Control of the Spread of SARS-CoV-2 (COVID-19) (Official Gazette RS, No. 36/20) was adopted, which provided inter alia for periods of automatic extension of residence permits until 9 July 2020.

On 29th of May 2020, the National Assembly of the Republic of Slovenia adopted the Act on Intervention Measures for Mitigation and Elimination of the Consequences of the COVID-19 Epidemic which allowed seasonal workers to work on the basis of a seasonal work permit (issued in accordance with Employment, Self-employment and Work of Foreigners Act) for a maximum of 150 days instead of 90 days. Slovenia also adopted the order determining the occupations in which the employment of a foreigner is not tied to the labour market

Draft Law amending the Foreigners Act was sent in National Assembly for legislative consideration and adoption. It inter alia addresses the emergence of a complex migration crisis (Article 10.a and 10.b) and transposes the Directive (EU) 2016/801 - entry and residence conditions for non-EU nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing into national law. Slovenia decided not to implement the optional au pair category. Draft law also implements the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU and EURATOM regarding residence rights and residence documents for beneficiaries of the Agreement.

Furthermore, draft Law amending the Foreigners Act inter alia introduces the requirement for the sponsor to have stayed lawfully in territory for a period of two years instead of current one year, before having his/her family members join him/her and the Slovenian language proficiency condition (CEFR level A1) for a family member for the renewal of a temporary residence permit for the purpose of family reunification.

Due to COVID-19 epidemic, administrative units received instructions that in the process of extending or issuing a further temporary residence permit to a foreigner, a national of a country on the red COVID-19 list or on the red COVID-19 list of its individual administrative region, no new certificate from the criminal record should be required if the foreigner's home country requires the foreigner's personal presence for the issue of the certificate and if there is no suspicion that he committed a crime abroad. Instead of presenting criminal record, a foreigner must make a statement of impunity or possible punishment on the record.

In addition, the Ministry of the Interior issued instructions to administrative units, that regardless of the provisions of the Rules on the method of determining sufficient means of subsistence in the procedure for extension of the residence permit or issuing of permanent residence permit, the period during which the foreigner was ordered to temporarily wait for work due to the epidemic or was ordered to quarantine, shall not be taken into account. In such cases, therefore, the remuneration of foreigners in the months in which they received compensation is excluded and is therefore taken into account only the period when they received their full salary. Similarly, sufficient funds during the administrative unit's decision-making month are not checked if the foreigner is still receiving compensation for salary.

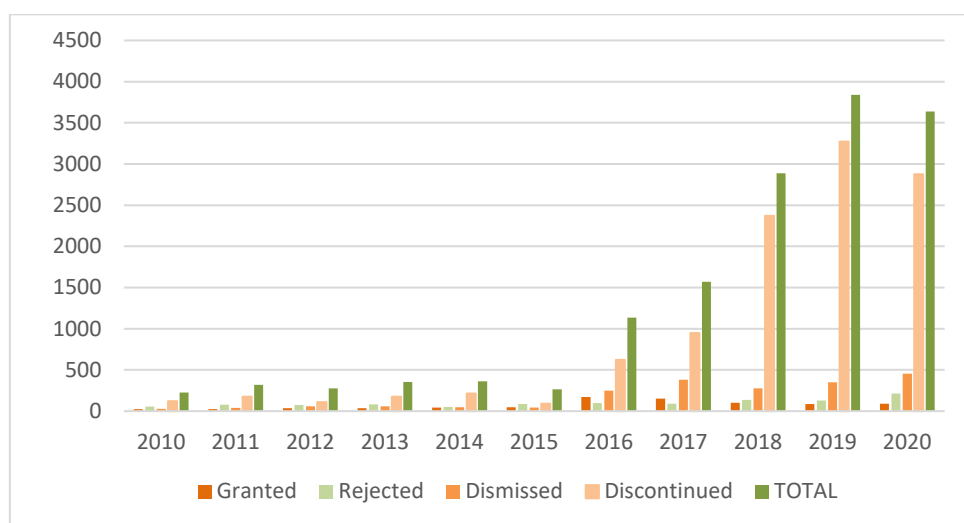
2 INTERNATIONAL PROTECTION

In 2020 new ways of informing applicants before the procedure were established – by using (newly designed) brochures and films. In February 2020, revised Standard operating procedures for prevention and response to sexual and gender-based violence against persons treated under the provisions of the International Protection Act were signed. Due to Covid-19 pandemic, Slovenia temporarily suspended transfers.

The special project of accommodation of unaccompanied minors was prolonged for 2020. An establishment of a more comprehensive accommodation, care and treatment project for unaccompanied minors is still expected.

As part of the implementation of the third phase of the national contingency plan, additional staff was hired. This contributed to shortening of procedures and backlog management. There were more applications resolved in 2020 (3,636) than were filled. As it is indicated in chart below, there were the most procedure discontinuations (2,875) which presents 79 per cent of all decisions in international protection procedures.

Chart 1: Structure of resolved applications for international protection from 2010 to the end of 2020



Source: MINISTRY OF THE INTERIOR

3 MINORS AND OTHER VULNERABLE GROUPS

The project OBJEM started in 2016 and will finish in 2022. Its main goal is raising the reading literacy level for better learning achievements of pupils at all levels of education. TCN minors are directly addressed in one of the main fields of the project. Integration activities were transferred online, due to Covid-19 epidemic.

4 INTEGRATION

Integration activities were transferred online, due to COVID-19 epidemic.

5 CITIZENSHIP AND STATELESSNESS

No significant development has been made.

6 BORDERS, VISA AND SCHENGEN

The National Institute of Public Health (Nacionalni inštitut za javno zdravje -NIJZ) closely monitors the Covid-19 epidemiological situation in Slovenia and globally. NIJZ is also responsible for preparing evaluations of the epidemiological situation in every single country. On the basis of those evaluations, the Government determines the lists of countries, that are subject to the various security measures that apply for entering Slovenia. In this regard, some restrictive measures have taken place also at the designated entry points at internal borders. A substantial number of entry points at internal borders were closed, depending on the epidemiological situation. Due to Covid-19 pandemic, as of March 16 2020, visas are issued for essential travel only.

Progress has also been made in improving effectiveness of external borders. National Unit for European Travel Information and Authorisation System (ETIAS NU) is in Slovenia appointed within the Criminal Police Directorate. In 2020 a temporarily Working group with 5 members has been established, which primarily coordinates work in several police units. Slovenia is planning to employ staff member in the IT unit, for the needs of information support of ENU. Additionally, ETIAS Project Manager was appointed, within the Criminal Police Directorate. An inter-ministerial working group for implementation of Entry/Exit System (EES) was established. Organizational, technical and operational preparations are ongoing and are in line with EU timetable. Main challenge are infrastructural changes at BCPs on land border with Croatia, which is EU internal and Schengen external border. Additionally, new national Integrated Border Management (IBM) strategy has been developed with the focus on harmonisation with the EU provisions and concept of the IBM strategy.

In order to support border surveillance, capacity in terms of Geographical Information System (GIS) has been increased.

7 IRREGULAR MIGRATION INCLUDING MIGRANT SMUGGLING

During 2020 Slovenia has increased IT capacities related to illegal migration route monitoring.

The training module regarding document abuse detection has been further developed with focus on practical aspects and with addition of the e-learning module for the beginners.

Provisions regarding testimonies of the illegal migrants as the witnesses of criminal offences have been included into the Penal Code. The changes of the criminal offence regarding human smuggling in the Penal Code are currently in process and will take effect in 2021.

8 TRAFFICKING IN HUMAN BEINGS

In March 2020, Interior ministers of the Brdo Process met in Ljubljana where they discussed regional cooperation in the fight against trafficking in human beings, thus marking the tenth anniversary of the informal network of Anti-trafficking coordinators from South-East Europe, established at the Brdo Process in 2010. The conclusions of the meeting confirmed the importance of such cooperation and highlighted the need for further work of the network

In June 2020, the Government of the Republic of Slovenia adopted a decision amending the decision on the establishment of the Interdepartmental Working Group for Combating Trafficking in Human Beings, appointing a new National Anti-trafficking coordinator for combating trafficking in human beings and updating the list of members of the working group.

In October 2020, the Ministry of the Interior issued the Handbook entitled: Prevent Forced Labour, which provides necessary information and guidelines to the employers with whom risks exist that they could be connected with forced labour.

Throughout 2020 Slovenia continued to participate in twinning project in Serbia: "Supporting the strengthening of the fight against trafficking in human beings".

9 RETURN AND READMISSION

The contract between Slovenian Police and IOM on implementation of AVRR programs expired on Dec. 31.2020. A public tender was conducted in September 2020 for finding a new reintegration partner for the programs, however no international or national entity has applied for the project. It follows that there is no AVRR program in function after 01.01.2021.

Restrictions in air traffic, PCR tests for returnees and third countries limitations, requirements, as regard- to reception of returnees, had to be followed for each case individually. With the intention of limiting the spread of COVID-19 sanitary measures were implemented in detention facility. Pre-return detention has still not been abandoned or limited.

10 MIGRATION AND DEVELOPMENT COOPERATION

In 2020 Slovenia continued to actively participate in twinning projects in Serbia “Support to the National Asylum System in the Republic of Serbia and „Support to strengtening migration management and asylum system in Serbia. “

EMN ANNUAL REPORT ON MIGRATION AND ASYLUM

NATIONAL REPORT PART 2: ANNEXES

ANNEX A: METHODOLOGY AND DEFINITIONS

Methodology

Report was prepared in collaboration with key national stakeholders working in migration and asylum field in Republic of Slovenia: Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Labour, Family Social Affairs and Equal Opportunities, Slovenian Police.

ANNEX B: IMPLEMENTATION OF EU LEGISLATION

Act amending the Employment, Self-employment and Work of Foreigners and Act amending the International Protection Act and Act amending the Foreigners Act were sent in National assembly for legislative consideration and adoption. They transpose and additionally ensure harmonization with the European legislation. Act amending the Employment, Self-employment and Work of Foreigners Act and Act amending the Foreigners Act latter transpose EU Directive 2016/801 - entry and residence conditions for non-EU nationals for the purposes of research, studies, training, voluntary service, pupil exchange schemes or educational projects and au pairing into national law. The latter also implements the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU and EURATOM regarding residence rights and residence documents for beneficiaries of the Agreement. Act amending the International Protection provides further harmonization with European legislation, especially with the elimination of individual deficiencies in the transposition of EU Directive 2013/32.
