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



## *Executive Summary*

# RR on the Ground: Implementation of the RR Policy, its Impact, and State Agents' Assessment and Perception

## Case Study: **Slovenia**

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This document provides a concise summary of the key findings of RR on the Ground (WP4). 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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# Executive Summary – the case study of Slovenia

## 1. (Im)mobility

In Slovenia, individuals awaiting deportation are usually held at the Centre for Foreigners in Postojna. For those opting for voluntary return, they can wait at the Asylum Centre in Ljubljana or live outside designated centres – if they have the means. Detention at the Centre is a last resort for those who have not complied with previous return orders or refuse to cooperate. Unaccompanied minors are no longer present in the Centre for Foreigners. The Centre collaborates with third countries on return possibilities and assists individuals lacking documents.

A significant problem is the extended duration of detention due to difficulties in deporting individuals, mainly because they often lack proper documentation. Some detainees are transferred to the Centre due to non-compliance with rules of the Asylum Centre. The involvement of NGOs, like Slovenian Caritas, is crucial, offering legal and financial assistance and monitoring the process to ensure legality and professionalism. Despite efforts, only 60-70 people were deported in 2024, with 12 requiring an escort due to resistance or non-cooperation, highlighting the challenges in the deportation process.

The officials in Slovenia underly that the primary aim is voluntary return. When this is not possible, individuals are placed in the Centre for Foreigners and informed about the next steps. Enforcement agents face significant challenges, leading to their burnout, especially dealing with the aftermath of traumatic backgrounds of migrants (e.g. violence, substance abuse, psychological conditions). The increase in detainees with mental health issues and addictions complicates management and cooperation. Additionally, public perception of enforcement agents is often negative, which is affecting their morale.

The process for minors is more complex, requiring careful planning before issuing return decisions. Effective communication with embassies, Morocco and Algeria were specifically mentioned, is often lacking. Slovenian legislation was criticized by several involved actors for not providing realistic possibilities for individuals in return procedures to stay legally, even if they have family members in the country. The police have significant power, and there's a lack of effective mechanisms to protect migrants' rights. NGOs state that the legislative framework is highly restrictive, contributing to an anti-migrant policy. Overall, the process lacks coordination, and individuals often navigate it alone, facing restricted movement, limited access to healthcare, and no labour market access.

## 2. Rights and Protection

Rights and protections for foreigners in Slovenia are legally complex. An administrative judge noted the system better protects asylum seekers but presents significant challenges for those in the return process. There is a risk of wrongful procedures and judgments if all applicable legal frameworks (including ECHR and judicial practice of ECHR) are not considered. The discrepancy between procedural guarantees and substantive law and practice is a top judicial problem. Access to legal help is a major issue, with many foreign nationals unaware of their rights or about the possibility for obtaining free legal aid. The short deadlines for appeals and lawsuits further complicate the process.

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Monitoring of the Centre for Foreigners is conducted by the Ombudsman within the National Preventive Mechanism and Caritas. Individuals held at the Centre receive information on their rights, legal assistance, and options, including asylum applications. Despite these measures, challenges persist, such as the lack of interpreters for commonly spoken languages. The AMIF programme provides financial assistance for voluntary return, and individuals are informed about their options and rights upon arrival at the Centre. However, systemic issues, such as push-backs to Croatia and potential human rights concerns, remain.

Overall, the legal complexity, lack of coordination, and inadequate access to legal help create significant challenges for foreigners in Slovenia's return process. The system's shortcomings often leave individuals without proper legal representation or the ability to appeal decisions, further complicating their situation.

### 3. Living Conditions

Regarding health care at the Centre for Foreigners, the facility provides more than basic health care, including access to psychiatrists and contracted doctors. Health status is considered before detaining a person, and those requiring medical treatment not available in Slovenia cannot be returned. However, there are concerns about the over-prescription of tranquilizers and doubts about the effectiveness of psychosocial support. Foreigners often receive medical care faster than Slovenian citizens, and those with severe health conditions may be accommodated elsewhere.

Accommodation at the Centre for Foreigners is described as high-quality, with rooms equipped like hostel rooms. Renovations and European funds have improved living conditions, making them better than those in asylum centres. The Centre for Foreigners also no longer accommodates unaccompanied minors.

Foreigners in the return process generally have no access to the labour market and often work illegally, if at all. Obtaining a single permit to work and stay in Slovenia is nearly impossible for irregular migrants and asylum seekers.

Social assistance includes cash for basic necessities, accommodation, access to social workers, medical care, and organized activities for children. Caritas and the Red Cross provide material assistance and basic counselling but require documentation, such as an asylum seeker card, for aid. Despite these efforts, the system remains highly restrictive and challenging for migrants.

### 4. Social Connections

Respondents highlighted the importance of social and family connections and noted that these connections are generally respected in Slovenia. Couples are housed together, and families are not separated. Exceptions occur when a person has a partner with a regular status but they are not married, complicating the right to family life.

Despite these efforts, the system presents significant challenges, particularly for individuals who have been staying irregularly in Slovenia for a long time. It is hardly possible for these individuals to regularize their status due to past criminal offenses or lack of documentation. Even those married to Slovenian citizens and with children in Slovenia face difficulties in obtaining residence permits. The law does not allow a person to stay in Slovenia solely because their family lives there; the most they can obtain is an extension of the deadline for voluntary return, which provides no rights.

The process for obtaining residence permits is lengthy, and the police and administrative units often do not favour these applications. Advocacy efforts focus on highlighting the shortcomings of

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the legislation and practices that are extremely restrictive. There is no effective system to regularize the status of these individuals, and they live in constant fear of being checked by the authorities.

There are challenges of registering residence for people not living in the Centre for Foreigners, as this requires the property owner's consent, which is often difficult to obtain.

Communication with embassies is also slow and ineffective, causing great distress to detainees.

In summary, while social and family connections are respected to a degree, the legal and bureaucratic challenges make it difficult for individuals to regularize their status in Slovenia. The system remains highly restrictive, and the lack of effective coordination and communication exacerbates the situation.

## 5. Compliance and Resistance

Respondents have had diverse experiences with migrants in Slovenia. The administrative judge reported mostly positive experiences, noting that serious issues are rare, with foreign nationals generally being calm and respectful during hearings. On the other hand, a uniformed police representative highlighted abuse faced by employees, with many applicants for international protection having different motivations, such as economic reasons or escaping criminal pasts. Some foreign nationals are violent or have criminal histories, raising security concerns. The police also face violence from dissatisfied migrants with mental health issues or addictions.

A police inspector emphasized the priority of voluntary returns and the psychological challenges for staff. Cooperation with third countries is crucial, and restricting movement is a last resort. Slovenia has become a destination country, with many single men arriving.

The Government Office for Support and Integration of Migrants noted that the return process is mostly peaceful, with many accepting or wanting to return. However, the lack of alternative, less repressive measures in Slovenian legislation was criticized. An NGO representative argued that legalizing the status of irregular migrants would be more effective than detention and deportation. There is a need for better prevention, communication, and a flexible migration policy.

## 6. Procedural

Allowing foreign nationals to remain in the country and work would be financially beneficial. Unlike countries like Germany and Spain, Slovenia lacks alternatives for regulating the status of foreigners. This creates uncertainty and legal battles, as obtaining a residence permit or extension depends on the goodwill of the police. Improvements that were suggested include better access to refugee counsellors, shortening of the procedures, reducing uncertainty, and increasing psychosocial support. Slovenia's current system creates prolonged uncertainty and legal battles for migrants.

## 7. Intersectional Aspects (Vulnerable Groups)

The specific needs of vulnerable groups were not extensively addressed. Minors are no longer housed at the Centre for Foreigners, and family ties are respected. A complex case involving a victim of sexual violence from the Democratic Republic of Congo highlighted the intricate considerations in making return decisions for vulnerable groups. The judge allowed the older daughter to express her opinion, revealing the challenges of such cases.

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## 8. Alternative to Returns and Readmission

Most respondents saw limited alternatives to returns. The administrative judge only knew of permission to stay, while the Government Office for the Integration of Migrants mentioned single residence and work permits. Reintegration programs carried out by local partners in the countries of origin offer financial assistance and support for accommodation, work, and medical care. These programs, supported by Frontex and AMIF funds, provide continuous support for foreigners in their home countries. While these alternatives exist, challenges in implementation and effectiveness remain, requiring improved coordination and communication.

Despite efforts to address these issues, the system remains highly restrictive and challenging for migrants. Legal and bureaucratic hurdles, slow public procurement, and inadequate coordination exacerbate the situation. Overall, a more flexible and inclusive migration policy in Slovenia is needed to offer legal pathways for regularizing the status of foreigners, allowing them to work and integrate into society.

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