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Motivations, experiences and consequences of returns and readmissions policy: revealing and developing effective alternatives



Executive Summary

Alternative policy approaches to RR: regularisation and other recognised statuses

Case Study: Slovenia

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This document provides a concise summary of the key findings from Slovenia. For detailed analysis, evidence, and comprehensive insights, please refer to the full report. The information in this summary should not be considered complete or fully representative of the entire study.

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1. Key Findings of the Report

This executive summary presents the findings from the work package 2 of the MORE project, which focuses on alternative policy approaches to returns and readmissions (R&R) of third-country nationals (TCNs) who cannot be expelled. Specifically, it examines the legal statuses, policy practices, and regularisation approaches in Slovenia. The primary objectives are to assess the compatibility of national laws with the EU Returns Directive, the EU Charter of Fundamental Rights, and UN commitments, while also identifying promising practices that ensure the socio-economic and human rights of non-expellable TCNs.

1.1 Policy Emphasis on Return

Slovenia's migration policy strongly emphasizes the return of irregular migrants as a core component. This is reinforced in key documents, such as the Migration Strategy adopted in March 2024, which prioritizes the return option for asylum seekers.

1.2 Absence of Regularisation Practices

Slovenia does not have established practices for the regularisation of undocumented migrants. Most non-expellable TCNs are granted a mere toleration status (Sl. *dovoljenje za zadrževanje*), which does not offer substantial socio-economic rights. This is a significant gap, especially considering the EU Returns Directive's provisions and the need for humane and effective migration management.

1.3 Policy and Legal Framework

The Foreigners Act is the main legislative document governing the status of foreigners, distinguishing between temporary and permanent residence permits. The Foreigners Act and its amendments transposed the EU Returns Directive into Slovenian law, providing a legal basis for returns and the management of TCNs. However, the implementation of these provisions often treats migration predominantly as a security issue, overshadowing human rights considerations. Amendments to this act are expected to introduce alternatives to returns and readmissions.

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1.4 Institutional Perspective and Human Rights Considerations

Migration is primarily viewed through a security lens by the Ministry of the Interior, which is responsible for R&R procedures. This perspective often overshadows considerations of human rights, inclusion, and integration. The Human Rights Ombudsman and other stakeholders stress the need for Slovenia to comply with international human rights standards, providing long-term undocumented residents with legal remedies and ensuring their access to fundamental rights.

1.5 Socio-Economic Rights

There is a lack of access to key socio-economic rights for non-expellable TCNs, including health care, education, and employment. The limited status options restrict their ability to integrate into Slovenian society. Interviewed experts highlighted the limited options available for TCNs with return decisions. The primary mechanism is the issuance of a permission to stay, which is a toleration status with minimal rights and no pathway to full regularisation.

1.6 Promising Practices

Despite the overall restrictive environment, there are some initiatives and proposals aimed at improving the situation of TCNs. These include discussions at the Ministry of Interior about amendments to the Foreigners Act that may introduce alternatives to returns and readmissions. Proposed amendments to the Foreigners Act and discussions on transitions between different legal statuses reflect a growing awareness of the need for more humane and practical solutions

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