



REPUBLIKA SLOVENIJA
MINISTRSTVO ZA NOTRANJE ZADEVE



EMN Focussed Study 2013

**ATTRACTING HIGHLY QUALIFIED AND QUALIFIED
THIRD-COUNTRY NATIONALS**

(National Report - Slovenia)

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1. FACTSHEET

National policies in the area of international migration consider various international instruments such as directives, conventions, international agreements and recommendations of international organizations, but primarily reflect the needs of the country and are based on finding a balance between the different effects¹ of international migration on the country. Similar to other European countries, one of key factors in migration policy of Slovenia is its demographic structure, or more precisely the demographic trends. Given the low fertility rate, which does not provide the level needed for population growth, and lengthening of life expectancy, from the perspective of developing a migration policy it is an important point that since 2003 the proportion of the active population declines. In particular, this increase in age-dependent ratio of working age population dictates the need of Slovenia for foreign labour force, which is duly reflected in the increasing number of aliens in the Republic of Slovenia - the annual number of foreign immigrants in the period from 1996 to 2008 has increased more than fivefold. With the onset of the economic recession and while the domestic unemployment has grown², the inflow of foreign workers greatly reduced, however, the need for foreign labour remains. Another key factor that defines the policy of Slovenia in the field of labour migration is a mismatch in the domestic labour market as a result of structural unemployment, therefore, inadequate coverage of the unemployed with job vacancies, either because of inadequacy of occupation, level of education or training, gender or age. Slovenia in the first place needs unskilled and qualified labour force³, but in some trades and professions, in particular, natural sciences, a deficit of highly qualified workforce is evident.

Despite the fact that Slovenia has recently devoted more attention to the economic recovery and economic development through some structural reforms (pension reform, labor market reform in 2012) it has still not adopted a strategic document intended solely for attracting highly qualified and qualified workforce, but this is one of the central goals of the Strategy of economic migration for the period from 2010 to 2020, which was adopted by the Government of the Republic of Slovenia at the end of 2012 and is the only strategic document in the field of labour migration. Strategy and Action Plan, which is part of a strategy, addresses overall the role and importance of foreign, particularly highly qualified workers, and propose concrete measures, needed to achieve the established guidelines. In the alien legislation, Slovenia has, partly on the basis of delegation of legislative instruments of the European Union, developed some concrete measures aimed at attracting highly qualified and qualified third-country nationals, particularly physicians, researchers, foreign students, investors and aliens, representing an economic interest for Slovenia. The measures relate primarily to the facilitation of conditions to access the Slovenian labour market, but also facilitate the conditions for the recognition of professional qualifications, entry and residence. Favourable conditions for the so-called professional jobs are also provided in a bilateral agreement governing the employment of nationals of Bosnia and Herzegovina in the Republic of Slovenia.

The adopted measures follow the guidelines of the development in the area, identified in the Strategy of economic migration, but in the context of the objectives of the strategy represent

¹ For example effects of fiscal inflows due to taxes, cultural and social impacts, impacts in terms of the need for integration, additional pressures on the education, health systems and fiscal budget for social transfers.

² In times of economic crisis, the number of registered unemployed persons has doubled - according to the data of Employment Service of Slovenia in September 2008 there were 59,303 registered unemployed persons, while in June 2013 there were 116,603 unemployed registered.

³ According to the Employment Service of Slovenia, the majority of work permits issued to aliens in Slovenia is with low and medium levels of education (I and IV. level, followed by II. and V. level)

relatively small step forward. Their actual effect is difficult to define in a quantitative manner, since they were established in the aftermath of the economic recession, when Slovenia was witnessed significant rise of unemployment and consequently decline of the demand for foreign work force from third countries. To present a better picture and to build up future steps a qualitative and targeted evaluation is vital. Diversity and efficiency of the measures are crucial for Slovenia, especially considering the poor economic situation, which the country is currently experiencing. These affect both, the very possibility of employment of third country nationals, and the amount of income that is not comparable to those that are promised to workers in some other Member States of the European Union. Because of that and the lack of a wide range of effective measures in different areas Slovenia is becoming less competitive in terms of attracting highly qualified and qualified third-country nationals.

2. NATIONAL POLICIES AND MEASURES

2. 1. Policies

Slovenia has three migration strategy documents that reflect the challenges the country has faced or is still facing in each period. The Resolution on Immigration Policy, adopted in 1999, and the Resolution on migration policy, adopted in 2002, as one of the measures in terms of immigration controls refer to the need of coordinating migration by regulating the necessary influx into active population in Slovenia, but the focus is on massive, forced and illegal migration. In terms of addressing issues of labour migration and their importance for the Slovenian economy the most important economic migration strategy document is certainly the Strategy of economic migration for the period 2010 to 2020 (hereinafter: the Strategy), adopted by the Government of the Republic of Slovenia at the end of 2010. Among the main objectives of the Strategy are to promote immigration to alleviate the effects of the reduction of working capable and economically active population and disparities in the labour market, increase innovation and entrepreneurial activity, promote economic competitiveness and strengthen human resources while limiting the brain drain by encouraging the circulation of professionals.

The Strategy deals with migration in different contexts and on this basis identifies the ten guidelines, along with the Action Plan, which is an integral part of the strategy, it also provides concrete measures to achieve the objectives of the guidelines. In terms of attracting highly qualified and qualified aliens, especially third-country nationals, it needs to be stressed the following:

- Encouraging immigration for employment and work purposes, reducing disparities in the labour market and strengthening of human resources and in this context:
 - Promoting immigration and increasing the number of highly qualified migrant workers according to the demand of the labour market and regarding to the expected workforce shortages in the medium term, in particular by establishing a mechanism for the analysis of the needs for highly qualified workers;
 - The establishment of an effective system to ensure an adequate number of suitable temporary work force (with a focus on low and medium-qualified labour) needed depending on the situation in the domestic labour market, in particular by establishing a mechanism for the analysis of labour demand by industry and time period and concluding partnership dialogue and bilateral agreements with interested third countries.
- Encouraging immigration of third country nationals with financial capital or investors for encouraging investment and development with the effect of job creation or transfer of technologies and innovative skills
- Improving the system of recognition and evaluation of foreign education and skills
- Promoting mobility and migration of researchers and students
- Improving the efficiency of the management of economic migration with the development of selective measures for the more simple, transparent and controlled admission of certain groups of migrant workers, namely:
 - Temporary limited sector-specific schemes / after activity;

- Setting up a "point" system in order to find a third country nationals with guaranteed employment, or those without a guarantee of employment, for which is most likely that they will contribute to the growth and productivity of the Slovenian economy⁴;
- Explore ways to create circular migration;
- Simplifying and standardizing the procedures for admission of migrant workers.

None of these strategic documents, as well as any other legislative act, contain an explicit definition of "highly qualified" and "qualified" employee. In general, in society and among relevant stakeholders there is an implicit consensus, after which the qualifications of the worker are determined by the level of education (and not on the basis of payment, experience or other criteria)⁵, namely the worker qualified to have completed secondary school or high school or vocational or higher education, while the highly qualified worker has to be at least a college educated. According to the International Standard Classification of Education ISCED 1997 we can define a qualified worker as the one in the third (upper secondary) or fourth (post-secondary pre-tertiary) level of education, and as a highly qualified worker the one who has fifth (first stage of tertiary education) or sixth (second stage of tertiary education) degree.

The strategy generally distinguishes between highly qualified and qualified and low qualified workers. Primarily, it focuses on attracting highly qualified migrant workers, although it also addresses the problem of the lack of low-qualified and qualified labour, the lack of which also Slovenian companies are facing. The strategy is not designed exclusively for the issue of attracting highly qualified and qualified workforce, but to the establishment of guidelines for the effective provision of all labour required for the development and growth of the Slovenian economy and attracting third-country nationals who could be contributing to this. Accordingly, it also addresses the issue of attracting low and medium qualified workers, promoting migration of migrants with financial capital or investors for encouraging development oriented investments with the effect of new job creation or transfer of technology and innovation know-how, irrespective of their qualification, and gives suggestions for improvement of certain areas which are important in terms of the attractiveness of Slovenia as the host country, irrespective of workforce skills (improvement of the system of recognition of foreign education, skills and knowledge, promotion of Slovenia as an attractive factor for economic migration, strengthening the areas of integration, increasing the efficiency of integration measures and the improvement of the integrated system of management of economic migration).

In the context of strategic documents we have to mention also The Guidelines for the operation of the Republic of Slovenia towards the Western Balkans, which in the context of the strategy towards the Western Balkans and with the aim of systematic operation of Slovenia in the Western Balkans, was prepared in cooperation with other ministries by the Ministry of Foreign Affairs and was in July 2010, confirmed by the Government of the

⁴ It is necessary to clarify that the current system for migrant workers, for which the law does not provide free access to the labour market, is based exclusively on the needs of employers.

⁵ Slovenian legislation on migrant workers is familiar with the two definitions of qualification of employment (as opposed to an alien qualification), which takes into account (also) the criteria of the amount of payment. In the context of the establishment of the concept of an EU Blue Card, Employment and Work of Aliens Act defines highly qualified employment as an employment of an alien with appropriate higher education, to which guaranteed payment is at least 1.5 average of annual wage in Slovenia. Another definition of qualification of employment arises from the Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the employment of citizens of Bosnia and Herzegovina in the Republic of Slovenia, where "professional employment" is defined as employment with an employer for which a migrant worker receives a payment of at least three times the minimum wage in the country of employment.

Republic of Slovenia. Although that the primary purpose of the document is not to attract highly qualified and qualified migrants, one of the guidelines defines the promotion of education of students from the Western Balkans in Slovenia. In this context, the ministries committed to the activities of active scholarship policy for the citizens of the region and measures to facilitate the conditions for study of students from the Western Balkans, including the establishment of an exemption from tuition fees for aliens on the basis of reciprocity⁶. In addition, in the document the Ministry responsible for Foreign Affairs, Interior and Labour committed itself to explore the possibilities for a rapid procedure to obtain the necessary documents for travelling and long residence of citizens of the Western Balkan countries, especially for the purposes of study, economic, scientific - research and cultural trips.

The Strategy does not explicitly address the issue of each profession, but in the context of demand in the Slovenian labour market, particular attention pays to shortage of health personnel (doctors and nurses). In this regard, the document states that it is estimated by the health care facilities in Slovenia that Slovenia faces a shortage of 970 doctors per year, while the estimation of Medical Chamber of Slovenia is lower, since it stated a lack of 517 doctors a year⁷, according to projections it can be expected that the demand for general practitioners and certain specializations will further increase. Despite this, the Strategy does not define specific actions designed solely to attract foreign health personnel.

As one of the ten fundamental aspects of economic migration the Strategy addresses the issue of brain drain and brain circulation, while highlighting the importance of developing programs in the context of diaspora as actors of the country of origin and reducing the negative effects of brain drain in the case of the countries, where there is a deficit of labour in a particular occupation or activity. The document underlines the particular importance of establishing labour and employment policies in relation to the entry and residence policies, based on the concept of circular migration and partnership dialogue with third countries. The Strategy defines circular migration⁸ as one of the foundations for improving the efficiency of the management of economic migration and to this end, as a key measures provides a definition of the concept of circular migration, examination of the possibility of establishing a legislation framework that would facilitate circular migration and the development of circular migration programs for the purposes of work, study, research or a combination of these and other activities for a certain period of time, the definition of incentives to promote circulation, conditions and safeguards to ensure the effective operation of circular migration, benchmarks for monitoring circular migration programs and the definition of the most important forms of circular migration for Slovenia in the context of bilateral agreements and in accordance with the EU legislation framework.

⁶ Unfortunately, it is necessary to clarify that the Republic of Slovenia to date has not taken any concrete steps to implement the commitments made. Even more, in the face of severe economic crisis, with the exercise of the Act on rights from public funds, which came into force on January 2012, Slovenia prevented foreign students to obtain state scholarships grants to which were until then justified if other conditions were fulfilled.

⁷ Data from March 2010.

⁸ At the same time we have to explain that Slovenian legislation does not define, nor use the term "circular migration". Past researches in this area (see F. Medved: "Temporary and circular migration"), relate the definition to the definition of the European Commission (Commission Communication to the Council, the European Parliament, the European Economic and Social Committee and the Committee of the Regions on circular migration and mobility partnerships between the European Union and third countries (COM (2007) 248 final).) that define circular migration as "a form of migration that is managed in a way allowing some degree of legal mobility in both directions between two countries", in this context, it identifies two main forms, namely circular migration of third-country nationals settled in the EU and circular migration of persons residing in a third country.

The Strategy has been prepared in the process of close inter-ministerial cooperation, in which were included the Ministry of Labour, who is also the holder of the document, the ministry responsible for finance, economy, culture, interior, environment, education and sport, higher education, science and technology, foreign affairs, Government Office for development and European Affairs, the Office for Slovenians Abroad, Office of the Republic of Slovenia for macroeconomic Analysis and Development and the Statistical Office of the Republic of Slovenia. In the proposal stage of the text the document was for the purpose of the public debate published on the website of the Ministry of Labour, Family and Social Affairs, who also presented this particular document to the social partners. They welcomed the adoption of such a document, while there were no specific responses of the general public.

Slovenian legislation has, with the transfer of EU legislative instruments, to certain categories of third country nationals provided more favourable treatment than the provisions that apply to third-country nationals are in general.

With the transposition of Council Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purposes of scientific research, the Employment and Work of Aliens Act in Article 5 provided that this category of third country nationals is exempt from the application of the present law, which in practice means that these aliens do not require a work permit to work in the Republic of Slovenia. In addition of exempting them from the obligation to obtain a work permit, this category of third-country nationals is in accordance with the provisions of the directive, also entitled to the benefits of the area of so called intra EU mobility as they can in accordance with Article 38 of Aliens Act on the basis of a residence permit for the purpose of research, that was obtained in another Member State in order to carry out part of the basic agreement on research work, entry in the Republic of Slovenia and reside up to three months under a permit issued by another Member State of the European Union.

The transposition of Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment has also led to some favourable provisions for this category of aliens. Thus, the EU Blue Card may be in accordance with Article 39 of Aliens Act issued for a period of up to two years, while the remaining temporary residence permits can be issued for a period of up to one year, while there is also provided certain intra EU mobility as a third country national with a valid EU Blue Card issued in another Member State of the European Union, on the basis of which he resided on its territory over the last 18 months, can in accordance with Article 41 of Aliens Act in the Republic of Slovenia reside for one month from the date of entry without a residence permit, just as well as members of his family who have been in another Member State issued the residence permit for a family member of an EU Blue Card holder. The holder of an EU Blue Card that was issued in the Republic of Slovenia, and the members of his family, who left Slovenia in the period of validity of the EU Blue Card in order to reside in another Member State of the European Union with the purpose of highly qualified employment, and EU Blue Card or temporary residence permit for a family member was not obtained in another Member State of the European Union, and in the case of the entry into the Republic of Slovenia EU Blue Card or a temporary residence permit for a family member of EU Blue Card holder in the Republic of Slovenian is no longer valid, Republic of Slovenia allows entering the country. Administrative unit issues the former EU Blue Card holder for the purpose of searching of new, highly skilled employment and their family members a special certificate, which serves as a temporary residence permit for a period of three months from the date of issue of the certificate.

For holders of the EU Blue Card is also a special advantage on the recognition of professional qualifications for the regulated professions. In accordance with the Article 2 of Act Regulating the Qualification Recognition Procedure for Access of Citizens of EU Member States to Regulated Professions and Professional Activities in the Republic of Slovenia, which was in the national law transposing Directive of the European Parliament and Council Directive 2005/36/EC of 7th September 2005 on the recognition of professional qualifications, are the third-country nationals who apply for an EU Blue Card entitled to be treated as equal to Slovenian nationals or citizens of other EU Member States and thus to a simpler and faster procedure for the recognition of professional qualifications to pursue a regulated profession or activity.

2. 2. Measures

With a view to achieve the objectives of the Strategy Slovenia has in the frame of legislation implemented a series of measures aimed at attracting highly qualified workers from third countries.

In addition to mentioned provisions, arising from the relevant EU directives, in the field of access to the labour market Employment and work of Aliens Act in order to create an attractive scheme also provided other favourable conditions for researchers. As already mentioned, aliens that were in the Republic of Slovenia issued a temporary residence permit for the purpose of research, to access the Slovenian labour market do not require a work permit. The Employment and Work of Aliens Act in Article 22 also provides that the members of their families shall be issued a personal work permit on the basis of which they may employ or work with any employer and are not tied to ex-ante control of the labour market, and are in this sense equivalent to competing domestic or to the domestic equalized jobseekers. More favourable provisions are applicable to researchers and members of their families after the completion of the research work, as the present law in mentioned article states that they are entitled to a personal work permit if they in the period of one year find an employer or they manage to self-employ. In addition to researchers and their family members, the Employment and Work of Aliens Act in Article 22 provides the possibility of obtaining a personal work permit for aliens who concluded final year of schooling in Slovenia and earned at least a college education, if they have within two years of the acquired title found an employer or they manage to self-employ.

Employment and Work of Aliens Act in Article 29 also provides the possibility that the Minister determines cases in which a work permit may be issued without prior labour market control. With Article 24 of The Rules on the applications and evidence of employment and work of aliens and on employment of aliens which do not depend on the labour market, which is the implementing regulation of the Employment and Work of Aliens Act, it is provided that the work permit may be issued without prior employment checks of the labour market for employment of an alien in a limited company, in which he holds at least 51 per cent of share in a company as well as for employment of an alien with a college or university education with the employer, to which he was previously deployed for at least one year within the movement of persons within the companies.

In terms of entry and residence of third-country nationals it should be noted that the Aliens Act in Article 19 and 20 provides that certain categories of aliens for residing in the Republic of Slovenia for more than 90 days within six months (this is the extent permitted on the basis of the appropriate valid travel document or, in the case of visa obligations, on the basis of a

visa), obtain long-term residence visa (visa D), which is issued with a validity of up to one year. Visa D, which in the first year replaces a residence permit, may be issued to an alien, inter alia, because of the existence of economic interest for the Republic of Slovenia or due to the existence of interest of the Republic of Slovenia in the field of higher education and science, both of interests are stated within the opinion of the competent ministries. On this basis, the Minister, responsible for economic development and technology issued an executive act, which in Article 2 states that the existence of economic interest is proved if the alien demonstrates specialized knowledge and specialized skills, which are useful for the Slovenian economy, can allow an increase in business relations with the Slovenian economy abroad, or can allow the introduction and use of new technologies, business models and knowledge in Slovenia, capital investment in the Republic of Slovenia and the expansion and opening of new markets for Slovenian products. In the two years since the adoption of the Aliens Act, the Ministry of Higher Education and Science has not yet adopted an implementing regulation that would set out criteria for assessing the existence of an interest of the Republic of Slovenia in the field of higher education and science, so that provision was not used in practice.

An important measure to attract highly qualified labour, Slovenia has made in the field of medical doctors. As noted by the Strategy, Slovenia has a considerable shortage in this area. According to data of the Ministry for health, the Republic of Slovenia according to the share of employed physicians per capita is lagging behind the European average, among them a high share represents older physicians (above 60 years). Particular difficulties are also the differences in interest depending on the region of employment and the specialization, which is the reason, despite the increasing specialization tendered, why the share of approved specializations is constantly decreasing. Interest in the work of medical staff from other EU Member States is extremely low, for independent practice physicians who have obtained a degree in a third country were prescribed strict and lengthy procedures in particular⁹. Because of these reasons, at the end of 2010 Slovenia adopted the Act on the recognition of professional qualifications of medical doctor, specialist doctor, doctor of dental medicine and dental medicine specialist with a primary objective of accelerating the procedure for recognizing professional qualifications for doctors, which they have acquired in third countries, and hence their faster employment in Slovenia. The Act also provides a new procedure for the recognition of professional qualifications obtained in third countries, which follows the procedure prescribed for the citizens of the European Union and the qualifications gained in the European Union with the Directive 2005/36/EC on the recognition of professional qualifications. The necessary condition for the commencement of procedure is binding written offer of health care providers to conclude a contract of employment. Instead of then three, the new procedure is conducted by a single authority, the Ministry for Health, which transmits the application of a candidate to the opinion of the Commission, which on the basis of the comparison criteria, set out in the Act, can suggest certain supplementary conditions. After this, a decision on the recognition of professional qualifications is issued. In accordance with the new law, in the process of recognition of professional qualifications the submission of an evidence of knowledge of the Slovenian language is no longer required, but

⁹ Aliens had to go first through the process of recognizing the equivalence of professional titles, led by the Ministry of Higher Education and can take up to two years. After a positive decision on the equivalence of professional titles they have been obliged to undergo a qualifying examination held by the Ministry of Health. The examination can be approached only by candidates with a certificate of an authorized educational institution on the successful completion of the examination of Slovene language. After passing the professional examination they can apply to the tender for specialization or for recognition of specialist title obtained abroad, while Medical Chamber of Slovenia could in the process set additional conditions. Experience shows that doctor specialists from third countries could have started to perform independent medical service, on average, three years after the filing of the application for recognition of equivalence of titles.

the alien shall be obliged to provide such a proof prior to employment, the level of knowledge required is determined by the employer.

In the light of achieving one of the objectives of the Strategy, which refers to limiting the brain drain, an important role plays the Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the employment of citizens of Bosnia and Herzegovina in the Republic of Slovenia (hereinafter: the Agreement), which regulates the employment of nationals of Bosnia and Herzegovina in Slovenia only on the basis of cooperation between the authorities of Bosnia and Herzegovina and Slovenia, competent in the field of employment. According to the Agreement, Bosnia and Herzegovina has the possibility, in accordance with its laws, to restrict the employment of individual occupational groups for which the analysis of the situation and the needs of the labour market assesses that their departure to Slovenia could undermine the labour market situation in Bosnia and Herzegovina. One of the key elements of the Agreement is namely the concept of circular migration, which the Strategy identifies as one of the main measures to improve the efficiency of the management of economic migration. The Agreement provides that on the basis of the employment contract concluded for a period of at least one year, a work permit valid for three years can be issued to a migrant worker. In the meantime, a migrant worker has to be in the first year of employment employed with an employer who has filed an application for a work permit, but for the next two years under the same license he can freely choose the employer and the employment is not tied to ex-ante control of the labour market. Under the condition that prior to the expiry of the work permit migrant worker has been employed for at least one year, or that he has been granted the right to family reunification, and has a contract of employment concluded for at least one year, migrant worker can prolong his residence permit for a further three years, otherwise he can voluntary return to Bosnia and Herzegovina. Returning to Slovenia for employment is possible after a minimum of 6-month period, the authorities of Bosnia and Herzegovina, in charge of employment, can also reject re-enter to Slovenia if the alien has in the meantime refused suitable employment in Bosnia and Herzegovina.

Regarding the integration, Republic of Slovenia is not implementing any special measures for qualified and highly qualified third-country nationals. Decree on the methods and extent of providing integration assistance programmes for foreigners who are not citizens of the European Union lays down the conditions for the participation of third-country nationals to free programs of learning Slovenian language, program of Slovenian history, culture and constitutional order and exams of the Slovenian language at the basic level, which are related to the type of residence permit (permanent / temporary) and not to the level of education or other criteria that may indicate the qualifications of the alien. Also the integration programs in their content or level do not vary depending on the qualifications of the participants.

2. 3. Relations with third countries and labour migration agreements

The Strategy emphasizes the importance of cooperation and partnership dialogue with third countries and in this context the importance of highly qualified migrants, but without highlighting, as well as any other strategic document does not, specific third country.

However, the Republic of Slovenia in June 2011 signed the aforementioned agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the employment of citizens of Bosnia and Herzegovina in the Republic of Slovenia, which is consistent with the recommendations of the Strategy. The Agreement

comprehensively regulates the conditions and procedures of employment citizens of Bosnia and Herzegovina in the Republic of Slovenia and stipulates the general principles for managing relations between the two countries in this field. The agreement is however not explicitly designed to attract qualified and highly qualified work force, but it does contain some provisions recommended by the Strategy, which are particularly relevant in terms of qualified and highly qualified migrant workers. The Agreement as the first and so far the only binding document introduces some elements of circular migration and addresses the issue of the effects of brain drain, as well as stipulates more favourable conditions in the case when it comes to so called "professional employment"¹⁰, which relate to the conditions for the issuance and renewal, as well as the termination of the work permit. The agreement, which is a national scheme and has not been adopted in the context of mobile partnerships¹¹, was ratified in November 2012 and did not enter into force until 1. March 2013. Accordingly, it was a low number of citizens of Bosnia and Herzegovina, who have been employed on the basis of the present Agreement. Until today, only six work permits were issued on the basis of the agreement, in all six cases for qualified workers.

Except of the Agreement the Republic of Slovenia has no legislation or international treaties that would determine favourable conditions or conditions that would relate to attracting highly qualified and qualified migrant workers from specific third country.

¹⁰ The Agreement does not apply concepts of highly qualified or qualified worker, but it defines, as explained in section 3.1., term of "professional employment" in relation to the payment. Accordingly, the term does not necessarily coincide with the notion of highly qualified or qualified migrant as it is understood in the context of education.

¹¹ Slovenia was actually one of the signatories of the Agreement on the mobile partnership with the Republic of Moldova in 2008, in the context of which the Slovenian experts for asylum from the Ministry of Internal Affairs presented good practices in the implementation of asylum policy in Slovenia to the experts from Moldova.

3. EVALUATION AND EFFECTIVENESS OF MEASURES

The effects of various legislative measures in Slovenia are generally assessed on the basis of work permits or residence permits issued for a specific purpose, which in recent years has become totally inadequate method. With the onset of the economic recession and the collapse of the construction sector in particular, where traditionally third-country nationals are employing, along with a decrease in demand by employers and increase of the available domestic workforce, the need for foreign workers significantly reduced, for about one-third each year. Due to this overall decline in the inflow of foreign workers as a result of the economic crisis, solely on the basis of statistical data the potential impact of different strategic documents or specific measures can not be ascertained. For this purpose, in the current situation a qualitative, targeted study of the impact of individual actions is needed, but it was not yet carried out - so far there has not been any evaluation of the adopted strategic documents or accompanying measures in the field of attracting qualified and highly qualified third-country nationals in the form of researches, studies or in the similar form. In addition, it should be noted that some of the measures were in practice launched relatively recent, making their potential impact impossible to assess yet¹².

On the basis of data of work permits issued it can be concluded that the number of work permits issued to highly qualified third-country nationals in the present period decreased significantly less (13%), compared to the average (79%) and also compared to the number of work permits issued to qualified third-country nationals (80%). Similar trends are also indicated by the data on residence permits, which indicate that the number of issued residence permits for study purposes (with the exception of 2012), research (with the exception of 2012), higher education work and the number of issued Blue Card EU during

¹² Rules on requirement for the assessment of economic interest of the Republic of Slovenia for issuing the long-stay visa came into force on 7th July 2012, while bilateral agreement between Slovenia and Bosnia and Herzegovina came into force on 1st of March 2013.

that period increased¹³, also the number of visas issued for long-term residence because of the existence of economic interest increased¹⁴. Subject to this it is not possible to assess the extent to which such a modest decline of work permits issued to this category of aliens is the result of the measures taken in order to attract highly qualified third-country nationals, and how this leads to the fact that highly qualified aliens in the Republic of Slovenia represent added value in the form of knowledge and experience, which despite high domestic unemployment can not be replaced with the domestic labor force.

Based on statistics, which are attached to the study it can not be determined no single trend in the field of employment and self-employment of highly qualified and qualified third-country nationals. The number of third-country nationals who have been employed in high-skilled occupations in the period increased significantly, by as 2.4 times. In this context, in 2009 and 2011, the number of citizens who have been employed in high-skilled occupations declined from the previous year, but the number is, despite the economic crisis, in all the years higher than in the base year (2008). Also the data on the employment of highly qualified third-country nationals indicates that the number has increased in 2012 compared with the previous year, while in 2011 remained the same just as in 2010.

According to the data of the relevant ministry, the Act on the recognition of professional qualifications for a medical doctor, specialist doctor, doctor of dental medicine and dental medicine specialist reduced the time required to carry out the procedure significantly, in the case of specialists up to three years. However, because of the economic downturn the employment in public institutions is standstill, that includes for example also the hospitals, the number of applications for recognition qualifications under this law, which came into force in early 2011, declined sharply, by five times in 2012, while this year up to the date of preparation of this study at the Department of Health have not yet discussed any application. Obligatory annex to application for recognition of professional qualifications, under the present act, is also an offer of the employment.

Slovenia does not have a valid quota for work permits or residence permits for third-country nationals at the moment, although the Employment and Work of Aliens Act provides that the government may, in accordance with the migration policies and the status and future trends in the labour market, annually determine the quota of work permits, with which the number of aliens in the labour market is limited. The last time Slovenia has established such a quota was with Regulation laying down the work permit quota for 2010, which limited the number of aliens in the labour market, while quotas were set by types of work permits and disregarding to education or occupation of an alien, type or the complexity of the job or activity in which the alien has been employed or has worked.

It is worth noting that Slovenia in the past few years, most recently in 2010, adopted the Decree on restrictions and prohibitions of employment and work of aliens, which set the limits and prohibitions of new employment and work of aliens in some areas of activity, businesses, occupations, and from certain regional areas. However, as an exception to all the restrictions

¹³ It is necessary to clarify that in the meantime, more precisely in 2011, changes were made both in terms of legislation governing the entry and residence of aliens as the law governing the access of aliens to the labour market, which has a certain influence on the number of issued permits. With the relevant amendment of the Aliens Act (2011), in Slovenian legislation an institute EU Blue Card was introduced and higher education work as a new reason / purpose for the issuance of temporary residence permits.

¹⁴ Since the implementation of the Rules on the requirement for the assessment of economic interest of the Republic of Slovenia in July 2012 according to the data of Ministry of Interior because of the existence of economic interest 45 visas D were issued, in 2012 18 and 27 this year. Given this is a comparable period of time (5-6 months), it can be observed that the number of visas issued this year increased by exactly 50%.

and prohibitions it was stipulated that a permit for employment may be issued to an alien with an education, comparable to at least tertiary or higher professional education on the sixth level in accordance with the Decree on the introduction and use of classification system of education and training, to whom the employer will pay out a minimum salary of 2.5 of minimum wage.

4. CHALLENGES AND BARRIERS

Given the fact that in Slovenia there is no studies that would focus on attracting qualified and highly qualified foreign workers and on the difficulties in this regard, the challenges and obstacles can be made only on the basis of estimates.

In terms of attractiveness for qualified and highly qualified foreign work force as a key advantage we could identify the strategic location or the geographical nearby of Slovenia to Western Balkans states, linguistic similarity and history of the ex-common state, which lead to strong diaspora and wide network of kinship and ties of friendship between the residents of Slovenia and the residence of the Western Balkans states¹⁵. However, these prime factors had effect in Slovenia several decades, but at a time of strong economic competitiveness and market globalization, not only within the EU but also in the global context in which Europe and Slovenia are located today, are no longer sufficient. With these and similar questions Slovenia is actively and accelerated dealing with, seeking satisfactory solutions on government, commercial, academic and civil society levels.

Among the key factors that have a negative impact on the attractiveness of Slovenia is definitely a level of revenue that alien workers can hope for. Namely, according to available data of Eurostat¹⁶ in 2011 the average annual gross earning of full-time was on EU level

¹⁵ This is reflected in the structure of migrant workers - according to the Employment Service of Slovenia, the proportion of citizens of the countries of the former Socialist Federal Republic of Yugoslavia among alien workers is around 90%.

¹⁶ This data from June 2013 does not include data on average wages in Greece, Spain, Italy, France and Ireland.

26,113 EUR, at the level of the EU-15 as much as 43,080 EUR, while in Slovenia it was 17,689 EUR. This means that Slovenia is lagging far behind on the revenue side from these so called "Old" EU Member States, it also significantly lags behind the EU average. On the emigration of qualified and highly qualified workforce a key role plays the effect of the economic crisis on local unemployment. With the recession of economic area, the situation in Slovenia shows, along with the reduction of the needs of employers, also the above-average growth in the unemployment rate. In comparison with the EU as a whole, where the unemployment rate in the period from 2008 to 2012 increased by 3.4 percentage points or to 47.9%, in Slovenia in the same period unemployment increased by 4.5 percentage points or to 102, 3%. Given the fact that the system of immigration of third country nationals, including qualified and highly qualified, with attempt to employ and work in Slovenia, is generally based on the needs of employers while and the same time we can observe the absence of appropriate domestic unemployed persons, mentioned conditions significantly inhibit the ability of qualified and highly qualified third-country nationals to employ or work in Slovenia.

In terms of the attractiveness of Slovenia or in terms of the possibilities for easier access of highly qualified third-country nationals to the Slovenian labour market, the problem is showing in lack of significant preferential schemes of this category, which is the consequence of the numerous abuses of work permits and on this abuse basis residence permits issued in past years. Due to its geographical position and the aforementioned branched informal networks, Slovenia was in the years after entry into the Schengen area warned by the other Member States on numerous abuses of Slovenian residence permits, on the basis of which especially citizens of some of the Western Balkan countries entered the Republic of Slovenia with a sole purpose of entry into the Schengen area or the territory of the other Member States of the EU. For this reason, Slovenia formulates its legislation that regulates access to the labour market for nationals of third countries, on the basis of which the majority residence permits are issued, very carefully and in the first years maintains the protection mechanisms such as the control of the labour market for practically all categories of third-country nationals irrespective of their education and training.

As a special, systemic problem that is often exposed by the employers is bureaucratisation and consequently length of the procedures, required for the employment of aliens. If the alien is not in the category, that does not need the work permit to work or employ, employer has to obtain a work permit for him at the Employment Service of Slovenia, which lasts up to two months after the reception of a complete application. On the basis of the work permit issued, alien can through a foreigner diplomatic mission or consular post of Slovenia abroad apply for a residence permit. The decision is taken by the administrative unit within three months after the reception of a complete application. Along with the time needed to verify the labour market, service of authorizations and similar things the time needed to obtain basic permits¹⁷ fast approaches to half of the year, which is from the perspective of the market, which requires companies to respond quickly, not encouraging. Particular problem in terms of bureaucratization is also the fact that the procedures are set out in two different laws, which greatly complicates the transparency of requirements and evidence needed, while clarifications regarding the provisions of the laws, which are available on the web, are modest and incomplete. That in practice leads to an incomplete application, which further extends the time needed to obtain the required permits. Slovenia will until December 2013 transpose the provisions of Directive 2011/98/EU of the European Parliament and of the Council on a single application procedure for a single permit for third-country nationals to

¹⁷ In addition to the work and residence permit third country nationals have to in the case of regulated professions or activities carry out the procedures for the recognition of professional qualifications, and in some cases, to obtain additional licenses from the competent chambers.

reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State, which will introduce a system of "one-stop-shop" and so significantly reduce administrative barriers and thus simplify and speed up procedures.

5. CONCLUSIONS

Despite the fact that Slovenia does not have strategic documents intended solely to attract highly qualified and qualified third-country nationals, the Strategy of economic migration for the period from 2010 to 2020 offers a good starting point, as in the context of comprehensive treatment of labour migration in the Republic of Slovenia addresses in particular the issue of attracting highly qualified third country nationals. Along with the outlining the most important guidelines in this area, the strategy and action plan for its implementation, determined the concrete actions necessary to achieve the objectives. These are partly reflected in the alien legislation in which Slovenia has in the past years included a number of measures designed to encourage the influx of particularly highly qualified third-country nationals. With the transfer of the European directive that regulates the status of researchers from third countries, and Directive introducing an EU Blue Card, as well as with national measures, Slovenia defined favourable conditions for access to the labour market for some highly qualified third-country nationals and investors, developed and implemented a favourable scheme for the recognition of certain professional qualifications in the field of health care and provided the possibility of obtaining long-stay visa for aliens that represent an economic interests for Slovenia.

These adopted legislative framework and measures of attracting qualified and highly qualified work force in Slovenia can be assessed as positive steps in the right direction, as they represent good foundation on which it is necessary to build up in the future in accordance with the economic and development indicators as also with the needs of Slovenia. In addition to general measures (introduction of a single permit for work and residence permit) the attention should be given to the specific areas that are in terms of attracting highly qualified and qualified foreign labour force in Slovenia definitely key point. Given the marked shortage of some highly qualified and qualified occupations, it would be for instance prudent to differentiate regulations of the access to the Slovenian labour market regarding the profession or activity, taking into account the situation and trends in the field of deficit occupations in the domestic labour market. On this basis and on the basis of accurate and efficient analysis of work force needs it should be given long term consideration to the possible transition from the existing system, which is based solely on the current needs of individual employers, to a more systematic structured so-called point system that takes into account the different circumstances of the alien as are the profession or education, work experience, age and language skills, and scores the aliens according to the current and forecast future needs of the labour market. With a clear definition of the deficit occupations in the Slovenian labour market, based on accurate and comprehensive analysis of the labour market, past and future employment trends, it would be necessary to attract highly qualified and qualified third-country nationals on an even more ambitious way than in previous years, namely with the establishment of schemes that would provide more favourable conditions, especially for professions that are deficit in the Slovenian labour market. In the first place it is necessary to focus on improving the conditions of work and employment in the strict sense, but it is also necessary to pay particular attention to other areas such as faster and easier recognition and evaluation of education obtained abroad, reducing the number of regulated professions, the creation of targeted and differentiated integration measures and the like. In particular when we consider that almost 90% of all migrant workers are coming from countries of the former republics of Yugoslavia, the information campaigns and the establishment of focal points in some selected third countries should be considered in order to attract highly qualified and qualified workers through the provision of information about job and work opportunities, as also conditions and procedures for obtaining the appropriate permits or other circumstances that significantly affect the decision to migrate. At the same time it would be necessary to examine the possibility of establishing a simplified and, consequently, faster procedures for obtaining the necessary permits for selected categories of third-country nationals.

Taking into account the guidelines set out by the European Union in the field of migration policy and cooperation with the partners from third countries, an important step is the conclusion of a bilateral agreement between the Republic of Slovenia and Bosnia and Herzegovina that in the framework of partnership dialogue takes into account the risk of brain drain and sets guidelines for circular migration. On this basis and on the basis of precise evaluation of the implementation of the agreement it should be necessary in future years to examine the possibility of upgrading the existing agreement with the introduction of additional elements that would contribute to a more developed and thus more effective circular migration.

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ANNEX – STATISTICAL OVERVIEW¹⁸

1. First residence permits issued for relevant remunerated activities¹⁹

Table 1.2.: First permits issued to third-country nationals for remunerated activities by reason

	2008	2009	2010	2011	2012
Remunerated activity reasons: EU Blue Card ²⁰	0	0	0	1	7

(Source: Ministry of the Interior and Public Administration)

¹⁸ With mark »-« are marked categories, where data doesn't reach threshold, which is in accordance with EU rules on confidentiality and data protection and the Eurostat dissemination rules needed for the dissemination, while the mark »u« marks data, which do reach threshold for publication, but are according to Eurostat unreliable due to low number.

¹⁹ The competent database manager did not provide all the data necessary for the preparation of tables.

²⁰ Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment was implemented in the Aliens Act of 2011.

2. Employment of Third-Country Nationals by ISCO Classification (1.000)

Table 2.1: Employment of Third-Country Nationals in high-skilled occupations

Occupation according to ISCO categorisation	2008	2009	2010	2011	2012
OC1 Legislators, senior officials and managers	-	-	1.9 (u)	-	-
OC 2 Professionals	-	-	-	-	1.3 (u)
OC 3 Technicians and associate professionals	-	-	-	1.1 (u)	1.2 (u)
Total	1.4 (u)	1.2 (u)	2.9 (u)	2.1 (u)	3.4 (u)

(Source: Eurostat)

Table 2.2: Employment of Third-Country Nationals in high-skilled occupations and sex

Sex	2008	2009	2010	2011	2012
Male	1.3 (u)	-	2.3 (u)	1.3 (u)	1.9 (u)
Female	-	-	-	-	1.4 (u)
Total	1.4 (u)	1.2 (u)	2.9 (u)	2.1 (u)	3.4 (u)

(Source: Eurostat)

Table 2.3: Employment of Third-Country Nationals in high-skilled occupations and age

Age breakdown	2008	2009	2010	2011	2012
25-34	-	-	-	-	-

35-44	-	-	-	-	1.4 (u)
45-54	-	-	1.1 (u)	-	-
55-64	0	-	-	-	-
Total	1.4 (u)	1.2 (u)	2.9 (u)	2.1 (u)	3.4 (u)

(Source: Eurostat)

3. Employment of Third-Country Nationals by ISCED Classification (1.000)

Table 3.1: Employment of highly educated Third-Country Nationals

Level of education according to ISCED categorisation	2008	2009	2010	2011	2012
First stage of tertiary education (ISCED level 5)	-	-	-	1.1 (u)	1.7 (u)
Second stage of tertiary education (ISCED level 6)	0,0	-	-	-	-
Total	-	-	1.2 (u)	1.2 (u)	1.8 (u)

(Source: Eurostat)

Table 3.2: Employment of highly educated Third-Country Nationals by sex

Age breakdown	2008	2009	2010	2011	2012
Male	-	-	-	-	-
Female	-	-	-	-	-
Total	-	-	1.2 (u)	1.2 (u)	1.8 (u)

(Source: Eurostat)

Table 3.3: Employment of highly educated Third-Country Nationals by age

Age breakdown	2008	2009	2010	2011	2012
25-34	-	-	-	-	-
35-44	-	-	-	-	-
45-54	-	-	-	-	-
55-64	0	-	-	-	-
Total	-	-	1.2 (u)	1.2 (u)	1.8 (u)

(Source: Eurostat)