

MINISTRY OF THE INTERIOR

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ALIENS ACT

CHAPTER I: GENERAL PROVISIONS

Article 1

Scope of the Act

- 1) This Act shall set out the conditions for and methods of the entry into, departure from and residence of aliens in the Republic of Slovenia.
- 2) This Act transposes the following directives of the European Union into the legislation of the Republic of Slovenia:
 - Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals (OJ L No 149, 2. 6. 2001, p. 34);
 - Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (OJ L No. 187, 10. 7. 2001, p. 45);
 - Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ L No. 328, 5. 12. 2002, p. 17);
 - Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L No. 251, 3. 10. 2003, p. 12);
 - Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ L No. 16, 23. 1. 2004, p. 44);
 - Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air (OJ L No. 321, 6. 12. 2003, p. 26);
 - Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L No. 158, 30. 4. 2004, p. 77);

- Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration and who cooperate with the competent authorities (OJ L No. 261, 6.8.2004, p. 19);
 - Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ L No. 375, 23.12.2004, p. 12);
 - Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L No. 289, 3.11.2005, p. 15);
 - Council Decision 94/795/JHA of 30 November 1994 on a joint action adopted by the Council on the basis of Article K.3 (2) (b) of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State (OJ L No. 327, 19. 12. 1994, p. 1)
- 3) This Act implements Council Regulation (EC) No 2252/2004 of 13 December 2004 on standards for security features and biometrics in passports and travel documents issued by Member States (OJ L No. 385, p. 1), Council Directive 539/2001/EC of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from this requirement (OJ L No. 81, 21.3.2001, p. 1) and Regulation (EC) No 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (OJ L No. 105, 13.4.2006, p. 1, hereinafter: Schengen Borders Code).

Article 2 Definition of terms

The terms used in this Act shall have the following meanings:

- An alien shall be any person who does not have the nationality of the Republic of Slovenia.
- A stateless person shall be an alien who is not deemed to be a national of any country in accordance with the legal acts of individual countries.
- Entry shall be arrival in the territory of the Republic of Slovenia; departure shall be departure from the territory of the Republic of Slovenia.
- Transit shall be passage across the national territory of the Republic of Slovenia.
- Border control shall be control at the state border exercised by competent bodies in relation to an alien's intended entry into, transit through and departure from the national territory of the Republic of Slovenia.
- A travel document shall be a passport, or a document equivalent to a passport if so determined by an international agreement.
- A valid travel document shall be a document issued by a competent international entity, if the document clearly shows the identity of the holder and the period of validity of the document.
- 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.
- A carrier shall be a natural or legal person involved on a professional basis in the transportation of passengers by air, sea or land.

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- A worker on secondment shall be a person employed by an alien employer during the implementation of contractual work in the territory of the Republic of Slovenia, where the employer is not obliged to pay social insurance contributions in the place where the services are implemented.
- A long-term resident shall be 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 third-country nationals in which it is stated under the type of permit that the person is a long-term resident;
- An EU citizen shall be an alien who holds the nationality of another EU Member State;
- A third country shall be any country which is not an EU Member State;
- A research organisation shall be a legal or private entity which fulfils the conditions for carrying out research and development activities, prescribed by regulations governing the research and development activity in the Republic of Slovenia, for which the ministry competent for science and technology has issued authorisation for the conclusion of agreements on hosting foreign researchers;
- A researcher shall be an alien who is not a citizen of an EU Member State, possessing a suitable higher education qualification enabling enrolment into a doctoral studies programme who the research organisation selects to carry out a research project for which the aforementioned qualifications are required;
- A hosting agreement shall be an agreement among a researcher and a research organisation whereby the researcher undertakes to carry out the research project and the organisation undertakes to host the researcher to this end;
- A victim of trafficking in human beings shall be an alien who is not a citizen of an EU Member State and who was bought, acquired, installed, transported, sold, handed over or treated in some other manner, due to prostitution or other forms of sexual misuse, forced labour, slavery, servitude or trafficking in human organs, tissue or blood.

Article 3 Scope of application

- 1) The provisions of this Act shall apply to all aliens, unless otherwise determined by law.
- 2) When this is more favourable for them, the provisions of the Convention on the Legal Status of Stateless Persons (Ur. l. RS-MP, 9/92) shall apply to stateless persons.
- 3) In the event that the principle of reciprocity is required to be exercised by law with respect to aliens/nationals of other countries, stateless persons may be exempted from this principle if they have resided in the Republic of Slovenia for a minimum of three years.
- 4) This Act shall not apply to aliens who have applied for asylum (asylum applicants) and to aliens who have been granted refugee status by the Republic of Slovenia, unless otherwise determined by law.
- 5) This Act shall not apply to persons who have been granted temporary refuge by the Republic of Slovenia in accordance the act governing temporary refuge, unless otherwise determined by law.
- 6) The provisions of this Act shall not apply to persons who enjoy privileges and immunity in accordance with international law.
- 7) Notwithstanding the provision of the preceding paragraph, the provisions of this Act may, exceptionally and after prior consent is obtained from the Ministry of Foreign Affairs, apply to persons who enjoy privileges and immunity under international law if the application of this Act does not contravene adopted international obligations and the

principle of reciprocity. In such cases this Act may be applied only to the extent that it does not contravene adopted international obligations and the principle of reciprocity.

- 8) In the event of doubts as to the existence and extent of privileges, immunity and reciprocity, an explanation shall be given by the Ministry of Foreign Affairs. Other state administration bodies shall be obliged to comply with the explanation given by the Ministry of Foreign Affairs.

Article 4

Rights and obligations of aliens

- 1) On his request, an alien against whom a criminal procedure or misdemeanour procedure has been instituted and who is detained must be enabled by the body who ordered detention to establish contact with the competent bodies of the country of which he is a national.
- 2) While staying in the Republic of Slovenia, aliens must observe the Constitution, laws and other general legal acts of the Republic of Slovenia, and comply with measures passed by competent state bodies.

Article 5

Migration policy

- 1) At the proposal of the Government of the Republic of Slovenia, the National Assembly of the Republic of Slovenia shall adopt a resolution on migration policy in which it shall set out the economic, social and other measures and activities that the Republic of Slovenia is planning to adopt in this area, as well the Republic of Slovenia's co-operation with other countries and international organisations in this area.
- 2) In accordance with the resolution specified in the preceding paragraph of this Article, the Government of the Republic of Slovenia shall determine annually the number (quota) of residence permits which may be issued to aliens in the current year. 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.

CHAPTER II: ENTRY OF ALIENS INTO THE REPUBLIC OF SLOVENIA

Article 6

Entering and leaving the country

- 1) Entry into and departure from the country shall only be permitted at border crossings.
- 2) The Government of the Republic of Slovenia shall issue a regulation determining all exceptions regarding the crossing of the state border for cross-border traffic, and regarding special categories of naval transport, tourist transport by sea, and coastal fishing.
- 3) The stay of aliens in the transit area of airports, as well as their stay on ships anchored in harbours and ports, shall not be deemed to be entry into the country.

Article 7

Obligation to possess a travel document

- 1) For the purpose of entering, departing and staying in the Republic of Slovenia, aliens must be in possession of a valid travel document, unless otherwise determined by law or by an international agreement.
- 2) Aliens who are additionally entered in a travel document may enter and leave the Republic of Slovenia only together with the person in whose travel document they are entered.
- 3) Aliens in possession of a group passport may enter and leave the Republic of Slovenia only in a group, where the persons included in the group passport must be in possession of a document with a photograph which shall serve as the basis for proving their identity. The group leader must be in possession of a personal travel document.
- 4) An individual group member may exceptionally be permitted to leave the country if this is necessary for personal reasons or if so ordered by the competent body.
- 5) The Government of the Republic of Slovenia may determine that nationals of specific countries may enter and leave the country with an identity card or other suitable document which is prescribed by their country of origin and which can serve as the basis for proving their identity.
- 6) The Republic of Slovenia shall admit persons without a valid travel document but who it is obliged to admit on the basis of an international agreement or pursuant to adopted international acts.
- 7) The Republic of Slovenia may, on the basis of an international agreement, also admit persons without a valid travel document in the case of the transit of exiled aliens who are nationals of a country with which no such agreement has been concluded.

Article 8

Permit to enter the Republic of Slovenia

- 1) In addition to the valid travel document specified in Article 7 of this Act and in order to enter the Republic of Slovenia, aliens must be in possession of a visa or residence permit, unless otherwise determined by law.
- 2) The list of countries whose nationals require a visa for entry into the Republic of Slovenia shall be governed by the *acquis* of the European Union which defines the list of third countries whose citizens require a visa upon the crossing of external borders and countries whose citizens are exempt from this requirement.
- 3) A long-term resident and his/her immediate family members who have a residence permit in another EU Member State can enter the Republic of Slovenia with a valid passport and the residence permit issued in another EU Member State.

Article 8.a

Entry of school pupils in the framework of a school excursion

- 1) An alien who is a school pupil in a general education school in another EU Member State in which he/she legally resides may enter the Republic of Slovenia without a visa if:

- in the framework of a school excursion, the school pupil is travelling as a member of a group of school pupils from a general education school,
 - the group is accompanied by a teacher from the school in question who is able to present a list of the schoolchildren he/she is accompanying on the prescribed form laid down in the Annex to the Council Decision 94/795/JHA of 30 November 1994 on a joint action adopted by the Council on the basis of Article K.3 (2) (b) of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State, issued by the school in question, and
 - the school pupil presents a valid passport or another entry document laid down with an International Agreement or Decision issued by the Government of the Republic of Slovenia, except in cases covered by the second paragraph of this Article.
- 2) The list of the schoolchildren referred to in the second indent of the first paragraph of this Article shall also be recognised as a document for entry into the state if:
- a current photograph is included on the list for any of the school pupils therein mentioned who are unable to identify themselves with an ID card bearing a photograph, and
 - the responsible authority of another Member State confirms that the school pupils from the list who are not the nationals of any of EU Member States legally reside on its territory and have the right to re-entry into its territory.
- 3) An alien who enters the Republic of Slovenia in accordance with the provisions of this Article may reside in the state for as long as the school excursion lasts, but not more than 90 days or, in case of transit through the Republic of Slovenia, for not more than five days.
- 4) For an alien with a valid permit to reside in the Republic of Slovenia who is a school pupil of a general education school in the Republic of Slovenia and intends to travel as a member of a group of school pupils within the framework of a school excursion into another EU Member State, the school in question shall, provided the conditions laid down in the first paragraph of this Article are fulfilled, fill in the form referred to in the second indent of the first paragraph of this Article. The administrative unit in whose territory the school in question is seated shall confirm that the alien legally resides in the Republic of Slovenia.

Article 9

Refusal of entry into the Republic of Slovenia

- 1) An alien shall be refused entry into the Republic of Slovenia due to reasons defined in the Schengen Borders Code. The Minister responsible for the interior shall prescribe the reasons for the refusal of entry of an alien in more detail due to a threat to the public order, internal security of the Republic of Slovenia or to public health.
- 2) The border control body shall decide on the refusal of entry in compliance with the procedure defined in the Schengen Borders Code. An alien may appeal against the refusal of entry within a period of eight days. The ministry responsible for the interior shall decide on the appeal. An appeal shall not stay execution of the decision.
- 3) An alien entering the Republic of Slovenia on the basis of a residence permit may be refused entry to the country only if his residence in the country is revoked, if he is prohibited to enter the country on the basis of a decision issued by the competent body, or if his residence permit has been annulled.
- 4) Refusal of entry shall be indicated in the alien's passport and recorded in the records on refused persons in the manner defined in the Schengen Borders Code

Article 10 Border control

- 1) Aliens must submit themselves to border control when they enter and leave the country.
- 2) In addition to personal, vehicle and item checks in accordance with the act governing control of the state border, the border control of aliens entering the country shall consist of a thorough examination of whether there are reasons for refusing entry into the country on the basis of Article 9 of this Act.
- 3) The border control of aliens leaving the country shall generally consist of controls of significance to the internal and international interests of the Republic of Slovenia, public order and peace and to check whether there are reasons for which the alien should not be permitted to leave the country.

Article 11 Illegal entry into the Republic of Slovenia

Entry into the Republic of Slovenia shall be deemed to be illegal if aliens:

- enter the country even though they have been refused entry on the basis of Article 9 of this Act;
- evade border control;
- use another person's, a forged or an otherwise modified travel or other document required for entry upon entry, or if they give false information to border control bodies.

Article 12 Movement of aliens in the Republic of Slovenia

- 1) Aliens shall freely leave the Republic of Slovenia in accordance with law.
- 2) An alien shall not be permitted to leave the country if against him a criminal procedure, misdemeanour procedure or any other procedure has been instituted against him in which his presence is required and if this is required by the body responsible for the procedure.

Article 13 Permitted period of stay in the Republic of Slovenia

- 1) An alien may stay in the country for the period of time specified in his visa, residence permit, resolution issued by the Government of the Republic of Slovenia, legal act or international treaty.
- 2) An alien who pursuant to a legal act or international treaty or resolution issued by the Government of the Republic of Slovenia requires no visa to enter the country and stay within it may enter the Republic of Slovenia and stay in it for the same purposes as those applying to aliens who must be in possession of a visa for a maximum of 90 days within a period of six months, counting from the day of first entry. A long-term resident and his immediate family members who have a permit to reside in another EU Member State may stay in the Republic of Slovenia for three months from the day of entering the state or until the expiry of the permit, if the permit should expire before the end of the three-month period.

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- 3) An alien must leave the Republic of Slovenia prior to the expiry of the period of time specified in the preceding paragraph if so decided by the competent body.

Article 13.a

Assisting aliens in entry, transit and residence

- 1) Persons who enable or assist an alien to enter or engage in transit through the territory of the Republic of Slovenia may not act contrary to the provisions of this Act laying down the conditions for entry or transit of aliens through the territory of the Republic of Slovenia.
- 2) Persons who enable or assist an alien to reside in the territory of the Republic of Slovenia may not act contrary to the provisions of this act laying down the conditions for residence of aliens in the territory of the Republic of Slovenia.

CHAPTER III: VISAS

Article 14

Visas and types of visa

- 1) A visa shall be a permit issued by the competent body of the Republic of Slovenia to an alien which serves as the basis, if there are no reasons for refusal, for an alien to enter the country and stay for as long as is determined by the visa, or which ensures transit through the national territory of Slovenia, if the alien concerned fulfils the conditions applying to transit.
- 2) Visas may only be issued to aliens who are in possession of a valid travel document, where the validity of the travel document must exceed the validity of the visa by at least three months.
- 3) The Minister of the Interior shall issue an instruction to lay down that a visa may exceptionally be issued to an alien in possession of a travel document with a validity shorter than three months.
- 4) A visa shall not give an alien the right to perform a for-profit activity.
- 5) The types of visa shall be the following:
 - Airport transit visa (visa A)
 - Transit visa (visa B)
 - Short-term residence visa (visa C)
 - Long-term residence visa (visa D and visa D+C).

Article 15

Airport transit visa – visa A

- 1) Aliens who during their interim stay at an airport in the Republic of Slovenia do not leave the airport area or the aircraft shall not be required to have a visa.
- 2) The Government of the Republic of Slovenia may exceptionally issue a decree to lay down that, in order to protect the interests of the country, for reasons of suppression of organised crime or due to relations with other countries, nationals of specific countries or passengers on specific journeys shall be required to obtain an airport transit visa for transit.

- 3) On his request, an alien may be issued with an airport transit visa for a specified number of transit journeys through the airport's international territory for the duration of the transit.

Article 16 Transit visa – visa B

- 1) A transit visa shall be issued to an alien for one or two, and exceptionally more journeys through the national territory of the Republic of Slovenia from a specific foreign country to a specific third country, where in the course of every journey the alien may stay in the Republic of Slovenia for no more than five days and the validity of the visa may not be longer than six months.
- 2) A transit visa may be issued only if the alien proves that he has a guaranteed entry to the country to which he will enter from the Republic of Slovenia.

Article 17 Short-term residence visa – visa C and long-term residence visa – visa D and visa D+C

- 1) A short-term residence visa shall be issued for one or more entries in the country, where neither the one-off uninterrupted stay nor the total duration of successive stays in the Republic of Slovenia may be longer than 90 days within the period of six months, counting from the day of first entry. The ministry responsible for foreign affairs may extend the short-term residence visa upon the entry of an alien into the country, whereby the total duration of permitted residence of the alien in the country on the basis of an issued and extended visa may not exceed 90 days within the period of six months. The Minister responsible for foreign affairs shall issue instructions defining cases where short-term residence visas may be extended.
- 2) A visa for several entries may be issued with a validity no longer than one year.
- 3) A visa for several entries may exceptionally be issued with a validity longer than one year, but for not more than five years, if this is in the interest of the Republic of Slovenia, which shall be decided by the ministry responsible for foreign affairs, upon the proposal of the competent ministerial body.
- 4) A visa for one or more entries shall be issued for tourist, business, personal or other types of visits or for comparable purposes of arrival in the Republic of Slovenia.
- 5) The purpose for which a visa has been issued shall be clearly specified in the visa.
- 6) The Government of the Republic of Slovenia shall in a decree lay down cases where a visa for residence longer than 90 days within a period of six months - long-term residence visa (visa D) - and a long-term residence visa, which at the same time is also valid as a short-term residence visa (visa D+C) may be issued, the conditions for issuing the visa, period of validity of the visa and reasons why the validity of the long-term residence visa ceases prior to the expiration of the period for which it was issued.

Article 18 Visa in group passport

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- 1) A visa in a group transport shall be issued as an airport transport visa (visa A), transit visa (visa B) or entry visa (visa C) to a group of tourists consisting of minimum five and maximum 50 persons.
- 2) An entry visa may be issued in a collective passport for a stay no longer than 30 days.

Article 19 Issuing of visas

- 1) A visa shall be issued at the request of an alien if the latter is in possession of a valid travel document and if there are no reasons for refusal of his entry to the country pursuant to this Act.
- 2) Aliens must acquire a visa prior to their entry into the country.
- 3) Visas shall be issued by diplomatic/consular missions of the Republic of Slovenia based abroad.
- 4) Under conditions prescribed by the Minister responsible for the interior, border control bodies may exceptionally also issue single-entry or transit visas.
- 5) In the request specified in the first paragraph of this Article, aliens must specify the purpose of their arrival in the country, and enclose a valid travel document into which the visa can be attached and, if necessary, documentation to prove the purpose and conditions of their visit.
- 6) At the request of the competent body specified in the third paragraph of this Article, aliens must report to the competent body in person.

Article 20 Refusal to issue visas

- 1) An alien shall not be issued with a visa if:
 - there are reasons for refusing entry in accordance with Article 9;
 - he/she fails to enclose a valid travel or other suitable document in the request for a visa, or if he/she fails to produce any other necessary documentation at the request of the competent body;
 - if he/she fails to report in person at the request of the competent body.
- 2) A visa shall be issued in the form a sticker affixed in the travel document.
- 3) Irrespective of the existence of reasons for refusing to issue a visa, a visa may be issued for humanitarian reasons, or if this is in the interests of the Republic of Slovenia, or on the basis of adopted international obligations. The conditions and manner of issuing a visa for humanitarian reasons shall be prescribed by the Minister responsible for the interior.
- 4) If a visa is issued on the basis of the second or third paragraphs of this Article, the competent body may decide that the alien involved may enter the country only at a specifically-determined border crossing.

Article 21 Form and content of visas

- 1) A visa must, in particular, contain data on:
 - the type of visa;
 - the period of validity;

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- the period during which the holder is permitted to enter;
 - the duration of stay in the country;
 - the number of entries;
 - the purpose of the visit.
- 2) A visa shall be a permit or decision issued in the form of a sticker which is attached to the travel or other document and which grants the holder the right to cross the state border.
 - 3) The Minister responsible for the interior shall issue instructions on the form and content of visas, in agreement with the Minister of Foreign Affairs.
 - 4) It shall not be possible to modify data entered in a visa which has already been issued.

Article 22 Annulment of visas

- 1) A visa shall be annulled if:
 - it is determined subsequently that at the time the visa was issued the alien did not fulfil the legally-prescribed conditions;
 - it is established that the alien no longer fulfils the conditions for the issuing of a visa;
 - the alien intentionally gave incorrect data on his/her identity or any other inaccurate data, or if he/she intentionally concealed specific circumstances which have a bearing on the issuing of a visa;
 - the alien is no longer in possession of a valid travel or other suitable document;
 - expulsion or deportation from the country has been ordered against the alien.
- 2) A visa shall be annulled by the police. In the event that the alien has not yet entered the Republic of Slovenia, his visa may also be annulled by the diplomatic/consular mission. A visa may also be annulled by the Ministry of Foreign Affairs.
- 3) The annulment of the visa shall be clearly marked in the travel document in which the alien is entered.
- 4) An alien whose visa has been annulled and who is located in the Republic of Slovenia must immediately leave the country.

Article 23 (deleted)

Article 24 Obligations of carriers

- 1) A carrier may bring an alien to the state border or into the territory of the Republic of Slovenia by land, air or water only if the alien concerned has an appropriate travel document and entry permit which he/she is required to have as a national of a specific country.
- 2) If an alien is refused entry into the Republic of Slovenia, the carrier which brought him/her by air, water or land to the state border must, at the request of the border control authority, return the alien into the state from which he/she was brought or into the state which issued the travel document to the alien or into any other state which is ready to accept him/her.

- 3) If the carrier can not take the alien from the Republic of Slovenia in accordance with the second paragraph of this Article he must immediately and at his own expense find another carrier to do so.
- 4) The carrier who brought the alien to the state border or into the territory of the Republic of Slovenia contrary to the first paragraph of this Article shall cover the costs of accommodation and removal of the alien.
- 5) The obligations laid down in the second, third and fourth paragraph of this Article shall also apply to the carrier who conveys by air, land or water an alien to the state border or into the territory of the Republic of Slovenia who travels in transit and who has been refused further transport by another carrier or who has been refused entry in the state of his destination and was returned to the Republic of Slovenia.

CHAPTER IV: RESIDENCE OF ALIENS

Article 25 Residence permits

- 1) Aliens who wish to stay in the Republic of 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.
- 2) A residence permit shall mean a permit to enter the Republic of Slovenia and to reside for a definite period of time and for a specific purpose, or to reside for an indefinite period of time.
- 3) A residence permit in the Republic of Slovenia shall not be required for those aliens and in those cases for which the law or international agreements so determine.

Article 26 Types of residence permit

- 1) A residence permit shall be issued as:
 - a) a temporary residence permit;
 - b) or a permanent residence permit.
- 2) A temporary residence permit shall be issued for a specific purpose and for a specific period of time.
- 3) A temporary residence permit without reference to a specific purpose may be issued to certain aliens as an unrelated temporary residence permit under the conditions determined by this Act.
- 4) A permanent residence permit shall be issued without any restrictions regarding the duration and purpose of stay in Slovenia. An alien with a permanent residence permit issued in accordance with this Act shall have the status of a long-term resident which shall be marked on the permit issued in the form of a label.

Article 27 Conditions for issuing residence permits

- 1) A residence permit shall be issued at the request of an alien who wishes to reside in the Republic of Slovenia. An application for a residence permit of an alien in the Republic of

Slovenia may also be filed by another natural or legal person in the cases laid down in this Act.

- 2) The application for a residence permit must specify the purpose of residence in the Republic of Slovenia.
- 3) An alien who wishes to reside in the Republic of Slovenia must be in possession of a valid travel document whose validity must be minimum three months longer than the intended residence in the Republic of Slovenia, appropriate health insurance and sufficient means of subsistence during his residence in the country or other guarantees that his livelihood will be provided, corresponding to at least the amount of the basic minimum monthly income in the Republic of Slovenia.
- 4) In addition to the conditions under the preceding paragraph, an alien who wishes to reside in the Republic of Slovenia must fulfil the conditions which pursuant to this Act are required to be fulfilled for issuing individual types of residence permit.
- 5) The applicant must attach to the application for a residence permit the valid travel document referred to in the third paragraph of this article or a certified copy of this document and other evidence and documents proving the fulfilment of the conditions under the third and fourth paragraphs of this article. At the request of the competent body the applicant must contact the body in person.
- 6) The residence permit must be clearly and visibly entered in the travel document or issued in the form of a decision. A residence permit, except for first-residence permit, may be issued in the form of a decision if the alien whose identity is uncontested does not have and cannot obtain a travel document of his country of origin. In such cases an alien shall be issued ex officio with an alien identification card.
- 7) A residence permit shall be handed over in person to the alien for whom the permit is issued or to his legal representative.
- 8) A legal act or international treaty may lay down that specific aliens shall have the right to reside in the Republic of Slovenia under the conditions set forth in the legal act or international treaty.

Article 28

Issuing of permits for first residence

- 1) A permit for first residence in the Republic of Slovenia may only be issued as a temporary residence permit.
- 2) Aliens must acquire a permit for first residence in the Republic of Slovenia prior to their entry into the country, unless otherwise determined by law.
- 3) The application for the permit specified in the first paragraph of this Article shall be filed with a diplomatic/consular mission of the Republic of Slovenia based abroad or with a competent authority in the Republic of Slovenia if this is determined in this Act.
- 4) A first-residence permit may not be issued for a period longer than one year unless otherwise determined in this Act.

Article 29

(deleted)

Article 30

Issuing of temporary residence permits

- 1) A temporary residence permit shall be issued to an alien who intends to reside in the Republic of Slovenia for the following purposes:
 - employment or work,
 - family reunion,
 - studies, education, advanced professional training and practical training, participation and attendance in international volunteer exchange programmes and in other programmes that are not part of the formal education system,
 - other justified purposes and reasons on the basis of this Act, international acts or international principles and customs.
- 2) A temporary residence permit in the Republic of Slovenia shall also be issued to:
 - aliens who have the status of a long-term resident in another EU Member State,
 - aliens who are Slovenian descendants to the third generation in direct descent,
 - aliens' children born in the Republic of Slovenia,
 - victims of trafficking in human beings.
- 3) A temporary residence permit shall be issued for the period necessary to fulfil the purpose of residence but no longer than one year, unless otherwise determined by law. A temporary residence permit shall be issued to aliens in possession of a valid travel document, whose period of validity must exceed the period of time for which the permit is issued by at least three months.
- 4) Aliens who are in possession of a temporary residence permit may reside in the Republic of Slovenia until the expiry of the validity of the issued permit.
- 5) Aliens who are issued with a temporary residence permit for a specific purpose may reside in the Republic of Slovenia only in accordance with the purpose for which the permit was issued.

Article 31

Extension of residence permits and the issuing of further permits

- 1) A temporary residence permit may be extended under the same conditions under which it was issued. Aliens must file an application for an extension of the permit with the competent body in the Republic of Slovenia prior to the expiry of the validity of the permit.
- 2) Aliens who are in possession of a temporary residence permit in Slovenia may, prior to the expiry of the period for which the permit was issued, file an application with the competent body in the Republic of Slovenia for a further residence permit for a different purpose.
- 3) If the competent body refuses or rejects the application for extension or renewal of the permit or if it suspends the procedure, the alien must leave the country within 15 days of receipt of the final decision or order.
- 4) An alien shall have the right to appeal against the decision and order referred to in the third paragraph of this article within 15 days of receipt of the decision or order.

Article 32

Residence permits for employment or work purposes

- 1) An alien who wishes to reside in the Republic of Slovenia for employment or work purposes may be granted a temporary residence permit if he is in possession of a work

permit and other permits required pursuant to the act governing employment and work of aliens, or if he fulfils the conditions required to be fulfilled by legal acts and other regulations valid in the Republic of Slovenia in relation to the performance of individual activities.

- 2) Aliens shall be issued with the permit for first residence in the Republic of Slovenia specified in the preceding paragraph of this Article for the same period for which the work permit or other appropriate permit is valid, but for no longer than one year.
- 3) Once it expires, the permit specified in the preceding paragraph of this Article may be extended if the conditions specified in the first paragraph of this Article are fulfilled, but for no longer than two years.
- 4) Aliens who reside in the Republic of Slovenia uninterruptedly for three years on the basis of the permit specified in the first paragraph of this Article may be issued with a permit for a period exceeding two years by the competent body if the conditions specified in the first paragraph of this Article are fulfilled.
- 5) The Government of the Republic of Slovenia shall issue a regulation setting out the cases in which the quota specified in the second paragraph of Article 5 of this Act need not be observed in the process of issuing the permit specified in the first paragraph of this Article.
- 6) The Government of the Republic of Slovenia 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 the performance of an activity pursuant to the first paragraph of this article.

Article 32.a

Temporary residence permits for the performance of research work

- 1) A temporary residence permit may be issued to a researcher desiring to reside in the Republic of Slovenia for the purpose of performing research work, if he/she has concluded a hosting agreement with a research organisation of the Republic of Slovenia, has a valid work permit or another permit if required by the act regulating the employment and work of aliens and if he/she fulfils other conditions under this act for the issue of a residence permit.
- 2) A permit for first residence shall be issued to a researcher for the duration of work under the hosting agreement or for the period of validity of the work permit, but not for more than one year. The permit may be extended for the validity of up to one year until the work under the hosting agreement is concluded.
- 3) The application for the issue of a residence permit may be filed by the researcher or the research organisation. The researcher must file the application for the issue of a permit for first residence with a diplomatic consular mission of the Republic of Slovenia abroad while the research organisation may file the application with the diplomatic consular mission of the Republic of Slovenia abroad or with the competent body in the Republic of Slovenia.
- 4) A researcher who has concluded a hosting agreement and has been issued with a researcher residence permit in another EU Member State and wishes to reside in the Republic of Slovenia for a defined period of up to three months in order to perform specific work under the hosting agreement may enter the Republic of Slovenia and reside therein for the period of up to three months based on the permit issued in the other EU Member State or until the expiration of the permit if this period is shorter.
- 5) A researcher who has been issued with a researcher residence permit in another EU Member State and wishes to perform research work in the Republic of Slovenia for a

period longer than three months must, in order to reside in the Republic of Slovenia, acquire a researcher residence permit based on the hosting agreement concluded with the domestic research organisation and fulfil other conditions defined in the first paragraph of this Article. The researcher or research organisation may file the application for a permit for first residence with a diplomatic consular mission of the Republic of Slovenia abroad or with the competent body in the Republic of Slovenia within three months of the arrival of the researcher into the Republic of Slovenia or before the expiration of the residence permit issued in another EU Member State if this period is shorter. The competent state body shall issue a certificate attesting to the prompt filing of the application, which shall serve as a temporary residence permit until final decision is taken regarding the application. The researcher who filed the application for the issue of a permit for first residence with the competent state body shall be handed over the permit in person by the body issuing the permit.

- 6) If the researcher with whom a research organisation in the Republic of Slovenia has concluded a hosting agreement resides illegally in the Republic of Slovenia during the duration of the agreement or six months following the expiration of the agreement, the research organisation shall cover the costs of the researcher's accommodation and deportation if the researcher does not possess his/her own resources.
- 7) The competent bodies shall give priority to processing applications for the issue of residence permits to researchers.

Article 33

Temporary residence permits for study purposes

- 1) An alien accepted as a student for studies, other forms of education, specialisation, advanced professional training, practical training, or who will participate in an international study exchange in relevant educational institutions in the Republic of Slovenia or in educational international volunteer exchange programmes or in other programmes which are not part of the formal education system, and fulfils the other conditions for the issue of a permit under this Act, may be issued with a temporary residence permit.
- 2) Aliens specified in the preceding paragraph of this Article shall be issued with a temporary residence permit for the duration of their study, education, specialisation or advanced professional training, but for no longer than one year. In the event that the studies, education, specialisation or advanced professional training last longer than one year, the permit shall be extended on an annual basis.
- 3) The issue of a permit specified in the preceding paragraph of this Article shall be conditional upon the submission of documentary proof of the acceptance into the study, education, specialisation or advanced professional training course issued by the educational institution which accepted the alien as a student, or confirmation from the state body which is responsible for the implementation of international or bilateral agreements or which is the grant-awarding body, or confirmation issued by the state-authorised organisation responsible for the implementation of a specific course.
- 4) The competent bodies shall give priority to processing applications for the issue of temporary residence permits for study purposes.
- 5) An alien studying or being trained in the Republic of Slovenia and possessing a temporary residence permit that has been issued for study purposes may also obtain employment or perform work in the Republic of Slovenia during the period of validity of the permit under

the conditions defined in the acts regulating employment relationships, employment and work of aliens.

Article 34

Temporary residence permits for seasonal work and for the cross-border provision of services involving workers on secondment

- 1) Aliens shall be issued with a temporary residence permit for seasonal work for no more than six months, or exceptionally for nine months in areas which require this amount of time.
- 2) Aliens shall be issued with a temporary residence permit specified in the preceding paragraph if the conditions specified in the second paragraph of Article 5 of this Act are fulfilled.
- 3) The permit referred to in the first paragraph of this article may be issued at the request of an alien or employer.
- 4) An alien cannot obtain a further temporary residence permit on the basis of a temporary residence permit granted for the performance of seasonal labour, with the exception of a temporary residence permit for employment or work purposes in the event where the same employer for whom he/she performed seasonal work has acquired a work permit for him/her under the act regulating the employment and work of aliens and provided that all other conditions for the issue of a residence permit for the purposes of employment or work are fulfilled.
- 5) In cases where the act governing the employment and work of aliens requires a work permit for the provision of foreign services, aliens may be issued with a temporary residence permit for the duration of the contractual work; however, the validity of this permit may not exceed one year, unless otherwise determined by an international agreement.
- 6) If there are justified reasons why the contractual work cannot be completed by the prescribed deadline, the permit shall be extended until the completion of the work, provided that the validity of the work permit of the alien in question has been previously extended.
- 7) The application for a permit referred to in the fifth paragraph of this article may be filed by an alien or legal representative of both contracting parties. The application must be accompanied with:
 - the work permit;
 - a certified list of referred workers including the relevant data entered in the prescribed form, issued and certified by the Employment Service;
 - evidence that the alien referred to the Republic of Slovenia by the employer on the basis of a contract has social and health insurance in the country from which he has been referred.
- 8) The legal representative of the contracting parties may submit an application for the issuing of the first-residence permit to the diplomatic/consular missions of the Republic of Slovenia abroad or to the competent body in the Republic of Slovenia.

Article 35

Daily migrant workers

- 1) Daily labour migrants may be granted a temporary residence permit for daily labour migrants.
- 2) A temporary residence permit for daily labour migrants shall be granted to the persons referred to in the preceding paragraph of this article for a period of two years if they fulfil the conditions for issuing a temporary residence permit for employment or work purposes, or prove that they are daily labour migrants.
- 3) If after the expiry of two years the persons referred to in the first paragraph of this article still do not fulfil the conditions referred to in the second paragraph of this article, the body which has issued the temporary residence permit for daily labour migrants shall renew the permit for the same period of validity.

Article 36

Family reunification and the right to family integrity

- 1) Aliens who reside in the Republic of Slovenia on the basis of a permanent residence permit and aliens who have resided for the past year in the Republic of Slovenia on the basis of a temporary residence permit which was issued for a period of at least one year shall be granted, under the conditions of and in accordance with this Act, the right to reunion, preservation and reintegration of the family with immediate family members who are aliens. An alien's immediate family members may, without restriction as to the length of his/her residence in the Republic of Slovenia and the validity of his/her permit, join an alien possessing a temporary residence permit for the performance of research work or an alien possessing a temporary residence permit, if this is in the interest of the Republic of Slovenia, which shall be decided upon by the body competent for the issue of the permit based on the responsible Ministry's opinion.
- 2) An application to be issued a permit for first residence shall be filed with the diplomatic consular mission of the Republic of Slovenia abroad or with a competent authority in the Republic of Slovenia.
- 3) In accordance with this Act, the alien's immediate family members shall be deemed to be:
 - the spouse;
 - the alien's unmarried children (minors);
 - the spouse's unmarried children (minors);
 - the parents of minor alien;
 - the alien's or the spouse's unmarried children who have reached the age of majority and the alien's or the spouse's parents whom the alien or spouse is obliged to maintain in accordance with the legislation of the state of which he/she is a national.
- 4) By way of an exception the competent body may, at its discretion, regard also another alien's relative as immediate family member if special circumstances substantiate family reunification in the Republic of Slovenia. In case of polygamy the residence permit for the purposes of family reunification shall be issued and extended only to one spouse.
- 5) A residence permit for family reunification shall be issued and extended at the request of an alien specified in the first paragraph of this Article, who must submit evidence of sufficient funds to support those immediate family members who intend to reside in the country.
- 6) A temporary residence permit may also be extended for an immediate family member for the purposes of family reunification if the alien reunifying with the family member has a temporary residence permit with the validity shorter than one year.
- 7) A temporary residence permit for the purposes of family reunification shall be granted to an immediate family member of an alien holding a temporary residence permit for the

period of time equal to that granted to the alien, but not longer than one year, and may be extended for the period of time equal to that granted to the alien's temporary residence permit, but not longer than two years. A temporary residence permit for an immediate family member of an alien who permanently resides in the Republic of Slovenia shall be granted for the period of one year and extended for a period of up to two years.

- 8) The alien's immediate family members shall be granted a residence permit as an unrelated permit if they fulfil the legally prescribed conditions.
- 9) The competent body may extend the residence permit of an immediate family member of an alien specified in the first paragraph of this Article even in the event of the death of the alien concerned or the end of the marriage, where the duration of the marriage in the Republic of Slovenia must be at least three years. The aforesaid permit shall be extended only once for a validity of up to one year.

Article 37

Long-term residents of another EU Member State, their family members and aliens of Slovenian origin

- 1) An alien who has the status of a long-term resident in another EU Member State and would like to reside in the Republic of Slovenia for the purposes of employment or work, study, seasonal work, cross-border provision of services as a worker on secondment or for other justified reasons may be granted temporary residence permit if he/she fulfils the conditions laid down in Article 27(3) of this Act and the conditions laid down in this Act for individual types of temporary residence permits and if there are no reasons to refuse the granting of a permit listed in Article 43 of this Act.
- 2) An alien referred to in the first paragraph of this Article except for an alien who intends to reside in the Republic of Slovenia for the purposes of carrying out seasonal work or cross-border provision of services as a worker on secondment which lasts up to one year shall be granted, under the conditions of and in accordance with this Act, the right to reunion, preservation and reintegration of the family with immediate family members who are aliens, provided they have the status of a long-term resident or another type of residence permit in another EU Member State and if they lived together in a family union with the alien referred to in the first paragraph of this Article in the EU Member State where the alien concerned has the status of a long-term resident.
- 3) A long-term resident and his immediate family members referred to in the second paragraph of this Article may reside in the territory of the Republic of Slovenia without residence permit for three months from the day of entering the state or until the expiry of the permit, if the permit expires before the stated three-month period. If he/she wishes to reside longer in the territory of the Republic of Slovenia, the long-term resident must, before the expiry of the residential permit, submit an application to the competent body in the Republic of Slovenia in the region in which he/she resides for issuing the temporary residence permit to him/her and his/her immediate family members. He/she may also submit an application for the temporary residence permit for himself or herself and his/her family members before entering into the Republic of Slovenia at the diplomatic/consular mission of the Republic of Slovenia in the EU Member State where he/she has the status of a long-term resident. If the applications are submitted to the diplomatic/consular mission of the Republic of Slovenia in the EU Member State, the long-term resident and his/her immediate members referred to in the second paragraph of this Article may enter into the Republic of Slovenia already before the decision on the applications is taken, of which they must inform the body competent for the decisions on applications in the

Republic of Slovenia after arrival. The competent body in the Republic of Slovenia or the diplomatic/consular missions of the Republic of Slovenia abroad shall issue a special receipt, which shall serve as a temporary residence permit until the final decision on the application has been taken.

- 4) The temporary residence permit for the long-term resident shall be granted and extended for the period of time necessary in accordance with the purpose of the stay and in accordance with the validity defined in this Act for individual types of temporary residence permits. The temporary residence permit for the immediate family member shall be granted and extended for the period of time equal to that granted to the long-term resident, but not longer than two years. A long-term resident may reside in the Republic of Slovenia only in accordance with the purpose for which the temporary residence permit was issued.
- 5) The Ministry competent for internal affairs or the police must inform the competent body of another EU Member State where the alien has the status of a long-term resident of having issued the temporary or permanent residence permit, extension of the temporary residence permit, issuing a decision or resolution and deportation of a long-term resident and his/her immediate family members.
- 6) Immediate family members of a long-term resident who have a residence permit in another EU Member State but who had not lived together in a family union with the long-term resident in the EU Member State where he/she has the status of a long-term resident and immediate family members who have no residence permit in another EU Member State shall be subject to the provisions of Article 36 of this Act regarding the issuing of residence permit for family reunification. Those provisions shall also apply to immediate family members of a long-term resident who became immediate family members after he/she left the EU Member State where he/she has the status of a long-term resident.
- 7) Pursuant to this Act an alien of Slovenian descent shall have the right to residence in the Republic of Slovenia if he proves that he fulfils the conditions laid down in the third paragraph of Article 27 of this Act.

Article 38

Aliens' children born in the Republic of Slovenia

- 1) Aliens' children born in the Republic of Slovenia who do not acquire Slovenian nationality shall not be required to have a residence permit in their first three months of life.
- 2) After the three months have expired, the competent state body shall issue a residence permit for the children referred to in the preceding paragraph of this Article *ex officio*, which shall be valid or shall be extended for as long as the children's mother or father, or the guardian in charge of bringing up the child have a permit of residence or extend this permit until the fulfilment of 18 years of age.
- 3) The competent body shall grant, *ex officio*, a permanent residence permit to the child referred to in the first paragraph of this article whose one parent or the guardian with whom the child is entrusted is in possession of a permanent residence permit in the Republic of Slovenia, or whose guardian is a Slovenian national.

Article 38.a

Victims of trafficking in human beings

Pregled besedila opravila Služba za prevajanje in lektoriranje, september 2007. Besedilo vsebuje spremembe in dopolnitve Zakona o tujcih, objavljene v URL RS 87/2002 z dne 17/10-2002, URL RS 93/2005 z dne 21/10-2005 in URL RS 79/2006 z dne 27/07-2006

- 1) The police shall allow a victim of trafficking in human beings who resides illegally in the Republic of Slovenia to stay, upon his/her own request or ex officio, for a period of three months in order to decide whether he/she shall participate as a witness in criminal proceedings regarding the trafficking in human beings. The period of stay may be extended for a period of up to three months for justified reasons.
- 2) Stay may be denied if residence of the victim of trafficking in human beings in the Republic of Slovenia would pose a threat to public order, security or international relations of the Republic of Slovenia or if it is suspected that his/her residence in the country will be connected with the commission of terrorist or other violent actions, illegal intelligence activities, possession of illicit drugs or the commission of other criminal acts, or if he/she comes from a region where infectious diseases are spread with a possible epidemic listed in the international health rules of the World Health Organisation or from regions where infectious diseases are spread which could threaten the health of people and which require the prescribed measures to be adopted pursuant to the act governing infectious diseases.
- 3) During the period of allowed stay the victim of trafficking in human beings shall enjoy the rights guaranteed by this Act to aliens with allowed temporary stay and the right to free translation and interpretation. The police and non-governmental organisations must inform the victim about the possibilities and conditions for acquiring a residence permit.
- 4) A temporary residence permit may be issued to victims of trafficking in human beings regardless of other conditions defined by this Act regarding the issue of a residence permit, if the victim is prepared to cooperate as a witness in criminal proceedings and his/her testimony is important, which is confirmed by the body competent for the criminal prosecution.
- 5) Temporary residence permits shall not be issued to victims of trafficking in human beings if:
 - they have not fulfilled the conditions for the issue of a permit as defined in the previous paragraph;
 - their residence in the Republic of Slovenia would pose a threat to public order, security or international relations of the Republic of Slovenia or if it is suspected that their residence in the country will be associated with the commission of terrorist or other violent actions, illegal intelligence activities, drug trafficking or the commission of other criminal acts;
 - during the procedure of the issue of a permit it is established that the victim comes from regions where infectious diseases are spread with a possible epidemic listed in the international health rules of the World Health Organisation or from regions where infectious diseases are spread which could threaten the health of people and which require the prescribed measures to be adopted pursuant to the act governing infectious diseases;
 - during the procedure for the issue of a permit it is established that the victim has had voluntary contact with the suspect, defendant or the persons charged with the criminal offence of trafficking in human beings.
- 6) The victim of trafficking in human beings must file the application for the issue of a temporary residence permit with the competent body in the Republic of Slovenia prior to the expiration of the period of allowed stay in the Republic of Slovenia or prior to the expiration of allowed residence if he/she resides in the Republic of Slovenia legally on another basis. A victim of trafficking in human beings who does not have his/her own

means of subsistence shall be exempt from administrative charges and the cost of printed matter in the procedure of the issue of a temporary residence permit.

- 7) The temporary residence permit shall be issued to the victim of trafficking in human beings for the foreseen duration of the criminal proceedings, but for not less than six months or more than one year. The temporary residence permit may be extended upon the victim's request, each time for the period of up to one year, until the criminal proceedings are concluded and provided that the conditions defined in this Article are fulfilled.
- 8) A residence permit shall be issued in the form of a decision and an alien's identity card shall be issued ex officio to victims of trafficking in human beings whose identities are not contested and who do not have and cannot obtain a passport from their country of origin.
- 9) A victim of trafficking in human beings who has been issued a temporary residence permit and has no means of subsistence shall be entitled to emergency healthcare pursuant to the act regulating healthcare as well as health insurance and basic care, same as aliens who are allowed temporary stay in the Republic of Slovenia. A victim of trafficking in human beings may obtain employment or perform work in the Republic of Slovenia during the period of validity of the temporary residence permit under the conditions defined by the act regulating the employment and work of aliens.
- 10) A further temporary residence permit may be issued to a victim of trafficking in human beings for another purpose for residence in the Republic of Slovenia, if he/she fulfils the conditions for the issue of such a permit. The application for the issue of a further permit must be filed prior to the expiration of the previous permit.

Article 39 (deleted)

Article 40 Permits for residence for other well-founded reasons

Aliens who, in accordance with the law, with international acts or with international principles or practice, demonstrate well-founded reasons which justify their stay in the Republic of Slovenia may be issued with a temporary residence permit by the competent body for the period of time for which their presence in the country is indispensable, but for no longer than one year.

Article 41 Permanent residence permits

- 1) A permanent residence permit may be issued to an alien who has resided in the Republic of Slovenia uninterruptedly for five years on the basis of a temporary residence permit, if he/she fulfils other conditions for issuing the permit laid down in this Act and if there are no reasons to refuse the issuing of the permit referred to in Article 43 of this Act. The continuity of five years of uninterrupted residence in the Republic of Slovenia on the basis of a temporary residence permit shall not be affected by temporary absences from the Republic of Slovenia if the temporary residence permit was not issued to an alien,

provided that the absence was less than six consecutive months and not more than nine months altogether. The period of residence of the alien in the Republic of Slovenia on the basis of a temporary residence permit for the purposes of study or vocational training shall be counted as half the period required for issuing the permanent residence permit. The period of an alien's residence in the Republic of Slovenia on the basis of a temporary residence permit for seasonal work, as a worker on secondment or as a daily migrant worker, and the period of the alien's residence in the Republic of Slovenia as a temporarily protected person shall not be included in the period required for issuing the permanent residence permit.

- 2) A permanent residence permit may be issued even prior to the expiry of the period specified in the preceding paragraph to an alien of Slovenian origin or an alien whose stay in Slovenia is in the interest of the Republic of Slovenia. Immediate family members of an alien possessing a permanent residence permit or with a refugee status in the Republic of Slovenia may be issued a permanent residence permit following two years of continuous residence in the Republic of Slovenia on the basis of a temporary residence permit. A permanent residence permit may be issued prior to the expiry of the period specified in the preceding paragraph also to an alien whose permanent residence permit expired on the basis of the sixth, seventh or eighth indent of Article 45(2) of this Act, provided that in the case of expiry of the permanent residence permit under the eighth indent of Article 45(2) the alien's status of a long-term resident in another EU Member State has expired.
- 3) A permanent residence permit shall not be issued to aliens who have been given a prison sentence of a total duration exceeding one year in the last three years. The time that the alien spends in prison shall not be included in the period of time required for an alien to be issued with a permanent residence permit.
- 4) A permanent residence permit shall not be issued to an alien who has resided in the Republic of Slovenia uninterruptedly for five years on the basis of a temporary residence permit for the purposes of study or vocational training nor to an alien who, during the period of taking a decision on the issuing of permanent residence permit, resides in the Republic of Slovenia on the basis of a temporary residence permit for the purposes of study, vocational training, seasonal work, as a worker on secondment or as a daily migrant worker. Aliens who apply for a permanent residence permit must, at the request of the competent body, enclose with the application evidence of the funds required to support themselves, evidence demonstrating their entitlement to contributions from pension or other suitable insurance, and other evidence or documentation which demonstrates well-founded reasons for their application for the permit.

Article 42

Jurisdiction of bodies responsible for issuing permits

- 1) Temporary residence permits in the Republic of Slovenia shall be issued and extended by the administrative unit in whose territory the alien intends to reside, or by the administrative unit in whose territory the alien resides. Temporary residence permits for seasonal labour purposes and temporary residence permits for cross-border provision of services using referred workers may be issued and extended by the administrative unit where the employer's head office is based or where the relevant activity is performed.
- 2) Permanent residence permits shall be issued by the administrative unit in whose territory the alien resides.

Article 43 Refusal to issue a residence permit

- 1) An alien shall not be granted a residence permit in the Republic of Slovenia if:
 - the conditions laid down in the third and fourth paragraphs of Article 27 of this Act are not fulfilled,
 - the alien has been imposed prohibition of entry to the country,
 - there are reasons to assume that the alien will not voluntarily leave the Republic of Slovenia after the validity of his permit expires,
 - there is a suspicion that the alien might pose a threat to public order and safety or the international relations of the Republic of Slovenia, or if there is a suspicion that the alien's residence in the country will be associated with the committing of terrorist or other violent acts, illegal intelligence activities, drug trafficking or the committing of other criminal acts,
 - there are reasons to assume that the alien will not abide by the legal order of the Republic of Slovenia,
 - it is clear that a marriage was concluded exclusively or chiefly for the purpose of obtaining a residence permit or if it is established during the procedure of extending the temporary residence permit or issuing a permanent residence permit that an immediate family member does not actually live together in a family union with the alien who is recognised as having the right to family reunion on the basis of this Act,
 - during the procedure of issuing a permit for first residence it is established that the alien in fact already resides in the Republic of Slovenia,
 - during the procedure of issuing a permit for first residence it is established that the alien comes from regions where infectious diseases are spread with a possible epidemic listed in the international health rules of the World Health Organisation or from regions where infectious diseases are spread which could threaten the health of people and which require the prescribed measures to be adopted pursuant to the act governing infectious diseases,
 - during the procedure of issuing a permit for first residence it is established that the alien was refused a visa in the course of the last three months prior to filing the application for the issue of a permit due to a threat to public order, security or international relations of the Republic of Slovenia or if it is suspected that his/her residence in the country will be associated with the commission of terrorist or other violent actions, illegal intelligence activities, drug trafficking or the commission of other criminal offences.
- 2) In case of refusal to extend a temporary residence permit to a family member the competent body must take into account the nature and closeness of family relationship, the length of the person's residence in the Republic of Slovenia and the existence of family, cultural and social ties with the country of origin.

Article 44 Annulment of residence permits

- 1) A temporary residence permit shall be annulled by the competent body which issued this permit or by the competent body in the territory where the alien resides if:
 - it is subsequently determined that there were reasons for refusing to issue a permit;
 - reasons subsequently arise for refusing to issue a permit;

- the alien concerned intentionally submitted incorrect data on their identity or other inaccurate data, or if he/she intentionally concealed circumstances which have a bearing on the issuing of a permit.
- 2) A permanent residence permit shall be annulled by the competent body which issued this permit or by the competent body in the territory where the alien resides if the alien deliberately presented incorrect data on his/her identity or other incorrect data or if he/she deliberately concealed information relevant to the issuing of the permit.
 - 3) The competent body shall issue a decision on the annulment of a residence permit. An alien may file an appeal against the decision with the Ministry of the Interior within eight days of the decision being handed down. An appeal shall not withhold the execution of the decision.

Article 45

Termination of residence permits

- 1) A temporary residence permit shall be terminated if:
 - the validity of the permit expires or if the permit is annulled;
 - the alien's residence is revoked;
 - a final additional sentence of expulsion from the country has been passed on the alien in the Republic of Slovenia or a final sentence of expulsion has been passed on him/her by another EU Member State due to which he will be deported from the Republic of Slovenia;
 - the alien concerned relinquishes the permit, from the day the statement on the relinquishment of the permit for temporary residence is submitted;
 - the alien concerned acquires the nationality of the Republic of Slovenia;
 - the alien is granted a permanent residence permit;
 - the alien dies.
- 2) A permanent residence permit shall be terminated if:
 - the permit is annulled;
 - the alien's residence is revoked;
 - a final additional sentence of expulsion from the country has been passed on the alien in the Republic of Slovenia or a final sentence of expulsion has been passed on him/her by another EU Member State due to which he will be deported from the Republic of Slovenia;
 - the alien concerned relinquishes the permit, from the day the statement on the relinquishment of the permanent residence permit is submitted;
 - the alien acquires the nationality of the Republic of Slovenia;
 - the alien moves abroad or remains out of the territory of EU Member States uninterruptedly for one year or more, except if he was sent to work, study or receive medical treatment;
 - the alien moves abroad or remains out of the territory of the Republic of Slovenia uninterruptedly for six years or more, in which case periodical short returns to the Republic of Slovenia for the period of up to three months shall not interrupt the above period;
 - the alien is awarded the status of long-term resident in another EU Member State;
 - the alien dies.

Article 46

Manner of issuing, form, content and annulment of residence permits

- 1) The competent body which issues a residence permit to an alien shall clearly enter this permit in the alien's travel document in the form of a sticker or as an independent document, or issue as a decision.
- 2) A residence permit must contain data on:
 - the type of permit;
 - the purpose for which it was issued;
 - the period of validity;
 - the permits and documents required for the permit to be issued;
 - surname and name, nationality, sex and date of birth of the person to whom the permit was issued.
- 3) The competent body must clearly mark the cancellation or expiry of the residence permit in the travel document.
- 4) The minister responsible for the interior shall prescribe the form, content and manner of issuing of a residence permit, and the manner and marking of the annulment or expiry of a residence permit.

CHAPTER V: DEPARTURE FROM THE COUNTRY AND REVOKING OF RESIDENCE

Article 47 Illegal residence

- 1) Aliens who reside in the Republic of Slovenia illegally must leave the country immediately or by an appointed deadline.
- 2) An alien shall be deemed to reside illegally in the Republic of Slovenia if:
 - he has illegally entered the country,
 - his visa was annulled or if the time of its validity for which it was issued has expired, if he resides in the Republic of Slovenia in contravention of the entry title, or if the time has expired for which he has been permitted to reside in the Republic of Slovenia on the basis of a legal act or international treaty,
 - he is not in possession of a residence permit or if his permit has expired.
- 3) 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 has been decided upon, and shall be issued with a special receipt, which shall serve as a temporary residence permit until the application has been decided upon.
- 4) In determining the deadline by which an alien must leave the country, the body which issues the decision must take into account the deadline by which the alien is able to leave the country, whereby the deadline may not exceed three months.

Article 48 Revocation of residence

- 1) Residence may be revoked with respect to an alien who is in possession of a permanent residence permit in the Republic of Slovenia if:
 - he/she was convicted in a court of law of a criminal offence and given an unconditional prison sentence of more than three years;

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- there are well-founded reasons for believing that the alien concerned may pose a threat to national security or to public security and peace.
- 2) With the exception of the reasons specified in the preceding paragraph of this Article, residence with respect to an alien who is legally residing in the Republic of Slovenia may be annulled if:
- he/she is residing in Slovenia in contravention of the purpose for which the permit was issued;
 - he/she poses a threat to public order and peace;
 - he/she refuses to comply with decisions issued by state bodies;
 - he/she has been convicted of a criminal offence and given an unconditional prison sentence of more than three months;
 - he/she runs out of funds to support him/herself and does not secure any other means of support for the duration of his/her stay in the Republic of Slovenia.

Article 49

Decisions on revocation of residence

- 1) The decision on revocation of residence referred to in Article 48 of this Act shall be issued by the administrative unit in whose territory the alien resides.
- 2) The decision on the revocation of residence specified in the preceding paragraph shall specify a deadline by which the alien must leave the Republic of Slovenia, and the period of time during which the alien shall not be permitted to re-enter the country, where this period of time may not be less than one year and not more than five years.
- 3) In reaching a decision on the revocation of residence, the body referred to in the first paragraph of this Article shall take into account the length of stay of the alien concerned in the country, the personal, family, economic and other ties linking him/her to Slovenia, and the effect that the revocation of residence would have on the alien or his/her family.
- 4) An alien may file an appeal against the decision specified in the first paragraph of this Article within three days.
- 5) In judging how long an alien should be prohibited from re-entering the country, the body which issues the decision on the revocation of residence shall take into account the type and gravity of the circumstances by reason of which the alien's stay in Slovenia is undesirable.
- 6) The decision on the revocation of residence shall be clearly marked in the travel document of the alien concerned. The Minister responsible for the interior shall prescribe the manner of marking.

CHAPTER VI: DEPORTATION OF ALIENS

Article 50

Removal of an alien

- 1) An alien who fails to leave the territory of the Republic of Slovenia pursuant to the first paragraph of Article 47 of this Act shall be removed from the country. An alien may be removed on a voluntary basis or deported.
- 2) Voluntary removal shall mean removal whereby the alien cooperates with the police. The police may also cooperate with other national or international bodies or non-governmental organisations in the voluntary removal of an alien. Voluntary removal shall not be

possible in the case of an alien against whom the additional sentence or the ancillary sanction of expulsion from the country has been imposed.

- 3) An alien on whom the additional sentence or the ancillary sanction of expulsion from the country has been imposed and an alien who does not leave the country voluntarily shall be deported from the country.
- 4) An alien may be deported from the country only if the decision on the basis of which the alien is obliged to leave the country is executable.
- 5) An alien who has to be deported from the country shall be brought to the state border by the police and directed across the border or handed over to the bodies of this country.
- 6) An alien returned on the basis of an international agreement shall also be brought by the police to the national border, directed across the border and handed over to the bodies of this country.

Article 50.a

Recognition of expulsion decisions

- 1) The police shall also deport from the country an alien who resides in the territory of the Republic of Slovenia and against whom another EU Member State has issued a final expulsion decision.
- 2) If the alien referred to in the first paragraph of this Article holds a residence permit issued by another EU Member State, the police shall, prior to deportation, consult the competent body of the state which issued the permit as well as the competent body of the state which issued the final decision on the expulsion. If, despite the issued final decision on the expulsion, the alien's residence permit in another EU Member State is not annulled the alien shall be deported to that State.
- 3) Prior to the deportation the police may demand the EU Member State which issued the final decision on the expulsion to forward to it the documentation related to the decision on the expulsion. If the required documentation is not forwarded to the police, it shall not be obliged to deport the alien.
- 4) In the event of the implementation of the deportation procedure, the police must inform the competent body of the EU Member State which issued the final decision on the expulsion.
- 5) If the third-country national does not have sufficient funds the EU Member State which issued the final decision on the expulsion shall compensate the police for all costs related to the deportation as laid down by the Council Decision of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals (OJ L No. 60, 27. 2. 2004, p. 55).
- 6) The competent body of the Republic of Slovenia which issued the final decision on the expulsion of an alien who resides legally in the territory of another EU Member State must on the request of the competent body of another Member State which is to deport the alien forward to it the documentation related to the decision on the expulsion.
- 7) The provisions of this Article shall not apply to the national of an EU Member State, his/her family members and family members of the Slovenian national.

Article 50.b

Assistance to another EU Member State in cases of transit for the purposes of deportation by air

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- 1) After prior request has been made by the competent bodies of another EU Member State the police may allow transit through the airport in the Republic of Slovenia in cases of aliens who are removed by air by another EU Member State. In the case of allowed transit the police shall provide appropriate assistance measures.
- 2) The Minister responsible for the interior shall issue the instructions describing in detail the provision of assistance in case of transit for the purposes of removal of aliens by air.

Article 51

Prohibition of deportation of an alien

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, shall not be permitted.

Article 52

Permission to stay

- 1) In accordance with this Act, stay in the country shall mean permission granted to an alien who has been given a deadline by which to leave the country, or to an alien who must be deported, to remain temporarily in the Republic of Slovenia.
- 2) Permission to stay in the Republic of Slovenia shall be granted if:
 - deportation would contravene Article 51 of this Act;
 - removal is not possible for other reasons.
- 3) Permission to stay shall be issued by the competent body at the request of the alien, or *ex officio*, for a period of six months. Permission may be extended for as long as the conditions specified in the preceding paragraph exist.
- 4) In the decision with which it permits an alien to stay in the Republic of Slovenia, the competent body shall determine the alien's place of residence at a specific address.
- 5) Permission to stay shall not cancel or in any way change the alien's obligation to leave the country.

Article 53

Cessation of permission to stay

The permission to stay shall cease immediately when there are no longer reasons preventing deportation or if the alien obtains a residence permit in the Republic of Slovenia on the basis of a legal act or international treaty.

Article 54

(deleted)

Article 55

Rights of aliens who have been permitted to stay temporarily

An alien who has been granted a temporary stay in the Republic of Slovenia shall have the right to emergency health insurance pursuant to the act governing healthcare and health insurance and basic treatment, while minor alien schoolchildren shall also have the right to basic education.

Article 56

Restriction of movement of aliens who are obliged to leave the country

- 1) An alien who fails to leave the country by the specified deadline and who for whatever reason can not be removed immediately shall be ordered by the police, by the time of his removal from the country, to stay in the Alien's Centre (hereinafter referred to as: Centre) or outside it, but for no longer than six months.
- 2) The provision of the preceding paragraph shall also be applied in cases where the identity of the alien is not known.
- 3) An alien specified in the first paragraph of this Article whom it is not possible to accommodate at the Centre due to special reasons or needs may, in agreement with the social security office and with the costs borne by the Centre, be accommodated at a social security facility or provided with other appropriate institutional care.

Article 57

Stricter police supervision

- 1) A stay under strict police supervision in the Centre may be imposed on the alien referred to in Article 56 of this Act.
- 2) The police shall issue an order to impose a stay under strict police supervision if:
 - there is a suspicion that the alien will attempt to avoid deportation or if he has already avoided this measure,
 - this is required by reasons relating to public order, national security or international relations.
- 3) A stay under strict police supervision shall be deemed to be the confinement of free movement to the premises of the Centre in accordance with the Centre's house rules.

Article 58

Procedure regarding restriction of movement

- 1) An alien's accommodation at the Centre or outside the Centre and accommodation under stricter police supervision shall be ordered by the police with a decision, against which the alien may file an appeal with the Minister responsible for the interior within eight days of the receipt of a written copy of the decision.
- 2) An appeal shall not withhold the execution of the decision.
- 3) An appeal shall be decided upon by the Minister within eight days. An administrative dispute may be initiated against the decision to appeal. The administrative court must decide on an appeal against decision on the accommodation of an alien in the Centre and arrangement of residence under stricter police supervision within eight days.
- 4) If for objective reasons it is not possible to deport an alien even after six months have passed, the police may:

- extend accommodation and stay under stricter police supervision at the Centre for a further six months if it is realistic to expect that it will be possible to deport the alien within this time and, in particular, if the procedure for determining identity or the acquisition of documents for the deportation of the alien are still in progress, or if the extension is necessary for security reasons;
 - determine another place of accommodation for the alien outside the Centre until his/her deportation, where he/she must observe the rules on accommodation outside the Centre; the alien may otherwise be accommodated at the Centre again.
- 5) The police may adopt measures in accordance with the second indent of the preceding paragraph of this Article even before six months have passed if, for objective reasons, it is not realistic to expect that the alien will be deported from the country within that time.

Article 59

More lenient measures

- 1) The police may, at any point in time, replace the measure of the obligatory accommodation of an alien at the Centre with more lenient measures if they believe that they will thereby accomplish their purpose.
- 2) On the basis of the preceding paragraph of this Article, the police may allow an alien to stay outside the Centre, where it may determine the place of stay.
- 3) In the event of the measure referred to in the preceding paragraph of this Article, the police may restrict the movement of an alien to his/her place of residence, and impose on him/her the obligation to report regularly to the nearest police station.
- 4) The conditions and procedures for the measures specified in the first paragraph of this Article shall be set out by the General Director of the Police.

Article 60

Procedure for alien minors

- 1) An alien minor who has entered the Republic of Slovenia illegally unaccompanied by their parents or other legal representatives or who illegally resides in the Republic of Slovenia must be immediately returned to the country of origin or handed over to representatives of the country of which he/she is a national. If this is not possible, the police shall notify the Department of Social Security which must immediately assign a special custodian to the minor. The police shall temporarily accommodate the alien minor in the Centre, in a special division for minors. Upon the proposal of the special custodian or with his/her prior consent, the police may also find another, more suitable form of accommodation for the minor if it establishes during the procedure that accommodation under the supervision of a social security body is more beneficial for the minor.
- 2) An alien minor specified in the preceding paragraph of this Article may not return to his/her country of origin or to a third country which is willing to accept him/her until suitable reception is provided; in no case may unaccompanied minors be returned in violation of the European Convention on Human Rights and Basic Freedoms, adopted with Protocols 3, 5 and 8 and supplemented with Protocol 2 and its protocols 1, 4, 6, 7, 9, 10 and 11 (Ur. l. RS-MP, 7/94), the European Convention Against Torture and Other Cruel, Inhuman and Degrading Treatment or Punishment (Ur. l. RS-MP, 1/94), or the Convention on the Rights of the Child (Ur. l. RS-MP, 9/92) and the European Convention

on the Exercise of Children's Rights" (Ur. l. RS-MP, 26/99). The minor shall be allowed to stay pursuant to the provisions of this Act until his/her return to the other country.

- 3) Alien minors shall, as a rule, be provided with accommodation at the Centre together with their parents or legal representatives, unless it is assessed that other solutions may be better for them.
- 4) In the case of minors under 16 years of age, stricter police supervision may be ordered only exceptionally, whereby they must be accompanied by both or at least one of their parents. Residence under stricter police supervision for an unaccompanied alien minor cannot be ordered.

Article 61

Cessation of accommodation at the Centre

- 1) The accommodation of an alien at the Centre shall cease when all reasons for it cease to exist or when its purpose has been achieved.
- 2) In the decision permitting an alien to stay in the Republic of Slovenia, the competent body may enter a specific address where the alien shall stay outside the Centre.
- 3) Accommodation at the Centre may also be cancelled at the request of an alien if the police determine that the conditions are in place for more lenient measures in accordance with this Act.

Article 62

Costs of deportation

- 1) The alien referred to in the first paragraph of Article 56 who has own funds shall be obliged to bear the costs of his sustenance and accommodation and the costs of deportation to the extent of his/her own funds.
- 2) If an alien has no funds, the costs referred to in the preceding paragraph of this Article shall be covered from the budget of the Republic of Slovenia.
- 3) The person who transferred the alien across the national border in an illegal manner or who provided the alien with illegal employment or work or with illegal stay in the Republic of Slovenia and the natural or legal person enabling the alien to acquire a visa or a residence permit on the basis of documentation which did not display the real purpose of the alien's entry into the country shall also be obliged to bear the costs referred to in the first paragraph of this Article.

CHAPTER VII: PROCEDURES AND BODIES

Article 63

Application of the act governing the general administrative procedure

Provisions of the act governing the general administrative procedure shall be applied in procedures carried out in accordance with this Act, unless otherwise determined by this Act.

Article 64

Bodies

- 1) Diplomatic/consular missions of the Republic of Slovenia shall be responsible for issuing and annulling visas, receiving applications for first residence, for serving documents abroad, and for other tasks within the framework of the procedure for granting residence permits. The Ministry of Foreign Affairs shall issue and annul visas and shall determine the local jurisdiction of diplomatic/consular missions of the Republic of Slovenia.
- 2) Measures, decisions and procedures relating to the residence of an alien in the Republic of Slovenia shall, in the first instance, be the responsibility of the administrative unit in whose territory the alien is residing or intends to reside, unless otherwise determined by this Act.
- 3) The police shall be responsible for exercising border control, refusing aliens at the border, issuing visas at the border, annulling visas, removing aliens, permitting a stay in the country, and for other measures and decisions relating to aliens at the border and inside the country as laid down by law, and shall be the minor offences authority for decision making on minor offences under this Act.
- 4) The Ministry of the Interior shall deal with administrative and professional affairs applying to migration policy, the entry to, departure from and residence in the country of aliens, and shall decide on appeals against decisions issued in the first instance, and adopt measures relating to aliens whenever so determined by law.
- 5) In the performance of tasks referred to in the preceding paragraph the Ministry of the Interior shall cooperate with other ministries, bodies and services in such a manner as to direct and coordinate their work. For the purpose of ensuring cohesive and coordinated performance of tasks referred to in the preceding paragraph which are in the common interest of several ministries, and for the purpose of ensuring the uniform and organised cooperation and coordination, a joint working body shall be set up at the Ministry of the Interior.

Article 65

Appeals and proceedings in the second instance

- 1) Appeals against decisions and measures issued in the first instance by the bodies specified in the second and third paragraphs of Article 64 shall be decided upon by the Ministry of the Interior.
- 2) An appeal against the refusal or annulment of a visa shall not be permitted. The competent body shall not be obliged to give grounds for its refusal to issue a visa.
- 3) An appeal against the rejection of an application for a permit for first residence in the Republic of Slovenia shall be permitted only in cases where an alien exercises his/her right to be issued with a permit on the basis of Articles 33, 36 and 37 of this Act. In cases where an appeal against the rejection of an application for a permit for first residence is not permitted, the competent body shall not be obliged to give an explanation for the rejection.

Article 65.a

Procedure in diplomatic consular missions of the Republic of Slovenia

- 1) A visa application shall as a rule be filed by the alien in person using the application form prescribed by the Ministry of the Interior in agreement with the Ministry of Foreign Affairs.

- 2) The alien must attach to the application for the issue of a permit for first residence all documentation required by the diplomatic/consular mission of the Republic of Slovenia abroad. If all the documentation is not attached to the application, the diplomatic/consular mission of the Republic of Slovenia abroad shall not accept it. The periods defined in the act regulating the administrative procedure shall start after the diplomatic/consular mission of the Republic of Slovenia abroad has received a complete application and sent it to the competent administrative unit.
- 3) If the administrative unit requires the application for a permit for first residence to be supplemented, the diplomatic/consular mission of the Republic of Slovenia abroad shall send a request to the alien in writing or contact him/her by telephone or in person if the alien appears at the diplomatic/consular mission abroad.
- 4) In the diplomatic/consular mission of the Republic of Slovenia abroad the person responsible for deciding on visas shall be an official person authorised by the Minister responsible for foreign affairs. The official person shall make a judgement whether the application is sufficiently documented and whether the alien's statements are sufficiently grounded. In adopting a decision the official person shall abide by the instructions given by the Ministry of the Interior. As a rule, the visa shall be served in person. The Minister responsible for foreign affairs shall issue an instruction where the procedure for the issue of visas will be described in more detail.
- 5) The diplomatic/consular mission of the Republic of Slovenia abroad shall serve a permit for first residence, decision or written order in person. They shall invite the alien to be served the document in the manner referred to in paragraph 3 of this Article. When served the document, the alien shall sign the bill of delivery, which is sent to the administrative unit by the diplomatic/consular mission of the Republic of Slovenia.

Article 66

Co-operation between bodies

- 1) In the performance of tasks that fall within their jurisdiction, the bodies specified in Article 64 shall be obliged to cooperate with each other, provide each other with legal aid and exchange all personal and other data and information required for carrying out the tasks in accordance with this Act.
- 2) With respect to issues and questions regarding the entry, residence and departure of aliens, other issues and questions regarding aliens, the national and self-governing local community bodies and bearers of public authority in the Republic of Slovenia must cooperate with the bodies responsible for aliens in accordance with this Act, in particular, by providing the necessary personal and other data and information required for carrying out the tasks in accordance with this Act free of charge.
- 3) Aliens against whom criminal or misdemeanours proceedings have been initiated may be deported from the country only in agreement with the body which initiated the proceedings against the alien concerned.
- 4) Data and information referred to in the first and second paragraph of this Article shall be forwarded only on the basis of a written request or a request sent by prescribed electronic mail by the competent body stating the appropriate legal basis and the appropriate reference number or other identification of the subject to be dealt with by the body.

Article 67

Obligations of aliens in proceedings

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- 1) Aliens must co-operate with the competent bodies throughout proceedings and must comply with their measures. Aliens must enable access by the competent bodies to all available evidence, submit all documents and confirmations which they possess and which may be relevant to proceedings, and respond to invitations by the competent bodies. The competent bodies may set a suitable deadline by which aliens must submit all documents, confirmations and other evidence required; otherwise they shall not be obliged to take this evidence into account.
- 2) If proceedings in accordance with this Act are initiated at the demand or request of an alien and cannot be completed without his/her co-operation, his/her failure to respond shall be deemed to be a withdrawal of the request if, despite warnings by the competent bodies, he/she fails to carry out any action for the continuation or completion of proceedings by the deadline set, or if it is possible to infer from the failure to act that the alien concerned is no longer interested in continuing proceedings.

Article 68 Execution of decisions

An appeal against a decision on the annulment of a residence permit, decision on the revocation of residence, order imposing accommodation inside or outside the Centre, and order imposing strict police supervision shall not stay execution.

Article 69 Adoption of decisions

The body responsible for the proceedings shall decide on the basis of the facts and circumstances known in the Republic of Slovenia and, if so required in individual cases, on the basis of facts and data from bodies of the Republic of Slovenia based abroad.

Article 70 Obligation to provide information

- 1) National and other bodies and organisations must, without delay, inform the competent body of any aliens residing in the Republic of Slovenia illegally, or those for whom reasons for revocation of residence exist.
- 2) The state body which initiated criminal or misdemeanours proceedings against an alien, or the body which proposed such proceedings, must inform the body responsible for aliens without delay.

CHAPTER VIII: PROCESSING AND PROTECTION OF PERSONAL DATA AND PROVING AN ALIEN'S IDENTITY

Article 71 Processing of personal data

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- 1) Bodies responsible for the implementation of this Act may, for the purpose of implementing this Act, other laws and the regulations issued on the basis of this Act in relation to aliens, process personal data on an alien.
- 2) The bodies referred to in the preceding paragraph of this Article may also process personal data on an alien, even without the co-operation of the alien concerned, from other bodies and organisations, and from foreign bodies:
 - if this is in the interests of the alien concerned and if he/she gives consent;
 - if this is permitted by law or by regulations issued on the basis thereof;
 - if this is required for the purpose of checking the data of the alien concerned.
- 3) National and other bodies and organisations which hold data referring to the aliens specified in the first paragraph of this Article shall be obliged to forward this data to competent bodies at their request.
- 4) The processing of the personal data specified in the first, second and third paragraphs of this Article must be in accordance with the act governing personal data protection.

Article 72

Rights of aliens in relation to personal data

In addition to the rights which they have in relation to the protection of personal data on the basis of the law and other regulations, aliens shall also have the right to check personal data entered in a residence permit or a visa, as well as the right to request their modification or deletion if required.

Article 73

Establishing an alien's identity

The police may determine the identity of an alien, even against his/her will, if:

- he/she is based at the Centre;
- his/her residence in the Republic of Slovenia has been annulled or he/she has been refused entry into the country;
- there is a suspicion that the measure of prohibition of entry into the Republic of Slovenia is still in force for the alien concerned under a different name;
- a travel or other document for aliens is to be issued to an alien;
- he/she cannot demonstrate or prove his/her identity;
- this is necessary in order to determine nationality;
- he/she attempted to enter or has entered the country with a forged travel document or that of another person;
- if there are other reasons determined by law.

Article 74

Personal name

- 1) Aliens must, during their residence in the territory of the Republic of Slovenia, use the personal name which they were given in accordance with the regulations of their country, unless otherwise determined by the law or an international agreement.
- 2) If the personal name entered in the copy from the birth certificate register is not identical to the personal name entered in the alien's travel document, the name which shall be

entered in the official records kept in the Republic of Slovenia shall be the personal name entered in the alien's travel document.

Article 75 Proving an alien's identity

- 1) Aliens shall prove their identity by means of a foreign travel document, identity card or other suitable document which is prescribed in the alien's country and which proves the identity of the alien, an alien's passport, an alien's identity card, a local border pass, or another public document issued by a state body which includes a photograph and on the basis of which it is possible to establish the identity of the alien.
- 2) At the request of a police officer, aliens must prove their identity in the manner determined in the preceding paragraph of this Article.
- 3) At the request of a police officer, aliens must also produce a permit demonstrating that they have entered and are residing in the Republic of Slovenia legally.
- 4) Aliens may not lend a document specified in the first paragraph of this Article to other persons nor use another person's document as their own.
- 5) Aliens must report missing, lost, stolen or otherwise misplaced travel and other documents specified in the first paragraph of this Article, with an exception of an alien's passport, to the police immediately, or at the latest within 24 hours of discovering it. Aliens shall be issued with a receipt by the police.
- 6) Aliens who lose, while abroad, their travel or other documents issued by a competent body of the Republic of Slovenia, with an exception of an alien's passport, must report this immediately to the nearest body of the Republic of Slovenia responsible for diplomatic/consular affairs based abroad.

CHAPTER IX: TRAVEL AND OTHER DOCUMENTS AND PERMITS

Article 76 Issuing of travel and other documents

- 1) An alien who is in possession of a residence permit in the Republic of Slovenia may be issued with an alien's passport if:
 - the person concerned is stateless;
 - the person does not have and cannot acquire a valid travel document from his/her country of origin.
- 2) An alien's passport may also be issued to other aliens who do not have a valid travel document, if well-founded reasons exist for this.
- 3) An application for an alien's passport shall be filed by an alien in person at the administrative unit. The application may be filed an alien who has reached the age of 18 and by an alien who has not yet reached the age of 18 but who has entered into marriage.

Article 77 Travel documents for minors

- 1) An alien's passport under 18 years of age or for aliens do not have the capacity to conduct business shall be applied for by their lawful representative.

Article 78 Validity of alien's passports

- 1) An alien's passport may be issued with a validity of two years, unless:
 - the alien applies for a travel document with a shorter period of validity;
 - a shorter period of validity is sufficient for achieving the purpose for which the travel document is being issued.
- 2) For aliens located in the country alien's passports shall be issued by the administrative unit in the country whereas for aliens located abroad they shall be issued by the authorised diplomatic/consular mission of the Republic of Slovenia based abroad.
- 3) Alien's passports shall be valid for all countries, except for the country of which the alien is a national. Alien's passports may also be issued with validity in only certain countries.

Article 79 Refusal to issue alien's passports and their seizure

- 1) An alien's passport shall not be issued to aliens:
 - against whom criminal proceedings are in progress, if so requested by the competent court;
 - who have been given an unconditional prison sentence, until the sentence has been served;
 - they have not settled their maintenance liabilities arising from marriage or from relations between parents and children to entitled persons who have permanent residence in the Republic of Slovenia, if so requested by the competent body;
 - they have not settled their tax liabilities, if so requested by the competent body.
- 2) An alien's passport shall be seized if:
 - the reasons specified in the preceding paragraph of this Article are determined subsequently, or if such reasons subsequently emerge;
 - the travel document does not contain a photograph or if it is no longer possible to determine the identity of the alien;
 - the travel document is forged, incomplete or damaged in some other way.
- 3) An alien's passport shall be seized with a decision. The alien may file an appeal against such a decision within three days. An appeal shall not withhold the execution of the decision.
- 4) Aliens must return their alien's passports if they acquire the nationality of the Republic of Slovenia, if they acquire a travel document from the country of which they are nationals or of which they became nationals, or if their residence permit expires or is annulled.

Article 79.a Misplacement of an aliens' passport

- 1) An alien must immediately or, if this is not possible, within eight days at the latest report the misplacement, loss or theft (hereinafter: misplacement) of his/her passport in the Republic of Slovenia to the administrative unit which issued the passport; if the passport was issued by a diplomatic/consular mission of the Republic of Slovenia abroad, this should be reported to the administrative unit of the area where the alien resides.

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- 2) The alien must immediately or, if this is not possible, within eight days at the latest report the misplacement of his/her passport abroad to the closest diplomatic/consular mission of the Republic of Slovenia abroad, which notifies the body which issued the alien's passport of the misplacement.
- 3) When reporting the misplacement of his/her passport, the alien must also give real information regarding the circumstances of the misplacement of his/her passport.
- (4) The administrative unit which issued the passport to the alien or administrative unit which was notified of the misplacement of the passport pursuant to the first paragraph of this Article must revoke the alien's passport in the Official Gazette of the Republic of Slovenia at the alien's own cost.
- 5) The alien may be issued, upon his/her own request, a new alien's passport following the publication of revocation of the alien's passport in the Official Gazette of the Republic of Slovenia provided that he/she meets the conditions for the issue of an alien's passport.

Article 80 Alien's identity cards

- 1) An identity card shall be issued by the administrative unit to an alien who is in possession of a permanent residence permit in the Republic of Slovenia and is over 18 years of age. The alien must apply for an identity card within 30 days of the acquisition of a permanent residence permit.
- 2) An identity card may also be issued to aliens who have a temporary residence permit, if this is requested by the alien or is in accordance with the fourth paragraph of Article 29 of this Act.
- 3) An identity card may also be issued to aliens who have a residence permit and who have reached the age of 15, if so requested by the alien. Aliens below the age of 18 may be issued with an identity card with a validity of no more than five years.
- 4) Alien's identity cards who have a permanent residence permit shall be issued with a validity of ten years. For those aliens who have a temporary residence permit, identity cards shall be issued with the same validity as that of their temporary residence permit, but for no more than one year.
- 5) An alien's identity card shall be seized:
 - in the event of the early expiry of the residence permit in the Republic of Slovenia;
 - if the alien's residence in the Republic of Slovenia is annulled;
 - if the additional sentence of expulsion from the country or the security measure of deportation from the country has been passed;
 - if the personal identity card does not include a photograph, or if it is no longer possible to determine the identity of the alien;
 - if the personal identity card is forged, incomplete, damaged or has become unusable for other reasons.
- 6) Aliens must return their alien's identity cards to the competent body:
 - if they acquire the nationality of the Republic of Slovenia;
 - if they relocate from the territory of the Republic of Slovenia.

Article 81 Identity cards indicating permission to remain in the Republic of Slovenia

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Persons who obtain permission for a temporary stay in the Republic of Slovenia may be issued by the police a personal card certifying the permission to stay in the Republic of Slovenia.

Article 81.a

The personal data referred to in Articles 89 and 90 of this Act may not be used by a company or body authorised for producing alien's passports or alien's identity cards and must be destroyed within 30 days of the appropriate use.

CHAPTER X: INTEGRATION OF ALIENS

Article 82

Assistance in the integration of aliens

- 1) The Republic of Slovenia shall ensure conditions for the inclusion of aliens who have a residence permit in the Republic of Slovenia in the cultural, economic and social life of the country. In relation to this, it shall, in particular:
 - organise courses in the Slovenian language for aliens;
 - organise courses and other forms of further education and professional training for aliens;
 - provide information necessary for the inclusion of aliens in Slovenian society, particularly with regard to their rights and obligations, and opportunities for personal and social development;
 - acquaint aliens with Slovenian history, culture and constitutional order;
 - organise joint events with Slovenian nationals for the purpose of promoting mutual recognition and understanding.
- 2) National and other bodies, organisations and associations shall co-operate in particular with:
 - competent bodies - for the purpose of promoting the more rapid inclusion of aliens in the cultural, economic and social life of Slovenia;
 - international organisations - for the purpose of addressing issues relating to the migration and integration of aliens.
- 3) Within their overall operations, national and other bodies, organisations and associations shall ensure protection against any type of discrimination against aliens based on racial, religious, national, ethnic or other types of difference.
- 4) The Government of the Republic of Slovenia shall issue a regulation determining the manners of providing and implementing the conditions for the integration of aliens.

CHAPTER XI: REGISTRATION AND DEREGISTRATION OF RESIDENCE

Article 83

Registration and deregistration of residence of aliens

- 1) Aliens who have a residence permit in the Republic of Slovenia must register their permanent or temporary residence with the competent body.

Article 84
Registration and deregistration of aliens

- 1) Healthcare institutions which receive aliens for treatment must notify the competent body within 24 hours of receipt.

CHAPTER XII: RECORDS

Article 85
Types of records

- 1) For the purpose of ensuring data on the situation and movement of aliens and on documents issued to them, records shall be kept on:
 - temporary residence permits;
 - permanent residence permits;
 - aliens with registered temporary residence;
 - aliens with registered permanent residence;
 - visas;
 - alien's passports;
 - alien's identity cards and cards/permits to stay in the Republic of Slovenia;
 - aliens staying at the Centre;
 - expulsions of aliens from the country;
 - security measures of deportation from the country;
 - measures relating to the revocation of residence to an alien;
 - reservations regarding the issuing of a travel document to an alien;
 - aliens for whom stricter police supervision has been ordered;
 - aliens who have been given accommodation outside the Centre;
 - aliens who have been refused entry into the country;
 - records kept in accordance with Article 84 of this Act.
- 2) The Ministry of the Interior shall keep the records specified in indents 8, 9, 10, 13, 14 and 16 of the first paragraph of this Article and the record specified in indent 11 of the first paragraph of this Article when permanent residence of an alien has been annulled. For the requirements of its work it may also use other records specified in the first paragraph of this Article.
- 3) The competent body shall keep the records specified in indents 1, 2, 3, 4, 5, 6, 7 and 12 of the first paragraph of this Article and the record specified in indent 11 of the first paragraph of this Article when the residence of an alien has been annulled in accordance with Article 48 of this Act. For the requirements of its work it may also use other records specified in the first paragraph of this Article.
- 4) The body responsible for the control of state border crossings shall keep the records specified in indents 5 and 15 of the first paragraph of this Article. For the needs of its work it may also use other records specified in the first paragraph of this Article.
- 5) The Ministry of Foreign Affairs or a body of the Republic of Slovenia based abroad authorised to conduct consular affairs shall keep the records specified in indents 5 and 6 of the first paragraph of this Article. For the requirements of their work they may also use other records specified in the first paragraph of this Article.
- 6) The bodies under the third, fourth and fifth paragraphs of this Article must forward the data referred to in Articles 87, 90, 91, 92, 93, 94 and 95 of this Act to the ministry responsible for keeping central records. Bodies whose computer equipment is linked to

the Ministry's computer shall carry out their forwarding tasks in such a way as to keep the records on the Ministry's computer.

- 7) In the records referred to in indent 5 of the first paragraph of this article of this Act the competent body shall keep, beside data referred to in the first and second paragraph of Article 88, also data referred to in the last indent of the first paragraph of Article 21 of this Act.
- 8) In the records referred to in indent 6 of the first paragraph of this article of this Act the competent body shall keep data referred to in the first and second paragraph of Article 89 of this Act.
- 9) In the records referred to in indent 7 of the first paragraph of this article of this Act the competent body shall keep data referred to in the first and second paragraph of Article 90 of this Act.

Article 86

Data required for the issuing of residence permits

- 1) Aliens shall be obliged to give the following data to the competent body in their application for a permit for temporary or permanent residence:
 1. the standardised personal registration number of an alien, if one has been allocated to them;
 2. first name and family name;
 3. maiden name;
 4. sex;
 5. date of birth (day/month/year);
 6. place of birth (country, town);
 7. nationality;
 8. marital status;
 9. profession;
 10. last permanent or temporary residence abroad or in the Republic of Slovenia (country, town, street and house number);
 11. current temporary or permanent residence in the Republic of Slovenia (town, street and house number);
 12. date of entry into the territory of the Republic of Slovenia;
 13. reasons for and purpose of residence in the Republic of Slovenia;
 14. method of ensuring (sources of) funds to support themselves;
 15. type and number of the passport or other document on the basis of which they have crossed the state border, the date and place of issue, and the period of validity;
 16. date of submission of the application.
- 2) Aliens are obliged to enclose to their application for a permit for temporary or permanent residence a photograph of the prescribed size showing his/her true likeness.
- 3) The competent body shall keep the data referred to in the preceding paragraph in the record specified in indents 1 and 2 of the first paragraph of Article 85 of this Act. The competent body shall, in the record on residence permits, also keep data on the number and date of issue, on the finality of a decision, and on the validity of the permit for temporary residence, as well as data on the expiry of a residence permit.

Article 87

(deleted)

Article 88 Data for the issuing of visas

- 1) In order to be issued with a visa, aliens shall be obliged to give the competent body the data under points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 16 of the first paragraph of Article 86 of this Act, and data on the type of visa for which they are applying, the period for which the visa should be valid, and the reason why they are applying for the visa. An alien applying for a short-term residence visa due to a personal or business visit must also indicate in the application the name and surname, date of birth and residential address of the natural person inviting him/her or the name and registered seat of the legal person inviting him/her.
- 2) The body shall, in the record of visas, keep data on the type of visa, the number and date of issue of a decision, the period of validity, and the date of issue and annulment of the visa.

Article 89 Data for the issuing of alien's passports

- 1) In applying for an alien's passport (the record under indent 6 of the first paragraph of Article 85 of this Act), an alien must give the competent body or the body of the Republic of Slovenia based abroad which is authorised to conduct consular affairs the data under points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of the first paragraph of Article 86 of this Act, and attach two photographs of the prescribed size showing a faithful image of the alien concerned.
- 2) The body shall, in the record of alien's passports, keep data on the number and date of issue of a decision, the type of travel document, the registration and serial numbers of the travel document, the period of validity and date of issue of the travel document, the facial image of the holder of the passport written as the biometric data, and data on stolen and missing travel documents.
- 3) The travel document for aliens shall also include the storage medium which contains the facial image stored as biometric data.

Article 90 Data for the issuing of alien's identity cards

- 1) In applying for an identity card for aliens (the record under indent 7 of the first paragraph of Article 85 of this Act), an alien must give the competent body or the body of the Republic of Slovenia based abroad which is authorised to conduct consular affairs the data under points 1, 2, 3, 4, 5, 6, 7, 8, 11 and 16 of the first paragraph of Article 86 of this Act, and attach two photographs of the prescribed size showing a faithful image of the alien concerned.
- 2) The body shall, in the record of alien's identity cards, keep data on the number and date of issue of a decision, the registration and serial numbers of an identity card, the period of validity, date of issue and date of extension of an identity card for aliens, and data on stolen and missing identity cards.

Article 91 Data in the records

- 1) The records on passed sentences of expulsion from the country (the record under indent 9 of the first paragraph of Article 85 of this Act), on security measures of deportation from the country (the record under indent 10 of the first paragraph of Article 85 of this Act) and on measures of the annulment of an alien's residence (the record under indent 11 of the first paragraph of Article 85 of this Act) shall contain the data under points 1, 2, 3, 4, 5, 6, 7, 8, 10, 11 and 16 of the first paragraph of Article 86 of this Act, the duration of the pronounced measure, the body which pronounced the measure, and the number and date of issue and of the entry into force and finality of the decision in the event of a revocation of residence.
- 2) The record shall also contain data on the deadline by which the alien must leave the country.
- 3) The record on deported aliens shall contain the data under points 1, 2, 3, 4, 5, 6, 7, 8, 10, 11 and 16 of the first paragraph of Article 86 of this Act, and the reason, date and country to which the alien is being deported.
- 4) The record on reservations regarding the issuing of an alien's passport (the record under indent 12 of the first paragraph of Article 85 of this Act) shall contain the data under points 1, 2, 3, 4, 5, 6, 7, 8, 11 and 16 of the first paragraph of Article 86 of this Act, and on the type of reservation, the body which expressed the reservation, and the duration of and legal basis for the reservation.
- 5) The record under indent 15 of Article 85 of this Act shall contain the data under points 1, 2, 4, 5, 6, 7 and 16 of the first paragraph of Article 86, the reasons for, date and hour of the refusal of entry, and the border control body which refused entry to the alien.

Article 92 Basic data from the records

- 1) Data from the records on issued temporary residence permits and on issued visas shall be stored for two years after the expiry of the validity of a permit or visa, and shall then be archived. Data from the records on aliens with registered temporary residence shall be stored for two years after the renunciation or expiry of temporary residence, and shall then be archived.
- 2) Data from the records on issued permanent residence permits and data which, in accordance with the second paragraph of Article 86 of this Act, is related to permanent residence permits shall be stored for 50 years starting from the expiry of the permanent residence permit, and shall then be archived. Data from the records on aliens with registered permanent residence shall be stored for 50 years after the renunciation or expiry of permanent residence, and shall then be archived.
- 3) Data from the records on passed sentences of expulsion from the country, security measures of deportation from the country, revocation of residence and deported aliens shall be stored for five years after the expiry of the period for which sentences or measures were pronounced, or for five years after the deportation of an alien from the Republic of Slovenia.

Article 93

Use of data from the records

- 1) Personal data from the records specified in Article 85 of this Act may only be used for the execution of legally-prescribed tasks. The facial image of the holder of the travel document for aliens stored as the biometric data referred to in Article 89 of this Act may only be used to verify the authenticity of the passport and the identity of the passport holder when crossing state borders.
- 2) At the request of individuals, state bodies, legal persons, businesspersons, and other bodies, organisations and groups, the bodies responsible for keeping the records must give them the data from the records under Article 85 of this Act if they are entitled to use this data on the basis of the law or of the written consent of the individual to whom the data refers.
- 3) Users of the personal data referred to in the preceding paragraph may not forward this personal data to other users and may only use it for the purposes for which they received it.

CHAPTER XII.A: ENTRY AND RESIDENCE OF CITIZENS OF EU MEMBER STATES, THEIR FAMILY MEMBERS AND FAMILY MEMBERS OF SLOVENIAN NATIONALS

Article 93.a

Scope of application

- 1) The provisions of this Chapter shall apply to the citizens of EU Member States, their family members and family members of Slovenian nationals. Other provisions of this Act shall apply to them only if they are more favourable to them or if stipulated so by this Act.
- 2) For the purposes of this Act a citizen of an EU Member State (hereinafter: EU citizen) shall mean an alien with the nationality of another EU Member State.
- 3) The provisions of this Act, which apply to EU citizens, shall also apply to the citizens of the Member States of the European Economic Area.

Article 93.b

Entry of EU citizens in the Republic of Slovenia

- 1) EU citizens shall not require any entry permit, i.e. a visa or residence permit, for entry into the Republic of Slovenia.
- 2) EU citizens may enter the Republic of Slovenia with a valid identity card or a valid passport irrespective of the purpose of entering and residing in the Republic of Slovenia. They may exit the Republic of Slovenia with a valid identity card or a valid passport.
- 3) An EU citizen shall be refused entry if:
 - he/she does not have a valid identity card or a valid passport;
 - the period of time for which a prohibition on his/her entering the country was imposed has not yet expired;
 - his/her residence in the Republic of Slovenia would represent a threat to public order and safety or the international relations of the Republic of Slovenia, or if there exists suspicion that his/her residence in the country will be associated with terrorist or other violent acts, illegal intelligence activities, possession and trafficking of drugs, or with the committing of any other criminal acts;

- he/she comes from regions where infectious diseases are spread with a possible epidemic listed in the international health rules of the World Health Organisation or from regions where infectious diseases are spread which could threaten the health of people and which require the prescribed measures to be adopted pursuant to the act governing infectious diseases.
- 4) The border control authority shall decide on a refusal of entry in accordance with the instructions regarding the reasons referred to in the third paragraph of this Article issued by the Minister responsible for the interior.
 - 5) EU citizens may lodge an appeal against the refusal of entry within eight days. The decision on the appeal shall be taken by the Ministry competent for internal affairs. The appeal shall not have the effect of staying the enforcement.

Article 93.c Registration of residence

- 1) EU citizens who enter in the Republic of Slovenia with a valid identity card or a valid passport may reside in the territory of the Republic of Slovenia for three months from the day of entering the state without having to register the residence. If they wish to reside in the territory of the Republic of Slovenia for more than three months they have to register at the administrative unit in the region where they reside before the expiry of the three-month period.
- 2) The administrative unit shall issue a receipt stating that an application was submitted for issuing the registration certificate which allows residence until the final decision on the application is taken.
- 3) The reasons for issuing registration certificate to EU citizens are:
 - employment or work;
 - self-employment;
 - provision of services;
 - study or other forms of education;
 - other reasons.
- 4) The competent body for issuing the registration certificate shall be the administrative unit in the region where the EU citizen resides.

Article 93.d Registration of residence of EU citizens for employment or work

- 1) An EU citizen who intends to enter into employment or work in the Republic of Slovenia and an EU citizen who is employed or works in the Republic of Slovenia may be issued a registration certificate if he/she has:
 - a valid identity card or a valid passport;
 - a document issued by the employer attesting the intention to employ the EU citizen concerned or evidence of employment or work if the EU citizen concerned is already employed and works;
 - a valid work permit when this is required by law regulating employment and work of aliens.
- 2) The registration of residence of an EU citizen for employment or work shall not be terminated:

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- if employment ceased due to temporary inability to work as the result of an illness or accident;
 - if the employment in the Republic of Slovenia which lasted at least one year was terminated involuntarily, which is attested by a document issued by the competent employment office;
 - if he/she receives vocational training.
- 3) If the EU citizen is duly recorded as an unemployed person after completing a fixed-term employment contract of less than one year or after having become involuntarily unemployed during the first twelve months of working in the Republic of Slovenia and has registered as a job-seeker with the relevant employment office, his/her registration of residence shall be terminated six months after the employment ceased unless he/she fulfils the conditions for issuing the registration certificate for any other reasons.
- 4) The provisions of this Article shall also apply to EU citizens who carry out seasonal work in the Republic of Slovenia and to EU citizens who are employed with the employer from another EU Member State and who work in the Republic of Slovenia on the basis of a contract concluded between the foreign contractor and the contracting authority from the Republic of Slovenia, in which case they must have, in addition to the documents listed in the first paragraph of this Article, also the document attesting secondment to the Republic of Slovenia for the realisation of work under the contract concluded between the foreign contractor and the domestic contracting authority.

Article 93.e

Registration of residence for EU citizens who work as self-employed persons or perform services

An EU citizen who works as a self-employed person or performs services in the Republic of Slovenia may be issued the registration certificate if he/she has:

- a valid identity card or a valid passport;
- a document attesting that he/she is a self-employed person or provider of services;
- a valid work permit when this is required by law regulating employment and work of aliens.

Article 93.f

Registration of residence of EU citizens for study purposes

An EU citizen who wishes to study or receive education in the Republic of Slovenia may be issued the registration certificate if he/she has:

- a valid identity card or a valid passport;
- a document attesting acceptance by an educational institution for the purposes of studies or other forms of education issued by the educational institution or document of the state body which is responsible for the implementation of international or bilateral agreements or a document issued by an organisation authorised by the state for carrying out a specific educational course;
- sufficient means of subsistence, corresponding to at least the amount of the basic minimum monthly income in the Republic of Slovenia, where the student's statement of having sufficient resources shall be regarded as appropriate evidence;
- appropriate medical insurance.

Article 93.g

Registration of residence of EU citizens for other reasons

An EU citizen who wishes to reside in the Republic of Slovenia for other reasons may be issued a registration certificate if he/she has:

- a valid identity card or a valid passport;
- sufficient means of subsistence, corresponding to at least the amount of the basic minimum monthly income in the Republic of Slovenia
- appropriate medical insurance.

Article 93.h

Refusal to issue a residence registration certificate to an EU citizen

- 1) The registration certificate shall not be issued to an EU citizen if:
 - he/she does not fulfil the conditions for issuing the certificate laid down under different reasons for issuing the certificate;
 - his residence in the Republic of Slovenia would represent a threat to public order and safety or the international relations of the Republic of Slovenia, or if there is a suspicion that his residence in the country will be associated with terrorist or other violent acts, illegal intelligence activities, possession and trafficking of drugs, or with the committing of any other criminal acts;
 - during the procedure of issuing a first-residence permit it is established that he/she comes from regions where infectious diseases are spread with a possible epidemic listed in the international health rules of the World Health Organisation or from regions where infectious diseases are spread which could threaten the health of people and which require the prescribed measures to be adopted pursuant to the act governing infectious diseases;
 - the period of time for which a prohibition on his/her entering the country was imposed has not yet expired;
 - it is established in the Republic of Slovenia that he/she is acting contrary to the provisions regulating employment and work or contrary to the provisions on the prevention of undeclared work.
- 2) If an administrative unit considers that in order to confirm the reasons specified in the second indent of the first paragraph of this Article it needs data from the criminal records of the EU citizen from another Member State, it must obtain that data on its own.

Article 93.i

Allowed period of residence on the basis of a residence registration certificate and extension of the certificate

- 1) The administrative unit shall issue the registration certificate, valid for five years or for the duration of the intended period of residence in the Republic of Slovenia if the latter is less than five years, to the EU citizen who fulfils the conditions for issuing the registration certificate laid down in this Act.
- 2) The administrative unit in the region where the EU citizen resides may, at the request of the EU citizen, extend the registration certificate for the period of time which equals the

period of time for which the registration certificate is issued if the EU citizen fulfils the conditions for issuing the certificate.

- 3) The administrative unit shall issue a receipt stating that an application was submitted for the extension of the registration certificate which allows the EU citizen to reside in the Republic of Slovenia until the final decision on the application is taken.
- 4) The EU citizen may reside in the Republic of Slovenia for the period stated in the registration certificate.

Article 93.j

Permanent residence permits for EU citizens

- 1) A permanent residence permit may be issued to an EU citizen who has resided in the Republic of Slovenia uninterrupted for five years on the basis of the registration certificate and if there is no justified suspicion that his residence in the Republic of Slovenia would represent a threat to public order and safety or the international relations of the Republic of Slovenia, or if there is no suspicion that his residence in the country would be associated with terrorist or other violent acts, illegal intelligence activities, possession and trafficking of drugs, or with the committing of any other criminal acts.
- 2) The continuity of five years of uninterrupted residence laid down in the first paragraph of this Article shall not be affected by the following absences from the Republic of Slovenia:
 - absence not exceeding six months a year;
 - one absence of a maximum of twelve consecutive months for important reasons such as pregnancy, childbirth, serious illness, study or vocational training or a posting in another state;
 - absence due to compulsory military service.
- 3) A permanent residence permit may be issued before the completion of the period laid down in the first paragraph of this Article to the EU citizen:
 - who is of Slovenian origin;
 - whose residence in the Republic of Slovenia is in the interest of the Republic of Slovenia;
 - who stopped working as an employed or self-employed person in the Republic of Slovenia and is entitled to receive retirement pension in accordance with the regulations of the Republic of Slovenia;
 - who was employed in the Republic of Slovenia for the past twelve months and has retired before legal retirement age if he/she has resided in the Republic of Slovenia uninterrupted for more than three years on the basis of the registration certificate;
 - who was employed in the Republic of Slovenia or worked as a self-employed person and stopped working due to permanent inability to work if he/she has resided in the Republic of Slovenia uninterrupted for more than two years on the basis of the registration certificate; however, the period of residence shall not be a condition if the permanent inability to work is the consequence of accident at work or occupational illness and he/she is entitled to disability pension in the Republic of Slovenia;
 - who finds employment as an employed or self-employed person in another EU Member State after three years of uninterrupted employment or work as self-employed person and uninterrupted residence in the Republic of Slovenia on the basis of the registration certificate and who returns to the Republic of Slovenia every day or once a week;
 - who is a family member of a Slovenian national or a family member of an EU citizen or an alien possessing a permanent residence permit in the Republic of Slovenia, if

he/she has continuously resided in the Republic of Slovenia for a minimum of two years on the basis of a residence registration certificate.

- 4) The EU citizen referred to in the third, fourth and fifth indent of the third paragraph of this Article, whose spouse - with whom he/she lives in the Republic of Slovenia - had the nationality of the Republic of Slovenia which terminated after the marriage, shall be issued the permanent residence permit regardless of the length of residence and employment in the Republic of Slovenia.
- 5) The competent body for accepting the application and issuing the permanent residence permit to the EU citizen shall be the administrative unit in the region where the EU citizen resides.
- 6) A permanent residence permit shall be issued to EU citizens for an unlimited period of time.

Article 93.k

Family members of EU citizens and family members of Slovenian nationals

- 1) For the purposes of this Act family members of EU citizens and family members of Slovenian nationals (hereinafter: family members) are:
 - the spouse;
 - unmarried children under the age of 21;
 - unmarried children of the spouse under the age of 21;
 - unmarried children above the age of 21 and parents whom the EU citizen or the Slovenian national is obliged to maintain in accordance with the legislation of the state whose national he/she is;
 - unmarried children above the age of 21 and parents of the spouse whom the EU citizen's spouse or the Slovenian national's spouse is obliged to maintain in accordance with the legislation of the state of which he/she is a national;
 - parents of the EU citizen and the Slovenian national until he/she reaches the age of 21.By way of an exception the competent body may, at its discretion, regard also another alien's relative as a family member if special circumstances justify family reunification in the Republic of Slovenia.
- 2) A family member who is an EU citizen may enter the Republic of Slovenia with a valid identity card or a valid passport without an entry permit irrespective of the purpose of residing in the Republic of Slovenia.
- 3) A family member who is not an EU citizen may, for the purposes of family reunification with the EU citizen or the Slovenian national, enter in the Republic of Slovenia with a valid passport containing a visa, unless he/she is the national of a state for which the Republic of Slovenia has cancelled visas, or with a valid travel document and residence permit issued by another EU Member State, unless stipulated otherwise by an international agreement.
- 4) A family member shall be refused entry if:
 - he/she does not have an appropriate document or permit referred to in the second or third paragraph of this Article;
 - the period of time for which a prohibition on his entering the country was imposed has not yet expired;
 - his/her residence in the Republic of Slovenia would represent a threat to public order and safety or the international relations of the Republic of Slovenia, or if there is a suspicion that his residence in the country will be associated with terrorist or other

- violent acts, illegal intelligence activities, drug trafficking or with the commission of any other criminal acts;
- he/she comes from regions where infectious diseases are spread with a possible epidemic listed in the international health rules of the World Health Organisation or from regions where infectious diseases are spread which could threaten the health of people and which require the prescribed measures to be adopted pursuant to the act governing infectious diseases.
- 5) The border control authority shall decide on the refusal to allow entry in accordance with the instructions regarding the reasons referred to in the fourth paragraph of this Article issued by the Minister responsible for the interior.
 - 6) A family member may lodge an appeal against the refusal of leave to enter within eight days. The decision on the appeal shall be taken by the Ministry competent for internal affairs. The appeal shall not have the effect of staying the enforcement.
 - 7) A family member who entered in the Republic of Slovenia on the basis of a valid identity card, passport or passport and residence permit issued by another EU Member State may reside in the territory of the Republic of Slovenia without a residence permit for three months from the day of entering the state or until the expiry of the permit, if the latter period is shorter, while a family member who entered in the Republic of Slovenia with an entry visa may reside in the territory of the Republic of Slovenia until the expiry of the visa.
 - 8) If a family member who is not an EU citizen wishes to reside in the territory of the Republic of Slovenia longer than the period laid down in the seventh paragraph of this Article for the purposes of reunion or preservation of the family he or his legal representative or EU citizen or Slovenian national must before the expiry of that period submit an application to the administrative unit in the region where the family member resides for issuing the temporary residence permit for the EU citizen's family member.
 - 9) The administrative unit shall issue a receipt to the family member stating that an application was submitted for issuing a temporary residence permit which shall be regarded as a temporary residence permit until the final decision on the application is taken.

Article 93.l

Temporary residence permits for family members

- 1) A temporary residence permit may be issued to a family member who is not an EU citizen if:
 - he/she is a family member of an EU citizen who resides in the Republic of Slovenia on the basis of a registration certificate or a Slovenian national with the residence registered in the Republic of Slovenia;
 - he/she has a valid identity card or a valid passport;
 - he/she has sufficient means of subsistence, corresponding to at least the amount of the basic minimum monthly income in the Republic of Slovenia;
 - he/she has appropriate medical insurance;
 - he/she entered in the Republic of Slovenia in accordance with the provisions of this Act;
 - it is not established that the marriage was concluded exclusively or chiefly for the purpose of obtaining a residence permit;
 - no reasons to refuse the issuing of the permit specified in the second, third, fourth or fifth indent of Article 93.h(1) of this Act exist.

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- 2) A temporary residence permit for a family member shall be issued for the period of time equal to that granted to the EU citizen in the registration certificate while temporary residence permit for the family member of a Slovenian national shall be issued with a validity of five years. The administrative unit of the area where the family member resides shall be competent for the issue of a temporary residence permit for the family member.
- 3) A temporary residence permit issued to the family member shall be served on the family member in person or on his legal representative.
- 4) A temporary residence permit of the family member may be extended under the same conditions as those applicable to the issuing of the permit. An application for extending the permit must be submitted before the expiry of the permit to the administrative unit in the region where the family member resides.
- 5) The administrative unit shall issue a receipt to the family member stating that an application was submitted for extending a temporary residence permit which shall be regarded as a temporary residence permit until the final decision on the application is taken.

Article 93.m

Retention of a temporary residence permit for a family member

- 1) The EU citizen's death or Slovenian national's death shall not entail loss of the temporary residence permit of his/her family member who has been residing with the EU citizen or the Slovenian national in the Republic of Slovenia for at least one year if the family member has sufficient resources ensured and appropriate medical insurance arranged.
- 2) In the following cases the divorce or annulment of marriage shall not entail loss of the temporary residence permit issued to the spouse of the EU citizen or Slovenian national if he/she has sufficient resources ensured and appropriate medical insurance arranged:
 - if the marriage lasted for at least three years, of which one year in the Republic of Slovenia;
 - in order to exercise the parental right regarding the Union citizen's or Slovenian national's children who are in the custody of the spouse by court order;
 - in order to exercise the parental right regarding the children who reside in the Republic of Slovenia and who are in the custody of the other parent by court order;
 - if the spouse was a victim of domestic violence while the marriage was subsisting.
- 3) In cases referred to in the first and the second paragraph of this Article temporary residence permit of a family member who has a valid identity card or a valid passport, sufficient resources ensured and appropriate medical insurance arranged and if no reasons to refuse the issuing of the permit specified in the second, fourth or fifth indent of Article 93.h(1) exist may be extended for the period of five years or for the period of intended residence in the Republic of Slovenia if the latter is shorter than five years.

Article 93.n

Permanent residence permits for family members who are not EU citizens

- 1) A permanent residence permit may be issued to a family member who is not an EU citizen if he/she has resided in the Republic of Slovenia uninterruptedly for five years on the basis of a temporary residence permit and if he/she fulfils the conditions for issuing the temporary residence permit laid down in this Act.

- 2) A permanent residence permit may be issued to a family member of the EU citizen who has a permanent residence permit in the Republic of Slovenia and to a family member of the Slovenian national following two years of continuous residence in the Republic of Slovenia based on a temporary residence permit.
- 3) A permanent residence permit may be issued to a family member referred to in Article 93.m of this Act if he/she has resided in the Republic of Slovenia uninterruptedly for five years on the basis of a temporary residence permit, has a valid identity card or a valid passport, sufficient resources ensured and appropriate medical insurance arranged and if no reasons to refuse the issuing of the permit specified in the second, fourth or fifth indent of Article 93.h(1) of this Act exist.
- 4) If the EU citizen dies during his/her residence in the Republic of Slovenia on the basis of the registration certificate, and when he/she was employed or worked as a self-employed person in the Republic of Slovenia but had not yet obtained permanent residence status, his/her family members may be issued a permanent residence permit before the expiry of the period specified in the first paragraph of this Article if:
 - the EU citizen had resided as an employed or self-employed person in the Republic of Slovenia uninterruptedly for two years before his/her death;
 - the death of the EU citizen was caused by an accident at work or occupational illness regardless of the period of his residence in the Republic of Slovenia.
- 5) The EU citizen's spouse whose nationality of the Republic of Slovenia terminated after the marriage with the EU citizen and who had lived with the EU citizen in the Republic of Slovenia may be, in case of the death of the EU citizen, issued the permanent residence permit before the expiry of the period specified in the first paragraph of this Article if the EU citizen had resided in the Republic of Slovenia on the basis of the registration certificate and had been employed or self-employed in the Republic of Slovenia regardless of the period of residence of the EU citizen in the Republic of Slovenia.
- 6) The application for issuing the permanent residence permit for a family member may be submitted by the EU citizen or the Slovenian national or by the family member or his legal representative.
- 7) The competent body for accepting the application and issuing the permanent residence permit to the family member shall be the administrative unit in the region where the family member resides.
- 8) The permanent residence permit shall be issued to a family member for an unlimited period of time.

Article 93.o

Appeal

- 1) An appeal may be filed against the decision which ended the procedure and against the decision of the administrative unit taken in respect of the issuing of the registration certificate or residence permit to an EU citizen or family member.
- 2) The decision on the appeal shall be taken by the Ministry competent for internal affairs.

Article 93.p

Annulment of a temporary residence permit for a family member

- 1) The temporary residence permit for a family member may be annulled if:
 - it is determined subsequently that the reasons to refuse the issuing of the permit exist;

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- the reasons for refusal to issue the permit occur subsequently.
- 2) The temporary residence permit shall be annulled by the administrative unit which issued it or by the administrative unit in the region where the family member resides.
 - 3) An appeal against the decision to annul the permit may be filed with the Ministry competent for internal affairs. The appeal shall stay the enforcement.

Article 93.r

Termination of a temporary residence permit for a family member

The temporary residence permit for a family member shall be terminated if:

- its validity expires or it is annulled;
- the residence of the family member is revoked;
- a final additional sentence of expulsion of the alien from the country has been passed on the family member;
- the family member relinquishes the permit;
- the family member acquires permanent residence permit or the nationality of the Republic of Slovenia;
- the family member is absent for more than six months a year during the validity of the permit;
- the family member is absent once for more than twelve consecutive months during the validity of the permit, unless the absence was due to important reasons such as pregnancy, childbirth, serious illness, study or vocational training, a posting in another state or compulsory military service;
- the family member dies.

Article 93.s

Termination of a residence registration of an EU citizen

- 1) The residence registration of an EU citizen who has a residence registration certificate in the Republic of Slovenia shall expire if:
 - it is determined subsequently that the reasons to refuse the issuing of the certificate exist;
 - he/she no longer fulfils the conditions for issuing the certificate for the same reason for which it was issued or for another reason;
 - he/she relinquishes the permit.
- 2) The decision on the termination of the residence registration shall be taken by the administrative unit which issued the registration certificate or by the administrative unit in the area where the EU citizen resides.
- 3) A decision shall be issued on the termination of the residence registration referred to in the first paragraph of this Article, against which an appeal may be filed with the ministry responsible for the interior. The appeal shall stay the enforcement.
- 4) The residence registration of an EU citizen shall also be terminated if:
 - his/her residence is revoked;
 - a final additional sentence of expulsion of the alien from the country has been passed on him/her;
 - he/she acquires a permanent residence permit or the nationality of the Republic of Slovenia.
 - he/she dies.

Article 93.t

Termination of a permanent residence permit

The permanent residence permit of an EU citizen or family member shall be terminated if:

- he/she moves abroad or remains out of the territory of the Republic of Slovenia uninterrupted for more than two years;
- a final additional sentence of expulsion of the alien from the country has been passed on him/her;
- his/her residence is revoked;
- he/she acquires the nationality of the Republic of Slovenia;
- he/she relinquishes the permit;
- he/she dies.

Article 93.u

Revoking of residence

- 1) The residence of the EU citizen or family member who resides legally in the Republic of Slovenia may be revoked if there is justified suspicion that he/she could compromise public order, national safety or the constitutional organisation of the state.
- 2) As regards the issuing of the decision on the revoking of residence and the related procedure the provisions of this Act on the revoking of residence of an alien shall apply *mutatis mutandis*.
- 3) The EU citizen and family member whose residence was revoked and who was prohibited to enter in the Republic of Slovenia for the period longer than three years may, after three years have passed since he/she was issued the final decision on the revoking of residence, submit an application to the administrative unit which had revoked his/her residence for reducing the period for which he/she is prohibited to enter in the Republic of Slovenia. The application must be accompanied by evidence showing an important change of the circumstances on whose basis the decision on the revoking of residence was issued. An appeal against the decision taken by the administrative unit on the reducing of the period may be filed with the ministry responsible for the interior. The EU citizen or family member may not enter the Republic of Slovenia until the positive decision is taken on the application to reduce the period.

Article 93.v

Manner of issuing, content and form of residence registration certificates and residence permits, marking of termination and payment of fees

- 1) Residence registration certificates for EU citizens, temporary and permanent residence permits for family members and permanent residence permits for EU citizens shall be issued in the form of a card.
- 2) Residence registration certificates and residence permits referred to in the first paragraph of this Article must contain the photograph of the person to whom they are issued and the following data
 - the type of permit;
 - the period of validity and

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- the surname and name, nationality, sex and date of birth of the person to whom the certificate or permit was issued.
- 3) The manner of issuing, the content and the form of residence registration certificate and residence permits and the marking of expiry shall be prescribed by the minister responsible for the interior.
 - 4) An administrative fee shall be charged for the issuing of a residence registration certificate, a permanent residence permit for the EU citizen and a temporary and permanent residence permits for his/her family member, the amount of which equals the fee charged for issuing a personal identity card to a national of the Republic of Slovenia with the validity of ten years pursuant to the act regulating the payment of administrative fees.
 - 5) The company or body authorised to produce the card referred to in the first paragraph of this Article may use the personal data specified in the second paragraph of this Article in order to enter the data in the form for the certificate or permit and must destroy the data within 30 days after having using it.

Article 93.z Deportation

- 1) An EU citizen and family member who does not leave the Republic of Slovenia voluntarily shall be deported if:
 - a final additional sentence of expulsion of the alien from the country has been passed on him/her;
 - his residence is revoked;
 - the issuing of a residence registration certificate or a residence permit was rejected since it might threaten public order and safety or the international relations of the Republic of Slovenia, or since there is a suspicion that his residence in the country will be associated with terrorist or other violent acts, illegal intelligence activities, drug trafficking, or with the committing of any other criminal acts;
 - the issuing of the first residence registration certificate or the first temporary residence permit was rejected since it might endanger public health referred to in the third indent of Article 93.h(1) of this Act.
- 2) As regards the deportation procedure, the provisions of this Act on the deportation of aliens shall apply mutatis mutandis.

Article 93.aa Records

Records on residence registration certificates and residence permits issued to EU citizens and family members shall be kept in accordance with the provisions of this Act regulating the keeping of records.

Article 93ab Registration of residence

- 1) An EU citizen who was issued a residence registration certificate and a family member who was issued a temporary residence permit must register temporary residence in the Republic of Slovenia pursuant to the act regulating the registration of residence.

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- 2) An EU citizen who was issued a permanent residence permit and a family member who was issued a permanent residence permit must register permanent residence in the Republic of Slovenia pursuant to the act regulating the registration of residence.

Article 93ac
Proving of identity

As regards proving the identity of an EU citizen and a family member and proving the right to enter and reside in the Republic of Slovenia, the provisions of Article 75 of this Act shall apply *mutatis mutandis*.

CHAPTER XIII: PENAL PROVISIONS

Article 94
Penal provisions

- 1) Legal persons shall be liable to a fine of between SIT 200,000 and 1,000,000 for failing to report aliens whom they have accepted for medical treatment to the competent body by the prescribed deadline.
- 2) The responsible person of a legal person shall be liable to a fine of between SIT 20,000 and 100,000 for committing the offence specified in the preceding paragraph.

Article 95

- 1) The legal entity or individual entrepreneur who brings an alien to the state border or in the territory of the Republic of Slovenia by land, air or water without an appropriate document or entry permit if such permit is required from the alien as the national of a specific country (Article 24(1)) shall be liable to a fine of between SIT 850,000 and 1,500,000 for each alien brought in this manner.
- 2) The responsible person of the legal entity who commits a violation specified in the preceding paragraph shall also be liable to a fine of between SIT 20,000 and 100,000 for each alien brought in that manner.

Article 96

Aliens shall be liable to a fine of between SIT 10,000 and 50,000 for the following offences:

- 1) not possessing a valid travel document (Article 7);
- 2) not having a permit to enter the Republic of Slovenia (Article 8);
- 3) not leaving the country once their residence permit has expired (Article 13);
- 4) using a personal name in violation of the law (Article 74);
- 5) failing to report the loss, theft or other misplacement of travel or other documents (seventh paragraph of Article 75);
- 6) lending their travel or other documents to other persons, or using another person's documents as their own (fourth paragraph of Article 75);
- 7) failing to report the misplacement of an alien's passport (first and second paragraph of Article 79a);

- 8) failing to apply for the issue of an alien's identity card (first paragraph of Article 80).

Article 97

Aliens shall be liable to an on-the-spot fine of SIT 20,000 for the following offences:

- 1) entering or leaving the country in violation of Article 16 of this Act;
- 2) failing to leave the country immediately after their visa has been annulled (fourth paragraph of Article 22);
- 3) failing to produce, at the request of a police officer, a document which proves that they are legally entitled to enter and stay in the country (third paragraph of Article 75);
- 4) failing to produce, at the request of a police officer, proof of their identity (second paragraph of Article 75).

Article 98

Aliens shall be liable to a fine of between SIT 20,000 and 100,000 for the following offences:

- 1) entering the Republic of Slovenia illegally (Article 11);
- 2) residing in the Republic of Slovenia in contravention of the purpose for which their residence permit was issued (fifth paragraph of Article 30);
- 3) residing in the Republic of Slovenia illegally (Article 47).

Article 99

- 1) Persons who allow or assist or who attempt to allow or assist aliens to enter, transit or reside in the territory of the Republic of Slovenia contrary to Article 13.a(1) and (2) of this Act shall be liable to a fine of between SIT 100,000 and 240,000.
- 2) Persons who allow or assist or who attempt to allow or assist another person in helping aliens to enter, transit or reside in the territory of the Republic of Slovenia contrary to Article 13.a(1) and (2) of this Act shall be liable to a fine of between SIT 100,000 and 240,000.
- 3) The legal entity which commits a violation specified in the first and the second paragraphs of this Article shall be liable to a fine of between SIT 500,000 and 1,000,000.
- 4) The responsible person of the legal entity which commits a violation specified in the first and the second paragraphs of this Article shall be liable to a fine of between SIT 150,000 and 300,000.

Article 99.a

- 1) Individual persons who are EU citizens, their family members or family members of Slovenian nationals shall be liable to a fine of between SIT 20,000 and 100,000 if:
 - they enter in the Republic of Slovenia without the required entry document;
 - they enter in the Republic of Slovenia although they have been refused entry;
 - they enter in the Republic of Slovenia although the period of time for which a prohibition on his entering the country was imposed has not yet expired;
 - they stay in the Republic of Slovenia after the period of time for which they are permitted to reside has expired.

- 2) Individual persons who are EU citizens, their family members or family members of Slovenian nationals shall be liable to a fine of between SIT 10,000 and 50,000 if:
- they fail to report lost, stolen or otherwise misappropriated passport or other document (Article 75(5) of this Act);
 - they lend their passport or other document to other persons or use another person's document as their own (Article 75(4) of this Act);
 - at the request of a police officer they fail to prove their identity (Article 75(2) of this Article);
 - at the request of a police officer they fail to produce a certificate or permit demonstrating that they have entered and are residing in the Republic of Slovenia legally (Article 75(3) of this Act).

CHAPTER XIV: TRANSITIONAL AND FINAL PROVISIONS

Article 100 (deleted)

II.

Other Provisions Article 101

Within one year of the day this Act enters into force, the Government of the Republic of Slovenia shall adopt the regulations referred to in the second paragraph of Article 6, the fourth paragraph of Article 7, the third paragraph of Article 14, the sixth paragraph of Article 15, the second paragraph of Article 17, the fifth paragraph of Article 32, and the seventh paragraph of Article 100 of this Act.

Article 102

- 1) Within one year of the day this Act enters into force, the Minister responsible for the interior shall issue the regulations for its implementation referred to in the second and third paragraphs of Article 9, the fourth paragraph of Article 19, the third paragraph of Article 20, the third paragraph of Article 21, the third paragraph of Article 22, the third paragraph of Article 29, the fourth paragraph of Article 46, the sixth paragraph of Article 49 and the fourth paragraph of Article 59 of this Act.
- 2) With regard to issues which fall under the area of work of the Ministry of Labour, Family and Social Affairs or of the Ministry of Foreign Affairs, the Minister shall issue regulations, in agreement with the Ministry of Labour, Family and Social Affairs and the Ministry of Foreign Affairs.
- 3) Within six months of the day this Act enters into force, the Minister responsible for the interior shall prescribe:
 - the application forms for documents issued in accordance with this Act;
 - the procedure for and manner of issuing individual documents;
 - the prices for individual application forms.

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Article 103

On the day this Act enters into force, the Aliens Act (Ur. l. RS, 1/91-1, 44/97, 50/98 – Constitutional Court Decision, 14/99 – Constitutional Court Decision) shall cease to apply.

Article 104

Procedures initiated on the basis of the provisions of the Aliens Act referred to in the preceding Article shall be continued in accordance with this Act if this is more favourable for the persons concerned.

Article 105

Visas and residence permits issued on the basis of the previous Act shall remain in force.

Article 106

Until the issuing of regulations on the basis of this Act, regulations issued on the basis of the previous Aliens Act shall continue to be applied, unless they contravene this Act.

Article 107

On the day this Act enters into force, the Transit Centre for Aliens shall cease operation. Its tasks relating to the implementation of this Act shall be assumed by the Centre. Tasks relating to the implementation of the act governing asylum shall be assumed by the Asylum Centre.

Article 108

On the day this Act enters into force, other laws and the regulations issued on the basis thereof and governing the same issues must be co-ordinated with this Act.

Article 109

This Act shall enter into force on the fifteenth day after its publication in the Official Gazette of the Republic of Slovenia.