SATISFYING LABOUR DEMAND THROUGH MIGRATION IN SLOVENIA

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Ljubljana, May 2010

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Executive Summary

The aim of the study is to understand how Slovenia has been addressing labour market needs and shortages through migration and to gain an understanding of the perceived effectiveness of these strategies. It is hoped that highlighting the practice, the study will initiate and assist to the further policymaking and to upgrading of the legislation governing this area as well as to considerations for the procedural and institutional changes in its management and administration. After methodology and definition of terms used, the study provides an overview of Slovenia’s approach and policies in relation to satisfying demands for highly skilled, skilled and low skilled labour and the role economic migration might have in the forthcoming future. This is followed by an overview of the legislative framework that regulates and facilitates labour migration to meet labour market needs in terms of admission conditions, residence and return as well as the identification of labour demands and other aspects of the migration process, such as family reunification and a short description of the competent institutions for the management of labour migration. The third chapter looks at the implementation of policy and legislation on economic migration, including statistics and analysis of trends and experiences in satisfying labour demand through migration. The forth chapter examines co-operation with Third countries, in particular the anticipated bilateral agreement with Bosnia and Herzegovina in the context of circular migration. Finally, an analysis and conclusions are made with recommendations for policy makers.

The results of this study show that Slovenia has been responding to labour shortages according to current needs of the labour market without a well thought and long-term vision or strategy of economic migration. This led to an employer-led labour immigration, satisfying labour shortages in the low segment of the labour market by increasing annual work permit quota in the period of economic growth. In response to the impact of economic recession, the Government reduced the work permit quota and in addition, adopted instruments for the stringent labour market test and - for the first time in the history of Slovenia - temporary restrictions and prohibitions of employment and work of migrants from third countries on grounds of the public interest or the general economic interest. Still, 1,000 work permits were reserved for highly skilled migrants, suggesting a growing awareness of policymakers that Slovenia should pay more attention to attracting highly skilled workers from third countries.

The great majority of migrant workers admitted over the past years have been low skilled or skilled, majority of them having no formal occupation. Furthermore, the share of migrants with higher education started to decline from 2007. Data analysis also shows a mismatch between demand for labour and migrant worker profiles. There is a shortage of low skilled workforce with specific occupational titles in construction and manufacturing, accommodation and food services. The need for skilled and highly skilled exists in information and communication, biotechnology, forestry and in particular in the human health sector.

In the present financial and economic climate, Slovenia has to deal primarily with the structural unemployment. Nevertheless, as the population ages and the proportion of working age people will decrease, Slovenia will have to amend its policy and legislation and adapts the institutional structure in order to ensure effective mechanisms to address both “structural” or “demographic” labour shortages and skills as well as temporary or “cyclical” labour market needs occurring as a result of economic upturns and downturns, if it is too increase its economic competitiveness and vitality within the EU strategy for “smart, sustainable and inclusive growth” that will be beneficial for Slovenia, the counties of origin of migrants and migrants themselves.

With this in mind and in the view of the changing EU policy landscape in the area of
freedom, security and justice, in particular the 2008 European Pact on Immigration and Asylum and the new political mandate of the Stockholm Programme and an even closer cooperation between Member States with Third countries in managing migration flows, we recommend that Slovenia upgrades and implements policy of legal labour migration by setting up a set of measures that will:

- alleviate the effects of demographic deficit in terms of reduced working age and economically active population as well as reduce temporary mismatches in the labour market;
- increase human resources, encourage innovation and entrepreneurial activity, maintain and promote economic competitiveness;
- enable acquisition of experience of Slovenians working abroad and reduce the brain drain from Slovenia as well as the countries of origin of immigrants to Slovenia by encouraging mobility and the circular migration;
- promote employment of highly skilled migrants;
- strengthen relations with third countries of origin of migrants by bilateral agreements, promoting the return of economic migrants, and their reintegration into society of origin;
- ensure fair treatment of immigrants and rights of migrants by establishing a more ambitious integration policy that would include all relevant areas for harmonious integration of migrants into the Slovenian society.

In brief: (i) In the light of the review of the legislative, institutional and operational structure a more integrated approach is recommended. Amendments to the Employment and Work of Aliens Act have been announced, *inter alia*, to transpose EU Blue Card directive and to remedy deficiencies contributing to forms exploitation of migrants and breach of their rights. A consideration of merging this Act with the Aliens Act (into e.g. Immigration Act) would be recommended. (ii) This could contribute to more coherent and transparent admission procedures for all actors involved and possibly towards providing a single application procedure leading to one combined title, encompassing both residence and work permit within one administrative act. (iii) Institutional framework could be re-arranged under supervision of one authority in order to rationalise the management structure to improve strategic planning and ensure that programmes are coherent and implemented with strategic objectives. (iv) The assessment of appropriate immigration levels for economic purposes such as quotas, priorities or indicative targets is clearly in the hands of the State and involves a cooperation of a range of institutions. Work permit quotas were inconsistently applied and did not achieve aims for which it appears to have been intended; (v) Faster and simpler methods of recognition and evaluation skills and qualification of formal and informal education should be established, the number of regulated professions reduced and information on recognition of professional qualifications and on opportunities to acquire such a qualification should be improved. This, in turn would improve labour matching, potentially lessen the ‘brain waste’ and improve migrants’ employability, mobility, flexibility and ability to compete on the labour market; (vi) Integration measures are recently being implemented. Nevertheless, a substantial effort is still needed on the part of the State and the Slovenian society. Though policies to integrate immigrants who are likely to settle permanently, particularly those recently arrived, are usually called for, integration measures should be sufficiently responsive to short term or temporary labour components as well, and (vi) the agreed upon terminology and methodology of data collection would contribute to the quality of continuous monitoring as well as to periodical evaluation and in turn provide better information for political decisions.
SATISFYING LABOUR DEMAND THROUGH MIGRATION IN SLOVENIA

1. INTRODUCTION

The aim of the study is to understand how Slovenia has been addressing labour market needs and shortages through migration and to gain an understanding of the perceived effectiveness of these strategies. The study also examines the impact of the recent economic downturn on economic migration policy, in particular how the strategies to address labour demand have been adapted.

The study examines the role of immigrants in addressing labour shortages – from low to highly skilled and reflects on lessons learnt from policy choices made as a response to the current economic climate. The study focuses on third-country national migrants (hereafter TNCs). However, information and data on intra-EU mobility and the labour market are included as well when this is of particular relevance. Slovenia became a member of the European Union (hereafter EU) on 1st of May 2004 and has been a subject of the transitional arrangements in some of EU-15 Member States.

The outcome of this study is primarily intended for relevant ministries, policy- and decision-makers and analysts concerned with economic migration. At the national level the study will help to inform analysts and policymakers about the different options for addressing labour demand both in response to the impacts of changes in the economy due to current financial and economic climate and in terms of long-term skill needs. In addition, the study generates some evidence concerning the effectiveness of the different strategies, including co-operation with third countries. It is hoped that highlighting the practice, the study will initiate and assist to the further policymaking and to upgrading of the legislation governing economic migration as well as to considerations for the procedural and institutional changes in its management and administration. At the EU level the study will contribute to an overview of national policies in this area across the EU and hopefully to further contextualisation of the national policies and practices within the EU framework.

Other groups could also benefit from this study. This particularly concerns organisations of the civil society and the private sector, particularly stakeholders in the economic migration policy making and practice such as employers’ associations, economic and professional chambers, representative trade unions and non-governmental organisations (NGOs), including migrant associations as well as academic researchers or any other members of wider public with an interest in economic migration policy or migration and integration issues in general.

1.1 Methodology

This study is a national report and has been conducted as a part of the European Migration Network (EMN) Work Programme 2010 according to the Specifications for EMN Study on Satisfying Demand through Labour Migration, Final version, 22nd March 2010.¹

A number of institutions engaged in economic migration and migration and integration in wider sense provided information and data for this study. Among these, in particular the Ministry of Labour, Family and Social Affairs, Employment Service of Slovenia and the

Ministry of the Interior. Information was also obtained from the Ministry of Higher Education, Science and Technology and the Ministry of Health, the Statistical Office of the Republic of Slovenia and the Health Insurance Institute of Slovenia. Also other institutions and organisations have been contacted, among them the Municipality of Ljubljana, the Chamber of Commerce and Industry, Chamber of Craft and Small Business of Slovenia, the Association of Employers of Slovenia and representative trade unions.

To provide a thorough description and analysis of the legislative and the institutional framework for the implementation of economic migration policy laws, bylaws, executive and political acts governing the area and their drafts have been examined as well as those that touch upon the field of the study. Some publications and websites of the competent institutions were examined as well. Relevant documents and EU legislation have also served as a source of information as well as previous EMN studies cited in the Specifications. A selection of international academic literature and conference contributions to the field and to a lesser extent - since there is only recently some interest in studying various aspects of economic migration in Slovenia - published or unpublished Slovenian academic articles have also been a valuable source. According to our knowledge this study is most probably the first report on economic migration in Slovenia written in both Slovene and English. It was done by Felicita Medved, the NOVUM Institute in Ljubljana.

Data sources for Tables annexed to this study are official records of the competent authorities of the Republic of Slovenia:

- Information on numbers of economic migrants who are nationals of EU Member States, as well as information on their nationality, occupation and sex was obtained from official records of the Health Insurance Institute of Slovenia. The institute collects these data based on the form M-1 for notifying data on pension and invalidity insurance, health insurance, parental protection insurance, insurance against unemployment and on conclusion of employment relationship;
- Information on numbers of economic migrants who are TCNs, as well as information about their nationality, occupation and sex was obtained from official records of the Employment Service of Slovenia, where these data are collected on the basis of work permits issued;
- Data on researchers derives from information and data supplied by the Ministry of the Interior, which keeps records of residence permits.

Some problems were encountered concerning terminology and translation of the standard classification of occupations (in Slovene SKP) into International Standard Classification of Occupations. Slovenia applies the standard classification of occupations, which was adopted in 1997 and complemented in 2000. Decree on the use of SKP consists of descriptions of groups of occupations and compiler of SKP into the ILO International classification of occupations (ISCO-88). In line with ISCO-08 an updating version of SKP (so called SKP08) is planned to be released in June 2010 and to be used from the beginning of January 2011. Statistical Office of the Republic of Slovenia reports that the adoption of such a complex
classification of regulation is time-consuming and that it is quite impossible to easily modify and adapt the classification to changing conditions on the labour market.\footnote{Statistični urad Republike Slovenije, Ljubljana 23.5.2009: Spremembe ISCO-08 glede na ISCO-88 in izhodišča SURS-a za pripravo prenovljene specifikacije poklicev SKP.}

As already said, the main source of information for this study was the database of the Employment Service of Slovenia, which is kept for the purpose of deciding upon the issuance or revocation of work permits, monitoring the conditions on the labour market and for the purpose of scientific research and statistics. Among information listed under the law, this data base should include data on levels and fields of education (KLASIUS), occupation by Standard Classification of Occupations, specialised knowledge and work experience. The vast majority of data (80-90 per cent) on economic migrants however is not allocated to the core groups of occupations 1-9. Against this background, I have assessed that in order to carry out a relevant analysis on the current situation as well as trends such a small sample of information would not reflect the objective situation. This considered, data collected for this study and organised according to the national categories (by groups of professional education, within which are grouped occupations), was combined with skill levels derived from the ILO ISCO-88 classifications. Since the Employment Service does not collect data on occupations for economic migrants who have free access to the Slovenian labour market, the additional category of “unspecified” has been created.

Data could be collected for years 2005 to 2009. Data for 2004 could not be provided since it is not entered into the official records of the competent authorities. Due to unavailability data detail on unfilled job vacancies could not be presented. It was also not possible to produce tables of data on the outflow of migrant workers. Other data that could not be addressed or provided in accordance with the Specifications are described in explanations to individual tables in the section 3.2. Alternative information is provided and interpreted wherever possible.

1.2 Definitions and understanding of the terms used

Terms used in this study are specified to the extent possible in accordance with their definition given in the European Migration Network (EMN) Asylum and Migration Glossary.\footnote{European Migration Network (EMN): Asylum and Migration Glossary, January 2010.} Throughout the text, economic migration (in Slovene: ekonomske migracije) refers to migration mainly for economic reasons or in order to seek material improvements. It has to be pointed out however, that the term is neither used nor defined in any of the Slovenian legislation examined for the purpose of this study. Therefore, for better understanding of terms used, the terms as defined in the two most important acts regulating migration in Slovenia, i.e. Aliens Act\footnote{Official Gazette of the Republic of Slovenia, Nos. 61/1999, 9/2001-ZPPreb, 87/2002 (96/2002 popr.), 108/2002-UPB1, 93/2005, 112/2005-UPB2, 79/2006, 107/2006-UPB3, 111/2007-ZPPreb-B, 44/2008, 71/2008-UPB5, 41/2009, 64/2009.} and Employment and Work of Aliens Act\footnote{Official Gazette of the Republic of Slovenia, Nos. 66/2000, 101/2005, 4/2006-UPB1, 52/2007, 76/2007-UPB2.} are cited in this study when considered necessary and appropriate to better understand the context.\footnote{For example, according to the Aliens Act “Daily migrant workers shall be aliens with permanent stay in a neighbouring country to which they return and who enter into the Republic of Slovenia on a daily basis for work or for the performance of a lucrative activity,” while “Migrant worker” shall mean a worker with permanent residence in another country who is employed or performs work in the Republic of Slovenia and who returns to his place of permanent residence at least once a week as defined by Employment and Work of Aliens Act. Refer to Article 2 of respective Acts.}
Nevertheless, draft strategy paper of the Republic of Slovenia in the field uses the term ‘economic migration’ as defined above.10 Accordingly, the term economic migrant is used as a broad term, including an alien (in Slovene: tujec) - meaning any person who does not have the nationality of the Republic of Slovenia, and in EU-context meaning a person who is not a national of a Member State of the EU - and is admitted to Slovenia for the purposes of temporary or lasting work, employment or self-employment (‘migrant worker’) as well as for purposes of research, study or training.11 The term employed in such a way is thus closer to the concept of ‘economic migrant’ as defined in the EMN Glossary, with the Slovene language entry ‘delovni migrant’. In the opinion of the author of this study ‘delovni migrant’ (i.e. labour migrant) is a narrower term in relation to an ‘economic migrant’ which is a broader term. The entry’s note of the EMN Glossary provides a similar explanation. At the same time, the term used in the draft strategy paper is closer to a more comprehensive UN definition of a ‘migrant worker’12 in comparison to the OECD Glossary of Statistical Terms’ definition or definitions included in the ILO instruments.13

As proposed by the specifications for this study and in order to facilitate inter-state comparability, this study uses the term ‘economic migrants’ comprising following five broad categorisations: a) highly skilled, b) skilled, c) low skilled, d) researchers and e) seasonal workers.14

a) Highly skilled (Highly Qualified Migrant)

In Slovenia, the dominant term is highly qualified, referring to someone who has required adequate and specific competence, as proven by higher educational qualifications. Vocational experience is important, but the concept of higher professional qualifications attested by a fixed number of years of professional experience of a level comparable to higher education qualifications relevant in the profession or sector specified is not applicable.

The term “highly qualified employment,” which according to Council Directive 2009/50/EC refers to a person who is employed in a Member State; is protected as an employee under national employment law and/or in accordance with national practice, irrespective of the legal relationship, for the purpose of exercising genuine and effective work for, or under the direction of, someone else; is paid; and has the required adequate and specific competence, as proven by higher professional qualifications, has not yet been introduced in the Slovenian legislation.

Draft bilateral agreement with Bosnia and Herzegovina, which is examined in detail in the fourth chapter of this study, introduces the term “professional employment” which refers to a person who is employed in Slovenia and is paid at least three times the minimum Slovenian wage. This employment however is not meant to be regarded within the context of the EU Blue Card.

11 Ibid., p. 4. Admission for study purposes is not included in this study.
12 UN Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.
13 Refer to Specifications for EMN study on Satisfying Labour Demand through Migration, Final version, 22nd March 2010, p. 6.
14 Ibid., pp. 11-13.
In accordance with the methodology above described, in this study high qualified/high skilled category includes occupations within ILO ISCO-88 classes 1, 2 and 3 as classified in the Statistical Office of the Republic of Slovenia descriptor such as veterinarians, geologists, computing professionals, chemical engineers, pharmacists, cartographers and surveyors, medical doctors and health professionals, teaching professionals, layers, social science and related professionals, philosophers, historians and political scientists, philologists, translators and interpreters, writers and creative or performing artists, physical and engineering science associate professional, social care associate professionals, religious professionals and other.15

b) Skilled
The corresponding national category for skilled is in Slovenia most often termed “medium-qualified” or educated. In order to generate data on this category, the “skilled” includes the following occupations within major groups 4-8: crop and animal producers, craft and related trade workers, building trade workers, stone cutters, carpenters and joiners, building frame and related trades, building finishers, painters, building structure cleaners, metal moulders, welders, sheet-metal workers, electrical and electronic equipment mechanics, potters, handicraft workers in woos, textile, leather and related materials, merchants, administrators and similar professions.16

c) Low skilled
The corresponding national categories for low skilled in Slovenia are categories often termed as unqualified, low qualified and semi-qualified. The following occupations were considered to create data on this category (within major group 9): mining and construction labourers such as construction and maintenance labourers: roads, dams and similar, building construction labourers, manufacturing labourers, transport labourers and freight handlers, garbage collectors and related labourers, agricultural, fishery and related labourers and elementary occupations not elsewhere classified.17

d) Researcher is defined in Slovenia according to the law as a TCN holding an appropriate higher education qualification, which gives access to doctoral programmes, who is selected by a research organisation for carrying out a research project for which the above qualification is normally required. 18 This definition derives from the Council Directive 2005/71/EC which was transposed into the Slovenian legal order in 2006.19

This category partially overlaps with category a) Highly skilled, especially in the chapter 3.2 which displays and analyses statistics on economic migration to Slovenia.

e) Seasonal Worker Migrant is not legally defined in Slovenia. Nevertheless, “seasonal work” according to the law means “a form of temporary work subject to the rotation of the seasons” and a “migrant worker” means a worker with permanent residence in another country who is employed or performs work in the Republic of Slovenia and who returns to his place of permanent residence at least once a week.”20

16 Ibid.
17 Ibid.
These two definitions combined approximate the definition derived from Council Resolution of 20 June 1994 on limitation on admission of Third-Country nationals to the territory of the Member States for employment where “seasonal worker migrant refers to a (TCN) worker who is resident in a third country but is employed in an activity dependent on the rhythm of the seasons in the territory of a Member State on the basis of a contract for a specified period and for specific employment.”

Seasonal workers can have different skills levels therefore there is an overlap with categories a) to c). This is the case in this report, especially in the Chapter 3.2. Nevertheless to the extent possible details are given of their actual occupation.

2. APPROACH TO ECONOMIC MIGRATION POLICY IN SLOVENIA

This section provides an overview of Slovenia’s approach, policies and legislation in relation to satisfying demands for highly skilled, skilled and low skilled labour and the role of economic migration might have in the forthcoming future.

2.1 National Vision and Policy

Slovenia has been rapidly approaching those countries that have already begun to face labour shortages as a result of the ageing of working population, structural unemployment and the needs of the economy. This means that despite the current economic crisis and increasing unemployment, Slovenia will have to ensure adequate mechanisms which will allow a sufficient number of appropriate workers in medium and long term. It is estimated that the labour shortage will continue to be covered by TCNs. This means that a search for suitable workforce will have to be carried out systematically and selectively in accordance with planned activities.

The current situation and trends in the Slovenian economy and the labour market point to the fact that labour demands were met either by finding solutions by using internal reserves of individual economic enterprises e.g. by increasing overtime work, or by increasingly using migration as a tool to combat labour shortages.

During the period of economic growth, Slovenian companies frequently reported labour shortages as the main limiting factor in their business performance. They specifically required low skilled and skilled workers, mostly in construction and metal industry, preferably nationals of other successor states of former Yugoslavia (SFRY). The government responded accordingly and economic migration policy focused on these specific groups of migrants. The great majority of workers admitted over the past years have been low skilled or skilled. Majority of workers have no formal occupation and only primary education. Furthermore, the share of workers with higher education started to decline from 2007.

Data presented and analysed in section 3.2 also show that there is a mismatch between labour demand and workers’ qualifications or education. A need for specific occupational groups points to a shortage of workers for simple works with elementary occupations. For example,

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companies involved in accommodation and food service activity report shortages in cooks and waiters with occupational titles and show an interest to acquire them from the Western Balkans and from the EU Member States, upon a condition of the Slovene and foreign languages proficiency.\(^{22}\)

The current situation on the labour market, demographic indicators and the employers’ demands suggest that there will be a shortage of domestic labour also in the future. This will particularly concern construction, metallurgy, electricity and motor vehicles activities, accommodation and food services. The Chamber of Commerce and Industry of Slovenia reports a continuous need for labour in manufacturing, transportation (drivers) and in agriculture. In these economic activities there is a shortage of low skilled workers (unskilled and semi-skilled) and of workers with occupational titles (upper secondary vocational education). It should be noted that the Chamber emphasises a need for male workforce in these particular economic activities. The need for skilled and highly skilled workforce exists in the information and communication technologies, biotechnology, forestry and in the health sector. According to an evaluation of health care institutions, Slovenia faces a shortage of 970 medical doctors annually, while the Medical chamber of Slovenia estimates an annual need for medical doctors on 517. In 2009, there was an estimated 20 per cent shortage in nursing professionals. However, only 40 new jobs per year are taken by foreign workers.

These figures show that Slovenian labour immigration policy mainly addresses the cyclical shortages of low skilled workers despite a simultaneous need for highly skilled workers. Lack of long-term vision and of a sustainable design of migration management is best reflected in data showing increasing annual work permit quota in the period 2005 to 2008 (Table 1). During the period of strong economic growth and simultaneously low level though inadequate structure of unemployment, as well as low level of employment from the EU Member States, the work permit quota system represented the key mechanism of the state. To satisfy demands of the economy to combat labour shortages by recruiting TCNs, the Government was increasing annual work permit quota. Under the pressures from the employers, the annual quota 2006, 2007 and 2008 was corrected even during the course of each year.

Table 1: Annual work permit quota and quota utilisation, 2004-2009.

<table>
<thead>
<tr>
<th>Year</th>
<th>Quota</th>
<th>Utilisation (No.)</th>
<th>Utilisation (%)</th>
</tr>
</thead>
<tbody>
<tr>
<td>2004</td>
<td>17,100</td>
<td>15,092</td>
<td>88</td>
</tr>
<tr>
<td>2005</td>
<td>16,700</td>
<td>15,525</td>
<td>93</td>
</tr>
<tr>
<td>2006</td>
<td>18,500</td>
<td>17,765</td>
<td>96</td>
</tr>
<tr>
<td>2007</td>
<td>29,500</td>
<td>29,089</td>
<td>99</td>
</tr>
<tr>
<td>2008</td>
<td>32,000</td>
<td>29,453</td>
<td>92</td>
</tr>
<tr>
<td>2009</td>
<td>24,000</td>
<td>10,923</td>
<td>42.8</td>
</tr>
</tbody>
</table>

**Recent changes in policy due to economic downturn**

The consequences of global financial crisis started to reflect in the real sector of the Slovenian economy in the latter half of 2008, especially in terms of reduced labour demand and rising unemployment. In September of 2008 there were 59,303 unemployed persons with the

\(^{22}\) Because the enrolment in vocational programmes for professional waiters and cooks is declining the project “Promotion of tourist professions” has been implemented within the human resources policy development for tourism which is an integral part of the Development Plan 2007-2011.
registered unemployment rate being 6.3 percent. From then on the number of unemployed people started to grow rapidly. At the end of 2008 there were 66,239 unemployed, at the end of May 2009 there were 84,519 and at the end of 2009 96,672. Thus, the registered unemployment rate increased from 7 percent at the end of 2008 to 8.9 at the end of May of 2009, to reach over 10 per cent (10.3) at the end of 2009.

Predicting that there will be decline in volume of activities precisely in those sectors which have had employed most of TCNs, and in view of rising unemployment, the initial reaction on an estimated reduction of the labour demand was the limitation of number of TCNs on labour market by the Government’s decree. Work permit quota for 2009 was 24,000 permits intended for TCNs without residence permits in Slovenia and for TCNs who acquire employment permit after the completion of seasonal work. At the end of December 2009 there were 78,424 TCNs with valid work permits, representing 13.6 percent less valid work permits than a year earlier, when 90,749 people were in possession of valid work permits. The quota for 2010 is set at 12,000 work permits, a half less than in 2009.

In addition, the apparent deterioration in the labour market situation during the 2009 led to additional legislative instruments. These fall into two categories. The first concerns the stringent control of the labour market, especially employment and work of TCNs, the second - for the first time in the history of Slovenia - concerns restrictions and prohibitions of employment and work of TCNs on grounds of the public interest or the general economic interest.

In March 2009, the Ministry of Labour, Family and Social Affairs amended Rules on work permits, on registration and de-registration of work and on the supervision of the employment and work of aliens. The procedure for issuance of an employment permit without the labour market test to combat shortage of certain occupations/skills was removed. Previously, rules of 2008 provided for a procedure of employment of TCNs without the labour market test for occupation shortages. The issuance of employment permits for those TCNs whose occupations were not on the list of shortage occupations however was under the mandatory implementation of the labour market control. The employer had to be informed within eight working days after a reported vacancy if they had been relevant local candidates among the unemployed persons. In accordance with the amended rules the Employment Service of Slovenia must check records of unemployed persons for each application of TCN employment in order to see if there are suitable domestic workers or workers who are equated with Slovenian nationals – the nationals of EU, EEA Member State or the Swiss Confederation and the TCNs with a personal work permit. In the case that they are, the employer’s application to employ a TCN is refused.

In June 2009 the Government adopted an additional temporary measure which was in force from 13 June until the end of 2009 by activating for the first time Article 5 (7) of the Employment and Work of Aliens Act which says that “The Government may, in addition to the overall quota, also set restrictions and prohibitions on the employment of or work by TCNs when the overall work permit quota is not enough to meet &&

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23 Unemployment rate represents unemployed persons as a percentage of the labour force. It is calculated according to two methodologies: Labour Force Survey unemployment rate and registered unemployment rate.
25 Of these 73,894 were nationals of the other successor states of Yugoslavia (SFRJ) or 94.2 per cent of all.
26 Rules on work permits, on registration and de-registration of work and on the supervision of the employment and work of aliens, Official Gazette of the Republic of Slovenia, No. 28/2009.
27 Official Gazette of the Republic of Slovenia, No. 27/08.
aliens by region, area of activity, company and occupation. It may also set restrictions or prohibitions on the influx of new alien workers in its entirety or from specific regions if there are well-founded reasons that this is in the public interest or the general commercial interest."²⁸

In doing so, the Government justified the adoption of the Decree on restrictions and prohibition of employment and work of aliens,²⁹ mainly by an emphasis on the rising unemployment trends from the list of the reasons for adopting such a measure.³⁰ For example, the Government banned seasonal employment in construction and accommodation and food services. This measure is intended to reinforce the control of the labour market, since the difference between seasonal and regular employment is that regular employment is granted only after the records of unemployed persons have been checked. The government, inter alia, decreed:

- ban on issuing employment permits to employers who did not employ TCNs within four months after they have already been authorized for employing them;
- prohibition to issue employment permits for jobs in entertainment and artistic programmes of the night clubs for TCNs who need a visa to enter Slovenia unless they are nationals of third countries that have reached an agreement on visa facilitation with the EU. In addition, the programme could be implemented at one location only, set by the employer in his/her application for the employment authorisation.

The second set of the Government regulations was directed to protect the public interest, which was demonstrated primarily in the context of Slovenia being a credible partner in the implementation of the Schengen rules. At the end of 2008 and in the early 2009, Slovenia had received several warnings from other Member States of the Schengen area that citizens of Kosovo with a residence permit in Slovenia, were located on their territories, working informally or trying to register at their employment services or overstaying on their territories after the expiry of the permitted three-month period. Switzerland dealt with 2 to 15 cases of abuse Slovenian residence permits daily. In most of the reported cases Slovenian work and residence permits were abused with the sole purpose to enter the territory of other States Parties to the Schengen Agreement to work there, apply for asylum or to register with the competent authorities as job seekers. In accordance with the 1985 Convention Implementing the Schengen agreement an alien who gained residence permit of one of the State Parties to the agreement and has a valid passport may move and reside in the territory of other States Parties to the Schengen agreement. Because of these warnings, the Slovenian Government decreed

- ban on issuing work permits to representatives of micro- and small size companies who are residents of Kosovo and do not have a residence permit in Slovenia;
- prohibition of employment from certain regions by transferring the unused portion of employment permits quota for 11,000 permits provided by the Decree laying down work permit quota for 2009. The remaining quota was in 95 percent allocated to TCNs residing in the territory of the former Yugoslavia, excluding Kosovo and 5 percent for all other TCNs, residing in other third countries, including Kosovo.

Despite restrictions and prohibitions of new employment and work of TCNs for specific areas of activities, businesses, occupations and from certain regional areas in terms of the labour

²⁹ Decree on restrictions and prohibition of employment and work of aliens, Official Gazette of the Republic of Slovenia, No. 44/09.
³⁰ Refer to Article 5 (8) of the Employment and Work of Aliens Act.
market protection, the Government ensured a certain number of employment permits for highly skilled workers. In the event that the work permit quota would be used for employment the allocated quota for highly skilled was set on 1000 work permits, provided that a TNC demonstrates higher level of education at minimum and that the employer would pay him/her a minimum wage of 2.5 Slovenian minimum wages.

Until March 2009 monthly quota utilisation increased by an average of 2,835 permits per month, in April 2009 an increase was reduced to 1,488 permits, in May to 929 permits. In June 2009 the increase was only 136 work permits, of which only 86 employment permits. In July 2009, the monthly increase was only 3 work permits. At the end of August negative growth was recorded, meaning reduction of the valid work permits for 110 and in October 2009 for 397. The quota utilization At the end of 2009 quota only 42.3 percent of the quota was used.

Downward trend in the issuance of work permits is the consequence of the implementation of the restrictions and prohibitions on employment and work as well as their revocation. At the same time, the Employment Service of Slovenia abolished the list of shortage occupations and for the majority of applications for work permits strictly applied the labour market test since March 2009.

In a very short time abuse of work permits by Kosovars who gained these permits presenting themselves as representatives of micro- and small size companied was significantly reduced. Partly this can be attributed to regional redistribution of work permit quota based on the country of origin.

In sum, recent changes in the policy of economic migration are primarily caused by the economic downturn. In response to the impact of economic recession, Slovenia introduced measures to protect the Slovenian labour market and the public interest or the general economic interest, partly justifying this measure by Schengen rules. On the other hand, some measures timidly suggest a growing awareness of policymakers that more attention is to be given to highly skilled workers from third countries. The effects of these actions are visible in the reduction of work permits issued and in the utilisation of work permit quota in 2009. The effects of the work permit quota reserved for highly skilled workers, set at 1000 even in the case of utilisation of overall work permit quota are not known. Thus, the recent changes mainly worked in terms of the protection of the Slovenian labour market and less in terms of attracting highly skilled workers that could be described as to the EU Blue Card similar or a comparable measure.

The changing demographic landscape

In addition to the above, the policy should change planning and managing economic migration due to the changing demographic landscape. Ageing population and decline of working-age population can lead to long term unsustainable public finances and a declining economic growth. According to Eurostat forecasts Slovenia can expect a labour shortage as the number of working-age population (15-64 years of age) is starting to drop around 2011. Some experts predict early retirement of many people because recently proposed pension reforms tighten the conditions for retirement, Dnevnik, 3 april 2010.
dependency ratio from 19.8 per cent to 23.8 per cent and old age dependency ratio from 23 per cent to 62.2 per cent in 2060. In 2008 there were 4 persons in working age to any person aged 65+ in EU-27, in 2060 it is expected that there will be only two or even just one. In Slovenia there were still 4.3 persons aged 15-64 years per person aged 65+ in 2008; in 2060 there will be only 1.6 people aged 15-64 years per person aged 65+.

The fertility trend in Slovenia has been declining for the last three decades, with the exception of the year 2000. In 1980, the total fertility rate was still at the replacement level (2.11). In 2003 it was at the lowest level ever (1.20). In 2008 it was still among the lowest in Europe (1.53), slowly increasing in the last three years however. The fertility of immigrants tends to adapt to the environment. In regard to the ethnic composition of the population higher fertility rates were recorded among Roma, Albanian and Muslim women, while fertility rate of other ethnic immigrant groups is lower than the fertility of the Slovene women.

On the other hand, mortality continues to decrease since 1994. In 2008, life expectancy reached 75.4 years for men and 82.3 years for women. During the second half of the 1990s, the natural increase, which has been declining since 1979, turned negative with the exception of the last few years (2006-2008). It should be noted however, that this does not mean a permanent increase in the birth rate. Many women are delaying child birth after their 30 years of age. Accordingly, it is expected that in future the fertility rates will decline again.

Nevertheless, it is encouraging that net migration of both immigrants and Slovenians has been steadily increasing after 2004. There were 2,032,362 inhabitants at the end of 2007, of these 1,028,417 women and 1,003,945 men. The population of Slovenia increased for 22,093 persons or 1.1 percent in 2008. Among these persons 3075 were Slovenian nationals and 19,018 or 86.1 per cent of aliens with registered residence in Slovenia. Net migration in 2008 was 18,584 persons or 9.2 per 1,000 inhabitants. The number of aliens has mainly increased due to an increase in men (15,344). At the end of 2008 there were 70,723 aliens in Slovenia, of these 52,083 men and 18,640 women. Among all inhabitants 3.5 percent are aliens.

The vision

In view of these changes, Slovenia will have to design its policies of economic migration towards both filling long-term skills needs and shortages, so called “structural” or “demographic” as well as temporary or “cyclical” occurring as a result of economic upturns and downturns, if it is to increase its economic competitiveness and vitality within the developing strategy of sustainable and inclusive economic growth in the broader EU context.33

With this in mind and in the view of the changing EU policy landscape in the area of freedom, security and justice, in particular the 2008 European Pact on Immigration and Asylum34 and the new political mandate of the Stockholm Programme35 and an even closer co-operation between Member States with Third countries in managing migration flows, we recommend that Slovenia upgrades and implements policy of legal labour migration by setting up a set of measures that will:

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35 The Stockholm Programme — An open and secure Europe serving and protecting citizens OJEU 4.5.2010 C 115/1.
Satisfying Labour Demand through Migration in Slovenia

- alleviate the effects of demographic deficit in terms of reduced working age and economically active population as well as reduce temporary mismatches in the labour market;
- increase human resources, encourage innovation and entrepreneurial activity, maintain and promote economic competitiveness;
- enable acquisition of experience of Slovenians working abroad and reduce the brain drain from Slovenia as well as the countries of origin of immigrants to Slovenia by encouraging mobility and the circular migration;
- promote employment of highly skilled migrants;
- strengthen relations with third countries of origin of migrants by bilateral agreements, promoting the return of economic migrants, and their reintegration into society of origin;
- ensure fair treatment of immigrants and rights of migrants by establishing a more ambitious integration policy that would include all relevant areas for harmonious integration of migrants into the Slovenian society.36

2.2 Legislative and institutional framework

This section provides an overview of the legislative framework in Slovenia that regulates and facilitates economic migration to meet labour market needs in terms of admission conditions, residence and return as well as the identification of labour demands and other aspects of the migration process, such as family reunification. This is followed by a short description of the competent institutions for the management of economic migration.

Legislative framework

In Slovenia, the legislative framework for the management and administration of migration first developed after Slovenia's independence in 1991 when the *Aliens Act* was adopted as a part of Slovenia’s independence legislation. The act defined the conditions for and methods of the entry into, departure from and residence of aliens in the Republic of Slovenia.37 On 14th August 1999 it has been replaced by the new Aliens Act, which has been revised and amended several times after its adoption. The most recent changes to the act were made in 2009, mainly transposing directives and implementing regulations of the European Union.38 The act, *inter alia*, defines conditions for the entry of aliens into the country, visas, residence permits for temporary and permanent residence of aliens, annulment of residence, departure from the country, deportation and permission to remain, procedures and competent bodies, processing and protection of personal data and the establishment of the identity of an alien, the provisions on travel and other documents and permits and assistance in the integration of aliens. The Ministry of the Interior and the Ministry of Foreign Affairs are the main competent bodies executing the Aliens Act, the former also including the Police.

The system of economic migration management for satisfying demands on the labour market was set up by the Employment of Aliens Act. The act was adopted in July 1992 and was valid

38 See *Official Gazette of the Republic of Slovenia*, No. 64/2009-UPB6 (official consolidated text 6).
Satisfying Labour Demand through Migration in Slovenia

until 10th August 2000. In order to provide a better mechanism for identifying and regulating various forms of work of aliens, a new Employment and Work of Aliens Act, came into force on January 1, 2001 and has been since that date amended twice. Responsible institution for implementing this Act is the Ministry of Labour, Family and Social Affairs with the supervision of the implementation being the responsibility of the Labour Inspectorate of the Republic of Slovenia.

The systemic law of 2000 enacted some of the immigration policy goals as outlined in the Resolution on immigration policy of the Republic of Slovenia in 1999 in terms of economic migration policy. These were in particular: (i) systemic coherence of the Employment and Work of Aliens Act with the Aliens Act, (ii) regulation of the access to the Slovenian labour market depending on the type or purpose of work and the duration of the activity by different types of permits for work and registration of work performed by aliens, (iii) selectivity in the access to employment and work depending on the nature of work and the situation on the labour market, (iv) priority to already settled immigrants before new migrants seeking employment and work, (v) linkage of the permission to employment and work and the permission to residence for various categories such as for example resident aliens, long time residents, refugees, descendants of Slovenian nationals and family members; (vi) a possibility of managing economic migration by the statutory instruments of limitation such as quotas and the prohibitions and the restrictions that may be adopted by the Government under the conditions and in the manner specified by law.

In 2005, the National Assembly amended the Employment and Work of Aliens Act. The aim was to address the deficiencies that had been found in the practice of implementation of the law. It was hoped that clarification of definitions as well as the specific criteria or the limitations for obtaining work permits will eliminate the ambiguities, which allowed circumvention of the law. In short, the most important amendments to the Act were as follows:

- The tightening of the conditions for obtaining a work permit for a self-employed alien by the requirement of one-year prior residence in Slovenia. This requirement was introduced because migrants exploited the possibility to enter the Slovenian labour market with the work permit that was financially affordable and rather easy to obtain only on the basis of the entry into the register of entrepreneurs;
- The introduction of further training opportunities for seconded alien workers and for Slovenian workers in Slovenian enterprises if the Slovenian and the foreign company are capital-related and in the case of business and technical cooperation or the transfer of technology. In this way the initiative was provided for the economic expansion and for the increasing impact of the Slovenian economy on third countries, particularly in the Western Balkans in the region of the former Soviet Union;
- The tightening of conditions for cross-border provision of services via seconded workers and the movement of persons within corporations by prior one-year employment requirement with the foreign company which is to perform services in Slovenia. This change was justified by the EU policy for negotiations within the World Trade Organization (WTO) on service providers from third countries;

40 See Official Gazette of the Republic of Slovenia, No. 76/2007-UPB2 (official consolidated text 2)
Satisfying Labour Demand through Migration in Slovenia

- The possibility of a seasonal migrant worker employment immediately after seasonal work. This has enabled employers to hire workers they had already known and wanted;
- The limitation of alien representatives of companies and sole entrepreneurs that employ ten or fewer employees to one appointed representative. Furthermore, a work permit for an appointed representative was determined for a period of up to two years together with the conditions for the reissue of a work permit.

In 2007, the Employment and Work of Aliens Act was amended again. One purpose was to transpose nine EU directives into the Slovenian legislation, the other was to improve the shortcomings of the act which had been identified in practice. The Employment Service of Slovenia and social partners pointed out the complicated procedures for workers with occupations lacking on the Slovenian labour market.

With the transposition of the EU directives, some previous terms have been revised and some new terms have been introduced, as for example ‘third country’, ‘long-term resident’ or ‘researcher’. Furthermore, the powers of the Government were more precisely defined in regard to the implementation of potential specific actions in the case of disturbances at the labour market.

Detailed changes which relate to improvements of the Act include the following:

- TCN with at least vocational education may obtain a personal work permit with a validity of three years if he/she has been uninterruptedly employed with the same employer or his legal predecessor for the last two years. This improvement has significantly reduced the volume of procedures at the Employment Service of Slovenia and aided TCNs reemployment with the same or another employer;
- Agencies supplying workers for another employer - user may employ TCNs in possession of a personal work permit valid for three years or for an indefinite period;
- The tightening of conditions for TCNs who wish to self-employ in Slovenia as sole traders or as (co-)founders of a private commercial company. Before the entry into the business register such a person must, in addition to the requirement of at least one year uninterrupted residence on the basis of a residence permit, demonstrate his or her own

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financial resources and the ownership or lease of business premises in the administrative unit where the office is registered;

- The enablement of an easier access to the Slovenian labour market for students and researchers. Both categories have the opportunity to acquire a personal work permit for three years, if they find an employer or become self-employed within one year after completion of the study or the research project respectively;

- The prohibition of new employment or work of TCNs is now prescribed only for a breach of this Act, the Prevention of Illegal Work and Employment Act and the Employment Relationships Act. Accordingly to the seriousness of the offense, the amendment provides for a three-, two- and a one-year ban on new employment. The provision does not apply to TCNs who have a personal work permit.

Along with the above described changes the bylaws have been changed and modified as well. **Rules on work permits, on registration and de-registration of work and on the supervision of the employment and work of aliens** 46 integrated eight bylaws into one. This significantly contributed to the transparency and partly removed administrative barriers. Due to this improvement, recruitment and employment of TCNs with occupations in demand or lacking on the Slovenian labour market became faster.

According to information of the Ministry of Labour, Family and Social Affairs further amendments to the Employment and Work of Aliens Act are currently being drafted. Expected changes and supplements should relate primarily to the transposition of EU directives concerning the conditions of entry and residence of TCNs for the purposes of highly qualified employment and standards on sanctions and measures against employers of illegally staying TCNs.47 In addition, changes and supplements are to be made throughout the text of the Act to remedy the shortcomings of the present Act, particularly to comply terminology with the Employment Relationship Act and the Aliens Act and to formulate clearer and shorter provisions with the same semantic content. There will also be some improvements in terms of providing more favourable conditions for the exercise of the rights of migrant workers. The bill is expected to be approved by the end of 2010.

**Mechanisms for regulation of work of non-EU economic migrants**

**Work permit** is a fundamental mechanism for regulation of work of TCNs in Slovenia. Employment and Work of Aliens Act defines a work permit as “a document on the basis of which a domestic or foreign employer concludes a contract of employment or work or performs other work with an alien in accordance with the provisions of this Act.” 48 As a rule, a work permit is issued on the basis of an application submitted by an employer. The basic condition for the authorisation of the permit is the current situation in the labour market, meaning a lack of relevant national candidates. In special cases TCNs can apply for the permit themselves, but a possibility to obtain is linked to a specific alien status or nature of work independent of the situation on the labour market. The Employment Service of Slovenia carries out procedures relating to work permits.

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48 Article 8 (1) of the Employment and Work of Aliens Act.
A work permit is not required only in cases postulated by law or international treaty. Citizens of EU, EEA Member States and the Swiss Confederation have the right of free access to the labour market meaning that they are equated with workers of Slovenian nationality in regard to employment, self-employment and job search as well as rights and obligations arising out of employment relationships. The right of free access to the labour market also applies to family members of citizens of EU and EEA Member State or the Swiss Confederation who are TCNs. They may become employed or self-employed in Slovenia by proving their right through a residence permit of a family member for the purpose of family reunification. Employers employing nationals of EU and EEA Member States and the Swiss Confederation or their family members are obliged to register the employment at the Employment Service of Slovenia.49

Types of work permits
There are three basic types of work permits: a) an employment permit obtained by the employer and granted only if there are no suitable domestic job-seekers or job-seekers who enjoy equal status as domestic job-seekers among the recorded unemployed persons; b) permits for work acquired by a Slovenian or a foreign employer for work performed by seconded alien workers, seasonal worker migrants, for training and advanced training, for work performed by representatives and for individual services provided by TCNs; and c) personal work permit obtained by a TCN.

(a) An employment permit is a type of work permit, which is linked to the employment needs of employers on the basis of classified work posts. A TCN with this permit may only be employed by an employer who has submitted an application for the permit. When there are no domestic unemployed persons or persons who, with regard to employment rights, enjoy equal status with Slovenian nationals for the relevant job, the Employment Service of Slovenia may issue the permit under three conditions: (i) the employer is entered in the business register, (ii) the employer has registered the job vacancy, and (iii) the quota applying to this type of employment has not been filled. Furthermore, the migrant has to fulfil the conditions required by the employer and the latter must attach a contract of employment which must comply with the law regulating employment relationships and with collective labour agreements binding on the employer. Both the employer and the migrant should not be prohibited from new employment or work. An employment permit is valid for the period defined by the employer, which cannot be longer than one year. After one year the permit can be extended.50

The Act also defines first and new employments. The first employment is the employment of a TCN who has no residence permit in Slovenia. In case of migrant workers the employment counts as the first if a migrant worker has no work permit at the time of submission of the

49 In addition, provisions of the Employment and Work of Aliens Act do not apply to some other categories of aliens such as aliens who in accordance with international law are entitled to privileges and immunity, foreign reporters for foreign media or foreign correspondents accredited in Slovenia, priests in legally recognised religious communities, aliens who organise or run charitable and humanitarian activities within registered organisations and religious communities; members of ship or aircraft crews, aliens employed by road and rail transport companies whose head offices are registered abroad, aliens who in accordance with the law are entered in the court register of the Republic of Slovenia as founders, partners or members of supervisory boards of companies but who are not representatives, business visitors, foreign lecturers participating or aliens providing creative services in the area of culture on various cultural events, aliens who have been granted the status of apprentice, secondary school or university students in Slovenia and who, on the basis thereof, perform apprenticeship or student work and aliens who perform apprenticeship or student work on the basis of agreements on student and pupil exchange, researchers who have signed a hosting agreement with a research institution from Slovenia and similar. Refer to Article 3 of the Employment and Work of Aliens Act.

50 Refer to Article 11 of the Employment and Work of Aliens Act.
The new employment is the first employment or employment of a TCN who has a residence permit in Slovenia and is to be employed.

(b) A permit for work is a type of work permit with a predetermined time limit on the basis of which a TCN may work or may be employed in Slovenia in terms of the purpose for which the permit was issued. This type of permit is issued within the quotas set for a particular purpose, without any further test of the labour market and may be granted for work performed by seasonal worker migrants, seconded workers, alien representatives, training and advanced training and individual services provided by TCNs.

An employer may apply for a permit for seasonal work of a TCN with a validity of up to three months once in a calendar year. Exceptions are made for seasonal work in agriculture and forestry and in accommodation and food service activity and tourism for which the permit for work may be extended or re-issued to the same or another employer, with a maximum of three times per year if the total duration of the work does not exceed six months per calendar year. When a Chamber of agriculture and forestry is of the opinion that the extraordinary conditions of production have occurred e.g. prolongation of the vegetation period, the employer may apply for an exceptional extension of permits for work for up to a month. The employer may be either a legal or natural person registered to perform an activity or a natural person who is the owner or lessee of a farm, forest or agricultural land. The permit for seasonal work in construction is limited to a maximum of nine months in any twelve-month period.

For seasonal worker migrants in construction work permit may be re-issued for any purpose whatsoever seven months after the expiry of a permit for work. The same is valid for other seasonal worker migrants in the following calendar year. The employer with which the seasonal worker migrant was employed may obtain an employment permit under the conditions prescribed for new employment of a TCN.

(c) A personal work permit is a renewable or permanent type of work permit which provides a TCN with free access to the labour market, except in cases where the personal work permit has been issued for self-employment. This type of work permit can be obtained irrespective of the situation and conditions on the labour market. When unemployed, a TCN who has a personal work permit valid for three years or for an indefinite period of time, a person enjoying temporary protection or an applicant for international protection in possession of a personal work permit, may be entered in the register of unemployed persons.

Personal work permits are further distinguished in respect of employment or self-employment, duration of validity and status of TCNs into five types: a personal work permit for self-employment, a personal work permit with a validity of three years, a personal work permit for employment

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51 ‘Migrant worker’ works or is employed in Slovenia, but has permanent residence in another country where he/she returns at least once a week. Refer to Article 2 of the Employment and Work of Aliens Act.
52 Refer to Article 12 of the Employment and Work of Aliens Act.
53 Refer to Chapter VII of the Employment and Work of Aliens Act.
54 Refer to Article 10 of the Employment and Work of Aliens Act.
55 An alien may establish or co-establish a private commercial company and represent the company on the basis of freedom of establishment or register as a sole trader if he/she is in possession of a personal work permit valid for a period of one year, three years or a personal work period for an indefinite period of time. As regards the type of business, activities need to be selected from standard classification of business activities since same conditions apply as for Slovenian nationals. Refer to Article 10a (1) of the Employment and Work of Aliens Act.
56 Article 10b (1) of the Employment and Work of Aliens Act lists who may be an applicant for a personal work permit valid for a period of three years, among these: a Slovenian emigrant, or his direct descendants up to three times removed and is a TCN; a self-employed alien who has been uninterruptedly self-employed in Slovenia for
work permit for an indefinite period of time, a personal work permit for a period laid down in a separate act and a personal work permit based on an international treaty.

**Instruments of limitation on the number of non-EU economic migrants**

Quota of work permits is the main instrument of limiting the maximum number of aliens in the labour market. It is annually determined by the Government, taking into account fluctuations and conditions of the labour market, but it may not exceed 5 per cent of the actively working population of Slovenia on an annual basis. The quota is proposed by the minister responsible for labour, taking into account opinions of other ministries that are responsible for related areas as well as of employers and representative trade unions at the national level. The quota includes those categories of TCNs who seek access to the Slovenian labour market for the first time or are coming into the country annually to be employed or perform other forms of temporary contract work on various grounds. The quota is allocated for employment, seconded workers, training and advanced training, seasonal work and individual services of TCNs. Besides these purposes, TCNs who are to gain a new work permit are categorised in the following priority order: (i) those who are to be issued a work permit irrespective of the situation and conditions on the labour market; (ii) immediate family members of TCNs in possession of personal work permits for an indefinite period of time; (iii) TCNs with professional qualifications in skill-shortage occupations; (iv) migrant workers from neighbouring countries; (v) long-term residents and close family members of TCNs who have a temporary residence permit.

Other instruments to regulate the labour market situation may be applied as well and can be activated in cases of an excessive influx of foreign labour. In addition to new employment or work of aliens being non-permissible when it has negative effects on the restructuring of the economy and the employment rate, the Government may set restrictions or prohibitions on the

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57 This type of a work permit may be granted to aliens with a possession of a permit for permanent residence in Slovenia. Refer to Article 10 c of the Employment and Work of Aliens Act.

58 This type of a personal work permit may apply to an alien applying for international protection or a person with temporary protection. In the first case, the work permit shall be issued one year after he/she submitted an application for international protection for no longer than three months with the possibility of extension, while a person enjoying temporary protection receives a permit for the duration of this status. Refer to Article 10 d of the Employment and Work of Aliens Act.

59 In cases and for the period laid down by an international treaty, without the payment of fees if so stipulated in an international treaty. Refer to Article 10 d of the Employment and Work of Aliens Act.

60 The quota which the Republic of Slovenia agrees upon in international agreements is not included.

61 The quota does not include workers who are according to international agreements equated with Slovenian nationals, workers who do not need a work permit, TCNs with a personal work permit, representatives and seconded workers from third countries undergoing further training courses. Refer to Article 5 of the Employment and Work of Aliens Act.

62 Refer to Article 6 of the Employment and Work of Aliens Act.
influx of new workers from third countries in its entirety or from specific regions if there are well-founded reasons that this is in public or general commercial interest.\textsuperscript{63}

**Intra EU mobility**

Slovenia did not expect any substantial changes or significant increase in mobility and/or migration after the accession to the EU. Still, in the position paper on free movement of workers/persons in the pre-accession period, Slovenia enforced the principle of reciprocity, meaning that she will claim equivalent measures towards any old EU Member State (EU-15) which would enforce national measures in terms of free movement of workers in the seven-year transitional period. Article 3 (3) of the 2000 Employment of Aliens Act stipulated that the provisions of this Act shall not apply to nationals of EU Member States, if there is an international agreement allowing reciprocal free access to the labour market and employment and free movement of services, which are carried out by seconded workers and other forms of work stipulated in this Act. If an individual EU Member State should not liberalise access to her labour market for Slovenian nationals and would apply national legislation for their employment, her nationals would also be subject to the Slovenian Employment of Aliens Act.

At the end of the two-year transitional period, the Government on its own initiative and jointly with the initiatives of the new EU Member States concerning the elimination of the transitional period, decreed abolishment of the reciprocity. As from 25\textsuperscript{th} May 2006 the Slovenian labour market is open for EU citizens.

**Other aspects of the migration process**

In order to legally reside in Slovenia, a TCN in possession of a work permit has to obtain a residence permit that allows him or her to enter and stay in the country. Under the Aliens Act and implementing bylaws a residence permit belongs to the jurisdiction of the administrative unit in whose territory the alien intends to reside or resides.

In general, aliens who wish to stay in Slovenia for a longer period of time on the basis of a visa or who wish to enter and stay in the Republic of Slovenia for reasons other than those possible on the basis of a visa must have a residence permit. A residence permit can be: a) a permit for temporary residence or b) a permit for permanent residence. The former is valid for a specific purpose and for a specific period of time and the latter for an indefinite time, giving to a TCN the status of a long-term resident.\textsuperscript{64}

a) **A temporary residence permit** is acquired when a TCN intends to reside in Slovenia because of for-profit activities, family reunion or other justified purposes or reasons such as study, education, specialisation or professional and practical training, cooperation and participation in international volunteer exchange programmes and other programmes that fall outside the formal education system or are victims of human trafficking. TCNs who are in possession of a permit for temporary residence may reside in Slovenia until the expiry of the permit and if the permit relates to specific purpose only in accordance with the purpose for which the permit was issued.\textsuperscript{65} A permit for temporary residence may be extended under the same conditions under which it was issued.\textsuperscript{66}

\textsuperscript{63} For more on the latter instruments see also the section 2.1 above.
\textsuperscript{64} Refer to Articles 25 and 26 of the Aliens Act.
\textsuperscript{65} Refer to Article 30 of the Aliens Act.
\textsuperscript{66} Refer to Article 31 of the Aliens Act.
A residence permit for employment and work may be granted to a TCN if he or she has a work permit (or other appropriate permit). An application for a residence permit for employment or work may be filed by a TCN or his employer. The first residence permit is temporary and linked to the validity period of a work permit, but it cannot be longer that one year. A temporary residence permit could then be extended for up to two years if a TCN still had a valid work permit.  

The legislator has also prescribed that the Government shall issue a decree to lay down the cases in which an alien shall not be required to be in possession of a residence permit for employment and work and a regulation setting out the cases in which the annual quota of residence permits, that the Government may determine need not be observed.

(b) A permit for permanent residence may be obtained by a TCN who has resided in Slovenia uninterruptedly for five years on the basis of a permit for temporary residence, if he or she fulfils other legally determined conditions. The continuity of five years of uninterrupted residence in Slovenia on the basis of a temporary residence permit is fulfilled if a TCN was absent from the territory of Slovenia and had no residence permit, if the absence was for less than six consecutive months and not more than nine months altogether. The period of the residence in Slovenia on the basis of a permit for temporary residence for seasonal work, as a worker on secondment or as a daily migrant worker, and as a temporarily protected person is not included in the period required for issuing the permit for permanent residence whereas the period of residence for the purposes of study or vocational training counts as half. A TCN with a permit for permanent residence has the status of a long-term resident which is marked on the issued permit in the form of a label.

Family reunification and the right to family integrity is granted to TCNs who reside in Slovenia on the basis of a permit for permanent residence or have resided for the past year on the basis of a temporary residence permit and have such a permit valid for at least one year, providing that some other conditions are fulfilled, e.g. evidence of sufficient funds to support those family members who intend to reside in the country. On the application of a TCN who unites his or her family, close family members who are TCNs are granted a temporary residence permit, that is valid for the same period of time as the applicant’s, but not longer than one year. The permit may be extended for the period of time equal to that granted to the

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67 In principle, TCNs must acquire a permit for first residence prior to their entry into the country. A TCN has to file the application for a permit for first residence with a diplomatic/consular mission of the Republic of Slovenia based abroad. The employer however, may also file the application with a competent authority in Slovenia. Until now, the annual quotas for residence permits have not been determined. Nevertheless, the quotas shall not include temporary residence permits issued for family reunion purposes, temporary residence permits issued to immediate family members of Slovenian nationals, temporary residence permits issued to accredited journalists, and temporary residence permits issued to artists. Refer to Articles 32 and 5 (2) of the Aliens Act.

68 Article 41 (1) of the Aliens Act.

69 A long-term resident is defined as an alien who is not a national of an EU Member State and who has been issued a permit for permanent or long-term residence valid for at least five years on the prescribed EU single form for residence permits for TCNs in which it is stated under the type of permit that the person is a long-term resident. Refer to Article 2 of the Aliens Act.

70 Close family members are the spouse, the TCN's unmarried minor children, the spouse's unmarried minor children, the parents of minor TCN, the TCN's or the spouse's unmarried children who have reached the age of majority and the TCN's or the spouse's parents whom the TCN or spouse is obliged to maintain in accordance with the legislation of his or her state of nationality and other family that the competent body of the Republic of Slovenia may, exceptionally and at its discretion, also regard as immediate family member of the TCN. Among
applicant’s temporary residence permit, but not longer than two years. A temporary residence permit for a close family member of a TCN who permanently resides in Slovenia is granted for the period of one year and extended for a period of up to two years.73

In accordance with the provisions of Article 10b of the Employment and Work of Aliens Act a close family member may require a personal work permit valid for three years if he or she is (i) a member of a Slovenian national's immediate family who has a permit for temporary residence for the purpose of family reunification; (ii) a family member of a TCN who has a personal work permit for an indefinite period of time and a permit for temporary residence for the purpose of family reunification if he/she has resided in Slovenia on the basis of a permit for temporary residence for at least two years. For this type of work permit may also apply a close family member of a TCN who has completed a research programme in Slovenia and finds an employer or becomes self-employed within a period of one year and of a TCN who has the status of researcher.74

Return of economic migrants and ‘illegal’ residence

The right of an economic migrant to reside in Slovenia is bound to his/her job or work. In the event that a migrant loses the employment and fails to arrange a residence status on other grounds, the right of residence in Slovenia is renounced and he or she must leave the country within a period of three months. If he/she does not leave Slovenia, he/she will be returned to the country of origin in accordance with the provisions of the Aliens Act and the procedures that apply to aliens illegally staying in Slovenia. Other concrete measures or incentives for return of economic migrants have not been adopted.

A TCN shall be deemed to reside illegally in Slovenia if he/she has illegally entered the country, if his/her visa was annulled or has expired, if he/she is not in possession of a residence permit or if his/her permit has expired, if he/she resides in Slovenia in contravention of the entry title or if the time for which he/she has been permitted to reside Slovenia on the basis of a legal act or international treaty has expired.75

If a TCN fails to leave Slovenia within a specified period, the competent authority will start the procedure for voluntary return, meaning that a TCN cooperates with the police. A TCN who does not voluntarily return to his/her country of origin will be deported from Slovenia i.e. be brought to the state border by the police, directed across the border and handed over to the bodies of this country.76 Furthermore, return of TCNs may also be implemented on the basis of agreements which Slovenia has concluded with other countries.

Institutional framework

family members of Slovenian nationals and EU citizens count unmarried children up to their 21 years of age. Refer to Article 36 and 93k of the Aliens Act and Article 10b of the Employment and Work of Aliens Act.

73 Refer to Article 36 of the Aliens Act.

74 Researcher as defined in Articles 2 of the Employment and Work of Aliens Act and of the Aliens Act.

75 Refer to Article 47 of the Aliens Act. An alien who has filed an application for an extension of his/her residence permit or for a further permit in due time shall be permitted to remain in the country until his/her application is pending.

76 Refer to Article 50 of the Aliens Act. Article 51 prohibits the deportation or return of an alien to a country in which his/her life or freedom would be endangered on the basis of race, religion, nationality, membership of a special social group or political conviction, or to a country in which the alien would be exposed to torture or to inhumane and humiliating treatment or punishment.
The Ministry of the Interior is responsible for co-ordination of a comprehensive migration policy and the Ministry of Labour, Family and Social Affairs for the formulation, planning and co-ordination of economic migration policy.

The Migration and Integration Directorate, within the Ministry of the Interior monitors the situation in the field of migration, international protection and integration, identifies trends and takes appropriate measures; supervises the implementation of laws, regulations and general acts and implements policies in these fields. The Directorate puts forward initiatives and proposals for formulating and implementing migration policies in Slovenia, prepares draft laws and implementing regulations as well as opinions on draft laws in the inter-ministerial procedure and coordinates the tasks of a working group responsible for ensuring unified and organised cooperation in the area of migration. It provides expert guidance and assistance to administrative units and carries out technical supervision of their work, coordinates activities in this area and collects and process data. The Directorate also participates in the working bodies of the EU and the Council of Europe expert bodies, cooperates with diplomatic and consular representations of foreign countries and with international and intergovernmental organisations such as IOM, ICMPD, UNHCR. It also coordinates and performs activities of an intermediary body for the European Refugee Fund III and European Fund for the Integration of Third-Country Nationals. Sector for Integration participates in the preparation of legislation and implementing regulations in the field of integration of TCNs. Doing this, it works closely with other departments and with international organizations and NGOs active in this area. At EU level, its representatives participate in the network of national focal points for integration. The sector is also preparing multi-annual programmes and various integration measures, while the implementing organisations are chosen among NGOs. The competent body for residence registration and acquisition of nationality is the Internal Administrative Affairs Directorate within the Ministry of the Interior. Tasks of border matters and aliens belong to the Police. Under the Uniformed Police Directorate, Border Police Division performs tasks in the field of State border security. Tasks of the Centre for Foreigners include deportation of aliens.

Within the Ministry of Labour, Family and Social Affairs, the Labour Market and Employment Directorate implements employment policy, unemployment insurance, and the provision of scholarships and grants for vocational education. Further tasks include the enforcement of professional standards and certification system, regulation of the free movement of workers, adult education and prevention of employment in the informal labour market. One of the priorities is also the realisation of strategic goals of the labour market development and employment policy, based on the European Employment Strategy.

On the basis of annual analysis, the Directorate identifies priorities in order to solve the most pressing problems in the field of employment. Key instruments for reducing unemployment

77 Migration and Integration Directorate is divided into three Sectors: for migration, for international protection and for integration.
78 For more detail see the official website of the Directorate of Migration and Integration at the Ministry of the Interior, available in Slovene at Direktorat za migracije in integracijo and in English at http://www.vlada.si/en/about_the_government/who_is_who/ministries/notranjezadeve/
79 Organisationally the Division consist of State Border Section, Specified Unit for State Border Control, Illegal Migrations and Foreigners Section and Compensatory Measure Section. For more detail see the official website of the Police http://www.policija.si/portal/.
80 The Labour Market and Employment Directorate consists of four sectors: for the employment programmes, for lifelong learning and scholarships, for finance and for labour migration.
81 Refer to http://ec.europa.eu/social/main.jsp?catId=101&langId=en
are active employment policy programmes elaborated on the National Employment Action Plan. Executive body for delivery and implementation of employment policies is the Employment Service of Slovenia.

The employment and work of TCNs is managed by the Labour Migrations Division of the Directorate. This Division prepares policy proposals, legal acts in system solutions for the employment and work of TCNs, monitors the implementation of regulations and resolves complaints against decisions of the Employment Service of Slovenia on the issuance of work permits.

An important area of work of this Division is increasingly becoming cooperation in the processes of the EU legislative proposals that relate to migration policy and the transposition of EU legislation into national law. Division monitors legislative initiatives in the area of free movement of workers and of services and on migration of TNCs as well as nationals of the EFTA States and of the Swiss Confederation into the EU and participates in the formulation of common positions regarding the implementation of the General Agreement on Trade in Services (GATS) under the WTO, in the formulation of policies to prevent trafficking in human beings as well as in drafting responses to the conventions and resolutions of the Council of Europe, International Labour Organisation (IOM) and the UN. Furthermore, the international cooperation also includes drafting of bilateral agreements with Third countries on employment and service provision.

Other ministries have only certain specific powers in the area of migration and integration. The Ministry of Foreign Affairs and embassies and consulates abroad are responsible for issuing visas, accepting applications for residence permits of TCNs in Slovenia (unless otherwise provided by the law). Furthermore, the Ministry of Education and Sport is responsible for the issues that overlap the area of migration and education while the Ministry of Culture shares responsibility with the Ministry of the Interior in matters of integration, as for example in courses concerning knowledge of Slovenian culture, history and constitutional order of Slovenia. The Ministry of Health provides funding for health protection of refugees and persons with subsidiary protection. For questions of social security rights of aliens in possession of permanent residence permit such as social assistance, child allowance, and unemployment benefits are responsible the institutions otherwise involved in these issues, namely the Ministry of Labour, Family and Social Affairs and its Centres for social work as well as the Employment Service of Slovenia.

2.3 Political debate and involvement of stakeholders

Until recently- unlike the occasional more vibrant political and social debates on refugees, particularly in the 1990s - there were no major discussions on economic migration. Also the first platform of migration policy in the late 1990s was not induced because of a platform of any political party, government or parliamentary committee or due to the pressures of economic forces in the society, NGOs, public opinion or the media. Increased interest in pursuing a strategy of economic migration occurred only after Slovenia joined the EU in

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83 See more about tasks and activities of the Employment Service of Slovenia in section 3.1 below.
Satisfying Labour Demand through Migration in Slovenia

2004, especially in the context of the objectives and priorities of the 2004 Hague Programme to further develop an area of freedom, security and justice,\(^{85}\) in the framework of the new Lisbon Agenda and in the light of the expected effects of the ageing population and disparities in the Slovenian labour market.

In principle, coordination and cooperation in managing migration takes place within the ministries which are responsible for specific areas as well as horizontally between the divisions of various ministries. Such an approach is also necessary for the Slovenian participation in the EU as well as in bilateral and multilateral cooperation with third countries. The inter-ministerial cooperation also takes place in designing and planning economic migration policy at the national level. In this context, the Ministry of the Interior coordinates an Interdepartmental Working Group with a task of preparing measures to implement principles and goals of the migration policy, adopted on the basis of the Aliens Act and Resolution on the Migration Policy. The group was established in 2006 and reappointed by the Government in 2009.\(^{86}\) Representatives of civil society, especially NGOs engaged in migration issues as well as individual independent researchers may participate in the group. The working group analyses the situation in the field of migration and suggests appropriate measures, including measures to prevent possible abuses of national procedures relating to migration and platforms for harmonization of national legislation with the *acquis*.

Legislative proposals and other measures of economic migration policy are the subjects of social dialogue taking place between representatives of the stakeholders: employers and employers' associations, trade unions and economic and professional chambers. In principle, the main forum of social dialogue on any outstanding issue concerning the economic and social development between the social partners takes place in the Economic and Social Council. The subject of social dialogue are rights, obligations and responsibilities of employers and workers, wages and wage policy, employment and forms of social insurance, social security, employment security and the like. The conclusions of the Economic and Social Council however are not binding for the Government.

Reflections on active economic migration policy, which was partly encouraged by the above-mentioned Working Group, led to a Draft strategy of economic migration. The objectives of this strategy are to ensure that immigration to Slovenia will lessen the effects of the reduction of the working-age and economically active population as well as short-term imbalances in the labour market and to promote economic migration, which would increase the innovation and entrepreneurial activity. The draft includes an action plan with policies and measures and sets out the responsible institutions for policy implementation.\(^{87}\) Despite the inter-ministerial coordination, social dialogue and public debate that led to a consensus, the document has not entered the procedure in order to be approved by the Government.

In the past couple of years the civil society and to a lesser degree the political debates were more than with a medium and long term strategy of economic migration, occupied with living conditions and legal situation of economic migrants in Slovenia, particularly with securing

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their rights. It was found that economic migrants in possession of either an employment permit or a permit for work represent a vulnerable group of migrants, exposed to unequal treatment and violations of their rights. Partly this is so because adequate and understandable information is lacking. Employers rarely inform migrants of the opportunities provided by law as for example about a possibility that enables a migrant to obtain a personal work permit for a period of three years after two years of continuous employment with the same employer. Such a permit allows a free access to the Slovenian labour market. This is not in the employers’ interest since they wish to keep migrants tied to work permits that they had obtained for their workers. Consequently, this may lead to lower standard of rights for migrants as well as for domestic workers. Representatives of trade unions have pointed out that migrant workers often work under worse conditions as defined by Slovenian labour legislation causing the so-called social dumping. To tackle this problem the Employment Service of Slovenia together with the Ministry of Labour, Family and Social Affairs took a pro-active approach which led to a project which promotes employability, education and social integration of migrant workers and their families. Within this project and with the assistance from the European Social Fund, a new communication channel was set up to provide migrants with relevant information on the conditions of employment and work in Slovenia. The aim of information centres, the so-called INFO-points is to prevent exploitation, discrimination and possible unemployment of migrants after the expiry of work permits, while also allowing better access to new jobs by making migrant workers more competitive in the labour market.88

Another topical issue which has been exposed is the accommodation or adequate housing of labour migrants. In 2008, organisations of civil society, notably the trade unions, attracted the media and public attention to the problem of unsuitable housing conditions of migrants on temporary work in Slovenia, such as inadequate accommodation facilities or high cost of rents. Partly this problem came to the fore because of the substantial increase in employment of TCNs as a result of major labour demand. In 2009, the Inter-departmental Working Group was established to regulate the field of housing of migrant workers. Members of the group come from four ministries: of Labour, Family and Social Affairs; of the Environment and Spatial Planning; of the Interior and of Health. Representatives of the Association of Free Trade Unions are also invited to participate. Discussion mainly concerns an improvement and regulation of poor and sometimes intolerable living and hygiene conditions of migrants. The primary task of the working group is to examine the actual situation with a view of drafting the regulatory framework in these areas.

Various stakeholders, particularly trade unions and NGOs also pointed out that labour migrants are abused by their employers. As already indicated, workers are tied to their employers and this dependence increasingly leads to certain forms of economic exploitation of migrants. In some cases employers do not pay health insurance or other contributions for their workers or even wages while workers are being deported because their work permits have expired. Some forms of exploitation are very serious and reminiscent of slavery-like situations characteristic for trafficking in human beings. This also led to desperate reactions of migrant workers such as hunger strikes.

The Ministry of Labour, Family and Social Affairs has announced plans to propose changes to the relevant legislation, particularly amendments concerning conditions for gaining a personal work permit. It also plans to propose a regulation which would set up minimum standards of accommodation and hygiene for TCNs at work in Slovenia. Given the topicality

88 See the official website of the Employment Service of Slovenia http://www.ess.gov.si/
of the problem of migrant workers in Slovenia, which is becoming increasingly reported by the media and due to the fact that with the new coalition government from the late autumn 2008, for the first time in Slovenia’s history, migration issues became the subject of the coalition agreement, it is reasonable to expect that also the adherence to a medium and long-term strategy of economic migration, as well as integration policy will be intensified in the national discourse on migration.

3. APPROACH TO IMPLEMENTING ECONOMIC MIGRATION POLICY

This chapter looks at the implementation of policy and legislation on economic migration in Slovenia, including statistics and analysis of trends and experiences in satisfying labour demand through migration.

3.1 Implementation of economic migration policy and legislation

Employment Service of Slovenia is according to Employment and Insurance Against Unemployment Act responsible to determine labour demands of the organisations and employers and to counsel organisations, employers and employees about employment opportunities or employment.89

Employment Service provides expert assistance in providing employment to unemployed persons and other job seekers. The Service monitors employment policies and prepares analytical, planning and information platforms for proposals and designs of these policies at the national level. In terms of economic migration policy it cooperates with the Ministry of Labour, Family and Social Affairs. The Service is also responsible for the temporary employment of Slovenian workers abroad and for their organised return and employment.

Activities and tasks of the Employment Service are also subject to the Statute of the Employment Service90 and other laws and bylaws in the areas of labour market, employment and education, namely: (i) Prevention of Illegal Work and Employment Act91, (ii) Vocational Rehabilitation and Employment of Disabled Persons Act92, (iii) Employment and Work of Aliens Act, and (iv) other acts regulating financial transactions.

Territorial organisation

Employment Service of Slovenia is an independent legal person with the status of a public institute and is organised as a territorial network that acts uniformly in the whole of the country. Organisationally and functionally the Service is divided into the Central Service and Regional Services with Labour Offices, which are located in all administrative units. Central management and services of the Employment Service develop the professional doctrine, provide and evaluate devices for the work of the Service such as organisational rules and guidelines, internal acts, manuals and standards and coordinate business functions in order to ensure their direct and uniform application throughout the country. In this context the Employment Service performs analytical, IT, legal, human resources, financial, accounting, supervisory, organisational, material and developmental support for the operation of regional

90 Official Gazette of the Republic of Slovenia, Nos. 84/1999 and 34/2008.
services and labour offices or directly implements individual activities throughout the country.

The territory of Slovenia is divided into 12 Regional Services with Labour Offices, which manage and implement the basic business functions of the Employment Service, among these employment of unemployed persons, dealings with employers and employment of aliens. Labour Offices acting in all local environments provide users of their services with their rights in the area of job placements and work, employment counselling, vocational guidance for schoolchildren and adults as well as with exercising their rights under the unemployment insurance scheme and the implementation of employment measures and programmes. In addition, the regional network carries on analytical activities, international projects, public relations and some other activities necessary for operational activities at the local or regional level. To jointly realise the objectives of employment policies and programmes, Regional Services develop and participate in policy development and employment programmes with other partners in their area such as employers and trade unions, local authorities and professional institutions.

Since Slovenia’s entry into the EU, the Employment Service of Slovenia also participates in the European Employment Services Network (EURES). Given that the fundamental task of EURES is transmission and exchange of information on vacancies and job seekers and on living and working conditions in individual Member States, the Employment Service implements particular activities in the field of information and advice. These activities are mainly based on:

- Information on job vacancies, information about the labour market, working and living conditions and employment counselling to Slovenian nationals who are interested in employment in the EU Member States or to EU citizens who want to work in Slovenia;
- Information and advice to Slovenian employers who seek workers from the EU Member States and information and advice to employers from the EU Member States who wish to employ Slovenian nationals.

As reported by the Employment Service, the experience of employers from the EU Member States is good, especially with regard to effective cooperation between the Employment Service and the EURES. These employers estimate that the services are of high quality, fast and compliant. For example, Regional Services provide good and quick selection of candidates and organise interviews with candidates. The majority of these employers originate in the neighbouring EU Member States and seek Slovenian workers to meet labour shortages on their labour markets e.g. for work in agriculture and accommodation and food services.

**The mechanisms for identifying labour demands**

To determine labour needs and to reduce structural imbalances in the labour market in particular, the Service closely cooperates with employers and their associations. To this end, Regional Offices organise annual job and career fairs, either alone or in cooperation with employers' associations and other partners. Another important mechanism in order to determine labour market needs are visits to local employers, which are carried out by the representatives of the Employment Service. Purposes of these visits are:

- To plan long-term needs for workers with the aim of preparing unemployed persons for employment through training and education programmes, including developing new training programmes to fit skill shortages;
- To cover current labour demand with relevant workers from the records of unemployed
Satisfying Labour Demand through Migration in Slovenia

persons;

• To better inform employers on the state of labour supply and the overall planning of measures for providing labour with education, training, scholarships as well as promoting skills and occupations shortages and a faster transition from education system to employment;
• To ensure partnership cooperation in a joint effort to recruit unemployed persons;
• To plan job fairs with other partners in order to closely integrate supply and demand on the labour market.

These visits enable the Employment Service to get an overview over concrete working posts and to obtain information for a more efficient posting of workers to job vacancies as well as planning of individuals’ employment goals that contribute to their employability.

Direct cooperation between the Employment Service and the employers concerns satisfying labour demand. The Employment Service seeks to deploy up to five most suitable candidates to each job vacancy. When there are no suitable candidates in the records of unemployed, the Employment Service contacts the employer at the latest within three days after the employer’s declaration of a vacancy in order to examine options for changing the conditions of the employment.

The Employment Service publishes an Annual review of skill shortages and surpluses or vocational areas for the inclusion of unemployed persons in active employment policy and in employment. The methodology for determining skill shortages and surpluses or vocational areas is defined in Article 40 of the Rules concerning the implementation of active employment policy measures and includes the following data sources: labour demands, work permits and employment of aliens in comparison with the registered unemployment. Annual reviews of the individual Regional Services are confirmed by the Councils of partners and are published at the end of January of the current year.

For several years, skill shortages exist in accommodation and food service activity and construction. In addition to these, there is a shortage in some highly skilled professions, particularly in human health activity, computer science and mechanical engineering. As assessed by the Employment Service, most of these skill shortages are due to unwillingness of people to engage themselves in these professions because of special working conditions, including payment, working hours and working conditions. It appears that the labour market has not yet found a proper balance between payment and working conditions to balance the interest for these professions. Some employers do not devote enough attention to improve working conditions, which would have a positive impact on the motivation of employees, especially in terms of working hours, leave, protection and length of employment contracts. Certain professional profiles in the labour market are deficient due to decreased enrolment in education programmes. For example for medical studies there is a limitation on enrolment of students, while in engineering and computer science candidates are discouraged due to a high complexity of studies. In recent years, the interest for engineering and science decreased among young people and is recently only slowly recovering. A growing number of unemployed persons have also certain restrictions which reduce their employability. The Employment Service attempts to increase their options with an active employment policy programmes and by motivating these people to even greater activity in finding employment.

93 For example, see review of the Employment Service of the Republic of Slovenia, available from http://www.ess.gov.si/SLO/DEJAVNOST/Programi/programi.htm
Satisfying Labour Demand through Migration in Slovenia

Job-matching

Before applying for an employment permit or a permit for work employers wishing to employ an alien must declare a job vacancy or the type of work and specify the conditions to be met by the worker to perform tasks in the employment or work offered.  

Provided that the labour market test is obliged, the Employment Service notifies the employer in writing and within eight working days from the declaration of a vacancy whether an appropriate domestic or with domestic person equalised unemployed person exists for this job in the records of unemployed persons. If candidates who meet the required conditions for the employment or contract work exist in the records of unemployed persons, the employer is clearly notified that his eventual application for issuing an employment permit for an alien will be rejected.

When there are no eligible candidates registered in the records of unemployed persons, the employer has to apply for a work permit for declared vacancy within 30 days from the date of notification or within 30 days from the declaration of a vacancy in cases when there is no labour market test. The Service checks compliance with the conditions requested in the process of issuing the employment permit.

Mechanisms for the examination and recognition of qualifications

Employment Relationship Act stipulates that a worker, when entering into employment contract, must meet the prescribed conditions laid down in the collective agreement or employer’s general act or provided by the employer.

Therefore, it is very important for migrants seeking employment in Slovenia whether the Republic of Slovenia recognises the education and qualifications they have achieved in other countries. To this end, Slovenia established a system of recognition of certificates and diplomas based on Recognition and Evaluation of Education Act. This Act has been introducing a more modern system of recognition and evaluation of foreign and Slovenian documents on education. The procedures and criteria of recognition and evaluation take into account the principles of transformation of educational systems. The system allows an individual holder of the documents on acquired education a rather effective and swift enforcement of his or her rights arising from these documents. In particular, there are two fundamental rights, namely: the right to continue education at a higher or same level as demonstrated by the document and the right to practice the profession, for which was the proprietor trained in the place of origin of the document.

Because of this “double nature”, there are two procedures. In the procedure for recognition for the purpose of continuing education a person will be entitled to invoke his/her right to further education or retraining, while in the process for the recognition of a foreign certificate or

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95 Refer to Article 9 of the Employment and Insurance Against Unemployment Act, Official Gazette of the Republic of Slovenia, No. 107/2006.
98 The recognition of certificates and diplomas refers to education, which is included into the school system of a particular country or several countries and gives in that country a certain level of education or is a part of such education.
diploma for the purpose of employment an individual will be allowed to enter the Slovenian labour market and use the foreign title of vocational and professional education or professional and academic title. To exercise any other rights based on the school certificate or on the results of an individual in education, the law provides for the evaluation of education which enables an individual to require those rights (such as registration at the Labour Office or scholarship) or to obtain them in the process.

The Act allows aliens and all those who have completed their education abroad to request the Ministry of Higher Education, Science and Technology to recognise their education for the purpose of employment in Slovenia. In the procedure a competent authority at the Ministry assesses the degree to which the foreign education ranks in the Slovenian school system, direction or field in regard to the completed foreign education programme, if referred to in the document on education and the title acquired abroad on vocational or professional education, professional or academic title. Upon the specific request the authority can also decide on equivalence of foreign title of vocational or professional education and professional or academic title with the Slovenian vocational or professional education and professional or academic title.

In order to facilitate the procedure and shorten time needed to obtain an employment permit, the Rules on work permits, on registration and de-registration of work and on the supervision of the employment and work of aliens redefined the way of proving adequacy of education of aliens in the process of issuing the employment permit.

Article 21 of these Rules addresses demonstration of adequacy of education or professional qualifications and provides that in the procedures of obtaining work permits for TCNs, when the collective agreement or employer’s general act requires also a certain level or type of education, relevance of education is evidenced by a certified copy of certificate, or by document of education and its translation into the Slovene language. The Employment Service of Slovenia verifies the adequacy of education with certified copy of the certificate or with the document on education and its translation into the Slovene language. The original document of education, which is accompanied by a photocopy, must be pre-certified on the grounds of the Hague Convention abolishing the requirement of legalisation for foreign public documents with Apostille stamp or in the case when the foreign country is not a signatory to this Convention, on the basis of the Verification of documents in international legal traffic Act.

When a TCN wishes to pursue a regulated profession in Slovenia a professional qualification is recognised in two ways:

- In the event that the professional qualification is recognised according to the Act which

99 The competent authority which deals with procedures for the recognition of school certificates and diplomas obtained abroad is Sector for Education Recognition within the Directorate for Higher Education. See the official website of the Ministry for Higher Education, Science and Technology http://www.mvzt.gov.si/si/delovna_podroca/priznavanje_izobrazevanja_enicnaric/priznavanje_in_vrednotenje/
100 The equivalence of the name or title is possible only if a comparable programme exists in Slovenia.
104 »Regulated professions or regulated professional activities are those occupations or occupational activities, where conditions of provision are required by law or executive act«; Article 4 of the 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, Official Gazette of the Republic of Slovenia, Nos. 21/02, 92/07 and 85/2009.
regulates the qualification recognition procedure for access of citizens of EU Member States, the European Economic Area and Swiss Confederation to regulated professions and professional activities in Slovenia the application is to be accompanied by information on recognised professional qualification;

- In the event that the professional qualification is not recognised in this way, the application for issuing the employment permit is to be accompanied by the employer’s statement that the alien qualifies for the performance of a regulated profession.

The first method is therefore applicable to aliens who are qualified to perform skilled profession in the EU, EEA or the Swiss Confederation, while the second refers to those who are qualified to perform skilled profession in Third countries.

In addition to the recognition of qualifications gained abroad or to obtain a proper education in the regular education system in Slovenia, aliens also have the possibility to obtain a national vocational qualification, in accordance with the National Professional Qualifications Act.\(^{105}\)

A professional national qualification is formally recognised as a national professional or vocational competence necessary for the exercise of a profession or individual sets of responsibilities within a profession at a specified level of difficulty. A professional qualification is classified within the national framework for qualifications.\(^{106}\)

In order to facilitate the acquisition of appropriate education and skills needed for effective inclusion into the labour market, Slovenia is implementing a national vocational qualification programmes. In the framework of these programmes, contractors carry out the verification and validation procedures based on the catalogue of standards of vocational knowledge and skills. Actual ability of mobilising knowledge, skills and competencies to carry out tasks in different circumstances is being assessed. When passing a certification programme a person obtains the national professional qualification, which in terms of qualifications to perform a vocation, replaces the certificate obtained in the regular education system.

The aim of these programmes is to formally recognise knowledge to candidates, usually adults, without proper education obtained through the traditional means of obtaining professional qualifications in mainstream educational system. In this way they can obtain a certificate and thereby increase their competitiveness in the labour market. For this same reason, the programmes are also attractive for migrant workers. Namely, a large number of them have some practical knowledge but no formal education or are due to various circumstances not able to possess the relevant certificates.

In relation to traditional formal education programmes the advantage of the system of national professional qualifications is in greater flexibility and adaptability, as it allows rapid reaction to labour market needs. The possibility of validation of previously acquired knowledge and the creation of short training courses for the missing knowledge and skills, which in final result leads to the formal acquisition of a profession, has a positive impact on closing the gaps between demand and supply on the labour market. Initiatives to develop professional standards and catalogues coming from the employers’ side are a valuable contribution to the development and the adaptability of the system and the qualification structures.


\(^{106}\) Refer to Article 2 of the National Professional Qualifications Act.
Furthermore, also employment is more and more carried out on the basis of formal evidence on vocational or professional qualifications issued by specially authorised bodies and institutions. When these documents are based on nationally agreed standards, employers may rely on their information that candidates for employment do not need additional training and do not have to check their qualifications as certified qualification are transferable into different working environments. This, in turn, is a kind of assurance to holders of qualifications that they will easier find employment.

**Integration measures**

The 1999 Resolution on Immigration Policy and the following 2002 Resolution on migration policy, represent basic political documents and legal foundation for the integration of immigrants. These acts define the integration policy as one of the elements of a comprehensive migration policy. The integration policy refers to the measures of the state and the society, which ensure favourable conditions for the quality of life of immigrants, promote integration and enable immigrants to become responsible participants in the societal development of Slovenia. The objectives of this policy were set as policy shaping guidelines in various areas of societal life based on the values of equality, freedom and mutual cooperation. Since integration is a process, policy aims are also set as a process. Equality is understood as a (progressive) provision of equal social, economic and civil rights; freedom as the right of expression of cultural identity, while ensuring respect for the integrity of each individual and the cultivation of their own culture in accordance with the laws and fundamental values of the Republic of Slovenia and mutual cooperation as the right to participation and accountability of all in a continuous process of creating a common society. In terms of social cohesion, the integration policy should include legal frameworks and social measures promoting the integration of immigrants into the Slovenian society, prevent discrimination and social marginalisation and allow the expression of cultural identity.

Slovenian integration policy follows the pluralistic model of integration and foresees practical activities for the articulation of the direct instruments of integration of immigrants and indirect instruments in the areas of general public policy as well as development and implementation of programmes for specific areas and, if necessary, for specific targets or categories of migrants. Integration measures include various areas such as security of residence and family reunification, access to institutions, goods and services, labour market integration, social integration such as access to education, social welfare, health care, housing and participation in a democratic process.

In law, integration is the subject of the tenth chapter of the Aliens Act which deals with assistance in the integration process. The Act prescribes that the Republic of Slovenia shall ensure conditions for the inclusion of aliens who have a permit for residence in Slovenia in the cultural, economic and social life of the country. In relation to this, it provides in

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109 This study only deals with some of the specific direct integration measures. For a more detailed review, see e.g. the *Draft strategy on economic migration*, Ministry of Labour, Family and Social Affairs, Ljubljana, February 2008, pp. 51-58; for analysis e.g. Institute for Ethnic Studies: *Integration of third country nationals in Slovenia* (IDTDS), Final Report. Ljubljana, 2009; and comparatively e.g. British Council and Migration Policy Group 2007: *Migration Policy Index*. 

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particular for the organisation of the Slovene language courses, courses and other forms of further education and professional training for aliens, provision of information necessary for their integration into Slovenian society, particularly with regard to their rights and obligations and opportunities for their personal and social development, organisation of courses for acquainting aliens with Slovene history, culture and constitutional order and the organisation of joint events with Slovenian nationals to promote mutual acquainting and understanding.

**Regulation on the integration of aliens**110 partly implements the integration article of the Aliens Act and more precisely specifies the modalities for the provision and implementation of conditions for the integration. The regulation came into force in July 2008 and, *inter alia*, defines assistance for the integration, responsibility for organising courses for aliens, the scope, content and duration of the courses, their financing and implementation as well as eligibility for participation in programmes of further education and vocational training,111 provision of information necessary to facilitate the integration in the society and measures to promote mutual acquainting and understanding.

According to this Regulation, TCNs in a possession of a permanent residence permit in Slovenia and TCNs who have been residing in Slovenia for the last two years on the basis of a temporary residence permit and who have been issued a permit for temporary residence valid at least for another year, as well as their family members who have temporary residence permit on the basis of family reunification are eligible to a free Slovene language courses and courses acquainting them with Slovenian history, culture and constitutional order. Those who have completed their education at any stage in Slovenia or were for at least three years included in the regular Slovenian educational system or have already obtained a certificate of successful completion of the examination of the Slovene language skills at least at a basic level are not eligible to a free Slovene language course. The implementation of a part of the integration process is also foreseen in the provisions of the Citizenship of the Republic of Slovenia Act, which among other conditions for the acquisition of the Slovenian citizenship, requires that an applicant has to pass the examination of the Slovene language skills at a basic level.112 The Slovene language learning and other integration measures are not obligatory nor do they constitute a mandatory prerequisite in the procedures of entry and stay in Slovenia. In absence of other opportunities to learn the language however, immigrants may among other things benefit from these courses in the process of acquiring citizenship of the Republic of Slovenia.

The scope and eligibility for integration measures are also not dependent on vocational or professional qualifications. They differ however depending on the type of residence permit. In accordance with Article 10 of the Regulation on the integration of aliens, TCNs having permanent residence permit and their family members can participate in the Slovene language learning programmes to the extent necessary to carry out examination at the elementary level, but not more than 180 hours.113 TCNs who have been residing in Slovenia for the last two years on the basis of a temporary residence permit and who have been issued a permit for temporary residence valid for at least another year, as well as their family members who have temporary residence permit on the basis of family reunification are eligible for participation in the Slovene language course in the extent of 60 hours. The Regulation on the integration of

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111 See also above.
112 Official Gazette of the Republic of Slovenia, No. 24/2007 – official consolidated text
113 The required number of hours to reach elementary level of the Slovene language skills is determined on the basis of a ranking test, carried out by a contractor of the programme.
Satisfying Labour Demand through Migration in Slovenia

aliens is the only legal act in Slovenia which ensures legally staying TCNs more rights or more favourable position than to EU citizens. These and their family members are not entitled to a free Slovene language courses and free courses on Slovenian history, culture and constitutional order. These courses as well as existing or planned brochures providing information needed for better integration into society and to promote mutual understanding, are financed by the Ministry of the Interior, with the help from the European integration fund.

The Regulation also defines cooperation of government and other agencies, organisations and associations in particular for the purpose of promoting rapid integration of immigrants and with international organisations on issues of migration and integration. With this in mind, the government established the Council for the integration of aliens in 2008. Members of the Council are representatives of different ministries (of the Interior; of Labour, Family and Social Affairs; of Finance; of Education and Sports; of Higher Education, Science and Technology; of Culture, of Local Government and Regional Policy) and representatives of NGOs. The Council is responsible for the coordinated and efficient implementation of integration measures, monitors their implementation and analyses the situation. It also gives views and recommendations about national programmes that are important for the integration and participates in drafting laws and other regulations affecting integration. The Council reports to the Government of the Republic of Slovenia.

3.2 Statistics and Trends

This section provides information and data for each year from 2005 to 2009. Data display is based on Table templates annexed to the Specifications for EMN study of 22nd March 2010. Data sources and the methods used for data collection are described in detail in the Introduction, Section 1.1.

3.2.1 Statistics on the labour market and migration

Tables 1 - 5, which are annexed to the study, present data on stocks and in-flows of economic migrants in Slovenia by nationality and by the originating area i.e. whether they are originating from the EU-15, EU-10 or EU-2 or from Third-Countries, including persons originating from Switzerland and non-EU EEA countries. For the years 2005 and 2006, the category of TCNs also includes nationals of Bulgaria and Romania, while data for the years 2007, 2008 and 2009 includes them in the category EU-26 and separately in the category EU-2. Data are further disaggregated by sex and professional qualification (occupation /job type) using as much as possible the categorisations as defined or outlined in Section 1.2 above.

Tables 1 show stock of economic migrants by level of professional qualification (main category of employment), by sex and the area of origin (Third Country, EU-24, EU-2) on 31st December of reference year. Due to unavailability data for EU-15 and EU-9 nationals are not presented separately and also details of unfilled vacancies could not be obtained. Information on seasonal worker migrants is shown separately, although their number has already been included in number of nationals.

Tables 2 show the in-flow of economic migrants by level of professional qualification (main category of employment), by sex and the area of origin (Third Country, EU-24, EU-2) per

115 Data protection legislation has been respected.
Satisfying Labour Demand through Migration in Slovenia

reference year. Due to unavailability of data details of unfilled vacancies are not presented. It was also not possible to present data for EU-15 and EU-9 nationals neither to produce tables of data on outflow of workers. Information on seasonal worker migrants is shown separately although their number has already been included in number of nationals.

Tables 3 show stock of economic migrants by country of nationality, by the level of professional qualification (main categorisations), by sex and the area of origin (Third Country, EU-24, EU-2) on 31st December of reference year. Among TCNs the main ten countries with the largest number of nationals are listed. It has to be noted here that data on migrants from Serbia and Montenegro includes nationals of Serbia, Montenegro and Kosovo. Due to unavailability data are not separately presented for the EU-15 and EU-9. Information on seasonal workers is presented separately, although their number has already been counted in data on nationals.

Tables 4 show the in-flow of economic migrants by country of nationality, by the level of professional qualification (main categorisations), by sex and the area of origin (Third Country, EU-24 or EU-26) per reference year. Among TCNs the main ten countries with the largest number of nationals are listed. It has to be indicated here that data on migrants from Serbia and Montenegro includes nationals of Serbia, Montenegro and Kosovo. Due to unavailability, data for the EU-15, EU-9 and EU-2 could not be presented separately. It was also not possible to produce tables of data on the outflow of workers. Information on seasonal worker migrants is presented separately, although their number has already been counted in data on nationals.

Tables 5 show the stock of economic migrants by specific occupations, by sex and the area of origin (Third Country, EU-24 or EU-26) on 31st December of reference year. Due to unavailability data on unfilled vacancies are not presented. It was not possible to provide data for EU-15, EU-9 and EU-2 separately or to acquire data on architects, engineers and related professionals and to breakdown data on institution-based and home-based personal care workers.

The number of researchers is extremely small. In 2006 there were three, one from Serbia and two from China, in 2007 four residence permits were issued for this purpose. In 2009 the total inflow was represented by nine researchers from nine countries: Bosnia and Herzegovina, Croatia Japan, Korea, Macedonia, Mexico, Russian Federation, Serbia and USA. Altogether there were 16 researchers (as defined by Aliens Act) in Slovenia in 2009. Their number is not displayed as a separate category, but it is already included in data on migrant workers, grouped under the main categories.

3.2.2 Analysis of trends and relevant developments

Until the end of 2008, a high rate of economic growth contributed to the increased labour market needs and hence to a larger number of vacancies that could not be filled by domestic workers. Consequently, both the in-flow and stock of workers from abroad was in constant increase until the end of 2008.

Given the 37,033 work permits issued in 2005,\textsuperscript{116} this number is increased by 35.4 percent

\textsuperscript{116} For the purposes of this chapter numbers on work permits include the number of work permits issued to TCNs as well as the number of notifications from EU citizens into the records of the Health Insurance Institute of Slovenia.
(50,147) in the following year, the year after by a further 32.1 percent (66,242) and in 2008 by 33.6 percent (88,475). Similarly, the number of valid work permits also increased – in December 2005 there were 45,469 valid work permits, the number grew by 18 percent (53,654) in 2006, by 32.3 percent (71,001) in 2007 and by 28.7 percent in 2008 (91,411).

In the observed period 2005-2009, the vast majority of economic migrants originated from Third-Countries. With the exception of 2007, when a slight decline was recorded, their share in the nationality structure of aliens with valid work permits increased from 93 percent at the end of 2005 to 99.3 percent at the end of 2009. Accordingly, the proportion of nationals of EU Member States employed in Slovenia has declined.

Towards the end of 2008, the global economic crisis has already reduced economic activity and subsequently a need for labour. Accordingly, a demand for alien workers has declined as well, as confirmed by data on work permits. Almost 30 percent (29.8) less permits were issued in 2009 compared to the previous year, and at the end of 2009 the number of valid work permits declined for 14.1 percent in relation to 2008.

During the period of economic growth, Slovenian companies frequently reported shortages of labour force as the main limiting factor in their business performance. According to the results of surveys of the Employment Service of Slovenia, companies have had the most difficulties in obtaining the relevant workers in construction and metal industry. There were also shortages in particular occupations such as mechanics and engineers, electricians and for workers in the human health sector and accommodation and food service activities.

Most of the workers who have been granted a work permit over the past years have had a low level of education, meaning that majority of workers had no formal occupation and only primary education. These were workers mainly employed in construction, transportation and accommodation and food service activities. Accordingly, most work permits for work or employment were granted to low skilled and skilled workers. In 2005, 49.3 percent of all work permits - for which data on formal education - exist was issued for work and employment of low skilled workers and 43.7 percent for skilled workers. A similar structure persisted in the following years: in 2006 46 percent of low-skilled and 49 percent of skilled; in 2007 43.4 percent of low-skilled and 52.8 percent of skilled; and in 2008 43 per cent of low-skilled and 53.6 percent of skilled.

Thus, over the years of economic growth, demands for low-skilled and skilled labour have been more successfully filled by migrant workers in regard to their numbers and job types than the labour market needs for highly skilled. This is clearly presented by the educational structure of economic migrants in Slovenia. In the observed period, the share of economic migrants with low/elementary formal education consistently ranged around 60 percent and with secondary education around 38 percent. At the same time, data shows that the share of workers with higher education started to decline from 2007.

Continuing requirements of employers for seasonal worker migrants as well as regular employment, especially for nationals of other successor states of former Yugoslavia in construction, point to the qualitative as well as quantitative shortage on the Slovenian labour market. There are not enough workers with the adequate skills and/or qualifications for construction. At the same time low skilled Slovenian job seekers avoid employment in construction because it is heavy, rather dirty and badly paid work. Reduced economic activity and employment of TCNs caused by economic crisis does not undermine these relationships.
Among the work permits issued in 2009, 41.3 percent were given for work or employment of low skilled workers and 53.6 percent for skilled workers. The prevailing importance of labourers in construction, mining, manufacturing and transportation is also shown in Tables 5.

Stock of workers from EU Member States is very small, but as shown in Tables 1 and 2, their proportion is much higher among the highly skilled. However, there is a significant difference between those who come from new Member States, mainly Bulgaria, Romania, Slovakia and Hungary, and represent majority of workers from EU-26. These workers are engaged in similar activities as TCNs. Most of workers from old Member States are employed as professionals and managers in the joint ventures.

In regard to nationality, a significantly large proportion of economic migrants are TCNs, particularly from the Western Balkans. In addition to a constant demand of employers for these workers, this can be explained by common history, cultural and linguistic proximity as well as social networks nationals of the states of former Yugoslavia have in Slovenia. According to data shown in Tables 3, nationals of these countries had, on the last day of the relevant year, from 88 to almost 95 per cent of all valid work permits, depending on the year. The share of nationals of Bosnia and Herzegovina was between 47 and 52 percent, followed by nationals of Serbia, Montenegro and Kosovo - who are due to the lack of separate data presented as nationals of one state – and nationals of Croatia and Macedonia. The data on issued work permits (Tables 4) reflect a similar situation with the share of nationals of former republics of Yugoslavia in the total inflow of economic migrants being a bit lower, but still ranging between 82 and 92 percent, depending on the year. Correspondingly also the share of nationals of Bosnia and Herzegovina with work permits is lower and depending on the year ranges between 40 and 49 per cent of all TCNs, who were issued a work permit in the reference year.

It is expected that slowdown in trade, particularly in exports and reduced volume of production in manufacturing as well as in construction is to continue a trend of decline in economic activities employing most of economic migrants. For example, already in 2009 labour demand substantially decreased in manufacturing (for more than 40%) and even slightly more in various other economic activities (41.8%). Increasing demand for workers in 2009 was recorded only in the field of education (2.5%).

Even taking into account the upward trend in unemployment, with 96,672 persons registered as unemployed at the end of 2009, meaning 45.9 percent more than in December 2008, it can reasonably be assumed that according to present trends future needs will be somewhat smaller in construction and will remain the same or even higher in other economic activities.

As already pointed out above, reasons for such a trend can be attributed to a shortage of suitable workers on the Slovenian labour market in regard to certain economic sectors such as construction and metal manufacturing or particular occupations such as mechanics and engineers, electricians, restaurant services workers and health professionals. In addition there is a low level of employment of workers from other EU Member States. Another reason is an inadequate unemployment structure. At the end of 2009, 15 percent of the unemployed were young people, almost half (49%) were women, 39 percent had no occupational qualifications and 39 percent were over 50 years or age. As a result of the economic crisis however, mass redundancies and terminations of period specified employments have changed this structure.

117 In manufacturing, the number of job vacancies most significantly fell in the metal industry (-72.6%), machinery and equipment (-66.9%) and in leather and related products manufacturing (-61.8%).
Presently, there are more men than women among the unemployed. The share of unemployed in the age-group 25-49 has increased as well as the share of the unemployed because of bankruptcies that have occurred in recent months. Furthermore, the share of long term unemployed is again in an upward trend.\textsuperscript{118}

It has also been observed that both stock and inflow of economic migrants as well as service providers from the EU, in particular from the new EU Member States is declining. This trend is mainly due to unattractive labour conditions such as low wages and more attractive offers of employment in other, economically more developed countries. In any case, the Slovenian labour market is in terms of economic migrants still dominated by nationals from the other parts of former Yugoslavia.

The evidence of these migrants returning to their countries of origin is rather scarce. Based on observation, it is possible to conclude that due to geographical proximity and other factors such as family, social and economic ties, there is a certain mobility related to labour demand or lack of it. A more thorough study of data concerning work permits, particularly their interruption might prove this point. Given the current upward trend in personal work permits however, it can be reasonably assumed that these migrants are not returning to their countries of origin for good. In addition, there is also an increasing trend of TCNs who obtain a personal work permit as close family members of Slovenian nationals, and those who obtain this type of a work permit on a basis of self-employment.

There is also scarce information on the extent of ‘illegally’ resident TCNs working in specific sectors such as agriculture, construction, housekeeping and related domestic works. It is estimated that their number is low as also suggested by data on illegal border crossing as well as return of persons to foreign law enforcement.\textsuperscript{119} Therefore, with a view to increasing the effectiveness of inspections, there seems to be no risk assessment on basis of which the sectors of activity in which the employment of illegally staying TCNs would be regularly identified.\textsuperscript{120} Recently, particularly the exploitation of legally employed TCNs has been highlighted, notably the establishment of mechanisms to ensure that TCNs receive their due payment amounts.

Intra-EU mobility did not have a substantial impact on the Slovenian labour market in terms of mobility of Slovenian workers. There are various reasons for the low mobility of Slovenian economic migrants with migration associated with knowledge of social and other rights, language and the like. Even better wages do not persuade low-paid workers to move or commute to another EU Member State.\textsuperscript{121} No significant changes are expected in future, perhaps only slightly increased mobility in the border areas with neighbouring EU member states.

In regard to impact of Union preference principle on the Slovenian labour market, an increase of Slovakian construction workers was recorded shortly after the accession of both the

\textsuperscript{118} Refer to http://www.ess.gov.si/slo/Dejavnost/StatisticniPodatki/2009/1209.htm
\textsuperscript{121} Mobilnost delavcev: Izziv, priložnost, pravica, Razprave z okroglih miz ob Evropskem letu mobilnosti delavcev 2006. Ministrstvo za delo, družino in socialne zadeve, Ljubljana 2006.
Satisfying Labour Demand through Migration in Slovenia

countries to the EU. The Slovenian employers however, as already pointed out prefer already traditional construction workers in Slovenia, originating from the Western Balkans, in particular from Bosnia and Herzegovina.

**Future needs**

The current situation and trends on the labour market suggest that there will be a shortage of domestic labour also in the future. This will particularly concern construction, manufacturing, electric and motor vehicle activities, restaurant services and tourism. The Chamber of Commerce and Industry of Slovenia stresses a continuous need for labour in manufacturing, transportation (drivers) and in agriculture. In these industries there is a shortage of low-skilled workers (unskilled and semi-skilled) and of workers with occupational titles (upper secondary vocational education). It should be noted that the Chamber emphasises a need for male workforce in these particular economic activities. The need for skilled and highly-skilled workforce exists in information and communication technologies, biotechnology as well as forestry and in the health sector.

In the latter in particular, Slovenia faces similar problems as a significant number of other EU Member States as well as some other European states. In 2009, there was an estimated 20 per cent shortage in nursing professionals with only 40 new jobs per year taken by TCNs. Annual needs for medical doctors are estimated from 517 to 970. A further decline of medical doctors is expected from 2010 due to retirements and insufficient number of graduates from medical schools. Some measures to remedy this situation have already been taken: the enrolment to medical schools on annual basis increased for about 45 per cent (from 600 in 2004 to 1050 students in 2010) and several new schools were established in 2008 and 2009. In accordance with the draft Health Services Act and the Resolution on National plan of health care 2008-2013 a network of providers of public health activities at all levels should be laid down, including calculation of precise needs for labour and skills. The recruitment of medical doctors and nursing professionals from abroad and the problems there off are also related to eligibility requirements for employment, specifically language skills and recognised qualifications. However, there is a perception of a degree of resentment from the professional chambers to “import” foreign stuff.

In addition to these needs, demographic trends briefly described in Chapter 2 suggest that we can expect that during the whole of the 21st century Slovenia as well as the EU will have to cope with the rapid shortage of domestic labour. The demographic challenge will have to be addressed with a constructive set of different yet interdependent policies. One of these policies is an active immigration policy, which should be included in a strategy for Europe 2020 for smart, sustainable and inclusive growth.

**4. CO-OPERATION WITH THIRD COUNTRIES FOR ECONOMIC MIGRATION**

123 For future needs also see Section 2.1
For Slovenia, economic co-operation with third countries is an important part of the implementation of a comprehensive migration policy. This co-operation particularly concerns the Western Balkans, which is of special significance for Slovenia and Slovenian economy. The development and lasting stability in the Balkan region is also high on the country’s foreign policy agenda.

In March 2010 the Government adopted the Proposal of guidelines for the activities of the Republic of Slovenia in the Western Balkans until 2020, defining priority areas and actions that are necessary for a more coherent and coordinated performance of both government and economic entities. In accordance with these guidelines, the following measures relating to legal employment of nationals from the countries in the region are to be pursued:

- Identification of advantages and the demand for employment of the nationals of the Western Balkan countries. These have a comparative advantage over migrants from other regions due to geographical and linguistic proximity and the traditional presence in the Slovenian labour market;
- Encouragement of immigration in line with the labour market needs and a simplification and unification of admission procedures for the nationals of the Western Balkan countries for the purposes of work and employment as well as promotion of labour mobility. In this process, further efforts will be placed on ensuring social security for TCNs working in Slovenia;
- Conclusion of bilateral agreements with the Western Balkan countries concerning employment of their nationals in Slovenia will be based on the principles of Slovenian migration policy as outlined in 2002 as well as following the reference framework of EU policies on the establishment of a comprehensive migration policy;
- These bilateral agreements will enable Slovenia to satisfy labour demand through migration and mobility according to the needs of the Slovenian economy and the situation on the labour market as well as demographic indicators in the forthcoming period.

The Government believes that bilateral agreements could stimulate a debate on the establishment of an area of free movement of workers within the Western Balkans already before the accession of all countries of the region to the European Union.

The 2008 Bilateral Agreement with the Republic of Macedonia

At present, there is only one bilateral agreement regulating the cooperation of Slovenia with third countries in the field of employment of economic migrants. It was concluded between Slovenia and Macedonia in 2007 and ratified in 2008. The aim of the agreement is to regulate the terms and conditions of employment of seasonal worker migrants from Macedonia. These have been present on the Slovenian labour market for many years and have mainly been employed in economic sectors where there is a shortage of qualified domestic workers or workers from mainly new EU Member States. For the Slovenian employers, the agreement facilitates an easier access to labourers in Macedonia, who are particularly in high demand in the border regions of Slovenia.

127 Albania, Bosnia and Herzegovina, Montenegro, Kosovo, Macedonia and Serbia.
Satisfying Labour Demand through Migration in Slovenia

demand in construction as well as in agriculture and forestry.

The agreement is implemented through the employment agencies of both countries. The agencies exchange information on labour demand by areas of activities, occupation and duration of employment. Further elements of the agreement concern duration of employment which has to last at least three months, but not more than nine months. Re-employment of the same worker after the fixed period for seasonal employment is permitted in the next calendar year. Nevertheless, exceptions are possible for seasonal works in construction, where the same worker may be re-employed in the next calendar year after at least three months.\textsuperscript{131} In agriculture and forestry seasonal worker migrants may be employed up to six months in a calendar year and a seasonal worker migrant may conclude a contract of employment up to three times per calendar year. This depends on the labour demand which is often short-term due to the nature of the work such as harvesting the fruits of the season or preparation for next season (e. g. hops). According to the bilateral agreement, employment entitlements relate solely to the seasonal worker migrant while his family members do not have any rights.

Draft bilateral agreement with Bosnia and Herzegovina on employment, 2010

In 2010, Slovenia intends to conclude a bilateral agreement on the employment of nationals of Bosnia and Herzegovina in Slovenia. Draft agreement sets out general principles governing mutual relations between State Parties in the field of employment of nationals of Bosnia and Herzegovina in Slovenia. In this respect, Slovenia emphasises the importance of development policies in order to encourage new jobs creation and better living conditions as well as the overall progress of both the countries. The principles of the agreement derive from the core document on the Slovenian migration policy.\textsuperscript{x}\textsuperscript{132} Principles of the agreement also follow the reference framework of the EU policies on a comprehensive migration policy, with emphasis on strengthening the partnership dialogue with third countries and the importance of the beneficial effects of circular migration, voluntary return of migrant workers to the country of origin and ethical recruitment in favour of reducing the brain drain.

In accordance with the provisions of the draft agreement only those economic migrants who are enlisted in the records of the Employment Agency of Bosnia and Herzegovina will be eligible for employment in Slovenia. The purpose of this provision is to achieve a closer cooperation between the employment agencies of both countries and to provide for a more controlled movement of migrant workers. This will allow both countries to review and control flows of labour migration from Bosnia and Herzegovina in a comprehensive way, this being beneficial for both the countries as well as migrants themselves. For example, the unemployment rate in Bosnia and Herzegovina is currently over 40 percent. It is therefore a consensual concept of managing migration flows, based on a partnership dialogue in terms of reduction of social problems in the country of origin, prevention of brain drain and policy of ethical recruitment of migrant workers. The agreement does not apply to the so-called “EU Blue Card” or to nationals of the country of origin under Council Directive of 25 2009/50/EC concerning the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment.\textsuperscript{133}

\textsuperscript{131} Seasonal construction worker migrants from Macedonia are therefore an exception to the general rule as they only have to spend at least three months in Macedonia after completion of their employment in Slovenia. In practice this means that when engaging in employment from March to December of the first year they may be re-employed in Slovenia in March next year.


\textsuperscript{133} OJ L No. 155, 18 June 2009
In principle, the agreement does not provide any quota on the employment of migrant workers. The employment of migrant workers from Bosnia and Herzegovina will be excluded from the annual quota of work permits. Nevertheless, Slovenia has retained the right to limit the scope of admission on annual basis when the Employment Service of Slovenia would assess that such a limitation is needed due to trends on the labour market or needs expressed by employers. Furthermore, a list of needs for regular and seasonal employment will be issued at least once in each quarter of the current year.

A migrant worker will be issued a work permit for a period of three years. For the first year of employment employers will be required to conclude an employment contract with a migrant worker for the period of at least one year. After the first year the migrant worker with a work permit would gain free access to the Slovenian labour market for the remaining time of the validity of the work permit. This means that after one year a migrant worker would no longer be bound to the original employer who has filed an application for a work permit and could find another employer or set up a company. This could stimulate migrants to acquire professional qualifications as well as prevent them from being abused by the employers. Such an approach also aims to achieve greater flexibility and reduce discrepancies in the labour market.

The agreement also allows the transition from seasonal employment. At the end of seasonal employment, the employer will be able to apply for a permit for a migrant worker who previously performed seasonal work for this same employer.

In principle, all migrant workers to be employed in accordance with this agreement will have to voluntarily return to their country of origin. By encouraging voluntary return of migrants to the country of origin after the expiry of their work permits, the Ministry of Labour emphasises that the agreement gives the crucial importance to the concept of circular migration. Exceptions are possible only in cases when there is a renewal of a work permit for another three years provided that the employee has an employment contract for a minimum period of another year and was granted the right to family reunification; or if the worker was before the expiry of the work permit at least one year employed by the same employer and has a valid contract of employment with the same employer for a minimum period of another year.

Exemptions will also apply to ‘professional employment’, which would in accordance with this agreement mean the employment, for which the migrant worker receives a payment of at least three Slovenian minimum wages. The worker will be able to extend the work permit if he has performed such an employment or if he has acquired additional skills or professional qualifications on the basis of which he has performed such an employment. In both cases, there will be a requirement for a valid employment contract for professional employment for a minimum period of another year.

Bosnia and Herzegovina has the possibility to prevent brain drain and may, in accordance with its legislation and the situation on the labour market restrict the employment of individual occupational groups. If departure of workers to Slovenia could undermine the labour market situation in Bosnia and Herzegovina, the agreement provides that the country of origin can refuse to issue a consent for renewal of a work permit for a migrant worker who performs professional employment, but only when an employment with a comparable wage in Bosnia and Herzegovina is provided.134

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134 The Draft Agreement between the Government of Republic of Slovenia and the Council of Ministers of
Similarly, Bosnia and Herzegovina will have the option to withhold re-employment of a migrant worker in Slovenia, if he or she considering his or her education, salary or other criteria, refuses suitable employment in the country of origin. The agreement would namely allow re-employment in Slovenia so that the return to Slovenia will be allowed to all who returned voluntarily to their country of origin and for at least six months tried to reintegrate, find a job or start business in their country of origin.

The agreement also enables the ‘mobility in the labour market’ since migrant workers gain free access to the Slovenian labour market after the expiry of the first renewed work permit or second work permit, obtained after interrupted residence in Slovenia or after having obtained a permit for permanent residence.

Migrant workers are entitled to equal treatment as Slovenian nationals, particularly with regard to (i) labour conditions, including pay and dismissal as well as safety and health at work, (ii) freedom of association and membership in the organisation representing workers or employers or in any professional organisation in accordance with national rules on public order and public security, and (iii) educational and vocational training. In terms of avoiding ‘brain waste’ the countries or their respective authorities may, by special protocol to the agreement, agree on setting more favourable treatment for the recognition of degrees or professional qualifications, as determined by their national legislations.

According to information of the Slovenian Ministry of Labour, Family and Social Affairs the agreement directly relates to the implementation of the principles of development incentives under the partnership cooperation. The initial draft of the agreement provided for the establishment of a financial mechanism, based on the idea that every migrant worker should have the possibility of saving part of his personal income during the validity of his work permit in order to promote the development incentives for entrepreneurship, private initiative and the overall progress of the country of origin. State Parties would agree on a system that would allow the transfer of money without a financial burden on the employer or a migrant worker or the most simple and suitable form of the transfer of these funds to specific accounts. In the subsequent process of negotiations, it became apparent that such a mechanism would be very difficult to implement due to the different responsibilities of the various bodies within the organizational structure of Bosnia and Herzegovina. Therefore, the proposal of the financial mechanism was exempt from the draft agreement.

The envisaged agreement with Bosnia and Herzegovina, from which traditionally comes the majority of migrants to Slovenia, will therefore be another mechanism in the context of a dynamic and comprehensive migration policy. Circular migration will satisfy most of Slovenian labour market needs and at the same time it is hoped that it will contribute to sustainable development and stability of Bosnia and Herzegovina and the whole of the Western Balkans, not the least also in the context of the Stockholm Programme.135

5. ANALYSIS AND CONCLUSIONS

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135 The Stockholm Programme — An open and secure Europe serving and protecting citizens OJEU 4.5.2010 C 115/1.
The results of this study show that Slovenia responded to labour shortages according to current needs of the labour market without a well thought and long-term vision or strategy of economic migration. During the period of economic growth, Slovenian companies frequently reported labour shortages as the main limiting factor in their business performance. They specifically required low skilled and skilled workers, mostly in construction and metal industry, preferably nationals of other successor states of former Yugoslavia (SFY). The government responded by an economic migration policy focused on these groups of migrants. Accordingly, the great majority of workers admitted over the past years have been low skilled or skilled, majority of them having no formal occupation. Furthermore, the share of workers with higher education started to decline from 2007.

The data presented and analysed in section also show that there is a mismatch between demand for labour and migrant worker profiles. A need for specific occupational groups points to a shortage of mainly in construction and manufacturing, accommodation and food services. In these economic activities there is a shortage of low skilled, mainly male workforce with occupational titles. It can reasonably be assumed that future needs in construction will be somewhat smaller, while there is a continuing demand for labour in manufacturing, transportation (drivers) and agriculture. The need for skilled and highly skilled workforce exists in information and communication, biotechnology as well as in forestry and in the human health sector. Needs of the health sector are assessed from 517 to 970 medical doctors annually, and there is up to 20 per cent deficit in the health care with only 40 new foreign employments annually.

Thus, the Slovenian economic migration policy has mainly satisfied the cyclical shortages of low skilled workers despite a simultaneous need for the highly skilled. Lack of long-term vision and of a sustainable design of migration management allowed for an employer-led labour immigration, satisfying labour shortages in the low segment of the labour market. This is best reflected by data showing increasing annual work permit quota in the period 2005 to 2008, which were under the pressures from the side of employers corrected even during the course of each year.

Recent changes in the policy of economic migration are primarily caused by the economic downturn. The consequences of global financial crisis started to reflect in the real sector of the Slovenian economy in the latter half of 2008, especially in terms of reduced labour demand and rising unemployment to reach over 10 per cent at the end of 2009. In response to the impact of economic recession, the initial reaction of the Government was to reduce the 2009 work permit quota for one quarter in relation to the previous year and to set the quota in 2010 at 12,000 work permits, a half less than in 2009. In addition, the Government adopted legislative instruments which fall into two categories. The first concerns the stringent labour market test, even to combat shortage of certain occupations /skills while respecting the Union principle. The second set of measures concerned - for the first time in the history of Slovenia – temporary restrictions and prohibition of employment and work of TCNs on grounds of public interest or general economic interest. The government banned seasonal employment in construction and tourism and issuing of employment permits to employers who did not employ TCNs within four months after they have already been authorised for employing them. It banned premits for jobs in entertainment and artistic programmes of the night clubs for TCNs who need a visa to enter Slovenia and prohibited employment from certain regions, in particular to representatives of micro- and small enterprises who are residents of Kosovo. The latter measure was partly justified in the implementation of the Schengen rules. The effects of these actions are visible in the reduction of work permits issued and in the less than
Satisfying Labour Demand through Migration in Slovenia

a half utilised work permit quota in 2009. The effects in terms of attracting highly skilled workers that could be described as the implementation of the EU Blue Card similar or a comparable measure are minimal or not known. The Government namely reserved 1,000 work permits for highly skilled workers, timidly suggesting a growing awareness of policymakers that Slovenia should pay more attention to immigration highly skilled workers from third countries.

Due to poor economic situation Slovenia presently mainly deals with the problem of structural unemployment. However, as the population ages, the proportion of working age people will decrease which may lead to long term unsustainable public finances and a declining economic growth. In this context Slovenia would have to amend the policy and management of economic migration in order to ensure appropriate mechanisms to effectively address both “structural” or “demographic” labour shortages and skills as well as temporary or “cyclical” labour market needs occurring as a result of economic upturns and downturns in a way that will be beneficial for Slovenia and the EU as well as counties of origin of migrants and migrants themselves.

With this in mind and in the view of the changing EU policy landscape, in particular the 2008 European Pact on Immigration and Asylum from 2008 and the new political mandate of the Stockholm Programme and an even closer co-operation between Member States with Third countries in managing migration flows, we recommend that Slovenia designs and implements policy of legal labour migration by setting up a set of measures that will:

• alleviate the effects of demographic deficit in terms of reduced working age and economically active population as well as reduce temporary disparities in the labour market;
• increase human resources, encourage innovation and entrepreneurial activity, maintain and promote economic competitiveness;
• enable acquisition of experience of Slovenians working abroad and reduce the brain drain from Slovenia as well as the countries of origin of immigrants in Slovenia by encouraging the circular migration;
• promote employment of highly skilled migrants
• strengthen relations with third countries of origin of migrants by bilateral agreements, promoting the return of economic migrants, and their reintegration into society of origin
• enable fair treatment of immigrants by establishing a more ambitious integration policy that would include all relevant areas for harmonious integration of migrants into the Slovenian society.136

The overview of existing legislation and practices on skills and qualifications recognition and policies that should improve this recognition and labour matching between Slovenia, the EU and Third countries found that Slovenia has been introducing a more modern system of recognition and evaluation of foreign and Slovenian documents on education which should allow an individual holder of such documents a rather effective and swift enforcement of two rights in particular: to continue education or to practice the profession. Accordingly, there are two procedures of recognition. In practice these procedures are lengthy. Therefore, in order to shorten time needed to obtain an employment permit, rules on the way of proving adequacy of

education were redefined within the procedure of work permit acquisition in 2008. In addition, when a TCN wishes to pursue a regulated profession in Slovenia, a professional qualification is recognised in two ways: one refers to persons who are qualified to perform skilled profession in the EU, EEA or the Swiss Confederation and the other to those who are qualified to perform skilled profession in Third countries. Slovenia is also implementing a national professional qualification programmes which provide the possibility of validation of previously acquired knowledge and the creation of short training courses for the missing knowledge and skills. In final result this leads to the formal acquisition of a profession and has a positive impact on closing the gaps between demand and supply on the labour market. These programmes are attractive for migrant workers, especially when they have practical knowledge but no formal education. The advantage of this system of national professional qualifications is in its flexibility and adaptability, as it allows rapid reaction to labour market needs.

Policies on human resource development are important for the integration of immigrants into the Slovenian labour market and to facilitate the transfer of skills back to the country of origin. Nevertheless, Slovenia still greatly exceeds the average of regulated professions in the EU and restricted access to jobs in a formal setting of professional titles and education is one of the reasons preventing greater mobility and flexibility of the workforce. In order to improve the system, Slovenia should establish faster and simpler methods of recognition and evaluation of formal and informal education, reduce the number of regulated professions and improve information on recognition of professional qualifications and on opportunities to acquire such a qualification. This, in turn would improve labour matching, potentially lessen the ‘brain waste’ and improve migrants’ employability, mobility, flexibility and ability to compete on the labour market.

The importance of a policy that enables fair treatment of migrants from Third countries and their harmonious integration into the Slovenian society has been emphasised already in the first document on immigration policy in 1999. The document has defined the aims, principles and directions for direct or specific measures as well as those that ought to be a part of public policies (mainstreaming). Assistance for integration has also been legally stipulated in the Aliens Act, the Regulation to implement this assistance however has only been issued in 2008. It defines competent institutions for the organisation of non-compulsory and free Slovene language courses and courses on Slovenian culture, history and constitutional order as well who and under what conditions is entitled for these. This progress in integration policy implementation was also stimulated by EU developments in line with the common principles approved by the Council in 2004 as well as financial instruments for this purpose. Nevertheless, a substantial effort is needed on the part of the State and Slovenian society. Although policies to integrate immigrants who are likely to settle permanently, particularly those recently arrived are usually called for, integration measures should be sufficiently responsive to short term or temporary labour components as well. It is important to avoid critical impacts on the integration of immigrants and managing labour migration in crisis. Evidence shows that migrant workers in Slovenia, in particular those who are with their work permits tied to their employers, are more vulnerable to economic shocks than national workers. In the economic crisis of the past couple of years, legal situation of migrant workers in Slovenia and poor information on their rights led to unequal treatment and violations of their rights, particularly in respect to labour legislation and their living conditions. This has important repercussions for their well being and also for their families living in their home countries. Consequently, it may lead to lower standard of rights for migrants as well as for domestic workers. The proactive approach announcing legal acts for more flexible and faster
transition between statuses enabling labour migrants better access to the labour market as well as ensuring minimal standards of accommodation and hygiene and projects which promote employability, education and social integration of migrant workers and their families by setting up a new communication channel with relevant information on the conditions of employment and work in Slovenia (the so-called INFO-points) in order to prevent exploitation, discrimination and possible unemployment of migrants as well as other information on the integration measures such as on language or training courses is positive. Still, if merged rather than parallel efforts of two institutions they would achieve greater impact. Therefore, it is recommended to establish an ambitious policy which would include a comprehensive and coherent integration of all relevant areas for integration of immigrants with legal and other measures for legal security and residence of foreign nationals, protection of their family, non-discriminatory access to institutions, goods and services, labour market inclusion and for social integration such as access to education, social welfare, health care, housing and participation in a democratic process. This would have to include also a proper institutional infrastructure for the integration policy implementation.
ANNEX 1

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The Stockholm Programme — An open and secure Europe serving and protecting citizens OJEU 4.5.2010 C 115/1.