Chapter 26

Diaspora Policies, Consular Services and Social Protection for Slovenian Citizens Abroad

Mojca Vah Jevšnik and Sanja Cukut Krilić

26.1 Introduction

This chapter explores the general institutional framework by which Slovenian authorities interact with nationals abroad, with a focus on reviewing the type and scope of diaspora engagement policies in the area of social protection. It shows that the country's engagement with its diaspora is mostly of political and cultural nature, which is manifested in granting extensive voting rights and adopting policies that are embracing and promoting the ethno-nationalist ideas of joint Slovenian ancestry, ethnic identity and cultural heritage. However, extending social protection to diaspora beyond the basic social security bilateral agreements has not been a specific priority. In line with this political and policy agenda, Slovenia gives preferential access to Slovenian citizenship to descendants of emigrants. It has also introduced a law that grants a variety of privileges to Slovenian emigrants and their descendants who do not possess Slovenian citizenship, such as preferential enrolment at institutions of higher education, access to national funding for scientific research and priority in employment over third country nationals. Social protection for emigrant populations, however, remains limited across the main social policy areas. This can be explained also by the structure of the Slovenian social protection system, which is based on compulsory social insurance contributions and is inextricably linked to the status of employment in the Republic of Slovenia as the main basis for benefit entitlement. The chapter first outlines the main characteristics of

M. Vah Jevšnik (✉)

Research Centre of the Slovenian Academy of Sciences and Arts, Ljubljana, Slovenia

University of Nova Gorica, Nova Gorica, Slovenia

e-mail: mojca.vah@zrc-sazu.si

S. Cukut Krilić

Research Centre of the Slovenian Academy of Sciences and Arts, Ljubljana, Slovenia

e-mail: sanja.cukut@zrc-sazu.si

Slovenian diaspora, diaspora infrastructure, and key engagement policies. It then presents the main findings relating to the support of Slovenia to its non-resident nationals in the area of social protection.

26.2 Diaspora Characteristics and Home Country Engagement

26.2.1 *Slovenian Diaspora and Its Relations with the Homeland*

Slovenians have been emigrating from their ethnic territory in substantial numbers ever since the nineteenth century and have thus developed diasporic communities in many countries around the world (Žitnik Serafin et al. 2018). The most substantial emigration of Slovenians prior to World War I was to the United States of America (USA), when Slovenia was still part of the Austro-Hungarian Empire, but emigration to Argentina, Brazil, Egypt, Belgium and the neighbouring ethnic territories of Austria and Croatia was notable as well. It is estimated that around 300,000 Slovenians emigrated during this period, one of the main reasons being to escape poverty and seek greater economic opportunities (Žigon 1993). This means that around 23% of Slovenians decided to leave the homeland, which is a substantial percentage that places the rate of Slovenian emigration at the time on par with the Spanish or Swedish (Massey in Lazarević 2017: 58). The rise of Italian fascism and poverty during the World Wars, when Slovenia was part of the Kingdom of Yugoslavia, encouraged another extensive emigration of Slovenians to the then-rich and prosperous South American state of Argentina. Incidentally, Argentina was also a destination of choice for the opponents of communism and the socialist political system in Yugoslavia that came into place after the Second World War. Emigration of Slovenians from the Socialist Federal Republic of Yugoslavia was mainly directed towards European countries, most notably Germany, Switzerland, Sweden and France (Žigon 1993).

After Slovenia declared independence from Yugoslavia in 1991 and became an independent state for the first time in history, the rate of emigration decreased, but started rising again continuously ever since Slovenia joined the European Union (EU) in 2004 (Valentinčič 2017). According to the Statistical Office of the Republic of Slovenia, 9900 Slovenian citizens emigrated from Slovenia in 2017.¹ Most of them left for Austria (25%), Germany (19%), Switzerland and the United Kingdom. Negative net migration of Slovenian citizens was recorded for the eighteenth

¹The population of Slovenia in the last quarter of 2018 was 2,076,595, out of which 1,943,075 were citizens of Slovenia. See: Statistical Office of the Republic of Slovenia (2018). https://pxweb.stat.si/pxweb/Dialog/varval.asp?ma=05N3210S&ti=&path=../Database/Dem_soc/05_prebivalstvo/40_selitve/20_05N32_soc_ek_znac_odselsel&lang=2. Accessed 12 March, 2019.

consecutive year.² In terms of stock, it is estimated that approximately half a million Slovenians currently reside abroad,³ although only 160,000 are estimated to be holders of Slovenian citizenship.⁴ They reside in EU countries, most notably in Germany, Austria and Croatia, but also in Canada, Argentina, Australia and United States of America. More reliable statistical data on Slovenians residing abroad is not available as the Statistical Office of Slovenia does not systematically follow the number of Slovenian citizens abroad and bases its estimations on the data derived from the Central Population Register kept by the Ministry of Interior.⁵

Slovenians have been emigrating at various historical periods for a variety of reasons. As a result, the Slovenian diaspora is widely heterogeneous in terms of gender, socioeconomic status, education, political and religious convictions and willingness to engage with the homeland. Yet, as is often the case with young and small countries that were historically part of large empires or federal states, the imagining of Slovenian diaspora has been mystified, glorified and mythologised (Josipovič 2017) and has tended to ignore this heterogeneity for the purpose of legitimising the joint nationalistic ideal of *Slovenianess* (Skrbiš 2003). In this respect, the nation of origin, according to Valentinčič (2014) occupies an important role in preserving the Slovenian culture in border regions, a principle which is reaffirmed in the highest legal act, the Constitution, in which Slovenia has ‘committed itself to devoting special attention to its national minorities in neighbouring countries as well as to Slovenian emigrants and workers abroad’ (ibid.: 64). In a broader perspective, such constitutional provisions could be read as a reaffirmation of the kin-state position as one of the main features of the democratic transition in Central and Eastern Europe in which post-socialist states assumed special responsibilities for the protection of their co-nationals living beyond nation-state borders (Gazsó 2017).

Following this logic, the Act Regulating Relations between the Republic of Slovenia and Slovenians Abroad,⁶ adopted in 2006, states that all Slovenians abroad are an equal part of the unified Slovenian nation and aims at maintaining and developing the Slovenian language and culture, preserving cultural heritage and national identity among Slovenians abroad, as well as facilitating the integration of Slovenians abroad into the social, cultural and political life of Slovenia. The Act

²Razpotnik, B. (2018). 1. Januarja 2018 v Sloveniji 2.066.880 prebivalcev ali 985 več kot eno leto prej. <https://www.stat.si/StatWeb/news/Index/7363>. Accessed 5 March 2019.

³Government's Office for Slovenians Abroad. <http://www.uszs.gov.si/en>. Accessed 10 October 2018.

⁴E-mail correspondence with Statistical Office of Slovenia, 12 March 2019.

⁵The Central Population Register contains information on the citizens of Slovenia who are absent from Slovenia for more than 3 months, either permanently or temporarily (Stropnik et al. 2014). Data on emigration flows and stock are derived from data on deregistration of permanent residence and combined with data on resident population.

⁶*Zakon o odnosih Republike Slovenije s Slovenci zunaj njenih meja (Uradni list RS, št. 43/06 in 76/10)*

relates to all Slovenians abroad irrespective of their formal citizenship status⁷ and, in addition, introduces a new status of “Slovenian without Slovenian citizenship”. Acquisition of this status primarily depends on descent, activity in Slovenian organisations abroad and active ties with the homeland. The status brings some benefits (preferential enrolment at higher education institutions, equal property rights, access to national funding for scientific research, priority in employment over third country nationals) and is granted by the Government’s Office for Slovenians Abroad⁸ (Medved 2013: 17–18). According to the Act, all Slovenians living abroad are considered as part of the unified Slovenian nation, but special attention and corresponding support is given especially to Slovenians residing in the four neighbouring countries (Italy, Austria, Hungary and Croatia), which are considered as autochthonous Slovenians and have the legal status of a national minority.⁹ The said support primarily relates to the maintenance of Slovenian language, culture and heritage as it is considered that the Republic of Slovenia and the neighbouring geographical territories occupied by autochthonous Slovenians constitute a joint Slovenian cultural space that should be maintained and strengthened.

26.2.2 *Diaspora Infrastructure*

The main institutions mandated to establish, pursue and promote cooperation between Slovenia and Slovenians abroad are the Government’s Office for Slovenians Abroad (chaired by a Minister without portfolio) and the Commission of the National Assembly for Regulating Relations between the Republic of Slovenia and Slovenians abroad. The Government’s Office for Slovenians Abroad is responsible for establishing and maintaining relations between the Republic of Slovenia and the autochthonous Slovenian national minorities in the neighbouring countries, and between the Republic of Slovenia and Slovenians abroad. The Office encourages cultural, economic, scientific networking and provides financial support, by means of public tenders, for programmes and projects relating to the activities of the Slovenian diaspora. The yearly call for proposals is intended for two separate categories of beneficiaries: Slovenians abroad and Slovenian national minorities in the neighbouring countries. Most commonly, funding is approved for clubs, societies,

⁷ Slovenia relatively recently went through the process of determination of citizenship and naturalisation. It adopted the principle of *ius sanguinis* with limited application of *ius soli*, meaning that Slovenian citizenship is acquired by descent and by naturalisation through application. Slovenian emigrants and their descendants are given a privileged and preferential access to Slovenian citizenship.

⁸ Government’s Office for Slovenians Abroad. <http://www.uszs.gov.si/en>. Accessed 10 October 2018.

⁹ The biggest Slovenian autochthonous national minority is in Italy (70,000–80,000), followed by Austria (20,000–30,000), Croatia (13,500) and Hungary (3000) (Government’s Office for Slovenians Abroad).

associations and other organisations that carry out various activities to promote the maintenance of Slovenian culture and identity. In 2019, successful applicants in the category ‘Slovenians abroad’ received 880,000 EUR in total, while a substantially higher amount of 6,180,000 EUR was awarded to the activities of and/or for ‘Slovenian national minorities’. The Government’s Office for Slovenians Abroad recently also developed several action plans to address, for instance, the cooperation between Slovenian scientists in Slovenia and abroad, cooperation and support to young Slovenians abroad, and economic cooperation between Slovenia and Slovenian national minorities.¹⁰ The effect of these plans is yet to be researched.

Another important institution is the Commission at the National Assembly for Regulating Relations between the Republic of Slovenia and Slovenians abroad, a working group of members of the parliament from different parties, which monitors the implementation of the policy concerning Slovenians abroad and the cooperation of religious communities, civil society organisations and other relevant entities of or with Slovenians abroad. It takes part in policymaking in matters that affect Slovenians abroad and advocates for their interests in drafting and adopting the national budgets of the Republic of Slovenia, co-formulates and proposes programmes of national interest pertaining to concern for Slovenians in neighbouring and other countries, and informs the parliament about concrete problems that Slovenians abroad are faced with – primarily those relating to maintaining Slovenian culture, language and identity.

In addition, two permanent advisory bodies of the Government of the Republic of Slovenia have been set up, both of them being concerned with the Slovenian diaspora: the Council for Slovenians Abroad and the Council for Slovenians in Neighbouring Countries. Both councils are headed by the Prime Minister, who appoints their members (representatives of state agencies, institutions, political organisations and civil society organisations from Slovenia and of Slovenians abroad), proposed to the Prime Minister by their organisations. The Council for Slovenians Abroad consists of four representatives of Slovenians living in European states (including two representatives from the former Yugoslavia); three representatives living in South America (two of them living in Argentina); three representatives of Slovenians living in North America (including two living in the USA and one living in Canada); two representatives of Slovenians living in Australia and one representative of Slovenians living in the countries of other continents. The council is normally in session once a year (Medved 2013, 2014). It has no direct role in social protection policies relating to or relevant for Slovenians abroad.

¹⁰The Action Plan on cooperation with the scientists and top experts of Slovenian origin living abroad mentions, among other things, also the encouragement of return of emigrated scientists and professionals. Furthermore, the Action Plan regarding cooperation and support to young Slovenians living in neighbouring countries and abroad promotes exchange of youth from Slovenia and countries of Slovenian emigration in various activities related to, for example, economic life and language learning etc. (Josipovič and Trbanc 2012: 22). Yet there are currently no concrete employment policy measures aimed at integrating returning migrants and their family members into the labour market, an exception being easier access to employment for Slovenians without citizenship.

Outside the geographical territory of Slovenia, direct assistance is provided to Slovenian nationals abroad and persons of Slovenian descent at 40 Slovenian embassies and 108 consulates around the world.¹¹ The embassies and consulates assist in issuing identity documents (passports, personal identity cards), certificates (birth, marriage, and death), provide assistance with administrative procedures carried out in Slovenia, authenticating documents and handling inheritance-related issues. They help to establish contact with lawyers, translators, health facilities and funeral services. They also facilitate the obtainment of funds for return to Slovenia by contacting family members or friends of a person that wishes to return, but they do not provide financial assistance themselves. Only in matters of extreme urgency, when individuals have no one who could provide them with funds for fundamental necessities and return to the country of residence, they can provide them with a loan. As will be discussed in more detail in the next section, Slovenian representations abroad also assist in cases of repatriation of Slovenians in emergency situations, such political unrests or serious economic crises. The Ministry of Foreign Affairs¹² defines what the crisis situation is and can recommend to the Government of the Republic of Slovenia to back its motion for repatriation. In case the Government confirms the motion, all costs of repatriation are covered from the national budget and do not need to be reimbursed.

Finally, embassies and consulates have the obligation to notify their kin in cases of accident, hospitalisation or death, and upon request get in contact with detained or imprisoned persons. Apart from the embassies and consulates, there is a network of honorary consulates in place that mostly act in the area of culture and economy. Some honorary consuls may have a mandate to act as consular representatives with the mission to provide limited assistance to nationals abroad, but in most cases their role is limited to promotion and networking.

26.2.3 Key Engagement Policies

The needs of Slovenians abroad are addressed in the Foreign Affairs Act,¹³ the Consular Protection Act,¹⁴ the Act Regulating Relations between the Republic of Slovenia and Slovenians Abroad and the Act Amending the Act Regulating Relations between the Republic of Slovenia and Slovenians Abroad.¹⁵ The first regulates the

¹¹ Embassy pages. <https://www.embassypages.com/slovenia>. Accessed 20 March 2019.

¹² Ministry of Foreign Affairs of the Republic of Slovenia. <http://www.mzz.gov.si/en/>. Accessed 10 October 2018.

¹³ *Zakon o zunanjih zadevah (ZZZ-1-UPB1, Ur. l. RS No. 113/03)*.

¹⁴ *Zakon o konzularni zaščiti (Ur. l. RS, no. 30/18)*.

¹⁵ *Zakon o spremembah in dopolnitvah Zakona o odnosih Republike Slovenije s Slovenci zunaj njenih meja (ZORSSZNM-A, Ur. l. RS, No. 76/10)*.

establishment and functioning of Slovenian embassies and consular services.¹⁶ The second, replacing some of the provisions of the Foreign Affairs Act and adopted on May 2018, regulates the procedures of the Ministry of Foreign Affairs and diplomatic missions abroad regarding the consular protection of citizens of Slovenia and citizens of other countries. The latter two address primarily the maintenance and development of Slovenian language and culture and the preservation of cultural heritage and national identity of Slovenians abroad. The Acts therefore promote mutual ties in the field of culture, care for the Slovenian language, education, science, sports, economy and regional cooperation (Medved 2014). The Acts also address the policy of repatriation and regulate the status of Slovenians without Slovenian citizenship. As previously explained, the acquisition of this status depends on descend, active participation in Slovenian organisations abroad and active ties with the 'homeland' (Ibid.).

Slovenian citizens abroad have extensive electoral rights. Franchise in the national elections is extended to all citizens having reached the age of 18, regardless of their current or previous residence in the country, and applies to both active and passive electoral rights. Nationals residing abroad can vote in national legislative and presidential elections, European Parliament elections, as well as the national referendum held in Slovenia. Voting can be done by post or at diplomatic and consular missions. In local elections, by contrast, candidates must be permanent residents of the municipality in which they wish to run, and the local elections also do not allow for casting votes from abroad for those citizens listed in the electoral register who are not resident in Slovenia (Accetto 2013: 3).

The Consular Protection Act defines in more detail the circumstances under which citizens of Slovenia and other countries can receive consular protection. It especially defines procedures in the cases of detention, criminal offences against citizens, serious injury or illness, death, circumstances of crisis¹⁷ and in issuing a passport for return. The Act also defines cases in which financial means can be provided to citizens. This can happen only in cases when the applicant has exhausted all other possibilities to obtain financial means. Financial means can be obtained to cover the most essential costs that are justifiably needed for care and return to the

¹⁶ According to the Foreign Affairs Act, a consular post performs the following functions (Article 24): 1) Protecting the interests of the Republic of Slovenia, its nationals and legal entities, and discharging other consular and legal tasks; 2) Furthering the development of relations in the fields of the economy, culture, science, and education; 3) Reporting on developments in all areas of life in the consular district and in the receiving state in general; 4) Developing cooperation with the Slovenian national minority and Slovenian emigrants and migrant workers, and promoting the preservation of the Slovenian language and culture among them; 5) Maintaining contacts with the state and local authorities in the consular district; 6) Attending to labour-law protection and social security of nationals of the Republic of Slovenia working in the receiving state. The Law does not further define or specify the role of consulates in attending to social security of nationals of Slovenia.

¹⁷ Crisis situation refers to natural or other disasters of major scope and social/political unrest, such as armed conflict, violence or terrorism, which pose a threat to citizen's life (The Consular Protection Act, Article 2).

country of residence, especially travel expenses and expenses of urgent accommodation and care. The costs have to be reimbursed in all cases.

As regards repatriation, the process is regulated in the Act Regulating Relations between the Republic of Slovenia and Slovenians Abroad, which foresees the possibility of repatriation of Slovenians who live in countries where serious economic or political crisis situations have occurred or for Slovenians who can significantly contribute to the development of Slovenia. What constitutes a crisis situation is determined by the Slovenian Ministry of Foreign Affairs. The eligibility of a person for repatriation is also based on the opinions and proposals of the Slovenian diplomatic and consular representations, Slovenian expatriate organizations in Slovenia and abroad and Slovenian Roman Catholic missions or missions of other religious communities. Potential repatriates must not have been sentenced to imprisonment exceeding 1 year for a criminal offence, for which the offender is prosecuted *ex officio*. If granted the status, repatriation costs are covered by the Republic of Slovenia. The repatriation status is granted for a maximum of 15 months and includes free of charge healthcare and language classes. Basic social support is provided, if required, and is means-tested in accordance with the established social security schemes.¹⁸

Other policies of engagement with Slovenian nationals abroad are limited in scope and focus primarily on establishing business ties, promoting Slovenian language, culture and national heritage, promoting scientific networking and offering grants to Slovenians abroad by means of public tender. The Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia¹⁹ based on the provisions of the Scholarship Act²⁰ offers scholarships to Slovenians from neighbouring countries and Slovenians abroad to study in Slovenia. The call for applications is published every year during the summer months. The applicants must be Slovenians (with or without citizenship) with permanent residence outside the Republic of Slovenia. They must have been enrolled in a first or second-cycle accredited higher education programme before the age of 27. This scholarship can be awarded only once – for either first or second-cycle programme. The projects financed by the Government's Office for Slovenians abroad do not target any specific activities in the field of social protection. Instead, they rather focus on activities such as the maintenance of national, linguistic and cultural identity of Slovenians abroad, mutual connections among the community and the strengthening of its connections to Republic of Slovenia, the maintenance of structures and activities of

¹⁸ The first larger scale repatriation process commenced in 2019, when a number of persons of Slovenian descent residing in Venezuela applied for repatriation due to the economic and political crisis. The Government's Office for Slovenians Abroad took over the coordination and implementation of an action plan that outlines the procedures for status determination, transportation from Venezuela to Slovenia and exercise of rights of repatriated persons. The evaluation of the process remains a task for future research.

¹⁹ Public Scholarship, Development, Disability and Maintenance Fund of the Republic of Slovenia. <http://www.sklad-kadri.si/en/>. Accessed 22 October 2018.

²⁰ *Zakon o štipendiranju*, Uradni list RS, no. 56/13, 99/13 – ZUPJS-C, 8/16, 61/17 – ZUPŠ in 31/18.

Slovenians abroad and establishing connections in the area of youth, economy, science and education. Lastly, it is to be noted that there are no specific policies relating to remittances or housing.

26.3 Diaspora Policies and Social Protection in Slovenia

For Slovenians abroad, social security rights and their portability are primarily ensured within the framework of the EU's social security coordination system. In addition, there are some bilateral agreements in place with third countries that do not fall under the scope of uniform European regulations on social security. These agreements were concluded with countries that have been linked to Slovenia in terms of significant population movements and a common historical experience. They include the former Yugoslavian republics of Serbia, Montenegro, North Macedonia and Bosnia and Herzegovina, as well as historically attractive destination countries for Slovenians such as Argentina, Canada, Australia and United States of America. The latest bilateral social security agreement was signed with the United States of America in January 2017 and it came into force in February 2019. Similar to other agreements, this one also provides for coordination between the contracting parties to eliminate dual social security coverage and taxation and to help prevent the loss of benefit protection because of migration.²¹

Beyond bilateral agreements on social security, Slovenia is not actively involved in its expatriates' access to social protection and investment in social welfare of its diaspora remains limited in many respects. This is manifested not only in the lack of targeted programmes or schemes across the main social protection areas, including unemployment, health, pensions, family-related benefits and economic hardship, but also in the absence of a comprehensive communication strategy that would facilitate information-sharing about access to social protection in the homeland and the country of residence. Consulates may provide this information on request, but their assistance in most cases is limited to referring individuals to relevant websites and handing out material containing informative content.²² In this section, we

²¹ The agreement is similar in objective and content to the agreements that the United States already signed with many other European countries, Australia, Canada, Chile, Japan, Norway, the Republic of Korea, and Switzerland (Presidential message to the congress of the United States. <https://www.whitehouse.gov/briefings-statements/presidential-message-congress-united-states-10/>. Accessed 12 March 2019).

²² It is interesting to note that the Slovenian Foreign Affairs Act that regulated consular matters before the adoption of the Consular Protection Act did not contain the wording 'the right to consular protection', but they do state that the consulate shall, among other functions, ensure protection of Slovenian citizens abroad. The term 'ensure' could be understood as "stipulating some level of obligation on the part of Slovenia which could be interpreted as establishing, as its counter-part, a right of individuals to request such protection" (CARE 2010: 453-454). There are also no formal mechanisms or procedures in force for the exercise of consular protection. The person in need establishes contact with the competent representation in a foreign country which then provides the

provide an overview of the findings regarding policies that facilitate access to social protection of Slovenian nationals abroad and argue that apart from concluding bilateral social security agreements, limited effort has been done to reduce their exposure to social risks.

26.3.1 Unemployment

Employment of Slovenian nationals abroad is an issue that has in the past years attracted quite significant attention not only of relevant public institutions, such as employment services and adult education centres, but also of private employment and language agencies that offer individuals who wish to take up a job abroad access to a variety of programmes, notably language training. These programmes target people who have not yet left the country but intend to do so. In this respect, German language courses that are to prepare individuals for working in a German-speaking country predominate. Some of these programmes also include wider information on, for example, how to prepare for the labour market, but in general, information is focused more on building professional skills (e.g. writing a CV) than on providing more extensive information about everyday life in German-speaking countries. Some of these courses are available with a cost (although often on a subsidised basis), while some, for instance at Employment Services, are available upon previous arrangement with the employment counsellors. Apart from the EURES-related activities that are well established and developed in Slovenia, other sources of information regarding employment abroad remain limited. The engagement of public institutions in this field is limited and although some activities are organised at a more local level (e.g. near the Austrian border and/or in regions where there is greater demand for such services – e.g. East Slovenia), public institutions do not have specific local practices in this regard.

Regarding access to unemployment benefits while living abroad, a national permanently residing abroad is not entitled to any unemployment benefits in Slovenia and portability of unemployment benefits for Slovenians moving within the EU is regulated like in other Member States via EU legislation relating to this matter.

No specific policies are in place for nationals found in situations of unemployment abroad and there is no specific information that consulates provide to help individuals find jobs abroad. Concerning the provision of cash benefits to individuals that have been found in situations of unemployment abroad, the Consular Protection Act does not list unemployment among the reasons for obtaining such assistance. However, it is to be noted that bilateral social security agreements with republics of the former Yugoslavia, such as Bosnia and Herzegovina, Montenegro,

necessary consular assistance (Ibid.). The Consular Protection Act follows a similar logic, resting on the assumption that a national and/or their family members establish contact with a relevant diplomatic representation that then acts within its competence and if needed.

North Macedonia and Serbia do take periods of employment in both countries into account when determining eligibility and access to unemployment benefits.

26.3.2 *Health Care*

Regarding access to health care, Slovenian citizens residing in another EU Member State fall under the EU legislation in this matter. Overall, however, consular involvement in this area is very limited. The Consular Protection Act stipulates that in cases of serious illness or accidents, consulates inform the relevant authorities in the EU countries and in Slovenia; if needed, they communicate with the person affected and the relevant authorities, assist in arranging such communication, and provide assistance in repatriation, if asked. According to the Consular Protection Act, in cases of extreme emergency, the Ministry of Foreign Affairs may provide Slovenian citizens with a financial advance. Being unable to access funds for fundamental necessities and return to the country of residence is mentioned in the Act as such reasons. Such means include travel costs and costs for urgent accommodation and care. However, the financial means must be repaid to the diplomatic mission in full. The 2010 CARE report (CARE 2010) shows that in cases of serious accident or serious illness, Slovenian authorities give necessary assistance mostly through their role as a coordinator, which is reflected also in the 2018 Consular Protection Act.

The exercise of health-related rights during temporary residence abroad is regulated by the EU legislation, as well as by bilateral social security agreements that in the case of health apply to Australia, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia. An insured individual that permanently settles abroad also has the right to health services in accordance with the EU legislation and bilateral social security agreements. While residing in the countries of the EU, the European Economic Area (EEA), Switzerland, Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia (the bilateral social security agreement with Australia does not regulate rights during permanent residence), he/she is entitled to health services in the scope that these countries guarantee to their insurers. This right can be exercised on the basis of a certificate issued by the Health Insurance Institute of Slovenia,²³ which then sends this certificate to the competent authority in the country of permanent residence.

With regards to invalidity benefits, the Health and Invalidity Insurance Act²⁴ states that a person permanently residing abroad is not entitled to a care allowance, meant for the coverage of costs incurred due to permanent changes in one's health condition, that do not enable a person to satisfy his/her basic needs and thus urgently and necessarily require the assistance of others.

²³ Health Insurance Institute of Slovenia. www.zzzs.si/indexeng.html. Accessed 10 October 2018.

²⁴ *Zakon o pokojninskem in invalidskem zavarovanju (ZPIZ-2, Uradni list RS no. 96/12, 39/13, 99/13)*

26.3.3 *Pensions*

Consular intervention in case of pensions is limited to the provision of Life certificates. According to the Pension and Disability Insurance Act,²⁵ the beneficiaries of pension and disability benefits residing abroad are obliged to submit Life certificates certified by the competent state or administrative authority or a foreign pension institute once a year. The Life certificate is sent by post to beneficiaries residing abroad and for whom information cannot be obtained from the competent pension institutes by way of electronic data exchange. It should be completed by a beneficiary and certified by the competent state or administrative authority.

The information about pensions can be obtained from the official website of the Pension and Disability Insurance Institute of Slovenia (ZPIZ),²⁶ which is the national provider and implementer of the Slovenian pension and disability insurance. The website provides information in four languages: Slovenian, Italian, Hungarian and English. All beneficiaries, regardless of their place of residency, can obtain information via email, phone or by appointment. There is no special department or a specifically trained information officer at ZPIZ that would provide information exclusively to Slovenian nationals abroad. However, in the past 2 years, ZPIZ sent all beneficiaries residing abroad a formal letter containing information about the transfer of annual bonuses, which were to be paid out to all beneficiaries, as well as a reminder of their responsibility to continue sending Life certificates on an annual basis. In October 2018, ZPIZ transferred pensions to 80,745 beneficiaries residing abroad. Most beneficiaries resided in Croatia (26,310), Bosnia and Herzegovina (21,815), Serbia (11,833), Germany (10,255), Austria (3156), North Macedonia (1655) and Australia (1455).²⁷ Accumulation of pension rights between these countries and Slovenia is ensured either by the EU legislation on the coordination of social security systems or bilateral social security agreements concluded with third countries.

The bilateral agreement that was recently concluded between Slovenia and the United States of America also significantly eases portability of pension rights. According to the Government's Office for Slovenians abroad, this agreement is especially beneficial because it ensures that pensions will no longer be paid out by the United States after 10 years of working in the country, but after only 18 months, which might in their view significantly encourage return migration. The population of particular concern in regard to this provision are young researchers and scientists who have been increasingly emigrating to the United States to acquire new knowledge and experience and would wish to return to Slovenia afterwards.

²⁵ Pension and Disability Insurance Act, ZPIZ-2, Ur. l. RS No. 96/12, 39/13, 99/13

²⁶ Pension and Disability Insurance Institute of Slovenia (ZPIZ). <https://www.zpiz.si/cms/?ids=zpizen>. Accessed 15 November 2018.

²⁷ E-mail correspondence with ZPIZ, November 7, 2018. This statistical data does not provide information on the nationality of each beneficiary.

26.3.4 *Family-Related Benefits*

Looking at the role of consulates, according to the Law on First Name²⁸ and the Civil Register Act,²⁹ depending on whether parents are married (if this is not the case, acknowledgement of fatherhood must be arranged), and whether they have Slovenian citizenship (if both do, it can be arranged by post also), birth certificates can be obtained through the relevant diplomatic missions.

With regard to benefits, the Parental Protection and Family Benefits Act³⁰ stipulates that one time birth benefits can only be claimed if at least one of the parents has permanent residence in Slovenia and actually lives in Slovenia and does not mention the residence of the child. In practice, such a benefit is also accessible to split families. The benefit must be claimed up to 60 days before the expected date of birth or at least 60 days after the date of birth. No specific consular protection measures in accessing these measures were identified in this regard. The Act also stipulates that individuals who are sent to work abroad and are not insured in their new country of residence and/or individuals that work abroad but their employers remain under the jurisdiction of Slovenian legislation can exercise rights related to parental/maternity/paternity leaves. Bilateral social security agreements concluded with Bosnia and Herzegovina, Montenegro, North Macedonia and Serbia mention the portability of the right to maternity leave when beneficiaries move abroad. Parental leaves are regulated in the bilateral social security agreements with Bosnia and Herzegovina, Montenegro and Serbia, while paternity leaves are not regulated by bilateral social security agreements.

The Exercise of Rights from Public Funds Act³¹ defines the beneficiaries of a child benefit, which is a means-tested complementary income for a child's subsistence, upbringing, and education. According to the Act, one of the parents or another person shall be granted the right to child benefit for a child with a registered residence in the Republic of Slovenia who actually resides in the Republic of Slovenia. The consulates therefore have no specific role in assisting to obtain this, or any other existing family allowance (i.e. childbirth allowance, large family allowance, child care allowance and partial payment for loss of earnings). No specific measures and/or benefits aimed at individuals residing abroad with regard to accessing/claiming other family benefits are in place.

The one concrete example of a specific scheme for Slovenians abroad is the scheme for Slovenians abroad and from the neighbouring countries. According to the Scholarship Act, the Public Scholarship, Development, Disability and

²⁸ *Zakon o osebnem imenu (Uradni list RS, no. 20/06, 43/19)*

²⁹ *Zakon o matičnem registru (Uradni list RS, no. 11/11, 67/19)*

³⁰ *Zakon o starševskem varstvu in družinskih prejemkih (Uradni list RS, no. 26/14, 90/15, 75/17, 81/19 – ZUPJS-G and 14/18)*

³¹ *Zakon o uveljavljanju pravic iz javnih sredstev (Uradni list RS, no. 62/10, 40/11, 40/12 – ZUJF, 57/12 – ZPCP-2D, 14/13, 56/13 – ZŠtip-1, 99/13, 14/15 – ZUUJFO, 57/15, 90/15, 38/16 – odl. US, 51/16 – odl. US, 88/16, 61/17 – ZUPŠ, 75/17, 77/18, 47/19).*

Maintenance Fund of the Republic of Slovenia offers scholarships to Slovenians from neighbouring countries and Slovenians abroad to study in Slovenia. Since the 2014/2015 academic year, the award of scholarship has been subject to the provisions of the new Scholarship Act. The call for applications is published every year during the summer months. Candidates must have been enrolled in a first or second-cycle accredited higher education programme before the age of 27. This scholarship can be awarded only once – for either first or second-cycle programme. The eligibility criteria are determined by the Scholarship act and are listed in each public call for applications, which is published every year during the summer months. The applicants must be Slovenians (with or without citizenship, as explained above) with permanent residence outside the Republic of Slovenia, which extensively narrows the scope of eligible individuals.

26.3.5 *Economic Hardship*

There are no specific policies in place by which consulates would assist nationals residing abroad to access the guaranteed minimum resource schemes. Financial social assistance in Slovenia is means-tested and granted under very strict rules in the situations of economic hardship to Slovenian nationals with permanent residence in the Republic of Slovenia, or nationals of other EU Member States under specific conditions. However, as stated above, in matters of extreme urgency, when Slovenian citizens have no one who could provide them with funds for fundamental necessities and return to the country of residence, the consulates can be instructed to provide them with a loan that must be repaid in full.

26.4 Conclusions

Nation-state formation after the declaration of Slovenia's independence from the Socialist Federal Republic of Yugoslavia in 1991 was marked by nationalistic efforts to substantiate ethnic identity of Slovenians in the newly established state and its diaspora. Preserving and strengthening Slovenian identity, heritage, language and culture in diasporic communities have been one of the strategic priorities of newly established governmental bodies dealing with diaspora-related issues. Special attention and corresponding political and financial support has been attributed to Slovenian national minorities residing in the neighbouring countries, which are considered to be part of the joint Slovenian cultural space.

Less so has Slovenia been active in developing policies, programmes and tools to reduce exposure to social risks of its nationals abroad. Beyond the EU rules and obligations concerning social security coordination between Member States and bilateral agreements concluded with former Yugoslavian republics and historically significant destination countries for Slovenians, little is offered to its nationals

abroad. Entitlement to social security benefits is in most cases means-tested, based on residence and social security contributions, and is inextricably linked to an individual's employment status in Slovenia. In the absence of specific policies for nationals abroad, the role of consulates is therefore in most cases limited to information-sharing about national social security systems and regulations in place. Some exceptions do exist, such as loaning financial means to Slovenian citizens in cases of extreme urgency for return to the country of residence, and repatriation schemes that may cover the costs of travel to Slovenia, healthcare and language classes for a maximum of 15 months, if the status is granted. But overall, in line with the kin-state model of the nation as a characteristic feature of the post-socialist nation-building process, diaspora engagement policies focus primarily on the maintenance of cultural, business and scientific ties with the state of Slovenia, while less attention is devoted to the development and implementation of social protection policies for its nationals residing abroad.

Acknowledgements This chapter is part of the project "Migration and Transnational Social Protection in (Post)Crisis Europe (MiTSoPro)" that has received funding from the European Research Council (ERC) under the European Union's Horizon 2020 research and innovation programme (Grant agreement No. 680014). In addition to this chapter, readers can find a series of indicators comparing national social protection and diaspora policies across 40 countries on the following website: <http://labos.ulg.ac.be/socialprotection/>.

References

- Accetto, M. (2013). *Access to electoral rights: Slovenia*. EUDO Citizenship Observatory. http://cadmus.eui.eu/bitstream/handle/1814/29824/ER_2013_18-Slovenia-FRACIT.pdf?sequence=1&isAllowed=y. Accessed 2 Nov 2018.
- CARE (2010). *Consular and diplomatic protection*. Legal framework in the EU Member States. <http://www.ittig.cnr.it/Ricerca/ConsularAndDiplomaticProtection.pdf>. Accessed 25 Oct 2018.
- Gazsó, D. (2017). Diaspora policies in theory and practice. *Hungarian Journal of Minority Studies*, 1(1), 65–87.
- Josipovič, D. (2017). Izzivi in zagate statističnega preučevanja slovenskega izseljenstva (Challenges and pitfalls of researching the statistics of Slovenian emigration). In J. Žitnik Serafin & A. Kalc (Eds.), *Raziskovanje slovenskega izseljenstva: vidiki, pristopi, vsebine* (pp. 101–114). Ljubljana: Založba ZRC.
- Josipovič, D., & Trbanc, M. (2012). *Social impact of emigration and rural-urban migration in central and Eastern Europe* (Final Country Report). Slovenia: European Commission.
- Lazarevič, Ž. (2017). Migracije in ekonomske interakcije (do prve svetovne vojne) (Migration and economic interactions (until World War I)). In J. Žitnik Serafin & A. Kalc (Eds.), *Raziskovanje slovenskega izseljenstva: vidiki, pristopi, vsebine* (pp. 49–66). Ljubljana: Založba ZRC.
- Medved, F. (2013). *Country report: Slovenia*. EUDO Citizenship Observatory. <http://eudo-citizenship.eu/admin/?p=file&appl=countryProfiles&f=2013-24-Slovenia.pdf>. Accessed 15 Oct 2018.
- Medved, F. (2014). 'Unified Slovenian nation': Slovenian Citizenship Policy towards Slovenians Abroad. In G. Chohnoky, Z. Kántor, A. Ludányi, & E. Herner-Kovács (Eds.), *Trends and directions of Kin-State policies in Europe and across the globe* (special issue of Minority Studies)

- (pp. 153–187). Budapest: Lucidus Kiadó. <http://www.lucidus.hu/pdf/minres/mr-16.pdf>. Accessed 10 Nov 2018.
- Skrbiš, Z. (2003). Diasporično slovenstvo: politika, nacionalizem in mobilnost (Diasporic Slovenianess: politics, nationalism and mobility). *Družboslovne razprave*, 19(42), 9–20.
- Stropnik, N., Kump, N., Povhe, J., & Jurišić, B. (2014). *Analysis of existing migratory data production systems and major data sources in Slovenia*. Institute for Economic Research. <http://www.ier.si/files/SEEMIGDataSystemsCountryReportSlovenia.pdf>. Accessed 5 Apr 2019.
- Valentinčič, D. (2014). Slovenia's attitude towards Slovenian minorities in neighbouring countries. *European Perspectives Journal of European Perspectives of the Western Balkans*, 6(2), 63–83.
- Valentinčič, D. (2017). Sodobno izseljevanje iz Slovenije (2004–2017) in etnično povezovanje “novoizseljencev”. In J. Žitnik Serafin & A. Kalc (Eds.), *Raziskovanje slovenskega izseljenstva: vidiki, pristopi, vsebine* (pp. 171–192). Ljubljana: Založba ZRC.
- Žigon, Z. (1993). *Problem dvojne identitete slovenskih izseljencev*. Ljubljana: Fakulteta za družbene vede.
- Žitnik Serafin, J., Kalc, A., Mlekuž, J., & Vižintin, M. A. (2018). *Sodobne strategije slovenskih izseljencev za ohranjanje etnične identitete: zaključno poročilo*. Inštitut za slovensko izseljenstvo in migracije ZRC SAZU. https://isim.zrc-sazu.si/sites/default/files/zakljucno_porocilo_4.pdf. Accessed 12 Feb 2019.

Open Access This chapter is licensed under the terms of the Creative Commons Attribution 4.0 International License (<http://creativecommons.org/licenses/by/4.0/>), which permits use, sharing, adaptation, distribution and reproduction in any medium or format, as long as you give appropriate credit to the original author(s) and the source, provide a link to the Creative Commons license and indicate if changes were made.

The images or other third party material in this chapter are included in the chapter's Creative Commons license, unless indicated otherwise in a credit line to the material. If material is not included in the chapter's Creative Commons license and your intended use is not permitted by statutory regulation or exceeds the permitted use, you will need to obtain permission directly from the copyright holder.