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The unofficial consolidated text of the Aliens Act comprises:

- Aliens Act (Official Gazette of the Republic of Slovenia, no. 50/11 as of 27 June 2011),
- Amendment of the Aliens Act – ZTuj-2 (Official Gazette of the Republic of Slovenia, no. 57/11 as of 15 July 2011),
- Act Amending the Aliens Act – ZTuj-2A (Official Gazette of the Republic of Slovenia, no. 26/14 as of 14 April 2014),
- Aliens Act – official consolidated text – ZTuj-2-UPB1 (Official Gazette of the Republic of Slovenia, no. 45/14 as of 20 June 2014).

## **ALIENS ACT (ZTuj-2)**

### **(unofficial consolidated text no. 2)**

#### **CHAPTER I GENERAL PROVISIONS**

##### **Article 1 (contents)**

(1) This Act shall set out the conditions and methods of entry into, departure from and residence of aliens in the Republic of Slovenia.

(2) This Act includes the contents of the following directives and the decision of the European Union:

- Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third-country nationals (OJ L 149, 2 June 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 187, 10 July 2001, p. 45);
- Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ L 328, 5 December 2002, p. 17);
- Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3 October 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 16, 23 January 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 321, 6 December 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 in 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 158, 30 April 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 or who have been the subject of an action to facilitate illegal immigration and who cooperate with the competent authorities (OJ L 261, 6 August 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 375, 23 December 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 289, 3 November 2005, p. 15);
- Council Directive 2008/115/EC of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (OJ L 348, 24 December 2008, p. 98), including Common guidelines on security provisions for joint removal by air way, attached to the Decision of the European Council 2004/573 as of 29 April 2004 (OJ L 261/5, 6 August 2004, p. 5);
- Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment (OJ L 155, 18 June 2009, p. 17);
- Council Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L 168, 30 June 2009, p. 24);
- Council Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection (OJ L 132/1, 19. 5. 2011, p. 1);
- Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (OJ L 343, 23. 12. 2011, p. 1);
- 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 327, 19 December 1994, p. 1).

(3) This Act shall regulate the implementation of the following EU regulations:

- 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 385, 29 December 2004, p. 1);
- Council Regulation (EC) 539/2001 of 15 March 2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (OJ L 81, 21 March 2001, p. 1);
- Council 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 105, 13 April 2006, p. 1; hereinafter referred to as: the Schengen Borders Code);
- Council Regulation (EC) no. 380/2008 of 18 April 2008 amending the Council Regulation (EC) no. 1030/2002 laying down a uniform format for residence permits for third-country nationals (OJ L 115, 29 April 2008, p. 1);
- Council Regulation (EC) no. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) (OJ L 243, 15 September 2009, p. 1; hereinafter referred to as: the Visa Code);
- Council Regulation (EC) no. 265/2010 of the European Parliament and of the Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 with regard to the movement of persons with long-stay visas (OJ L 85, 31 March 2010, p. 1).

## **Article 2** **(definition of terms)**

Individual terms used in this Act shall have the following meaning:

- "Alien" means a person who is not a citizen of the Republic of Slovenia.

- "Stateless person" means an alien who is not considered a citizen by any country under its legal acts.
- "Entry" and "departure" mean arrival in, and exit from, the national territory of the Republic of Slovenia, respectively.
- "Transit" means passage across the national territory of the Republic of Slovenia.
- "Border control" means checks implemented by the competent authorities at the state border on aliens intending to enter, pass through or depart from the national territory of the Republic of Slovenia.
- "Travel document" means a passport or a document equivalent to a passport if so determined by an international agreement.
- "Travel document" means a passport or a document equivalent to a passport if so determined by an international agreement.
- "Daily migrant worker" means an alien with permanent residence in a neighbouring country to which he returns and from which he enters the Republic of Slovenia on a daily basis for the purposes of employment or other work.
- "Carrier" means any natural or legal person professionally engaged in the transportation of passengers by air, sea or land.
- "Worker on secondment" means an alien working for a non-Slovenian employer during the provision of contractual services on the territory of the Republic of Slovenia for whom the employer pays social insurance contributions.
- "Long-term resident" means an alien who is a third-country national and who has been issued a permit for permanent or long-term residence in an EU Member State which is valid for at least five years on the prescribed EU single form for residence permits for third-country nationals in which it is stated in the permit type field that the person is a long-term resident.
- "EU citizen" means an alien who is a citizen of another EU Member State.
- "Third country" means a non-Member State of the European Union.
- "Research organisation" means any legal entity governed by public or private law that fulfils the conditions for conducting research and development in accordance with the regulations governing research and development activities in the Republic of Slovenia which has obtained authorisation from the ministry responsible for science and technology to enter into hosting agreements with non-Slovenian researchers.
- "Researcher" means an alien selected by a research organisation to carry out a research project who is a third-country national with higher education qualifications suitable for access to doctoral programmes.
- "Higher education institution" means any university, faculty, academy of art and professional college, pursuant to the Act governing higher education.
- "University professor" means an alien who is a third-country national, as specified in the Act governing higher education.
- "University staff member" means an alien who is a third-country national, as specified in the Act governing higher education.
- "Hosting agreement" means an agreement between a researcher and a research organisation, or a higher education institution and a university professor or university staff member, whereby the researcher, university professor or university staff member undertakes to carry out a research or pedagogical project, and the organisation or the higher education institution undertakes to host the researcher, university professor or university staff member to this end.
- "Victim of trafficking" means an alien who is a third-country national and who, as a result of prostitution or other forms of sexual abuse, forced labour, slavery, servitude or trafficking in human organs, tissue or blood, is either bought, acquired, installed, transported, sold, handed over or treated in some other manner.
- "Sponsor" means a legal person or sole trader based in the Republic of Slovenia or a natural person with a registered permanent or temporary residence in the Republic of Slovenia who, by means of an affidavit of support, undertakes to sponsor an alien during his stay in the Republic of Slovenia and to cover expenses related to the alien's stay and

accommodation in the Republic of Slovenia and to his return or deportation to the country of origin.

- "Affidavit of support" is a document used by a third-country national to prove in the visa issue procedure the purpose of residence in the Republic of Slovenia, accommodation and sufficient means for subsistence in the Republic of Slovenia and for the return to the country of origin.
- "Diplomatic representation" means a representation of the Republic of Slovenia abroad led by the head of the mission responsible for performing consular functions in accordance with the Vienna Convention on Diplomatic Relations as of 18 April 1961 and with the Vienna Convention on Consular Relations as of 24 April 1963.
- "Consulate" means a diplomatic representation of the Republic of Slovenia abroad led by a career consular officer as defined by the Vienna Convention on Consular Relations of 24 April 1963.
- "Victim of illegal employment" means an alien minor who is a third-country national and who is employed or works and resides in the Republic of Slovenia illegally, or an alien who is a third-country national residing in the Republic of Slovenia illegally and who is employed or who works in particularly exploitative working conditions, as specified in the Act governing the prevention of undeclared employment or other work.
- "EU Blue Card" is the permit for temporary residence due to highly qualified employment, labelled "EU Blue Card", issued by an EU Member State for highly qualified employment to an alien who is not an EU citizen and which enables the holder to enter, reside and work in the EU Member State.
- "Highly qualified employment" means the employment of a third-country national as specified for the purposes of the acquisition of an EU Blue Card in the Act governing the employment and work of aliens in the Republic of Slovenia.
- "Voluntary return" means the return of an alien who has been issued with a return decision and who returns voluntarily within a set term to his country of citizenship or to the country of his last residence as a stateless person or any other country, provided that this state is willing to admit her/him.
- "Risk of absconding" means the existence of reasons, in accordance with this Act, on the basis of which it is possible to assume that a third-country national who is the subject of return procedures may avoid doing so.

### **Article 3 (scope of application)**

(1) The provisions of this Act shall apply to all aliens, unless otherwise determined by the law.

(2) Where more favourable for stateless persons, the provisions of the Convention on the Legal Status of Stateless Persons (Official Gazette of the Republic of Slovenia – International Treaties, no. 9/92) shall apply to them.

(3) In cases when the principle of reciprocity is required for exercise for aliens under this Act, a stateless person may be exempt from this principle if they have resided in the Republic of Slovenia for at least three years.

(4) This Act shall not apply to aliens who seek international protection (applicants for international protection) and to aliens who have been granted international protection status in the Republic of Slovenia, unless otherwise determined by the law.

(5) This Act shall not apply to persons who have been granted temporary refuge by the Republic of Slovenia in accordance with the Act governing temporary refuge and to

persons who have been granted temporary protection in accordance with the Act governing the temporary protection of displaced persons, unless otherwise determined by the law.

(6) The provisions of this Act shall not apply to persons who enjoy privileges or immunities in accordance with international law.

(7) Notwithstanding the provision of the preceding paragraph, the provisions of this Act may, exceptionally and only after receiving prior consent from the ministry responsible for foreign affairs, apply to persons who enjoy privileges or immunities under international law if the application of this Act does not contravene international obligations or the principle of reciprocity. In such a case, this Act may be applied only to the extent that it does not contravene international obligations or the principle of reciprocity.

(8) In cases where doubt arises as to the existence and extent of privileges or immunities and reciprocity, the ministry responsible for foreign affairs shall provide an explanation. Other state administration authorities shall be obliged to comply with the explanation provided by the ministry responsible for foreign affairs.

#### **Article 4 (rights and duties of aliens)**

(1) At his request, an alien against whom criminal proceedings or minor offence proceedings have been instituted and who is detained must receive assistance from the authority that ordered the detention with establishing contact with the diplomatic or consular representation of the country of which s/he is citizen.

(2) While staying in the Republic of Slovenia, an alien shall abide by the Constitution, laws and other general legal Acts of the Republic of Slovenia, and shall comply with measures passed by the competent state authorities.

#### **Article 5 (migration policy)**

(1) On 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 that sets out the economic, social and other measures and activities that the Republic of Slovenia intends to adopt, as well as cooperation activities 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 may determine annually the number (quota) of residence permits which may be issued to aliens in the current year. The quota shall not include temporary residence permits issued for family reunification purposes, to family members of Slovenian or EU citizens, accredited journalists, artists, for research purposes, for the purposes of highly qualified employment, to victims of the trafficking of human beings, victims of illegal employment and temporary residence permits issued on the grounds of other justifiable reasons or in the interests of the Republic of Slovenia.

CHAPTER II  
ENTRY OF ALIENS TO AND DEPARTURE FROM THE REPUBLIC OF SLOVENIA

**Article 6**  
**(entry to and departure from the Republic of Slovenia)**

(1) Entry into and departure from the Republic of Slovenia via the external border are permitted only at designated border crossings.

(2) Entry to and departure from the Republic of Slovenia via internal borders is possible anywhere without border control.

(3) The Government of the Republic of Slovenia shall issue a decree determining exceptions regarding the crossing of the state border for cross-border traffic and for special categories of naval transport, tourist transport by sea and coastal fishing.

(4) An alien's stay within the transit area of an airport or on a ship in a port shall not be considered as entry to the Republic of Slovenia.

**Article 7**  
**(obligation to hold a travel document)**

(1) For the purpose of entering, departing or residing in the Republic of Slovenia, an alien must hold a valid travel document, unless otherwise stipulated by law or by an international agreement.

(2) Aliens whose names are additionally listed in the travel document may enter and depart the Republic of Slovenia only together with the holder of that travel document.

(3) Aliens holding a group passport may enter and depart the Republic of Slovenia only as a group, whereby any person whose name is entered on the group passport must hold a document with a photograph on the basis of which his identity may be proven. The group's guide must hold a personal travel document.

(4) Exceptionally, a group member may be permitted to depart the Republic of Slovenia if this is necessary due to his personal circumstances or if a competent authority has so ordered.

(5) The Government of the Republic of Slovenia may allow that citizens of specific countries can enter and depart the Republic of Slovenia with a personal identity card or other appropriate document issued by their country on the basis of which their identity may be proven.

(6) Entry shall be allowed to persons who are not holders of a valid travel document, but whom the Republic of Slovenia is obliged to admit on the basis of an international agreement or pursuant to adopted international Acts.

(7) On the basis of an international agreement, the Republic of Slovenia may also allow entry to exiled aliens in transit who do not possess a valid travel document and who are not citizens of a country with which such an agreement has been concluded.

**Article 8**  
**(entry permit to the Republic of Slovenia)**

(1) In order to enter the Republic of Slovenia, an alien must, in addition to a valid travel document specified in the preceding Article, possess a visa or a residence permit issued by the competent authority of the Republic of Slovenia or the competent authority of the State party to the Convention implementing the Schengen Agreement of 14 June 1985, unless otherwise stipulated by law or an international agreement.

(2) The list of countries whose citizens require a visa to enter the Republic of Slovenia shall be governed by the *acquis communautaire*, which defines a list of third countries whose citizens are required to have a visa when crossing external borders and countries whose citizens are exempt from this requirement.

**Article 9**  
**(entry of students on a school excursion)**

(1) An alien who is a school pupil studying at a general education institution in another EU Member State in which he legally resides may enter the Republic of Slovenia without a visa on the following conditions:

- if, in the framework of a school excursion, he travels as a member of a group of school pupils studying at a general education institution,
- if the group is accompanied by a teacher from the institution in question who is able to present a list of the schoolchildren he is accompanying issued by the education institution in question on the common form specified 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, and
- if the school pupil presents a valid passport or other entry document specified in an international agreement or a decision issued by the Government of the Republic of Slovenia, with the exception of cases covered by the second paragraph of this Article.

(2) The list of schoolchildren referred to in the second indent of the preceding paragraph of this Article shall also be recognised as an entry document to the Republic of Slovenia under the condition that:

- a recent photograph is included on the list for any of the school pupils referred to therein who are unable to identify themselves with an ID card bearing a photograph, and
- the competent authority of another Member State confirms the residence status in its territory of the school pupils from the list who are third-country nationals, as well as their right to re-entry.

(3) An alien who enters the Republic of Slovenia in accordance with the provisions of this Article may stay in the Republic of Slovenia for the duration of the school excursion, but for no longer than three months, or, in the event of transit through the Republic of Slovenia, for no more than five days.

(4) In order for an alien with a valid permit to reside in the Republic of Slovenia who is a school pupil studying at a general education institution in the Republic of Slovenia and intends to travel as a member of a group of school students within the framework of a school excursion to another EU Member State, the school in question shall, provided the conditions laid down in the first paragraph of this Article have been fulfilled, complete the form referred to in the second indent of the first paragraph of this Article. The administrative unit in the area in which the school in question is seated shall confirm the legal residence of the alien in the Republic of Slovenia.

**Article 10**  
**(refusal of entry to the Republic of Slovenia)**

(1) An alien shall be refused entry to the Republic of Slovenia on the grounds defined in the Schengen Borders Code.

(2) Border control authorities shall decide on the refusal of entry in compliance with the procedure defined in the Schengen Borders Code. An alien may appeal the refusal of entry within a period of eight days. The appeal is filed in written form at the authority which refused entry. The appeal shall be decided on by the ministry responsible for the interior. The appeal shall not have the effect of suspending enforcement.

(3) An alien entering the Republic of Slovenia who is a holder of a residence permit issued in the Republic of Slovenia shall not be subject to assessment on the grounds of refusal of entry specified in the Schengen Borders Code. The entry to the country shall be refused only if residence in the country has been terminated or if a competent authority's decision prohibits them from entering the country or if the residence permit has been cancelled.

(4) The refusal of entry shall be indicated in the alien's travel document and recorded in the record of refused persons in a manner specified in the Schengen Borders Code.

(5) The minister competent for internal affairs shall describe the reasons for refusing entry to an alien due to a threat to public order, the internal security of the Republic of Slovenia or public health, and the reasons for refusing entry to an alien who does not possess a valid travel document for entry.

**Article 11**  
**(border control)**

(1) Aliens must comply with border control upon entering and departing the Republic of Slovenia.

(2) In addition to personal, vehicle and item checks in accordance with the Act governing state border control, the border control of aliens entering the Republic of Slovenia shall include a thorough check as to the existence of any grounds for refusing entry to the Republic of Slovenia on the basis of the preceding Article.

(3) The border control of aliens departing the Republic of Slovenia shall generally consist of checks relevant to public order, internal security or the international relations of the Republic of Slovenia and checks as to the existence of any grounds prohibiting the departure of an alien from the Republic of Slovenia.

**Article 12**  
**(illegal entry to the Republic of Slovenia)**

The entry of an alien to the Republic of Slovenia shall be illegal in the following circumstances:

- if they enter the Republic of Slovenia despite being refused entry on the basis of Article 10 of this Act;
- if the alien evades border control;
- if the alien uses the forged or modified travel or other documents of another person, or if he provides false information to border control authorities, including the use of an alias during the validity of the prohibition to enter;



- if they enter the Republic of Slovenia via the internal border in contravention of Articles 7 and 8 of this Act;
- if they enter the Republic of Slovenia via an internal border although the period of prohibited entry to the country has not expired.

**Article 13**  
**(departure from the Republic of Slovenia)**

(1) Aliens may freely depart the Republic of Slovenia in accordance with the law.

(2) An alien is not permitted to exit the Republic of Slovenia if criminal proceedings have been initiated against such persons, or a procedure concerning a misdemeanour or any other procedure in which the presence of such person is necessary and is requested by a responsible authority.

**Article 14**  
**(permitted duration of residence of an alien)**

(1) An alien may enter and reside in the Republic of Slovenia for the period of time specified in his visa, residence permit, decision of the Government of the Republic of Slovenia, law or international agreement.

(2) An alien who, pursuant to the *acquis communautaire* or an international agreement or a decision of the Government of the Republic of Slovenia, does not require a visa to enter and reside in the Republic of Slovenia may enter the Republic of Slovenia and reside there for a maximum of 90 days within a period of 180 days, including the residence in the past 180-day period, following the date of his first entry for the same purposes as those applicable to aliens who must possess a short-stay visa.

(3) An alien who can stay 90 days in a 180-day period without a visa and move in the territory of the countries parties to the Convention implementing the Schengen Agreement of 14 June 1985 may enter the Republic of Slovenia and stay as long as the total length of his stay in all countries that are parties to the Convention, but not exceeding 90 days in a 180-day period, including the residence in the past 180-day period in the territory of countries parties to the Convention, starting on the day of the first entry to one of the countries that are parties to the Convention.

(4) An alien in possession of a valid short-stay or long-stay visa issued by another competent authority of a state party to the Convention implementing the Schengen Agreement of 14 June 1985, or a valid residence permit issued by another Member State may enter the Republic of Slovenia and stay there on the basis of a valid visa or residence permit as long as the total length of his stay in all Member States, with the exception of the state that issued the visa or residence permit, does not exceed three months during the six-month period following the date of his first entry to one of the states of the states parties, or until the expiry of the visa or residence permit if the latter period is shorter.

(5) A long-term resident and his family members who hold residence permits in another EU Member State may stay in the Republic of Slovenia for three months following the date of their entry to the Republic of Slovenia or until the expiry of the permit if the latter period is shorter.

(6) An alien must depart the Republic of Slovenia prior to the expiry of the period specified in the preceding paragraph if this is determined by the competent authority.

**Article 15**  
**(assisting aliens in entry, transit or residence)**

(1) Whoever enables or assists 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 the entry or transit of aliens through the territory of the Republic of Slovenia.

(2) Whoever enables or assists 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 the residence of aliens in the territory of the Republic of Slovenia.

**Article 16**  
**(obligations of carriers)**

(1) A carrier may transport an alien to the external border by land, air or water only if the alien concerned holds an appropriate travel document and entry permit which the alien is required to hold as a citizen of a specific country.

(2) If an alien is refused entry to the Republic of Slovenia, the carrier that brought him to the state border by air, water or land must, by order of a border control authority, return the alien to the country of departure, to the country that issued the alien's travel document or to any other country that is willing to admit him.

(3) If the carrier fails to transport the alien from the Republic of Slovenia in accordance with the second paragraph of this Article, the alien must immediately find another carrier and depart at his own expense.

(4) The carrier that brought the alien to the external border in contravention of the first paragraph of this Article shall cover the costs of his accommodation and removal. After returning or removing the alien from the Republic of Slovenia, the costs to be paid by the carrier shall be determined by the police, who shall issue a decision that shall be subject to appeal within eight days of receipt. The appeal shall be decided on by the ministry responsible for the interior.

(5) The obligation laid down in the second, third and fourth paragraphs of this Article shall also apply to a carrier who, by air, land or water, conveys to the external border an alien who travels in transit and who has been refused further transport by another carrier or who has been refused entry to the country of his destination and was returned to the Republic of Slovenia.

CHAPTER III  
VISAS

**Article 17**  
**(visas and types of visa)**

(1) Visa means an authorisation issued to an alien by the competent authority, provided that there are no reasons for refusal, with a view to allowing an alien to enter the country and stay for as long as his visa allows or allowing his transit through the national territory, provided that the alien concerned fulfils the conditions that apply to transit.

(2) Types of visas are:

- airport transit visa (visa A),
- short-stay residence visa (visa C),
- long-stay residence visa (visa D).

(3) The conditions and procedures for issuing short-stay and airport transit visas are defined by the Visa Code.

#### **Article 18** **(authority responsible for issuing and renewing visas)**

(1) Visas shall be issued by the diplomatic missions and consular posts of the Republic of Slovenia abroad and, in the cases specified in the second paragraph of Article 20 of this Act, the ministry responsible for foreign affairs.

(2) In the cases specified in the Visa Code, short-stay and airport transit visas may be issued by the border authorities of the Republic of Slovenia or a diplomatic or consular representation of another state party to the Convention implementing the Schengen Agreement of 14 June 1985 with which the ministry responsible for foreign affairs has concluded a representation agreement on visa processing.

(3) The minister responsible for the interior shall define the border crossings at which the border control authorities may issue visas as per the previous paragraph of this Article.

(4) A short-stay visa may be extended by the ministry responsible for foreign affairs in the circumstances and manner provided for in the Visa Code.

#### **Article 19** **(long-stay visa)**

(1) A long-stay visa shall be issued for the period of the alien's intended visit to the Republic of Slovenia which is longer than 90 days and shall have a period of validity of no more than one year. An alien must obtain a long-stay visa before entering the Republic of Slovenia, unless otherwise specified in this Act.

(2) An alien who holds a long-stay visa shall be allowed to enter and reside in the Republic of Slovenia during the entire period of validity of the visa.

#### **Article 20** **(issuing a long-stay visa)**

- (1) A long-stay visa may be issued to any of the following aliens:
- to an alien who is a family member of an EU citizen or to an alien who is a family member of a Slovenian citizen, and intends to reside in the Republic of Slovenia for the purpose of reunification with an EU citizen or a Slovenian citizen, and who is required to hold a visa to enter the Republic of Slovenia;
  - to an alien who holds a diplomatic or service passport and intends to stay in the Republic of Slovenia for the purpose of performing functions at a diplomatic or consular mission of another state or with an international organisation with a registered office in the Republic of Slovenia, and to his family members as specified by Article 47 of this Act if the alien and his family members are required to hold a visa for entry to the Republic of Slovenia;
  - for the purpose of participating in a training course or other similar forms of education or training, where the alien is not required to hold a residence permit for study purposes if he

submits a certificate of acceptance for the training course or other similar forms of education, and evidence of payment confirming that the course or other similar forms of education are payable;

- due to the existence of an economic interest for the Republic of Slovenia which the alien proves by submitting an opinion issued by the ministry responsible for the economy;
- the existence of an interest for the Republic of Slovenia in the field of higher education, which the alien proves by submitting an opinion issued by the competent ministry;
- the existence of an interest for the Republic of Slovenia in the field of culture, which the alien proves by submitting an opinion issued by the competent ministry;
- to an alien who is a sports trainer, professional athlete or private sports operator who has concluded a contract for testing, a contract of employment, or a work contract with a club or sports organisation with a registered office in the Republic of Slovenia;
- to an alien who works as a reporter for non-Slovenian media or is a foreign correspondent accredited in the Republic of Slovenia;
- to an alien who intends to work as a religious official in a registered religious community or to an alien who intends to organise or lead charitable or humanitarian activities for an established humanitarian organisation or registered religious community in the Republic of Slovenia.

(2) Notwithstanding the provisions of the preceding paragraph, a long-stay visa may also be issued to an alien who already resides in the Republic of Slovenia and who was exempted from the visa requirement upon entry, but is obliged to extend the stay in the Republic of Slovenia, as specified in the second paragraph of Article 14 of this Act, for any of the following reasons:

- urgent hospital treatment;
- death or serious health condition of a family member residing in the Republic of Slovenia;
- natural disaster,
- urgent prolongation of a business trip due to unforeseen circumstances in order to prevent the occurrence of major economic damage or devastating environmental consequences;
- the obligation to participate in proceedings conducted by a state authority of the Republic of Slovenia.

(3) An application for a long-stay visa referred to in the preceding paragraph shall be lodged prior to the expiry of a 90-day stay in the Republic of Slovenia with the ministry competent for foreign affairs.

(4) The minister responsible for economic development and technology shall issue rules to determine the criteria for assessing the existence of the economic interest referred to in the fourth indent of the first paragraph of this Article.

#### **Article 21 (cooperation with the police)**

(1) If an alert is issued in the Schengen Information System concerning an alien or his sponsor, excluding an alert for the purposes of refusing entry or an alert related to police records, the diplomatic or consular representation processing the visa application shall forward a request to the police requesting an opinion regarding the issuing of a visa. A diplomatic or consular representation may also submit such a request if an alien or his sponsor is not subject to an alert issued in the Schengen Information System or police records and if it finds that this could clarify the circumstances. Requests and opinions shall be submitted electronically or in written form.

(2) The police shall prepare their opinion within 15 days of receipt of the request. If the police fail to respond to the request within the time limit specified, it shall be deemed that they agree to visa being issued.

**Article 22**  
**(procedure and conditions for issuing a long-stay visa)**

(1) A long-stay visa may be issued upon the application of an alien. An application may not be lodged with the competent authority specified in Article 18 of this Act earlier than three months prior to the start of the alien's intended arrival in the Republic of Slovenia. The format of a long-stay visa application shall be defined by the minister responsible for foreign affairs.

(2) An alien who wishes to enter and stay in the Republic of Slovenia on the basis of a long-stay visa shall hold a valid travel document the validity of which extends at least three months after the intended stay in the Republic of Slovenia; possess medical travel insurance and sufficient means of subsistence, and shall provide evidence of one of the purposes of the intended stay specified in Article 20 of this Act that serve as grounds for issuing a long-stay visa.

(3) The applicant shall support his long-stay visa application with the following documents: a valid travel document and a copy thereof, and other evidence and certificates indicating that the requirements specified in the preceding paragraph have been fulfilled, and shall pay the administrative fee for issuing a long-stay visa. An application for a long-stay visa for which no administrative charges have been paid shall be dismissed by decree. A family member of an EU citizen or a family member of a Slovenian citizen referred to in the first indent of the first paragraph of Article 20 of this Act shall be exempt from the payment of administrative fees charged for issuing a long-stay visa.

(4) Upon the acceptance of an application, the alien's travel document shall be stamped, indicating that the visa application has been submitted. The content and form of the stamp shall be as defined in Annex III to the Visa Code.

(5) A long-stay visa shall be served on the alien in person at the competent authority.

(6) A decision on a refusal to issue a visa, an order on establishing the procedure and an order on rejecting the application issued in the procedure of issuing a visa shall be served by the diplomatic mission or the consular post of the Republic of Slovenia on an applicant in person at the relevant diplomatic mission or consular post, or by mail according to the rules of the country where the diplomatic mission or the consular post of the Republic of Slovenia is located, regulating the postal services thus enabling the confirmation of the receipt. If service cannot be conducted in this way, the decision or order is issued on the information board of the diplomatic mission or the consular post of the Republic of Slovenia and at the uniform state portal e-administration according to the provisions of the Act regulating general administrative procedures.

**Article 23**  
**(travel health insurance)**

(1) An alien applying for a short-term visa shall prove that he is in a possession of adequate travel health insurance that has the same validity as his visa and covers any expenses which might arise due to a medical condition, urgent medical attention or emergency hospital treatment.

(2) The minimum insurance coverage for an alien shall be EUR 30,000.

(3) In principle, the alien shall provide for insurance in his country of residence. Where this is not possible, an alien shall apply for medical travel insurance in any other country where it is possible to acquire the insurance referred to in the first paragraph of this Article; a sponsor or any other legal or natural person in the Republic of Slovenia may arrange insurance on behalf of the alien.

(4) Holders of diplomatic or service passports and aliens applying for a visa at the border are exempt from producing an insurance certificate.

#### **Article 24** **(sponsor and affidavit of support)**

(1) A sponsor who has invited an alien for a private or business-related visit shall write an affidavit of support.

(2) With an affidavit of support, the sponsor shall give assurances that the alien will be provided with accommodation and that the costs of his stay in the Republic of Slovenia and the costs of his return to his country of origin will be covered. The sponsor shall also guarantee to cover any costs of accommodation in the Alien's Centre (hereinafter referred to as the Centre) or the Asylum Home and any costs of removal of the alien from the country.

(3) The sponsor shall have the affidavit of support certified at the administrative unit, which enters the data in the record of certified affidavits of support.

(4) In a visa procedure, an official of the competent authority must acquire *ex officio* information as to the credibility of the sponsor and assess his ability to cover costs and provide accommodation, which shall be kept in an official record. If the sponsor is a natural person, his capacity for financial support may also be determined on the basis of data from the records administered by the tax authorities in accordance with the Act governing personal income tax, i.e. income-related data not exempt from national income tax, tax data and data on compulsory social security contributions and related normalised expenses or real costs, as well as data on dependants, which are classified as a tax secret. The official conducting the visa procedure must protect secret tax data in accordance with the Act regulating taxation procedures. An official of the diplomatic or consular representation shall acquire *ex officio* the data on the applicants invited and their credibility or data confirming that these individuals do not represent a threat to the law and order, security, public health or international relations of the Republic of Slovenia.

(5) An affidavit of support shall contain a sponsor's statement as referred to in the second paragraph of this Article and, for the purposes of the visa procedure, the alien's and sponsor's data and other data relevant to reaching a decision. If the sponsor is a natural person, the affidavit of support must contain, in addition to the statement referred to in the second paragraph of this Article, the following data: sponsor's full name, date of birth, personal registration number, citizenship, telephone number, address, the alien's full name, date of birth, citizenship, his relationship with the sponsor, the period of stay for which the sponsor has extended his invitation and the address of the alien's stay in the country. If the sponsor is a legal entity or sole proprietor, the affidavit of support must contain, in addition to the statement referred to in the second paragraph of this Article, the following data: registered name or name and registered office of the legal person or sole proprietor, company registration number, full name of the statutory representative, telephone number of the statutory representative, full name of a statutory representative's assignee, notarised certificate of authorisation number, full name of the alien, his date of birth, citizenship, the grounds on which the legal person or sole proprietor extended the invitation for a business

visit, registered name and/or name or registered office of the legal person where the alien is employed and the nature of the first business contact established with the alien.

(6) If the sponsor is an alien residing in Slovenia on the basis of a temporary residence permit or certificate of residence registration, his residence permit or certificate of residence registration must be valid for at least three months after the expiry of the visa issued to the alien for whom the sponsor has assured support.

(7) The format of the affidavit of support shall be defined by the minister responsible for foreign affairs.

(8) A detailed definition of the income data referred to in the second paragraph of this Article provided by tax authorities and the method of meeting the criterion of sufficient means of subsistence is to be determined shall be prescribed by the minister responsible for foreign affairs in agreement with the minister responsible for finance.

#### **Article 25** **(means of subsistence required for issuing a visa)**

(1) An alien applying for a short-stay visa shall have sufficient means of subsistence, the amount of which is defined in the rules governing the Schengen Border Code.

(2) An alien applying for a short-stay visa shall have, on a monthly basis, sufficient means of subsistence corresponding to at least the basic amount of the minimum wage in the Republic of Slovenia.

(3) An alien may satisfy the requirement of sufficient means of subsistence by presenting cash, travellers' cheques, credit cards, an affidavit of support, evidence of paid accommodation in the context of a package holiday arrangement, or any other method that proves that he possesses the means necessary for his stay in the country.

#### **Article 26** **(refusal to issue a long-stay visa)**

(1) An alien shall not be issued with a long-stay visa for any of the following reasons:

- if the requirements of the second paragraph of Article 22 of this Act are not met;
- if there are reasons to believe that the alien will not reside in the territory of the Republic of Slovenia;
- if the alien is prohibited from entering the country;
- if the alien has failed to appear in person at the competent authority that extended the invitation;
- if there are reasons to believe that the alien will not voluntarily depart the Republic of Slovenia after the validity of his permit expires;
- if there exist well-founded grounds that the alien might pose a threat to the 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 is related to the commission of terrorist or other violent acts, illegal intelligence, drug trafficking or the commission of other criminal acts;
- if there are reasons to assume that the alien will not abide by the legal order of the Republic of Slovenia;
- if there are reasons to believe that the alien might become a victim of trafficking in human beings while residing in the Republic of Slovenia;
- if, during the visa procedure, it is determined that the alien comes from regions where infectious diseases with epidemic potential are prevalent and listed in the international health rules of the World Health Organization or from regions where there exist infectious

diseases which could pose a threat to the health of people and which require prescribed measures to be taken pursuant to the Act governing infectious diseases;

- if, during the procedure for issuing a long-stay visa, it is determined that the alien was refused a visa or a residence permit during the course of the six months prior to filing the application for a long-stay visa or residence permit, or that either of the two had been revoked due to a threat to the public order, security or international relations of the Republic of Slovenia or any other EU or EEA Member State, or if it is suspected that the alien's residence in the Republic of Slovenia or another EU or EEA Member State will be associated with the commission of terrorist or other violent actions, illegal intelligence activities, drug trafficking or the commission of other criminal offences;
- if the police have delivered an unfavourable opinion;
- if it is clear that the marriage was concluded solely or primarily for the purpose of obtaining a residence permit.

(2) The competent authority shall also establish the existence of any reasons for the refusal of a long-stay visa referred to in the fifth and sixth indents of the preceding paragraph on the grounds of the criminal record data available, data from the record of final judicial decisions or minor offence orders which are kept in the Republic of Slovenia by the ministry responsible for justice, records of final decisions on minor offences kept by minor offence authorities, and data on final indictments and court decisions that have not yet become final which are kept by the competent courts. The competent authority shall acquire the data from the records specified above *ex officio*. The competent authority may obtain the data from the foregoing records *ex officio*.

(3) The competent authority may also establish the existence of any reasons to refuse a long-stay visa referred to in the sixth and seventh indents of the first paragraph of this Article on the basis of data obtained from the official records or official documents of other countries forwarded by a diplomatic or consular representation of the Republic of Slovenia or another state.

#### **Article 27** **(content and form of visas)**

(1) A visa must contain data on:

- the name of the issuing country,
- type of visa,
- the period of validity;
- territorial validity of the visa,
- period of permitted stay,
- number of permitted entries,
- full name of the person to whom the visa was issued,
- visa holder travel document number,
- the date and place of visa issue,
- a photograph which is a true representation of the person to whom the visa is issued.

(2) A visa shall be issued in the form of a sticker affixed to the travel document.

(3) The minister responsible for foreign affairs, in agreement with the minister responsible for the interior, shall issue the rules governing the format and content of visas and the way in which the cancellation of a visa is to be shown.

(4) It shall not be permitted to modify data entered in an issued visa.



**Article 28**  
**(annulment of a long-stay visa)**

(1) A long-stay visa shall be annulled in the following circumstances:

- if it is determined that the alien does not fulfil the visa requirements, or the existence of the reasons stated in the first paragraph of Article 26 of this Act;
- if the alien concerned intentionally submitted incorrect data on his identity or other inaccurate data, or if he intentionally concealed circumstances which have a bearing on the issuing of a visa;
- the imposition on the alien of a secondary sentence of expulsion from the country.

(2) A visa may be annulled by the police or the ministry responsible for foreign affairs. If the alien has not yet entered the Republic of Slovenia, his visa may also be annulled by the diplomatic or consular representation.

(3) An alien present in the Republic of Slovenia whose visa has been annulled must leave the country in the period as determined in the third paragraph of Article 60 of this Act.

**Article 28a**  
**(termination of a long-stay visa)**

(1) A long-stay visa shall cease in the following circumstances:

- if the validity of the visa expires or if the visa is revoked;
- if the alien's residence is terminated;
- if the final secondary sanction of alien expulsion is imposed on the alien in the Republic of Slovenia, or if expulsion is imposed on the alien as a legal consequence of a sentence according to the Penal Code (Official Gazette of RS, nos. 55/08 and 50/12), or the final decision on expulsion is imposed on the alien by another Member State of the European Union, for which the alien is deported from the Republic of Slovenia;
- if the alien acquires citizenship of the Republic of Slovenia;
- if the alien is granted a residence permit;
- if the alien dies.

(2) The competent authority shall appropriately indicate the termination of a long-stay visa due to reasons as determined in the previous paragraph. The provisions of the Visa Code apply appropriately to the manner of labelling a terminated long-stay visa. The authorities competent for labelling the termination of a long-stay visa are the police, an administrative unit and the ministry responsible for foreign affairs.

**Article 29**  
**(appeal)**

(1) An alien may lodge an appeal within eight days of having been served a decision or decree granting a visa, refusing a visa, dismissing a visa application, staying a visa procedure, annulling a visa or revoking an airport transit visa or a short-stay visa. An appeal shall be made in written form.

(2) An appeal against a decision issued by a diplomatic or consular representation shall be decided on by the ministry responsible for foreign affairs. An appeal against a police decision concerning the granting of a visa or its refusal, dismissal of a visa application, halting the visa procedure, annulment of a visa or revocation of an airport transit visa and a short-stay visa shall be dealt with by the ministry responsible for the interior.

(3) An appeal against a decision of the ministry responsible for foreign affairs concerning the granting of a visa or its refusal, dismissal of a visa application, halting the visa procedure, annulment of a visa or revocation of an airport transit visa and a short-stay visa is not permitted.

(4) An appeal shall be lodged with the authority that rendered the decision granting, annulment or revocation of the visa.

(5) In the event of a failure to pay the administrative charges for filing, the appeal shall be dismissed by decree.

**Article 30**  
**(issuing a residence permit to an alien with a long-stay visa)**

(1) An alien who is staying in the Republic of Slovenia on the basis of his long-stay visa may be issued a temporary residence permit provided that he has fulfilled the relevant requirements and provided that this Act does not stipulate otherwise.

(2) The application for a temporary residence permit has to be filed before the expiry of validity of the long-stay visa with the administrative unit of the alien's residence. When the application is filed, the administrative unit issues a certificate to the alien which is regarded as a temporary residence permit until the final decision on the application is reached.

(3) The residence permit issued to an alien based on the first paragraph of this Article shall be served on the alien at the administrative unit which issues the permit.

CHAPTER IV  
RESIDENCE OF ALIENS

**Article 31**  
**(residence permit)**

(1) A residence permit shall mean a permit to enter the Republic of Slovenia and to reside there for a definite period of time and for a specific purpose, or to reside there for an indefinite period.

(2) The provisions of this Act relating to the residence permit also apply to the single permit for residence and work, unless stated otherwise by the Act.

(3) A residence permit in the Republic of Slovenia shall not be required for aliens and circumstances where so determined by law or by international agreement.

**Article 32**  
**(types of residence permit)**

(1) A residence permit is defined as follows:

1. a temporary residence permit; or
2. 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 not tied to a specific purpose may be issued to certain aliens as an autonomous permit for temporary residence in the cases specified in this Act.

(4) A permanent residence permit shall be issued without any limitations as to the duration and purpose of stay in the Republic of Slovenia. An alien who, upon the fulfilment of the requirement of five years of continuous residence on the basis of a temporary residence permit pursuant to this Act, or on the basis of Articles 53 and 53a of this Act, has acquired a permanent residence permit shall be entitled to long-term residence status, which shall be adequately labelled on the permit.

(5) A permanent residence permit issued to the holder of an EU Blue Card shall bear a marking attesting to the fact that the holder formerly possessed an EU Blue Card.

**Article 33**  
**(conditions for issuing a residence permit)**

(1) A residence permit shall be issued based on an application lodged by an alien who wishes to reside in the Republic of Slovenia. An application for a residence permit for an alien in the Republic of Slovenia may also be lodged by another natural or legal person in the circumstances specified in this Act.

(2) An application for a temporary residence permit shall state the purpose of stay in the Republic of Slovenia or any of the reasons specified in the second paragraph of Article 35 of this Act, on the grounds of which an alien may be issued a residence permit.

(3) An alien who wishes to reside in the Republic of Slovenia must possess a valid travel document with a validity at least 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, on a monthly basis, in an amount equal to at least the basic minimum income in the Republic of Slovenia. In order to be issued with a permanent residence permit, an alien must possess a valid travel document, irrespective of the validity period thereof. In order to meet the requirement of sufficient means of subsistence, the alien may provide evidence of the assets earned by himself, his employment or insurance rights, income related to property, income from capital and from other sources, or of the support of people who are obliged to maintain him, a scholarship, income to which they are entitled based on the law on family income and income to which they are entitled on the basis of the act regulating the enforcement of rights to public funds, and with means on an account open at a bank or savings bank in the Republic of Slovenia or abroad. An alien can prove the fulfilment of the condition of sufficient means of subsistence with means provided by himself with work, the rights deriving from work or insurance, income from property or capital and other sources, or with the aid of those who are obliged to maintain the alien, a scholarship or means on an account open at a bank or savings bank in the Republic of Slovenia or abroad.

(4) In addition to the conditions referred to in the preceding paragraph, an alien who wishes to reside in the Republic of Slovenia must also fulfil the conditions required under this Act for the issuing of certain types of residence permit.

(5) The applicant shall support his application for a residence permit with a valid travel document referred to in the third paragraph of this Article or a certified copy of such document and other evidence and documents satisfying the conditions referred to in the third and fourth paragraphs of this Article. If, in accordance with this Act, a residence permit is conditional upon possessing a valid work permit, an application for a residence permit may be lodged together with a work permit application.

(6) A residence permit, excluding a first temporary residence permit, may be issued to an alien who does not possess or is unable to obtain a travel document of his country of origin, provided that his identity has been established with certainty.

(7) A residence permit shall be served on an alien to whom a permit is issued or to his statutory representative.

(8) A statute or international agreement may provide for specific aliens to enjoy the right to reside in the Republic of Slovenia under the conditions laid down by law or international agreement.

#### **Article 34** **(first temporary residence permit)**

(1) A first temporary residence permit of the Republic of Slovenia is a temporary residence permit issued when all the conditions required for a temporary residence permit have been fulfilled under this Act.

(2) An alien must acquire a first temporary permit in the Republic of Slovenia prior to his entry to the country, unless otherwise specified in this Act.

(3) An application for the permit specified in the first paragraph of this Article shall be lodged at a diplomatic or consular representation of the Republic of Slovenia abroad or with a competent authority in the Republic of Slovenia, if so specified in this Act.

(4) If an alien, due to unforeseen circumstances, is unable to obtain a first temporary residence permit of the Republic of Slovenia before entering the country, such a permit may be served on him by the competent issuing authority provided that the alien is a legal resident in the Republic of Slovenia and has lodged his application for a first temporary residence permit prior to his entry to the country, has been fingerprinted by the diplomatic or consular representation of the Republic of Slovenia prior to his entry to the country, and has, after entering the country, notified the competent issuing authority of his arrival, address and duration of intended stay and the reasons he was unable to obtain a temporary residence permit before entering the country.

(5) A first temporary residence permit shall be valid for a period of one year, unless otherwise specified in this Act.

(6) An alien whose residence permit has expired may acquire a new first temporary residence permit of the Republic of Slovenia provided that he fulfils the conditions specified in this Act.

#### **Article 35** **(issuing the first temporary residence permit)**

(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 reunification;
- study, education, advanced professional training or practical training, participation and attendance in international volunteer exchange programmes and;
- other valid purposes and reasons on the basis of this Act, international Acts or international principles and customs, or in the interests of the Republic of Slovenia.

(2) A temporary residence permit in the Republic of Slovenia shall also be issued to the following:

- aliens with long-term residence status in another EU Member State;
- aliens who are Slovenian descendants to the fourth generation in direct descent;
- the children of aliens born in the Republic of Slovenia;
- victims of trafficking in human beings;
- victims of illegal employment;
- aliens who have been permitted to remain in the Republic of Slovenia.

(3) A temporary residence permit shall be issued for the period necessary to fulfil the purpose of stay, and shall be valid for a maximum period of one year, unless otherwise determined by law.

(4) An alien who possesses a temporary residence permit may reside in the Republic of Slovenia until the expiry of the validity of the issued permit.

(5) An alien who is issued a temporary residence permit for a specific purpose may reside in the Republic of Slovenia only in accordance with the purposes stated, except for purposes otherwise defined by this act.

(6) An alien may exercise the right to reside in the Republic of Slovenia on the basis of the issued temporary residence permit as of the date the permit is served on him.

#### **Article 36**

##### **(extension of the residence permit and issue of subsequent permits)**

(1) A temporary residence permit may be extended under the same conditions as those applicable to the issuing of the permit. An alien must lodge an application to extend a permit with the competent authority in the Republic of Slovenia prior to the expiry of the validity of the permit.

(2) An alien may prove the completion of the condition for sufficient means for subsistence with funds that are determined in the third paragraph of Article 33 for the issue of the first temporary permit, i.e. with income to which they are entitled on the basis of the act regulating family income and income to which they are entitled on the basis of the act regulating the enforcement of rights to public funds.

(3) An alien with a temporary residence permit in the Republic of Slovenia may, prior to the expiry of the deadline of the permit lodge, an application at the competent authority in the Republic of Slovenia for the issue of a subsequent residence permit for a different purpose.

(4) An alien may appeal a decision or decree based on which an application to extend or renew a temporary permit was refused or dismissed, or on the basis of which a stay of proceedings was determined, within 15 days of service of the decision or decree.

#### **Article 37**

##### **(single permit for residence and work)**

(1) A single permit for residence and work (hereinafter referred to as single permit) is a permit for temporary residence and work that enables an alien to enter, reside and work in the Republic of Slovenia.

(2) An alien who wishes to reside in the Republic of Slovenia for employment or work purposes may be issued a single permit for residence and work if he fulfils the requirements provided by the third paragraph of Article 33 of this Act if the competent authority as per the Act governing the employment and work of aliens consents to the issue of a single permit, and if there are no reasons to refuse to issue the permit under the first, second, third, fourth, fifth, sixth, seventh, ninth, tenth or eleventh indents of the first paragraph of Article 55 of this Act. If an alien does not require consent for the issuing of a single permit for employment or work under the Act governing the employment and work of aliens, the consent does not constitute a requirement for issuing a single permit.

(3) The first single permit is issued for the duration of validity of the contract of employment or contract for services, for a maximum of one year.

(4) The single permit as per the previous paragraph may be renewed after its expiry if the alien applies to renew the single permit in good time as provided by the second paragraph of the previous article of this Act regarding the renewal of a temporary residence permit, and if all requirements under the second paragraph of this Article are fulfilled for the duration of validity of the contract of employment or contract for services, for a maximum period of two years.

(5) An alien who is a holder of a single permit may, while the permit is still valid, change the position of employment with the same employer, change employer, or be employed by two or more employers on the basis of the written permission of the competent authority, which issues the written permission in the form of a decision after receiving the consent of the authority competent under the Act governing the employment and work of aliens. The written approval on the change of employment at the same employer, change of employer or employment at two or more employers or the conclusion of a new employment contract is issued by the competent authority upon the request of the alien or their employer. The written consent of the competent authority is not required if the Act governing employment and work of aliens states that consent is not required in the cases provided. The competent authority shall acquire the consent *ex officio*. Evidence of fulfilment of the requirements provided by the Act governing the employment and work of aliens, which the competent authority submits to the authority responsible for giving consent under the Act governing the employment and work of aliens must be enclosed with the request for the consent.

(6) The authority competent to give consent must make a decision on the request for a consent to the written permission of the competent authority within 15 days of receiving a complete request. If the authority competent to issue a consent does not submit the consent by the set deadline, the consent shall be considered as not issued and as the reason for rejecting the issue of a written consent. If the consent is not issued due to the non-fulfilment of conditions under the act regulating the employment and work of aliens, the authority competent to issue the consent shall notify the authority of these reasons, and the latter shall reject the application for written approval by issuing a decree.

(7) A single permit is issued in the form provided by Article 58 of this Act, where the permit type is written as "Single permit for residence and work".

**Article 37a**  
**(competences and procedure for issuing a single permit)**

(1) An application for issuing or for renewing a single permit may be filed by an alien or his employer. An alien must submit the application for the first single permit at a diplomatic mission or consular post of the Republic of Slovenia abroad, except in the cases stated in the

sixth paragraph of this Article, when the application may also be submitted to a competent authority in the Republic of Slovenia. The employer may submit the application for the first single permit at a diplomatic mission and consular post of the Republic of Slovenia abroad, or with a competent authority in the Republic of Slovenia. If an application for issuing or renewing a single permit is submitted by the alien's employer, he may also perform other parts of the procedure if so authorised by the alien authorisation; however, the employer may not be served with the issued single permit. If the consent to issue a single permit is not refused for reasons related to the alien, the decision to refuse to issue a single permit is also served on the employer.

(2) With the application for issuing or renewal of a single permit, the alien has to enclose evidence on the fulfilment of requirements provided by the third paragraph of Article 33 of this Act, a contract of employment or for services, and other evidence on fulfilling the requirements defined by the Act governing employment and work.

(3) After receiving the application for issuing or renewing a single permit, the competent authority *ex officio* requests the authority competent to grant consent to issue or renew a single permit under the Act governing employment and work of aliens to consent to issuing or renewing a single permit. The authority competent to grant consent has to reach a decision on the request for consent or renewal of a single permit within 15 days of receiving a complete request. If the authority competent to issue consent does not submit the consent by the set deadline, the consent shall be considered as not issued and as the reason for rejecting the issue of a written consent. After receiving consent to issue or renew a single permit, the competent authority continues to assess whether the remaining requirements are fulfilled and whether reasons exist for refusing to issue or renew a single permit, as set out in the second paragraph of the previous Article.

(4) If the consent to issue or extend a single permit is not granted due to the non-fulfilment of conditions under the act regulating the employment and work of aliens, the authority competent for issuing the consent shall notify the authority of these reasons, and the latter shall reject the application for the issue or extension of a single permit.

(5) A work permit issued on the basis of the Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the employment of Bosnian citizens in the Republic of Slovenia and the Protocol on the Implementation of the Agreement between the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina on the employment of Bosnian citizens in the Republic of Slovenia (Official Gazette of the Republic of Slovenia, no. 92/12) shall be considered as consent to the issue of a single permit according to the procedure under this article.

(6) An alien who lawfully resides in the Republic of Slovenia on the basis of a valid personal identification card, a valid passport, or on the basis of a valid passport and residence permit issued by another European Union Member State, or on the basis of a type 'C' visa issued by the competent authority of the Republic of Slovenia or other State party to the Convention implementing the Schengen Agreement of 14 June 1985, and who wishes to reside in the Republic of Slovenia for the purposes of employment or work, may submit an application the first single permit with the competent authority in the Republic of Slovenia, provided that the alien is:

– a sports trainer, professional athlete or private sports operator already registered in the professional athletes' register or private sports operators' register and has concluded a contract of employment or a contract for services with a club or sports organisation which has its registered office in the Republic of Slovenia;

- a person who intends to work as a religious official in a registered religious community or a person who intends to organise or lead charitable or humanitarian activities for an established humanitarian organisation or registered religious community in the Republic of Slovenia, and who submits a certificate of the registered religious community on performing activities for that community or a certificate of the established humanitarian organisation on organising or leading charitable or humanitarian activities for that organisation;
- a reporter for non-Slovenian media or a foreign correspondent accredited or in the procedure of accreditation renewal in the Republic of Slovenia;
- a person who, on the grounds of an opinion issued by the competent ministry, can prove the existence of an economic interest for the Republic of Slovenia;
- a person who, on the grounds of an opinion issued by the competent ministry formally, can prove the existence of an interest for the Republic of Slovenia in the field of higher education, science and culture.

(7) An alien as determined by the previous paragraph may reside in the territory of the Republic of Slovenia for 90 days from the day of entry to the country, or until the validity of a permit or visa lapses, if the latter is shorter. The alien has to submit the application the first single temporary residence permit with the competent authority in the Republic of Slovenia before the 90-day the validity of the residence permit or visa lapses, whichever is shorter.

(8) The competent authority issues a certificate regarding the duly submitted application for issuing the first single permit in the Republic of Slovenia to the alien as determined by the previous paragraph, which is valid as a temporary residence permit until the decision on the application becomes final, unless this Act stipulates otherwise. Such a certificate does not enable an alien to be employed or to work in the territory of the Republic of Slovenia. If an alien applies for an extension of a single permit or the issue of a single permit as an extended residence permit in time, he can on the basis of the issued confirmation on the lodged application for an extension of the single permit or the application for the issue of a single permit as a further permit for residence work or be employed in the Republic of Slovenia until the decision on the application becomes final if the alien had access to labour market on the basis of a preliminary residence permit or long-stay visa, i.e. based on the law regulating the employment and work of aliens.

(9) An alien who submitted the application for a first single permit with the competent authority in the Republic of Slovenia shall be served with the first single permit, the decision refusing to issue the first single permit, the order on discontinuation of proceedings, and the order on rejecting the application in person with the authority which issued the first single permit, the decision refusing to issue the first single permit, the order on discontinuation of proceedings, and the order on rejecting the application.

#### **Article 37b**

##### **(single permit for the purposes of working as a self-employed person)**

(1) An alien who wishes to reside in the Republic of Slovenia to work as a self-employed person may be issued a single permit for residence and work if he fulfils the requirements provided by the third paragraph of Article 33 of this Act, if the competent authority stipulated in the Act governing the employment and work of aliens consents to issue a single permit, and if there are no reasons to refuse to issue the permit under the first, second, third, fourth, fifth, sixth, seventh, ninth, tenth or eleventh indents of the first paragraph of Article 55 of this Act. If an alien does not require consent to acquire a single permit for employment or work as a self-employed person under the Act governing the employment and work of aliens, the consent does not constitute a requirement for issuing a single permit for the purposes of working as a self-employed person.



(2) With regard to the issuing of a single permit for the purposes of working as a self-employed person, the provisions of Articles 37 and 37a of this Act shall apply.

**Article 38**  
**(temporary residence permit for research and higher education purposes)**

(1) A temporary residence permit may be issued to a researcher, university lecturer or university staff member wishing to reside in the Republic of Slovenia for the purpose of undertaking research or education in the higher education sector if he has concluded a hosting agreement with a research organisation or a higher education institution of the Republic of Slovenia and if he fulfils the other conditions referred to in this Act for the issuing of a residence permit.

(2) A first temporary residence permit shall be issued to a researcher, university lecturer or university staff member for the duration of the work specified in the hosting agreement, but not for a period exceeding one year. The validity of the permit may be extended for up to one year until the work carried out under the hosting agreement is concluded.

(3) An application for a residence permit may be submitted by a researcher, a university lecturer, a university staff member, or a research organisation or higher education institution. A researcher, university lecturer or university staff member must submit an application for a first temporary residence permit at diplomatic missions and consular posts of the Republic of Slovenia abroad, except in the cases and due to the requirements determined by the fourth paragraph of this Article, whereupon the application may also be submitted at the competent authority in the Republic of Slovenia. A research organisation and higher education institution may submit the application at diplomatic missions and consular posts of the Republic of Slovenia abroad, or a competent authority in the Republic of Slovenia.

(4) A researcher, university lecturer or university staff member who legally resides in the Republic of Slovenia on the basis of a valid personal identification card, a valid passport, or on the basis of a valid passport and residence permit issued by another European Union Member State, or on the basis of a type 'C' visa issued by the competent authority of the Republic of Slovenia or other State Party to the Convention implementing the Schengen Agreement of 14 June 1985, and who has a hosting agreement concluded with a research organisation or higher education institution of the Republic of Slovenia, may also submit an application for a first temporary residence permit at a competent authority in the Republic of Slovenia.

(5) An alien as determined by the previous paragraph may reside in the territory of the Republic of Slovenia for 90 days from the day of entry to the country, or until the validity of a permit or visa lapses, if the latter is shorter. The researcher, university lecturer, university staff member or research organisation or higher education institution has to submit the application for the first single temporary residence permit with the competent authority in the Republic of Slovenia before the 90-day residence of the validity of the residence permit or visa lapses the latter is shorter. The competent authority shall issue a certificate to a researcher, university lecturer and university staff member that an application a first temporary residence permit has been submitted in good time at a competent authority; such a certificate shall act as a temporary residence permit until the decision on the application becomes final.

(6) A researcher, university lecturer or university staff member who submits the application for issuing of the first temporary residence permit for the purpose of performing

research work or lecturing work in the field of higher education with a competent authority in the Republic of Slovenia shall be served in person at the authority which issued the permit with the temporary residence permit, the decision on the refusal to issue the permit, the order on the discontinuation of procedure, and the order rejecting the application, issued in the process of issuing the temporary residence permit.

(7) A researcher, university lecturer or university staff member who has concluded a hosting agreement and has been issued a residence permit for a researcher, university lecturer or university staff member in another EU Member State and who wishes to reside in the Republic of Slovenia for a definite period of up to 90 days in order to perform specific work under the hosting agreement may enter the Republic of Slovenia and reside therein for a period of up to three months based on a permit issued in another EU Member State or until the expiry of the permit if this period is shorter.

(8) A researcher, university lecturer or university staff member whose residence permit for researcher, university lecturer or university staff member has been issued in another EU Member State, and who wants to perform research or teaching work in the Republic of Slovenia for a period longer than 90 days shall acquire a residence permit for the Republic of Slovenia for a university lecturer or university staff member on the basis of an agreement on hosting concluded with the research organisation or university institution and by fulfilling other conditions determined in the first paragraph of this article. A researcher, university lecturer or university staff member or research organisation or university institution may lodge an application for the first permit for temporary residence at a diplomatic representation or consulate of the Republic of Slovenia abroad or at a competent authority in the Republic of Slovenia within 90 days of the arrival of the researcher, university lecturer or university staff member in the Republic of Slovenia or before the expiry of the validity of a residence permit issued in another EU Member State if this period is shorter. The competent authority shall issue a certificate to the researcher, university lecturer or university staff member that an application has submitted in time at a competent authority in the Republic of Slovenia, which acts as a temporary residence permit until the decision on the application becomes final. The permit is served in person at the authority issuing the permit to the researcher, university lecturer or university staff member who applied for the issue of the first permit for temporary residence at the competent authority.

(9) If the researcher, university lecturer or university staff member with whom a research organisation or a higher education institution in the Republic of Slovenia has concluded a hosting agreement resides illegally in the Republic of Slovenia while the agreement is in force or for six months following the expiry of the agreement, the research organisation or the higher education institution shall cover the costs of his accommodation, return or deportation provided that the researcher, university lecturer or university staff member does not possess his own resources.

(10) The competent issuing authority shall give priority to processing applications for issuing residence permits to researchers, university lecturers or university staff members.

### **Article 39**

#### **(temporary residence permit for the purposes of highly- qualified employment – EU Blue Card)**

(1) An alien who wishes to reside in the Republic of Slovenia for the purposes of highly-qualified employment may be issued an EU Blue Card if he possesses a valid travel document that covers at least the duration of the intended residence in the Republic of Slovenia and adequate medical insurance, insofar as the competent authority has consented to an EU Blue Card being issued in accordance with the Act governing the employment and other work of aliens, and if there are no grounds to refuse a permit as referred to in this

Article and the second, third, fourth, fifth, seventh, eighth, ninth, tenth or eleventh indents of the first paragraph of Article 55 of this Act.

(2) An EU Blue Card shall be issued for a period of two years, unless the work contract covers a period less than this period, in which case the EU Blue Card shall be issued for the duration of the work contract plus three months, but not with a validity exceeding two years.

(3) An EU Blue Card shall be issued for a period of three years, unless the work contract covers a period less than this period, in which case the EU Blue Card shall be issued for the duration of the work contract plus three months, but not with a validity exceeding three years. An application to renew an EU Blue Card may be lodged by an alien or his employer at the competent authority in the Republic of Slovenia prior to the expiry of its validity.

(4) In the first two years of legal employment, an EU Blue Card holder may change employer on the grounds of a written authorisation provided by the authority competent to issue such authorisation after receiving the consent to change employer. The competent authority shall acquire the consent to change employer *ex officio* from the authority responsible for issuing such consent. The written consent of the competent authority is not required if the Act governing employment and work of aliens states that consent is not required in the cases provided. The competent authority shall acquire the consent *ex officio*. Evidence of fulfilment of the requirements provided by the fourth paragraph of Article 40 of this Act and evidence on the fulfilment of conditions provided by the act governing the employment and work of aliens, which the competent authority submits to the authority responsible for giving consent under the Act governing the employment and work of aliens must be enclosed with the request for the consent.

(5) The authority competent to give consent must make a decision on the request for the consent of the competent authority within 15 days of receiving a complete request. If the authority competent to issue a consent does not submit the consent by the set deadline, the consent shall be considered as not issued and as the reason for rejecting the issue of a written consent. If the consent to written approval is not issued due to the non-fulfilment of conditions under the act regulating the employment and work of aliens, the authority competent to issue the consent shall notify the authority on these reasons, and the latter shall reject the application for written approval by issuing a decree.

(6) After the first two years of legal employment, an EU Blue Card holder may change employer without having to acquire written authorisation from the authority competent to issue EU Blue Card, on the condition that he notifies the competent authority in writing of his intention to change employer.

(7) An EU Blue Card shall be issued in the format specified in Article 58 of this Act with the wording "EU Blue Card" written in the type of document.

#### **Article 40** **(competent authority and EU Blue Card issuing procedure)**

(1) An application for the issuing or renewing of an EU Blue Card may be filed by an alien or his employer. The alien shall lodge an application for a first EU Blue Card at a diplomatic or consular representation of the Republic of Slovenia abroad, while the employer may lodge it at a diplomatic or consular representation of the Republic of Slovenia abroad or a competent authority in the Republic of Slovenia. If the application for the granting or renewal of an EU Blue Card is lodged by the alien's employer, the latter may carry out other

acts in the proceedings in accordance with the alien's authorisation, but cannot act as an agent for the acceptance of an EU Blue Card.

(2) Regardless of the provision of the previous paragraph, an alien who legally resides in the Republic of Slovenia on the basis of a valid personal identification card, a valid passport, a valid passport and residence permit issued by another European Union Member State, or on the grounds of a type 'C' visa issued by a competent authority of the Republic of Slovenia or another State Party to the Convention implementing the Schengen Agreement of 14 June 1985, and who already has a contract of employment concluded with an employer may also submit an application for the first EU Blue Card with a competent authority in the Republic of Slovenia. An alien may reside in the territory of the Republic of Slovenia for 90 days from the day of entry to the country, or until the validity of a permit or visa lapses, if the latter is shorter. The alien has to submit the application for the first EU Blue Card at a competent authority in the Republic of Slovenia within 30 days from the day of entering the Republic of Slovenia.

(3) The competent authority shall issue a certificate to the alien that an application for a EU Blue Card has been submitted in good time at a competent authority in the Republic of Slovenia; such a certificate shall act as a temporary residence permit until the decision on the application becomes final. Such a certificate does not enable an alien to be employed or to work in the territory of the Republic of Slovenia. If an alien requests a renewal of an EU Blue Card in good time, he may work or be employed in the Republic of Slovenia on the basis of a certificate that an application has been submitted for the renewal of an EU Blue Card until the decision on the application becomes final. An alien who submits the application the first EU Blue Card with a competent authority in the Republic of Slovenia shall be served with the first EU Blue Card, the decision to refuse to issue the first EU Blue Card, an order on discontinuing proceedings, or order on rejecting the application, all of which are issued in the procedure of issuing the first EU Blue Card, in person at the authority which issued first EU Blue Card, the order on discontinuing proceedings, or the order on rejecting the application.

(4) An alien must attach a valid travel document or a certified copy thereof, an employment contract or employer's statement of intention to employ the alien, evidence of adequate medical insurance, and evidence of qualifications or professional competence.

(5) After receiving the application for issuing or renewing a single permit, the competent authority *ex officio* requests the authority competent to consent to issue or renew a single permit under the Act governing the employment and work of aliens to give consent for issuing or renewal of a single permit. The authority competent to give consent has to reach a decision on the request for a consent or renewal of the EU Blue Card within 15 days of receiving a complete request. If the authority competent to issue consent does not submit the consent by the set deadline, the consent shall be considered as not issued and as the reason for rejecting the issue of a written consent or extension of the EU Blue Card. The competent authority shall initiate the verification of the fulfilment of other conditions for the issue or renewal of the EU Blue Card as stipulated by the preceding Article already prior to granting the consent to the issue or renewal of the EU Blue Card..

(6) If the consent to issue or extend a EU Blue Card is not granted due to the non-fulfilment of conditions under the act regulating the employment and work of aliens, the authority competent to issue the consent shall notify the authority, competent for the issue of the consent, on these reasons, and the latter shall reject the application for the issue or extension of the EU Blue Card.

**Article 41**  
**(residence of the holder of a EU Blue Card issued in another Member State of the European Union)**

(1) An alien with a valid EU Blue Card issued in another Member State of the European Union who has resided there as a holder of an EU Blue Card over the last 18 months shall be issued with an EU Blue Card, provided that he has fulfilled the conditions specified in the first paragraph of Article 39 of this Act.

(2) An alien referred to in the preceding paragraph may stay in the territory of the Republic of Slovenia without a residence permit for a period of 30 days from his entry to the country. If the alien wishes to remain in the Republic of Slovenia after this period, the alien or the alien's employer must apply for an EU Blue Card with the competent authority in the area of his residence before his residence permit expires. An alien or his or her employer may also apply for an EU Blue Card before the alien's arrival in the Republic of Slovenia at diplomatic missions and consular posts of the Republic of Slovenia in a Member State of the European Union which has already issued an EU Blue Card to the alien concerned; the employer may also apply for an EU Blue Card with the competent authority in the Republic of Slovenia. If the application is submitted at a diplomatic mission or consular post of the Republic of Slovenia abroad, the alien may enter the Republic of Slovenia before the decision on the application is reached, notification of which he must provide to the authority competent for decisions on applications in the Republic of Slovenia upon arrival. The competent authority of the Republic of Slovenia or diplomatic missions and consular posts of the Republic of Slovenia abroad issue a certificate to an alien confirming that an application for an EU Blue Card has been duly submitted with a competent authority in the Republic of Slovenia at a diplomatic mission or consular post of the Republic of Slovenia abroad, which acts as a temporary residence permit until the decision on the application becomes final. An alien who is already residing in the territory of the Republic of Slovenia is served with the issued EU Blue Card, the decision to refuse to issue the EU Blue Card, the order on discontinuing proceedings, and the order rejecting the application, all of which are issued in the process of issuing an EU Blue Card, at the competent authority in the Republic of Slovenia.

(3) The ministry responsible for the interior shall notify the competent authority of the other Member State of the European Union that issued the EU Blue card of the decision granting an EU Blue Card as referred to in the first paragraph of this Article.

**Article 42**  
**(family members of an EU Blue Card holder)**

(1) Family members of an alien residing in the Republic of Slovenia by virtue of an EU Blue Card issued in the Republic of Slovenia shall be subject to the provisions of Article 47 of this Act regarding the issuing of a residence permit for the purposes of family reunification.

(2) A family member of a holder of a non-Slovenian EU Blue Card who has been granted his or her temporary residence permit as a family member of a EU Blue Card holder in another EU Member State, and who also resided in that country with the holder of the EU Blue Card, may also reside in the Republic of Slovenia on the basis of a valid residence permit for a family member of an EU Blue Card holder issued in another EU Member State for 30 days upon arrival to the country, or until their permit has expired, if this period is shorter. If the family member wishes to remain in the Republic of Slovenia after this period, the EU Blue Card holder must, prior to the expiry of the family member's residence permit, apply for a new temporary residence permit for a family member of an EU Blue Card holder

at the competent authority located in the family member's area of residence. An application for a temporary residence permit must be supported by evidence confirming the fulfilment of the conditions referred to in the third and fourth paragraphs of Article 33 of this Act, and by a residence permit of the family member of a holder of an EU Blue Card issued in another EU Member State. The competent authority shall issue a certificate to the family member of an EU Blue Card holder confirming that an application was submitted for the issuing of a temporary residence permit in good time, which shall act as a temporary residence permit until the decision on the application becomes final. The holder of an EU Blue card may also apply for a temporary residence permit for a family member of a holder of a EU Blue Card before the family member enters the Republic of Slovenia at diplomatic missions and consular posts of the Republic of Slovenia in the European Union Member State where the family member was issued a temporary residence permit for a family member of the holder of an EU Blue Card. If the application is submitted at a diplomatic mission or consular post of the Republic of Slovenia abroad, the family member of the holder of an EU Blue Card may enter the Republic of Slovenia before the decision on the application is reached, notification of which he must provide upon arrival to the authority competent to decide on applications in the Republic of Slovenia. The diplomatic missions and consular posts of the Republic of Slovenia abroad shall issue a certificate to the family member confirming that an application was submitted for a temporary residence permit, which shall act as a temporary residence permit until the decision on the application becomes final.

(3) The temporary residence permit referred to in the preceding paragraph shall be issued and extended for the same period as the holder's EU Blue Card.

(4) Family members of an EU Blue Card holder who become family members after the EU Blue Card holder has left the other EU Member State in which he enjoyed the status of an EU Blue Card holder shall be subject to the provisions of Article 47 of this Act.

(5) The ministry responsible for the interior shall notify the competent authority of the other Member State of the European Union which issued a temporary residence permit for a family member of an EU Blue Card holder of the decision that such a permit has been granted.

#### **Article 43**

##### **(readmission of an EU Blue Card holder and his family member after the expiry of permits)**

(1) An EU Blue Card holder and his family members who leave the Republic of Slovenia during the period of validity of the EU Blue Card or the temporary permit for a family member of an EU Blue Card holder issued in the Republic of Slovenia for the purpose of highly-qualified employment in another EU Member State, but have not acquired an EU Blue Card or the related temporary residence permit for a family member in another EU Member State, shall be allowed to re-enter the Republic of Slovenia despite no longer possessing a valid EU Blue Card or the relevant temporary residence permit for a family member of an EU Blue Card holder.

(2) The former EU Blue Card holder and his family members referred to in the preceding paragraph shall, within five days of entering the country, report to the administrative unit in the area of their residence or to the unit that issued the expired EU Blue Card referred to in the preceding paragraph. The administrative unit shall issue a special certificate serving as a three-month temporary residence permit to the former EU Blue Card holder for the purposes of highly-qualified employment and for his family members.

(3) Prior to the expiry of his legal stay, the alien referred to in the preceding paragraph may lodge an application requesting a residence permit for himself and his family

members. Upon the filed application, the administrative unit issues a certificate to the alien, which is regarded as a temporary residence permit until the final decision on the application is reached.

**Article 44**  
**(temporary residence permit 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, and who fulfils the other conditions for the issue of a permit referred to in this Act, may be issued with a temporary residence permit. Adequate proof of his fulfilment of the requirement of sufficient means for subsistence, which every month shall amount to no less than the basic minimum wage in the Republic of Slovenia, shall take the form of a written statement by the student's parents or his statutory representative confirming that they will financially support the alien during her/his studies.

(2) The aliens specified in the preceding paragraph shall be issued with a temporary residence permit for the duration of their studies, education, specialisation or advanced professional training, but for not more than one year. If the studies, education, specialisation or advanced professional training last longer than one year, the permit shall be extended on an annual basis.

(3) The issuing of a permit specified in the preceding paragraph of this Article shall be conditional upon the submission of documentary proof of enrolment in the course of 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 authority responsible for the implementation of international or bilateral agreements or the grant-awarding authority, or confirmation issued by the state-authorized organisation responsible for the implementation of a specific course.

(4) The competent authorities shall give priority to processing applications for the issuing of temporary residence permits for study purposes.

(5) An alien studying or being trained in the Republic of Slovenia who possesses a temporary residence permit 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 and student work.

(6) An alien determined by the first paragraph of this Article who legally resides in the Republic of Slovenia on the basis of a valid personal identification card, a valid passport, or on the basis of a valid passport and residence permit issued by another European Union Member State, or on the basis of a type 'C' visa issued by a competent authority of the Republic of Slovenia or other State Party to the Convention implementing the Schengen Agreement of 14 June 1985, or type 'D' visa issued by a competent authority of another European Union Member State for the purpose of studying, and who submits evidence of enrolment in a study course, may submit an application for a first temporary residence permit with the competent authority in the Republic of Slovenia.

(7) An alien as determined by the previous paragraph may reside in the territory of the Republic of Slovenia for 90 days from the day of entry to the country, or until the validity of a permit or visa lapses, if the latter is shorter. The alien has to submit the application for the first temporary residence permit at the competent authority in the Republic of Slovenia before the 90-day residence of the validity of the residence permit or visa lapses if the latter

is shorter. The competent authority determined by the previous paragraph issues a certificate to the alien that an application was submitted in good time with a competent authority in the Republic of Slovenia, which acts as a temporary residence permit until the decision on the application becomes final. Such a certificate enables the alien to reside in the Republic of Slovenia for study purposes. An alien who submits an application for the first temporary residence permit for study purposes at a competent authority of the country shall be served with the temporary residence permit, the decision to refuse to issue the permit, the order on discontinuing proceedings, and the order on rejecting the application, issued in the process of issuing the temporary residence permit, in person at the authority which issued the permit.

#### **Article 45**

##### **(temporary residence permit for seasonal workers and for the cross-border provision of services involving workers on secondment)**

(1) An alien shall be issued a single permit for seasonal work longer than 90 days, if he fulfils the requirements provided by the third paragraph of Article 33 of this Act, if the competent authority as per the Act governing the employment and work of aliens consents to issue a single permit to perform seasonal work for more than 90 days, and if the conditions under the second paragraph of Article 5 of this Act are fulfilled and if there are no reasons to refuse to issue the permit under the first, second, third, fourth, fifth, sixth, seventh, ninth, tenth or eleventh indents of the first paragraph of Article 55 of this Act. If an alien does not require consent for a single permit to perform seasonal work under the Act governing the employment and work of aliens, the consent does not constitute a requirement to issue a single permit to perform seasonal work longer than 90 days.

(2) A single residence permit for the purposes of performing seasonal work longer than 90 days shall be issued and renewed for an alien for the duration of the employment contract or contract concluded for the performance of work, whereas the total duration of single permits for the purposes of seasonal work longer than 90 days shall not exceed six months, or in exceptional cases stipulated by the act regulating the employment and work of aliens, seven months in a calendar year.

(3) An alien who is by an employer with its head office outside the Republic of Slovenia sent to work or for training for a limited period to a company in the Republic of Slovenia may be issued a single permit for the cross-border provision of services involving workers on secondment, under the condition that the alien has a valid passport and sufficient means for subsistence as stipulated under the third paragraph of Article 33 of this Act, if he holds social insurance in the country of origin, if the competent authority issues a consent to issue a single permit for the mentioned permit under the act regulating the employment and work of aliens, and if there are no reasons to refusing to issue the permit under the first, second, third, fourth, fifth, sixth, seventh, ninth, tenth and eleventh indents of the first paragraph of Article 55 of this Act. If an alien does not require consent to acquire a single permit for the cross-border provision of services involving workers on secondment under the act governing the employment and work of aliens, the consent does not constitute a requirement to issue a single permit. An alien may sent on secondment on the basis of a contract for providing services, an act on secondment, or a contract for training to which he is being posted.

(4) A single permit for the cross-border provision of services involving workers on secondment shall be issued for the duration of the contract or the act on secondment for certain types of work or for the duration of the training contract, which may not exceed one year, except in the case of the provision of services of great importance to the country. The authority competent to issue the permit shall decide on the issue based on the opinion of the ministry competent for labour under the act governing the employment and work of aliens, or



unless otherwise agreed in an international agreement. If for legitimate reasons the contract on the provision of services, contract on training or act on secondment based on which an alien is sent on secondment cannot be realised within the determined period, the single permit for the cross-border provision of services involving workers on secondment as defined in the previous paragraph shall be extended until the deadline for the conclusion of works or training on the basis of a preliminary consent issued by the competent authority under the act governing the employment and work of aliens.

(5) The provisions of Articles 37 and 37a of this Act shall reasonably apply with regard to the procedure for issuing and renewing the single permit for the purposes of seasonal work and the cross-border provision of services involving workers on secondment, unless this Article stipulates otherwise.

#### **Article 46 (daily migrant workers)**

(1) A daily migrant worker may be issued a temporary residence permit for daily migrant workers.

(2) An alien shall be issued a single permit for a daily migrant worker if he fulfils the requirements provided by the third paragraph of Article 33 of this Act, if the competent authority as per the Act governing the employment and work of aliens consents to issue a single permit, and if there are no reasons to refuse the permit under the first, second, third, fourth, fifth, sixth, seventh, ninth, tenth or eleventh indents of the first paragraph of Article 55 of this Act, and if the person proves that he is a daily migrant.

(3) The provisions of Articles 37 and 37a of this Act apply in regard to the procedure for issuing a residence permit to a daily migrant worker; the label "daily migrant worker" is added to the single residence permit.

#### **Article 47 (family reunification and the right to family integrity)**

(1) An alien who resides in the Republic of Slovenia on the basis of a permanent residence permit, and an alien who for the previous year had been residing in the Republic of Slovenia on the basis of a temporary residence permit and who holds a temporary residence permit with at least one year of validity, shall be granted, under the conditions of, and in accordance with, this Act, the right to the reunification, preservation and reintegration of the family with family members who are aliens. For an alien who resides in the Republic of Slovenia on the basis of a temporary residence permit for the purposes of performing seasonal work or as a daily migrant worker, the right to the reunification, preservation and reintegration of the family with family members who are aliens shall not be recognised. The one-year validity time limit of the temporary residence permit includes the time that the alien stayed in the Republic of Slovenia on the basis of the certificate of a submitted application for, or renewal of, a temporary residence permit or another temporary residence permit which shall serve as the permit for temporary residence. An alien who holds an EU Blue Card, an alien who holds a temporary residence permit on the basis of performing work in the field of research or higher education, and an alien with a temporary residence permit issued in the interests of the Republic of Slovenia (a fact which must be determined by an authority competent for issuing the permit on the basis of the opinion of the competent ministry) may reunite family members without limitations related to the duration of the person's stay in the Republic of Slovenia or the validity of his permit.

(2) An alien referred to in the preceding paragraph who is eligible to reunify family members may lodge an application for a first temporary residence permit for his family members at a diplomatic or consular representation of the Republic of Slovenia abroad or a competent authority in the Republic of Slovenia.

(3) In accordance with this Act, the alien's family members shall be as follows:

- a spouse, registered partner or partner with whom the alien resides in a long-term partnership;
- unmarried minor children of the alien;
- unmarried minor children of the spouse, a registered partner or partner with whom the alien has resided in a long-term partnership;
- parents of the minor alien with whom he has resided in a family community before his arrival in the Republic of Slovenia;
- adult unmarried children and parents of the alien, spouse, registered partner or partner with whom the alien resides in a long-term partnership and whom the alien is obliged to maintain in accordance with the regulations of his own state.

(4) By way of exception, the competent authority at its discretion may consider another alien's relative to be a family member if special circumstances justify family reunification in the Republic of Slovenia. In the case of polygamous relationships, a residence permit for the purpose of family reunification may be issued and extended to one spouse only.

(5) A residence permit for family reunification shall be issued and extended at the request of the alien specified in the first paragraph of this Article, who must submit evidence that he possesses sufficient funds to support those family members who intend to reside in the country.

(6) A temporary residence permit for the purposes of family reunification shall be granted to a family member of an alien holding a temporary residence permit for a period equal to that granted to an alien, but not for more than one year, and may be extended for the same period equal to the period of validity of the temporary residence permit, but not for more than two years. A temporary residence permit shall be issued to a family member of a holder of the EU Blue Card and renewed for the period equal to the validity of his EU Blue Card. A temporary residence permit for a family member of an alien who has acquired a permanent residence permit by virtue of being a holder of an EU Blue Card shall be granted and extended for a period of three years. A temporary residence permit for a family member of an alien holding a permanent residence permit in the Republic of Slovenia shall be granted for a period of one year and extended for a period of up to two years. A temporary residence permit for the purposes of family reunification held by minor unmarried children of an alien or his spouse or registered partner or partner with whom the alien resides in a long-term partnership and parents of a minor alien may not be issued or extended for a period that extends beyond the child's age of majority.

(7) The alien's family members shall be granted their own individual residence permits provided that they fulfil the conditions prescribed.

(8) The competent authority may also renew the residence permit of a family member of an alien specified in the first paragraph of this Article in the event of the alien's death or dissolution of marriage, registered partnership or long-term partnership on the condition that the duration of such relationship in the Republic of Slovenia was at least three years. This permit may be renewed only once for a validity of up to one year.

#### **Article 47**

#### **(reunification of the family of an alien with granted refugee status in the Republic of Slovenia)**

(1) The right to reunification of the family shall be granted to an alien with granted refugee status in the Republic of Slovenia under the act governing international protection (hereinafter referred to as refugee) under the condition that the family existed prior to the refugee's entry to the Republic of Slovenia.

(2) For the purposes of this Act, the following are considered family members of a refugee:

- a spouse, registered partner or partner with whom the refugee resides in a long-term partnership;
- unmarried minor children of the refugee;
- unmarried minor children of the spouse, a registered partner or partner with whom the refugee resides in a long-term partnership;
- adult unmarried children and parents of the alien, spouse, registered partner or partner with whom the refugee resides in a long-term partnership if the refugee, spouse, registered partner or partner with whom the refugee resides in a long-term partnership is obliged to maintain them in accordance with the regulations of his own state;
- parents of the refugee who is an unaccompanied minor.

(3) A permanent residence permit shall be issued to the refugee's family member upon the application of the refugee, under the condition that the latter is lodged within 90 days from the day when the refugee status is granted at the ministry competent for internal affairs. With the application for issuing a permanent residence permit, the refugee has to enclose documents that prove the family bond and the identity of his family members. If the refugee does not hold documents to prove the family bond, he has to provide all the facts about family members with whom he wishes to be reunited, especially the names of family members, dates and places of birth, the residence address in the country of origin, and information about the family members' whereabouts at the time the application is submitted. In such a case, he also has to enclose written consent which allows the competent authority to divulge information about his family members to international organisations working in the field of migration for the purpose of validating family bonds. Prior to the submission of data to international organisations operating in the field of migration, the competent authority shall obtain a written statement of the organisation stating that it will protect the data against the authorities of the country of origin.

(4) When authenticating family bonds, a refugee who does not understand Slovenian has the right to free translation and interpreting services for a language he understands. The funds for translations and interpreting services are provided by the ministry competent for internal affairs.

(5) A permanent residence permit may be issued to the family member of a refugee whose identity is not disputable if there are no reasons to refuse to issue of the permit under the third, fifth, sixth, seventh, tenth or eleventh indents of the first paragraph of Article 55 of this Act.

(6) If the refugee does not submit the application for a permanent residence permit within the time limit as per the third paragraph of this Article, in addition to the requirements defined in the previous paragraph, he also has to provide evidence of fulfilling other requirements determined by the third paragraph of Article 33 of this Act and prove that there are no reasons to refuse to issue a permit under the first, second, third, fourth, fifth, sixth, seventh, ninth, tenth or eleventh indents of the first paragraph of Article 55 of this Act.

(7) In the procedure for issuing a permanent residence permit, the personal information of the refugee and his family members are protected from the authorities of his country of origin.

(8) The issued permanent residence permit, the decision to refuse to issue the permit, the order on discontinuing proceedings, and the order on rejecting the application issued in the procedure for issuing a permanent residence permit, shall be served on the refugee at a diplomatic mission or consular post of the Republic of Slovenia abroad, or at the ministry responsible for internal affairs if the family members of the refugees already reside in the Republic of Slovenia.

(9) The issue of the residence permit for the purposes of family reunification for a person who became a family member of the refugee after the refugee's entry to the Republic of Slovenia shall be governed according to the provision under the previous Article.

(10) In the case of polygamous relationships, a residence permit for the purpose of family reunification may be issued and extended to one spouse only.

**Article 47b**  
**(reunification of the family of an alien with recognised subsidiary protection in the Republic of Slovenia)**

(1) An alien whose subsidiary protection in the Republic of Slovenia is recognised under the act governing international protection (hereinafter referred to as person with recognised subsidiary protection) for more than one year shall have the right to family reunification with family members who are aliens, but under the condition that the family existed prior to the entry of the person with recognised subsidiary protection to the Republic of Slovenia. A person with subsidiary protection, recognised for one year, shall have the right to family reunification when the subsidiary protection is extended under the act governing international protection.

(2) For the purposes of this Act, the following are considered persons with recognised subsidiary protection:

- a spouse, registered partner or partner with whom the person with recognised subsidiary protection lives in a long-term partnership;
- unmarried minor children of a person with recognised subsidiary protection ;
- unmarried minor children of the spouse, a registered partner or partner with whom the person with recognised subsidiary protection resides in a long-term partnership;
- adult unmarried children and parents of the alien, spouse, registered partner or partner with whom the person with recognised subsidiary protection resides in a long-term partnership if the refugee, spouse, registered partner or partner with whom the person with recognised subsidiary protection resides in a long-term partnership is obliged to maintain them in accordance with the regulations of his own state;
- parents of a person with recognised subsidiary protection who is an unaccompanied minor.

(3) A permanent residence permit shall be issued to the person with recognised subsidiary protection family member upon the application of the person with recognised subsidiary protection, under the condition that the latter is lodged within 90 days from the day when the person with recognised subsidiary protection status is acknowledged at the ministry competent for internal affairs. With the application for a permanent residence permit, the person with recognised subsidiary protection has to enclose documents that prove the family bond and the identity of his family members. If the person with recognised subsidiary protection does not hold documents to prove the family bond, he has to provide all the facts about family members with whom he wishes to be reunited, especially the names of family members, dates and places of birth, the residence address in the country of origin, and

information about the family members' whereabouts at when the application is submitted. In such a case, he also has to enclose written consent which allows the competent authority to divulge information about his family members to international organisations working in the field of migration for the purpose of validating family bonds. Prior to the submission of data to international organisations operating in the field of migration, the competent authority shall obtain a written statement of the organisation stating that it will protect the data against the authorities of the country of origin.

(4) When authenticating family bonds, a person with recognised subsidiary protection who does not understand Slovenian has the right to free translation and interpreting services for a language he understands. The funds for translations and interpreting services are provided by the ministry competent for internal affairs.

(5) A permanent residence permit may be issued to the family member of the person with recognised subsidiary protection whose identity is not disputable if there are no reasons to refuse to issue the permit under the third, fifth, sixth, seventh, tenth or eleventh indents of the first paragraph of Article 55 of this Act.

(6) If the person with recognised subsidiary protection does not submit the application for a permanent residence permit within the time limit as per the third paragraph of this Article, he also has to provide evidence of fulfilling other requirements determined by the third paragraph of Article 33 of this Act and prove that there are no reasons to refusing to issue the permit under the first, second, third, fourth, fifth, sixth, seventh, ninth, tenth or eleventh indents of the first paragraph of Article 55 of this Act.

(7) In the procedure for issuing a permanent residence permit, the personal information of the person with recognised subsidiary protection and his family members are protected from the authorities of his country of origin.

(8) The issued permanent residence permit, the decision to refuse to issue the permit, the order on discontinuing proceedings, and the order on rejecting the application issued to the refugee in the procedure for issuing a permanent residence permit, shall be served on the person with recognised subsidiary protection at a diplomatic mission or consular post of the Republic of Slovenia abroad, or at the ministry responsible for internal affairs if the family members of the person with recognised subsidiary protection already reside in the Republic of Slovenia.

(9) The issue of the residence permit for the purposes of reunification of the family for a person who became a family member of the person with recognised subsidiary protection after the latter's entry to the Republic of Slovenia shall be governed according to the provision of Article 47.

(10) In the case of polygamous relationships, a residence permit for the purpose of family reunification may be issued and extended to one spouse only.

(11) An alien who resides in the Republic of Slovenia on the basis of a temporary residence permit as a family member of a person with recognised subsidiary protection shall have equal rights in the field of health care, social care, education and employment as citizens of the Republic of Slovenia.

#### **Article 48**

#### **(long-term residents in another EU Member State, their family members and aliens of Slovenian origin)**

(1) An alien who holds the status of a long-term resident in another EU Member State and who wishes to reside in the Republic of Slovenia for the purposes of employment or other work, self-employment, seasonal work as a daily migrant worker may be granted a single permit for the purposes of employment or work, self-employment, seasonal work or as a daily migrant worker, if he fulfils the conditions laid down in the third paragraph of Article 33 of this Act, if the competent authority under the act governing the employment and work of aliens consents to issue a single permit by individual purpose, if the conditions laid down in this Act for specific types of single permit are fulfilled and if there are no reasons to refuse to grant a permit specified in Article 55 of this Act. If an alien does not require consent for a single permit by individual purpose under the act governing employment and work of aliens, i.e. for employment or work, self-employment, seasonal work or daily migrant work, the consent does not constitute a requirement to issue a single permit. An alien who holds the status of a long-term resident in another EU Member State and wishes to reside in the Republic of Slovenia for the purposes of study or other valid reasons may be granted a temporary residence permit if he fulfils the conditions laid down in the third paragraph of Article 33 of this Act and the conditions laid down in this Act for specific types of temporary residence permits for study or other valid reasons, and if there are no reasons to refuse to grant a permit specified in Article 55 of this Act.

(2) An alien referred to in the preceding paragraph of this Article, with the exception of an alien who is a daily migrant worker or an alien who intends to reside in the Republic of Slovenia for the purposes of carrying out seasonal work, shall be granted, under the conditions of, and in accordance with, this Act, the right to the reunification, preservation and reintegration of the family with family members who are aliens, provided they enjoy the status of a long-term resident or another type of residence permit in another EU Member State and they have lived together in a family union with the alien referred to in the preceding paragraph of this Article in the EU Member State where the alien concerned enjoys the status of a long-term resident.

(3) A long-term resident and his family members as determined by the preceding paragraph may reside in the territory of the Republic of Slovenia for 90 days from the day of entry to the country, or until the validity of their permits lapses, if the latter is shorter. If they wish to stay in the Republic of Slovenia for a longer period, the long-term resident must apply for a single permit for the purposes of employment or work, self-employment, seasonal work or for daily migrant work or a temporary residence permit for himself and his family members at the competent authority in the Republic of Slovenia in the area of his residence prior to the expiry of the granted residence permit. He may also submit an application for a single permit by individual purpose of temporary residence permit for himself and his family members before entering the Republic of Slovenia at a diplomatic mission or consular post of the Republic of Slovenia in the EU Member State where he enjoys the status of a long-term resident. If the application is submitted at a diplomatic mission or consular post of the Republic of Slovenia abroad, the long-term resident and his family members under the preceding paragraph may enter the Republic of Slovenia before the decision on the application is reached, notification of which he must provide upon arrival to the authority competent to decide on applications in the Republic of Slovenia. The competent authority in the Republic of Slovenia or the diplomatic mission or consular post of the Republic of Slovenia abroad shall issue a special confirmation that shall serve as a temporary residence permit until the final decision on the application, or in the case of an application for a temporary residence permit for the purposes of study, other valid reasons or the issue of the permit for temporary residence for family members under the previous paragraph has been reached. A single permit for the purpose of employment or work, self-employment, seasonal

work or for a daily migrant worker or a temporary residence permit, decision to refuse to issue the permit, the decision on halting the procedure and the decision on revoking the application, which are issued in the procedure of single permit issue for individual purpose or temporary residence permit, shall be served to the long-term resident and his family members who already reside in the territory of the Republic of Slovenia by the competent authority in the Republic of Slovenia.

(4) Regarding the issue and renewal of a single permit to a long-term resident, the provisions of Articles 37, 37a, 37b and 45 of this Act shall apply. The temporary residence permit for a long-term resident for study and other valid reasons shall be granted and renewed for the period necessary for the completion of the purpose of residence and in accordance with the validity determined in this act for each individual type of temporary residence permit. A temporary residence permit for a family member shall be granted and extended for a period equal to that granted to the long-term resident. A long-term resident may reside in the Republic of Slovenia only in accordance with the purpose for which the single permit or temporary residence permit was issued.

(5) The ministry competent for the interior shall inform the competent authority of the other EU Member State in which the alien enjoys the status of a long-term resident on the issue of a single permit for the purposes of employment or work, self-employment, seasonal work or for a daily migrant worker, temporary or permanent residence permit, issued decision or decree, and of the deportation of a long-term resident and his family members.

(6) Family members of a long-term resident who hold residence permits in another EU Member State, but who have not lived together in a family union with the long-term resident in the EU Member State where he enjoys the status of a long-term resident, and family members who have no residence permit in another EU Member State shall be subject to the provisions of Article 47 of this Act regarding the issuing of a residence permit for family reunification. These provisions shall also apply to the family members of a long-term resident who became family members after he left the EU Member State in which he enjoys the status of a long-term resident.

(7) An alien who is a Slovenian descendant to the fourth generation in direct descent who wishes to reside in the Republic of Slovenia may be issued a temporary residence permit if he proves that he fulfils the conditions laid down in the third paragraph of Article 33 of this Act.

(8) An alien who is a Slovenian descendant to the fourth generation in a direct descending or ascending line and who legally resides in the Republic of Slovenia on the basis of a valid personal identification card, valid passport, or on the basis of a valid passport and residence permit issued by another European Union Member State, or on the basis of a type 'C' visa issued by a competent authority of the Republic of Slovenia or another State Party to the Convention implementing the Schengen Agreement of 14 June 1985, may also submit an application for the first temporary residence permit with a competent authority in the Republic of Slovenia. An alien may reside in the territory of the Republic of Slovenia for 90 days from the day of entry to the country, or until the validity of a permit or visa lapses, if the latter is shorter. The alien has to submit the application for the first temporary residence permit at the competent authority in the Republic of Slovenia before the 90-day residence of the validity of the residence permit or visa lapses if the latter is shorter. The competent authority as per the previous paragraph issues a certificate to the alien confirming that an application for temporary residence was submitted in good time at a competent authority in the Republic of Slovenia, which acts as a temporary residence permit until the decision on the application becomes final. An alien who submits an application the first temporary residence permit as an alien of foreign decent shall be served with the temporary residence permit, the decision to refuse issue the permit, the order on discontinuing proceedings, and

the order on rejecting the application, issued in the process of issuing the temporary residence permit, in person at the authority which issued the permit.

**Article 49**  
**(children born to aliens in the Republic of Slovenia)**

(1) A child born to an alien in the Republic of Slovenia, who does not acquire Slovenian citizenship shall not be required to hold a residence permit during the first three months of his life.

(2) After the expiry of the three months at the latest, the competent authority shall issue a residence permit to the child referred to in the preceding paragraph of this Article *ex officio*, which shall be valid or extended *ex officio* for as long as the children's mother or father, or guardian responsible for raising the child hold a residence permit, or for as long as the latter is extended until the child reaches 18 years of age.

(3) The competent authority shall grant *ex officio* a permanent residence permit to the child referred to in the first paragraph of this Article on the condition that one parent possesses a permanent residence permit in the Republic of Slovenia or provided that the child's guardian is a Slovenian citizen or an alien with a permanent residence permit in the Republic of Slovenia.

(4) The provisions of this Article apply *mutatis mutandis* to a child of a person with recognised international protection in the Republic of Slovenia who was born in the Republic of Slovenia. The competent authority shall issue a permanent residence permit to the child as determined by the first paragraph of this Article *ex officio*, under the condition that at least one of the parents has been granted refugee status. The competent authority shall issue a temporary residence permit to a child determined by the first paragraph of this Article *ex officio*, under the condition that at least one of the parents has been granted subsidiary protection. The temporary residence permit is valid or is renewed *ex officio* for as long as the child's mother, father or guardian hold the status of subsidiary protection, but not beyond the age of 18.

(5) The residence permit issued in accordance with the second, third and fourth paragraphs of this Article is valid from the day of birth of the child.

**Article 50**  
**(victims of trafficking in human beings and illegal employment)**

(1) A victim of trafficking in human beings who resides in the Republic of Slovenia illegally is permitted to stay for 90 days at their request or *ex officio* by the police in order to determine whether the person will cooperate as a witness in criminal proceedings against perpetrators of trafficking in human beings. The same period of reflection shall be granted *ex officio* by the police to an alien or upon his request to a victim of illegal employment in order to decide whether he shall participate as a witness in criminal proceedings against the employer regarding a criminal offence of illegal employment, or provided that he lodges an action for the enforcement of employment rights. The period of stay of a victim of trafficking in human beings or a victim of illegal employment may be extended, for valid reasons, for a period of up to 90 days.

(2) Residence may be denied if the residence of a victim of trafficking in human beings or a victim of illegal employment in the Republic of Slovenia poses a threat to the public order, security or international relations of the Republic of Slovenia, or if it is suspected that his residence in the country will be connected with the commission of terrorist or other



violent actions, illegal intelligence activities, the possession of illicit drugs or the commission of other criminal acts, or if the alien comes from a region where infectious diseases with epidemic potential are prevalent and listed in the international health rules of the World Health Organization or from regions where there exist infectious diseases which could pose a threat to people's health and which require the prescribed measures to be taken pursuant to the Act governing infectious diseases.

(3) During the period of permitted stay, a victim of trafficking in human beings and a victim of illegal employment shall enjoy the rights guaranteed by this Act to aliens who are permitted temporary stay, and the right to free translation and interpretation. The police and non-governmental organisations shall inform a victim of trafficking in human beings or a victim of illegal employment who is an unaccompanied alien minor of the possibility of acquiring a residence permit and the requirements related to it and shall make every effort to establish contact with his family.

(4) A temporary residence permit may be issued to victims of trafficking in human beings or illegal employment regardless of the other conditions defined by this Act regarding the issuing of a residence permit if the victim is willing to cooperate as a witness in criminal proceedings and his testimony is important, which is confirmed by the authority competent for criminal prosecutions, while a victim of illegal employment may also be issued a temporary residence permit if he has lodged an action to enforce employment rights and if his presence is required in the territory of the Republic of Slovenia for the purposes of court proceedings, which are confirmed by the competent court.

(5) Temporary residence permits shall not be issued to a victim of trafficking in human beings or a victim of illegal employment in the following circumstances:

- if he has not fulfilled the conditions to receive a permit as defined in the preceding paragraph;
- if his residence in the Republic of Slovenia would represent a threat to the public order, security or international relations of the Republic of Slovenia, or if it is suspected that his residence in the country might be associated with terrorist or other violent acts, illegal intelligence activities, drug trafficking or the commission of any other criminal acts;
- if during the proceedings for issuing a permit it is determined that the victim comes from regions where infectious diseases with epidemic potential are prevalent and listed in the international health rules of the World Health Organization or from regions where there exist infectious diseases which could pose a threat to people's health and which require the prescribed measures to be taken pursuant to the Act governing infectious diseases;
- if during the procedure for granting a permit it is determined that a victim of trafficking in human beings has contacted a suspect, a defendant or accused voluntarily, or that a victim of illegal employment has voluntarily contacted an employer who is suspected, charged with, or accused of, a criminal offence of illegal employment.

(6) A victim of trafficking in human beings and a victim of illegal employment shall lodge an application for a temporary residence permit with the competent authority in the Republic of Slovenia prior to the expiry of the period of allowed stay in the Republic of Slovenia or prior to the expiry of allowed residence if the victim resides in the Republic of Slovenia legally on another basis. The competent state authority shall issue a certificate attesting to the prompt filing of the application, which shall serve as a temporary residence permit until a final decision is reached regarding the application. A victim of trafficking in human beings or a victim of illegal employment who does not have his own means of subsistence shall be exempt from administrative charges and the costs of printed material in the procedure for issuing a temporary residence permit and the costs of interpretation and translation.

(7) A victim of trafficking in human beings is issued a temporary residence permit for the period of the anticipated criminal proceedings, but for no less than six months and no more than one year. Until the termination of criminal proceedings and upon the fulfilment of the conditions in this article, a temporary residence permit may be extended for no more than one year at the request of a victim of trafficking in human beings. The temporary residence status of a victim of illegal employment whose outstanding remuneration has not been paid by his employer may also be renewed at his own request, for a maximum period up to one year after the criminal proceedings have concluded, provided that the conditions of this Article apply and that the victim has submitted evidence that an action has been filed with the competent court to recover the outstanding remuneration. In the event that the outstanding remuneration is recovered prior to the expiry of a residence permit, the victim of illegal employment shall notify the administrative unit that issued the permit or the administrative unit of his residence.

(8) A victim of trafficking in human beings or a victim of illegal employment who has been issued a temporary residence permit and has no means of subsistence shall be entitled to emergency health care pursuant to the Act regulating health care, as well as health insurance and the payment of financial aid in the amount and way stipulated by the act regulating social security income. The means are provided and paid by the social work centre in the region where the alien resides. A victim of trafficking in human beings may obtain employment or other 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 other work of aliens; a victim of illegal employment may, under the same conditions, obtain employment or other work with another employer during the period of validity of the temporary residence permit.

(9) A victim of trafficking in human beings may be issued a subsequent temporary residence permit for another reason for residing in the Republic of Slovenia if the conditions for issuing such a permit are met. An application for a subsequent permit must be lodged prior to the expiry of the previous permit.

**Article 51**  
**(residence permit for other well-founded reasons and in the interests of the Republic of Slovenia)**

(1) Aliens who, in accordance with the law, through international acts or international principles or practice, demonstrate well-founded reasons that justify their stay in the Republic of Slovenia may be issued a temporary residence permit by the competent authority for the period of intended stay in the Republic of Slovenia, the validity of which shall not exceed one year. An alien applying for a temporary residence permit shall also fulfil the other criteria applicable to residence permits under this Act.

(2) A competent authority may issue a temporary residence permit with two-year validity to an alien who was allowed to stay in the Republic of Slovenia for a period of at least 24 months because he is subject to prohibition from deportation under Article 72 of this Act and whose identity has been established with certainty. An alien must lodge an application for the extension of a permit with the competent authority in the Republic of Slovenia prior to the expiry of the validity of the permit. The temporary residence permit is issued if no grounds exist to believe that the alien might pose a threat to the public order and safety or the international relations of the Republic of Slovenia, and if there is no suspicion that the alien's residence in the country is related to the commission of terrorist or other violent acts, illegal intelligence, drug trafficking or the commission of other criminal acts. The permit may be issued notwithstanding the provisions of the ninth indent of the first paragraph of Article 55 of this Act and shall be served at the competent authority of Republic of Slovenia that

issued the permit. An alien with a temporary residence permit may obtain employment or work in the Republic of Slovenia during the validity of his temporary residence permit under the conditions determined in the act regulating employment and the work of aliens. An alien who has been issued a temporary residence permit and has no means of subsistence shall be entitled to emergency health care pursuant to the act regulating health care, as well as health insurance and the payment of financial aid in the amount and way stipulated by the act regulating social security income. The means are provided and paid by the social work centre in the region where the alien resides. A temporary residence permit issued under this paragraph may be extended by the competent authority for two-year periods, provided that the prohibition of the deportation of the aliens referred to in Article 72 of this Act is still in force, which is to be confirmed by the police, and provided that there are no grounds for refusing a temporary residence permit under this Act. The competent authority shall issue a certificate confirming that an application was submitted for a temporary residence permit or extension of a residence permit in due time, which shall act as a temporary residence permit until the decision on the application becomes final. An alien who does not have his own means of subsistence shall be exempt from administrative charges and the costs of printed matter in the procedure for issuing a temporary residence permit.

(3) An alien whose residence in the Republic of Slovenia is in the interests of the Republic of Slovenia may be issued a temporary residence permit for the period of his intended residence in the Republic of Slovenia, but not for a period longer than five years. Upon the proposal of a competent authority or another state authority, the Government of the Republic of Slovenia shall issue a decision stating the interests of the Republic of Slovenia in issuing a temporary residence permit to an alien. In its proposal, the ministry or another state authority that expressed such interest must justify the existence of the interest and attach the alien's letter of consent to institute a procedure for issuing a permit and other evidence attesting to the fact that the alien has sufficient means of subsistence and adequate medical insurance or shall provide such resources in an amount equal to the basic minimum monthly wage in the Republic of Slovenia for the period of validity of the residence permit. Based on the decision of the Government of the Republic of Slovenia, the Ministry of the Interior shall issue a decision *ex officio* to institute proceedings to issue a temporary permit. The parties to the proceedings for the issue of a permit shall be the alien and the ministry or another state authority that expressed the interest. An alien may be issued with a temporary residence permit if he fulfils the conditions referred to in this paragraph and when there are no grounds to suspect that he might pose a threat to the public order, security or international relations of the Republic of Slovenia, and where there is no suspicion that his residence in the country might 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 comes from a region where infectious diseases with epidemic potential are prevalent and listed in the international health rules of the World Health Organization or from regions where there exist infectious diseases which could pose a threat to the people's health and which require the prescribed measures to be taken pursuant to the Act governing infectious diseases. A first temporary residence permit shall be issued to an alien who is *de facto* already residing in the Republic of Slovenia. In this case, the alien shall be issued with a first temporary residence permit by the ministry responsible for the interior.

#### **Article 52** **(permanent residence permit)**

(1) A permanent residence permit may be issued to an alien who has resided in the Republic of Slovenia continuously for five years on the basis of a temporary residence permit or a confirmation on filed application for the renewal or issue of a subsequent temporary residence permit or confirmation on the filed application for the issue of the first temporary residence permit, which enables an alien during the process of considering his application for

the issue of the first temporary residence permit residence in the Republic of Slovenia, and if he fulfils the other conditions for the issuing of a permit laid down in this Act and if there are no reasons to refuse to issue the permit referred to in Article 55 of this Act. The condition of five years of continuous residence in the Republic of Slovenia on the basis of a temporary residence permit or the confirmation on filed application for the extension or issue of a subsequent temporary residence permit or the confirmation on filed application for the issue of the first temporary residence permit, which during the process of considering his application for the issue of the first temporary residence permit residence in the Republic of Slovenia allows an alien to reside in the Republic of Slovenia, shall be fulfilled if the alien has been absent from the Republic of Slovenia and the temporary residence permit or confirmation of application for the extension or the issue of a subsequent temporary residence permit were not issued if absences were for less than six consecutive months and do not exceed ten months in total. The period of the alien's residence in the Republic of Slovenia on the basis of a long-stay visa shall be included in the period required for issuing a permanent residence permit if the alien requests that a temporary residence permit be granted prior to the expiry of his long-stay visa, and his temporary residence permit was issued on the basis of Article 30 of this Act. The period of the alien's residence 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 a 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 a permanent residence permit. The time that an alien spent in prison shall not be considered in the period required for issuing a permanent residence permit. During the period when a decision is being taken on issuing a permanent residence permit, the alien shall reside in the Republic of Slovenia on the basis of a temporary residence permit.

(2) An EU Blue Card holder shall also fulfil the condition of five years of continuous residence required for the issuing of a permanent residence permit defined in the preceding paragraph if he has five years of continuous residence in the territory of the European Union as an EU Blue Card holder, on the condition that, prior to the submission of an application for a permanent residence permit, he has resided in the Republic of Slovenia continually for the last two years. Any absence from the territories of EU Member States shall not interrupt the five-year period of legal residence, provided that it is shorter than twelve consecutive months and does not exceed a total of eighteen months in the five-year period.

(3) 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 interests of the Republic of Slovenia and if this is decided by the authority competent for the issue of the permit based on the opinion of the competent ministry or other state authority. Family members of an alien who possesses a permanent residence permit or has a refugee status in the Republic of Slovenia may be issued with permanent residence permits following two years of continuous legal residence in the Republic of Slovenia on the basis of a temporary residence permit or a certificate of the renewal or granting of a subsequent temporary residence permit. A permanent residence permit may also be issued prior to the expiry of the period specified in the preceding paragraph to an alien whose permanent residence permit expired on the basis of the sixth, seventh or eighth indents of the third paragraph of Article 57 of this Act, provided that, in the event of the expiry of the permanent residence permit referred to in the eighth indent of the second paragraph of Article 57, the alien's status of a long-term resident in another EU Member State has terminated.

(4) A permanent residence permit shall not be issued to an alien who, during the last three years, has been sentenced to prison for more than one year. The time that an alien

spent in prison shall not be considered in the period required for issuing a permanent residence permit.

(5) A permanent residence permit shall not be issued to an alien who has resided in the Republic of Slovenia continuously and legally for five years on the basis of a temporary residence permit for the purposes of study or vocational training, or to an alien who, during the period when a decision is being taken 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.

(6) An alien who has been issued with a permanent residence permit for having fulfilled the five-year continuous residence period in accordance with the first paragraph of this Article shall acquire long-term residence status, which shall be properly marked on the permit.

**Article 53**  
**(subsequent acquisition of a long-term resident status)**

(1) An alien residing in the Republic of Slovenia on the basis of a permanent residence permit that he acquired before completing the condition of a five-year period of continuous and legal residence in the Republic of Slovenia or on the basis of the act regulating the status of citizens of the successor states of the former Socialist Federal Republic of Yugoslavia in the Republic of Slovenia or the act regulating temporary protection may acquire long-term residence status after five years of continuous and legal residence in the Republic of Slovenia based on a temporary residence permit, a confirmation stating that an application was filed for the extension or issue of a subsequent temporary residence permit or a subsequent permanent residence permit, provided that he has fulfilled the requirements for the issue of a permit specified in this Act and provided that there are no reasons to refuse to issue the permit referred to in Article 55 of this Act.

(2) An alien as determined by the previous paragraph may submit an application for acquiring a long-term resident status with the administrative unit in the area of his residence.

(3) An alien who subsequently acquires long-term residence status shall be issued a new permanent residence permit on which the long-term residency status acquired shall be indicated.

(4) In the procedure for acquiring the status of a long-term resident, an administrative fee in the amount of an administrative fee for issuing a temporary residence permit, as defined by the Act governing the payment of administrative fees, is to be paid.

**Article 53a**  
**(acquisition of long-term resident status for an alien who is granted international protection in the Republic of Slovenia or in another European Member State)**

(1) An alien granted international protection in the Republic of Slovenia who has been residing in the Republic of Slovenia continually for five years on the basis of a status of international protection may be granted long-term resident status if he fulfils other requirements for issuing such permit as required by this Act, and if no reasons exist for a refusal to issue the permit under Article 55 of this Act. The period of continuous five-year legal residence in the Republic of Slovenia also includes half of the period of the alien's stay in the Republic of Slovenia as an applicant for international protection, as is defined in the Act regulating international protection. If the period of the alien's stay in the Republic of

Slovenia as an applicant for international protection exceeds 18 months, the whole period of the alien's stay as an applicant for international protection is included in the period of continuous five-year legal stay.

(2) An alien as determined by the previous paragraph may submit an application to acquire a long-term resident status at the administrative unit in the area of his residence.

(3) An alien with recognised international protection who acquires long-term residence status shall be issued a new permanent residence permit on which the long-term residency status acquired shall be indicated and the following words written: "International protection granted in (Member State) on (date)".

(4) The status of a long-term resident is also granted to an alien who has already been granted long-term resident status on the basis of international protection in another European Union Member State, provided that international protection in the aforementioned Member State neither ceased nor was revoked, and under the condition that he had been legally residing in the Republic of Slovenia continuously for five years on the basis of a temporary residence permit or a certificate of submitted application for the renewal or issuing of a temporary residence permit, if such a person fulfils other requirements for receiving the permit as per this Act and if there are no reasons to refuse to issue a permit as per Article 55 of this Act. Before issuing a permit as per the first paragraph of this Article, the administrative, through the ministry responsible for internal affairs, must find out from the European Member State which granted the alien the status of a long-term resident whether the alien is still eligible for the status of international protection in that Member State and the date when it was granted, which shall be indicated on the permanent residence permit card in accordance with the previous paragraph of this Article.

(5) The provisions of Article 48 apply *mutatis mutandis* in regard to the entry and residence of an alien who was granted the status of a long-term resident on the basis of granted international protection in another European Union Member State and of his family members, and in regard to informing the competent authorities of another European Union Member State of the issued temporary or permanent residence permit, renewal of the temporary residence permit, issued decision or order, and removal of a long-term resident and his family members.

(6) Prior to removing the long-term resident as determined by the fourth paragraph of this Article, and his family members, the police must ask for confirmation on whether the long-term resident still has the right to international protection in the European Union Member State which granted him the status of a long-term resident on the basis of international protection. If the long-term resident still has the right to international protection in another European Union Member State which granted the person the status of long-term resident on the basis of international protection, the long-term resident and his family members are removed to that country.

(7) An alien who has acquired the status of a long-term resident on the basis of international protection granted in the Republic of Slovenia in another European Union Member State, and which country had reached a decision to remove the long-term resident and his family members from the country, the Republic of Slovenia allows the long-term resident and his family members to enter the Republic of Slovenia under the condition that the person is still eligible for international protection in the Republic of Slovenia, a fact of which the ministry responsible for internal affairs shall inform the competent authority of another European Union Member State within one month after receiving the request.

(8) Regardless of the sixth paragraph of this Article, the long-term resident determined by the fourth paragraph of this Article and his family members may be removed

to a non-European Union Member State that granted the person international protection if the requirements of the first paragraph of Article 61 and the principles of Article 72 of this Act are fulfilled.

**Article 54**  
**(jurisdiction of authorities for issuing permits)**

(1) A temporary residence permit in the Republic of Slovenia shall be issued and renewed by the administrative unit in the area in which the alien resides or intends to reside. Temporary residence permits for employment or other work, for the purpose of research, for seasonal work, for the cross-border performance of services with seconded workers, and EU Blue Cards may be issued and renewed by the administrative unit where the head office of the employer or research institution is based or where the relevant activity is performed.

(2) A temporary residence permit in the interests of the Republic of Slovenia and a temporary residence permit for an alien's family member with recognised subsidiary protection in the Republic of Slovenia shall be issued and renewed by the ministry competent for internal affairs.

(3) Permanent residence permits shall be issued by the administrative unit in the area where the alien resides.

(4) The permanent residence permit for a refugee's family members shall be issued by the ministry responsible for internal affairs.

**Article 55**  
**(refusal to issue a residence permit)**

(1) An alien shall not be granted a residence permit in the Republic of Slovenia in the following circumstances:

- if the conditions laid down in the third and fourth paragraphs of Article 33 of this Act are not met;
- if there are reasons to believe that the alien will not reside in the territory of the Republic of Slovenia, except in the case when the alien is sent on secondment by his employer with a registered office in the Republic of Slovenia to perform services in another EU Member State while in an employment relationship with such employer;
- the alien has been prohibited from entering the country;
- if there are reasons to assume that the alien will not voluntarily depart from the Republic of Slovenia after his permit has expired;
- if there exist well-founded grounds that the alien might pose a threat to the 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 is related to the commission of terrorist or other violent acts, illegal intelligence, drug trafficking or the commission of other criminal acts;
- if there are reasons to assume that the alien will not abide by the legal order of the Republic of Slovenia;
- if there are reasons to believe that the alien might become a victim of trafficking in human beings while residing in the Republic of Slovenia;
- it is clear that a marriage has been entered into exclusively or chiefly for the purpose of obtaining a residence permit, or if it is determined during the procedure for extending a temporary residence permit or issuing a permanent residence permit that an immediate family member does not actually live in a family union with the alien who is recognised as having the right to family reunification on the basis of this Act;
- if during the procedure for issuing a first temporary residence permit it is determined that the alien in fact already resides in the Republic of Slovenia on grounds other than those possible on the basis of a visa;

- during the procedure for issuing a first temporary residence permit, it is established that the alien comes from a region where contagious diseases with epidemic potential are prevalent and listed in the International Health Regulations of the World Health Organization or from regions with contagious diseases which could pose a threat to people's health and which require the prescribed measures to be taken pursuant to the act governing contagious diseases;
- during the procedure for issuing a first temporary residence permit, it is established that the alien was denied a visa in the six months prior to applying for a permit due to a threat to public order, security 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 the commission of terrorist or other violent actions, illegal intelligence activities, drug trafficking or other criminal offences.

(2) If the sponsor is a natural person, his capacity for financial support may also be determined on the basis of data from the records administered by the tax authorities in accordance with the Act governing personal income tax, i.e. income-related data not exempt from national income tax, tax data and data on compulsory social security contributions and related normalised expenses or real costs, as well as data on dependants, which are classified as tax secrets. The competent authority shall keep data which are regarded as tax confidentiality in accordance with the Act governing taxation procedures. The competent authority may obtain the data from the foregoing records *ex officio*.

(3) The competent authority shall also establish the existence of any reasons to refuse a long-stay visa referred to in the fourth and fifth indents of the preceding paragraph on the grounds of the criminal record data available, data from the record of final judicial decisions or minor offence orders which are kept in the Republic of Slovenia by the ministry responsible for justice, records of final decisions on minor offences kept by minor offence authorities, and data on final indictments and court decisions that have not yet become final, which are kept by the competent courts. The competent authority shall keep data which are regarded as tax confidentiality in accordance with the Act governing taxation procedures. The competent authority may obtain the data from the foregoing records *ex officio*.

(4) The competent authority may establish the existence of grounds to refuse a permit referred to in the fifth and sixth indents of the first paragraph of this Article also on the basis of data obtained from official records and public records of other countries.

(5) In the procedure for granting or renewing a temporary residence permit for a family member, the competent authority must, provided that there are reasons for non-renewal, take into account the nature and closeness of the family relationship, the duration of the person's residence in the Republic of Slovenia and the existence of family, cultural and social ties with the country of origin.

(6) In a decision whereby a competent authority refuses an application for granting or renewing a residence permit on the grounds of the fourth indent of the first paragraph of this Article or on the grounds of the fifth indent of the first paragraph of this Article, provided that they are related to non-compliance with the regulations governing the entry and stay of aliens in the Republic of Slovenia, the competent authority may determine a period during which the alien is banned from entering the country. The time when the alien is prohibited from entering the state shall not be less than one year or more than five years. In assessing how long an alien should be banned from entering the country, the authority which issues the return decision shall take into account the type and seriousness of the circumstances by reason of which the alien's stay in the Republic of Slovenia is undesirable.

(7) After the decision refusing an application for a residence permit and banning the alien from entering the Republic of Slovenia has become final, the competent authority shall



notify the authority competent of the entry ban for the input of data into the Schengen Information System.

(8) A detailed definition of the income data referred to in the second paragraph of this Article provided by tax authorities and the way in which the fulfilment of the criteria of sufficient means of subsistence are to be determined shall be prescribed by the minister responsible for foreign affairs in agreement with the minister responsible for finance.

#### **Article 56 (annulment of residence permit)**

(1) A temporary residence permit shall be annulled by the competent authority that issued it or by the competent authority in the area of which the alien resides in the following circumstances:

- if it has been determined subsequently that the alien no longer fulfils the conditions for granting a residence permit or if there are other reasons for refusing a permit;
- if the alien concerned intentionally submitted incorrect data on his identity or other inaccurate data, or if he intentionally concealed circumstances which have a bearing on the issuing of a permit;
- if the authority which, according to the Act governing the employment and work of aliens, is competent to consent to the issuing of a single permit or an EU Blue Card withdraws the consent to issuing a single permit or an EU Blue Card.

(2) The temporary residence permit of an alien who, pursuant to the Act governing the labour market, has been granted rights from unemployment insurance, and who is made redundant without fault or wilful action, is not revoked for the period while the alien is entitled to the rights from unemployment insurance.

(3) The competent authority which issued a permanent residence permit to an alien indicated as per the third paragraph of Article 53a of this Act or the competent authority on the territory of which the alien resides may annul such a permanent residence permit if reasons for annulment exist as per the fourth paragraph of this Article and if the alien's international protection ceases or is revoked under the act governing international protection due to false representations or absence of facts, including false documents which were of key importance for the granting of international protection status.

4) A permanent residence permit shall be annulled by the competent authority which issued this permit or by the competent authority in the area of the alien's residence if the alien intentionally presented incorrect data on his identity or other incorrect data or if he intentionally concealed information relevant to the issuing of the permit.

(5) In the decision annulling a residence permit on the grounds referred to in the fifth indent of the preceding Article or on the grounds referred to in the sixth indent of the first paragraph of the preceding Article, provided that they are related to non-compliance with the regulations governing the entry and stay of aliens in the Republic of Slovenia, the competent authority may ban the alien from entering the country, in which case the period of prohibition shall not be less than one year or more than five years. In assessing how long an alien should be banned from entering the country, the authority which issues the return decision shall take into account the type and seriousness of the circumstances by reason of which the alien's stay in the Republic of Slovenia is undesirable.

6) The competent authority shall issue a decision on the annulment of a residence permit, which an alien may appeal at the Ministry of the Interior within eight days of the decision being served.

(7) After the decision annulling an application for a residence permit and banning the alien from entering the Republic of Slovenia has become final, the competent authority shall notify the authority competent of the prohibition of entry for the input of data in the Schengen Information System.

**Article 57**  
**(expiry of residence permit)**

(1) A temporary residence permit shall be terminated in the following circumstances:

- if the validity of the permit expires or if the permit is annulled;
- if the alien's residence is terminated;
- if the final secondary sanction of alien expulsion is imposed on the alien in the Republic of Slovenia, or if expulsion is imposed on the alien as a legal consequence of a sentence according to the Penal Code (Official Gazette of RS, nos. 55/08 and 50/12), or the final decision on expulsion is imposed on the alien by another Member State of the European Union, for which the alien is deported from the Republic of Slovenia;
- if the alien concerned relinquishes the permit, from the day the statement on the relinquishment of the permit for temporary residence is submitted;
- if the alien acquires citizenship of the Republic of Slovenia;
- if the alien is granted a permanent residence permit;
- if, prior to the expiry of a residence permit, his temporary residence permit is extended or he is issued with a subsequent temporary residence permit or a residence registration certificate;
- if the alien dies.

(2) An EU Blue Card and a temporary residence permit of an EU Blue Card holder's family member shall cease to be valid for the reasons referred to in the preceding paragraph and if the alien has acquired another EU Blue Card or a temporary residence permit of an EU Blue Card holder's family member in another EU Member State.

(3) A permanent residence permit shall be terminated in the following circumstances:

- if the permit is revoked;
- if the alien's residence is terminated;
- if the final secondary sanction of alien expulsion is imposed on the alien in the Republic of Slovenia, or if expulsion is imposed on the alien as a legal consequence of a sentence according to the Penal Code (Official Gazette of RS, nos. 55/08 and 50/12), or the final decision on expulsion is imposed on the alien by another Member State of the European Union, for which the alien is deported from the Republic of Slovenia;
- if the alien concerned relinquishes the permit, from the day the statement on the relinquishment of the permanent residence permit is submitted;
- if the alien acquires citizenship of the Republic of Slovenia;
- if the alien moves abroad or remains out of the territory of EU Member States continuously for one year or more, unless he was seconded to work, study or receive medical treatment;
- if the alien moves abroad or remains out of the territory of the Republic of Slovenia continuously for six years or more, in which case periodical short returns to the Republic of Slovenia for the period of up to 90 days shall not interrupt the above period;
- if the alien is awarded the status of a long-term resident in another EU Member State;
- if the alien dies.

(4) A permanent residence permit of an EU Blue Card holder or a permanent residence permit issued to a family member of an EU Blue Card holder shall cease to be valid when the reasons of the preceding paragraph apply, but the sixth indent of the

preceding paragraph shall apply only if the alien leaves the state or remains outside the territory of the European Union for a continuous period of two years or more.

(5) A permanent residence permit issued to the refugee's family member ceases to be valid if the refugee status expires or his permit is withdrawn for the reasons defined in the third paragraph of this Article, unless the refugee acquires citizenship of the Republic of Slovenia or dies.

**Article 58**  
**(manner of issuing a residence permit, its content, form and revocation)**

(1) The competent authority shall issue a residence permit to an alien in the form of a stand-alone document as a card, with the same validity as the temporary residence permit, while a permanent residence permit expires after ten years. An alien with a permanent residence permit shall replace his stand-alone document with a new one before the expiry of the stand-alone document at the administrative unit which issued the residence permit or at the administrative unit on the territory of which he resides.

(2) A residence permit shall contain a photograph of the person to whom the document was issued and the following information:

- the permit type;
- purpose of stay or reasons referred to in the second paragraph of Article 35 of this Act for which the permit may be issued, or the indication that this is a permanent residence permit;
- the period of validity;
- the date and place of issue;
- the full name, nationality, sex and date of birth of the person to whom the permit is issued; and
- face image and two fingerprints of the holder, processed and stored as biometric data in the storage medium.
- the right to free access to the labour market for aliens who, under the law governing the employment and work of aliens, have the right to free access to the labour market.

(3) A residence permit issued to a holder under the age of six years or a holder who is not able to give fingerprints on medical grounds does not contain fingerprints. A residence permit issued to a holder who is able to give only one fingerprint on medical grounds contains one fingerprint.

(4) If, upon filing an application for a permanent residence permit or a temporary residence permit with a validity of more than a year, an alien was not fingerprinted due to a certain acute medical condition that may improve, he shall contact the competent authority in order to be fingerprinted within one month of the improvement of his condition. The competent authority shall issue a new stand-alone document containing information on the fingerprint(s) of the holder. The competent authority shall issue the alien with a new independent instrument also containing the data on the fingerprints or a fingerprint of the holder.

(5) If the residence permit is terminated the alien shall return the stand-alone document to the competent authority within eight days of its expiry. If he fails to do so, the police shall seize the stand-alone document upon the first verification of the legality of residence in the country or entry to the country or upon identification and send it to the competent authority. After the expiry of the period referred to in the first sentence of this paragraph, a diplomatic mission or consular post of the Republic of Slovenia may confiscate the stand-alone document and send it to the competent authority.

(6) The Minister of the Interior, in agreement with the Minister of the Labour, Family, Social Affairs and Equal Opportunities, shall prescribe the way in which a residence permit is to be issued, how fingerprints are to be taken, how a residence permit revocation and its expiry is to be marked.

(7) The authority, the competence of which is determined by the Act governing the employment and labour of aliens, shall decide on the right to access the labour market for an alien who resides in the Republic of Slovenia on the basis of a temporary residence permit which is not issued due to employment, self-employment or labour, in the procedure and under the conditions laid down by the Act governing the employment and work of aliens.

(8) The competent authority in the area where the alien resides replaces *ex officio* the alien's residence permit card issued in the form referred to in the first paragraph of this Article, according to a decision on the right to access the market referred to in the previous paragraph of this Article, with a new card, on which the right to access the labour market is marked.

(9) If the authority referred to in the seventh paragraph of this Article establishes the reasons for the cessation of the right to access the labour market, in the procedure and under conditions laid down by the Act governing the employment and work of aliens, the authority shall notify the competent authority in the area where the alien resides to summon the alien to replace the residence permit card with a new one within eight days of the service of the call.

#### **Article 59** **(misplacement of residence permit)**

(1) An alien shall, as soon as possible or within eight days of he learning about the misplacement, loss or theft (hereinafter referred to as: the misplacement) of the stand-alone document referred to in Article 58 of this Act in the Republic of Slovenia, report the misplacement to any administrative unit which then notifies the authority which issued the stand-alone document.

(2) The alien shall, as soon as possible or within eight days at the latest of learning about the misplacement, notify the nearest diplomatic mission or consular post of the Republic of Slovenia abroad about the misplacement of the stand-alone document abroad referred to in Article 58 of this Act, which then notifies the authority that issued the permit about the misplacement.

(3) In the report on a misplaced residence permit, the alien shall also state true information about the circumstances of the misplacement of the stand-alone document referred to in the first paragraph of Article 58 of this Act.

(4) The authority which issued the stand-alone document referred to in the first paragraph of Article 58 of this Act, or the administrative unit, in the area where the alien resides, shall issue a new stand-alone document as referred to in the first paragraph of Article 58 of this Act.

CHAPTER V -  
LEAVING THE COUNTRY AND TERMINATION OF RESIDENCE

**Article 60**  
**(illegal residence)**

(1) An alien shall be deemed to reside illegally in the Republic of Slovenia in the following circumstances:

- if he has entered the country illegally;
- if he does not possess a visa or if his visa has expired or if he has been residing 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 law or international agreement;
- if he does not possess a residence permit or if his permit has expired.

(2) An alien who has filed an application for a renewal of his residence permit or for a subsequent permit in due time shall be permitted to remain in the country until his application has been decided upon, and shall be issued with a special certificate that shall serve as a temporary residence permit until the application has been decided upon, or in the case of issuing a single permit or an EU Blue Card until the final decision on the application. The permit does not allow the alien to cross the national border unless the alien applied to renew a single permit or a subsequent permit as a daily migrant worker.

(3) An alien shall leave the country by the deadline set for his departure. When determining the deadline by which an alien shall leave the country, the competent authority which issues a decision on the revocation of the residence permit, a decision on the termination of the residence, a decision, based on the alien's statement on relinquishing the residence permit, a decision or resolution by which the application for an extension or an issuing of subsequent temporary residence permit was rejected, discarded or its procedure stayed, a decision or resolution by which the application for issuing the first temporary residence permit, when an alien has a permit to reside in the Republic of Slovenia during the period of deciding on the issue of the first temporary residence permit, was rejected, discarded or the process stopped, take into account the period when an alien is able to conduct this, whereby the deadline shall not be less than seven days or more than 30 days. The authority competent for revocation or withdrawal of the visa in a decision on revocation or withdrawal of a visa shall set a time limit for the alien to leave the country if the alien has already entered the Republic of Slovenia. A time limit is not set for an alien whose residency in the Republic of Slovenia constitutes a threat to public order, public security or national security. The competent authority and the authority competent for the revocation or withdrawal of the visa shall submit the final decision or final resolution referred to in the second and third sentences of this Article to the police station in the area where the alien resides. The period in which the alien must leave the country commences on the day the decision or resolution determining the deadline becomes final in cases when the decision or resolution is issued regarding a single permit or EU Blue Card.

**Article 61**  
**(termination of residence)**

(1) The residence of an alien who possesses a permanent residence permit in the Republic of Slovenia may be terminated in the following cases:

- if he is convicted in a court of law of a criminal offence and subject to an unconditional prison sentence of more than three years;
- if he poses a threat to the country, its public security and order.

(2) in addition to the reasons laid down in the previous paragraph, the residence may be terminated for an alien who legally resides in the Republic of Slovenia, except for an alien who possesses a permanent residence permit in the Republic of Slovenia in the following cases:

- an alien resides in contravention of the purpose for which the permit was issued;
- if he refuses to comply with decisions issued by state authorities;
- if he is convicted in a court of law of a criminal offence and subject to an unconditional prison sentence of more than three months;
- or he is unable to support himself financially and does not secure any other means of support for the duration of his stay in the Republic of Slovenia.

**Article 62**  
**(decision on the termination of residence)**

(1) The decision on the termination of residence referred to in the previous Article shall be issued by the administrative unit in the area where the alien resides.

(2) The decision on the termination of residence referred to in the preceding Article, in addition to the deadline for leaving the country laid down according to the third paragraph of Article 60 of this Act, also lays down the time in which an alien is forbidden to re-enter the country, whereby this period must not be less than six months and no longer than five years.

(3) When an authority decides to terminate the residence, it shall also take into account the length of stay of the alien in the country, his personal, family, economic and other ties with the Republic of Slovenia, and the effect that the termination of his residence would have on him and his family.

(4) An appeal against the decision referred to in the first paragraph of this Article shall be submitted within three days.

(5) In assessing how long an alien should be banned from re-entering the country, the authority which issues the decision on the termination of residence shall take into account the type and seriousness of the circumstances by reason of which the alien's stay in the Republic of Slovenia is undesirable.

(6) After a decision on the termination of residence becomes final, the competent authority shall notify the authority competent for the input of data into the Schengen Information System about the entry ban.

CHAPTER VI –  
VOLUNTARY AND INVOLUNTARY RETURN OF ALIENS

**Article 63**  
**(voluntary return and removal)**

(1) An alien who fails to leave the territory of the Republic of Slovenia pursuant to the third paragraph of Article 60 of this Act shall be permitted to return voluntarily within the set deadline of return or shall be deported from the country with a return decision without a set deadline of return.

(2) The police may cooperate with other national authorities, other countries or international or non-governmental organisations in the voluntary return or removal of an alien.

**Article 64**  
**(return decision)**

(1) A return decision shall be issued by the police to an alien who is residing illegally in the Republic of Slovenia, except when the alien is apprehended during an illegal crossing of the state border or in connection with it and has not been granted the right to reside, or the alien is the subject of a return or extradition procedure based on a treaty on readmission, or a secondary sanction of expulsion from a country has been imposed on the alien. If the return procedure based on a treaty concludes with the non-readmission of the alien to the state party, or the alien is the subject of a return or extradition procedure based on a treaty on readmission and has not returned to the Member State within 72 hours, the alien shall be issued a return decision.

(2) An alien who is illegally residing in the Republic of Slovenia and has a valid residence permit or other permit in another Member State of the European Union granting him the right to reside shall immediately depart the Republic of Slovenia and go to the respective Member State. If the alien fails to do so or if he is obliged to leave the Republic of Slovenia immediately as a result of jeopardising law and order or national security, he shall be issued with a return decision.

(3) In the procedure of issuing a return decision, an alien has the right to legal assistance provided by other state authorities and international or non-governmental organisations and, when required, the right to translation services.

(4) The alien may file a complaint against a return decision issued by the police within three days from the receipt of the decision. The decision on the complaint shall be taken by the ministry responsible for the interior within eight days at the latest.

(5) In proceedings before courts relating to the decision rendered by the ministry responsible for the interior referred to in the preceding paragraph, the alien has the right to free legal aid as set out in the Act regulating free legal aid.

**Article 65**  
**(procedure for issuing a return decision)**

(1) The police shall issue the return decision to an alien referred to in the second and third indent of the first paragraph of Article 60 of this Act and an alien referred to in the first indent of the first paragraph of Article 60 of this Act if the alien who entered illegally was not admitted to the Member State concerned during the return procedure within 72 hours based on a treaty on the return of persons.

(2) If the police set a deadline for the voluntary return of the alien in the return decision, the return decision shall be issued in the form prescribed by the minister responsible for the interior.

(3) The return decision issued in the form referred to in the preceding paragraph of this Article shall be served on the alien in person. The operative part and the legal instruction of the return decision issued in accordance with the provision of the preceding paragraph shall be translated into at least five foreign languages.

(4) When no time limit on voluntary return is set in a return decision and when an entry ban is imposed by a return decision, the decision shall not be issued to the alien in the form referred to in the second paragraph of this Article. The return decision shall be issued to the alien in writing and shall include the name of the authority issuing the decision, the

number and date of the decision, introduction, operative part, reasoning, legal instruction, signature of the authorised office, and the stamp of the authority.

(5) The return decision referred to in the preceding paragraph shall be served on the alien in person. The operative part and legal instruction of the return decision must be translated orally or in writing into a language that the alien understands at the request of the alien.

#### **Article 66 (entry ban)**

(1) The return decision also imposes an entry ban on the alien, if:

- the alien was not enabled a voluntary return pursuant to the fifth paragraph of Article 67 of this Act or
- the alien has not departed the country within the deadline for voluntary return.

(2) The time when the alien is prohibited from re-entering the state shall not be less than six months or more than five years. In assessing how long an alien should be banned from re-entering the country, the authority which issues the return decision shall take into account the type and seriousness of the circumstances by reason of which the alien's stay in the Republic of Slovenia is undesirable. After a return decision becomes final, the authority which issued the return decision shall notify the authority competent for the input of data into the Schengen Information System of the entry ban.

(3) The entry ban established by a decision on return, a decision on a denial to issue a residence permit, a decision on the revocation of the residence permit and a decision on the termination of residence may be revoked or temporarily postponed by the police *ex officio* or at the request of an alien for the following reasons:

- death or illness of a family member,
- provision of emergency medical assistance,
- participation in proceedings conducted by state authorities,
- if the alien subject to an entry ban established by a decision on the refusal to issue a residence permit, a decision on the revocation of a residence permit or a decision on the termination of residence proves that he left the country within the deadline set,
- if, as a victim of trafficking in human beings in the Republic of Slovenia, the alien had a permit to stay or was issued a temporary residence permit according to Article 50 of this Act.

(4) The period when the alien is prohibited re-entry to the country commences on the day of the return decision is made final.

#### **Article 67 (voluntary return)**

(1) The police may set a deadline with the return decision that should not be less than seven days or more than thirty days, within which an alien shall voluntarily depart the country. During the period in which the alien is obliged to voluntarily depart the country, the police may determine a place of residence for the alien in the Republic of Slovenia. The alien may also leave the country before the seven-day deadline.

(2) The deadline for the alien to depart the country set by the competent authority on the basis of the third paragraph of Article 60 of this Act shall be deemed the deadline for a voluntary departure from the country.



(3) With a return decision setting the deadline for a voluntary departure of the country the police may restrict the movements of an alien to a place of residence in the Republic of Slovenia and oblige the alien to regularly report to the nearest police station.

(4) If there are objective circumstances preventing the alien from voluntarily returning within the set deadline, the police may extend the voluntary return, upon consideration of all the respective circumstances, with a decision at the request of the alien, which the alien should file before the expiry of the deadline for voluntary return. The minister responsible for the interior prescribes the circumstances in which an alien may be granted the deadline extension for the voluntary return.

(5) A deadline for voluntary returns shall be in principle set for an alien who is a flight risk or whose residency in the Republic of Slovenia constitutes a threat to public order, public security or national security. When there are less stringent circumstances indicating flight risk, a deadline for voluntary return may be set for the alien.

#### **Article 68 (risk of absconding)**

(1) The circumstances indicating the flight risk of an alien to whom a return decision is issued are in particular:

- the alien's previous illegal stay in the Republic of Slovenia;
- the alien's entry to the country despite an entry ban;
- the alien's *res judicata* conviction for criminal offence;
- possession of foreign, forged or otherwise modified travel and other documents;
- the provision of false information or non-cooperation in the procedure;
- the alien's actions indicating that he will not voluntarily depart the Republic of Slovenia within the deadline for voluntary return.

(2) Less severe circumstances a risk of flight are in particular:

- illegal entry to the Republic of Slovenia;
- exceeding the legal stay of an alien in the country for less than 30 days;
- no possibility of residing in the Republic of Slovenia;
- other less severe circumstances based on individual cases.

#### **Article 69 (removal of an alien)**

(1) The police shall deport an alien: who fails to depart from the country by a deadline set for voluntary return; an alien whose deadline for voluntary return has not been extended in accordance with the fourth paragraph of Article 67 of this Act; an alien subject to an entry ban, or an alien on whom a secondary sanction of expulsion from the country has been imposed.

(2) An alien may be deported from the country only if the return decision stating that the alien is obliged to depart from the country is enforceable.

(3) An alien who must 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 authorities of that country.

(4) 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 authorities of that country.

(5) The police conclude a written agreement on monitoring the removal of aliens with a selected non-governmental organisation or other independent institution or body on the basis of a public call for applications.

(6) A selected non-governmental organisation or other independent institution or body shall monitor the removal of aliens, along with all police activities for the purpose of removing the alien from the country, including the period before departure, during the period of flight or other means of transport, a transit stop, and arrival or admission of the alien to the country of return.

(7) The police shall deal with the findings of the selected organisation, institution or body referred to in the preceding paragraph indicating violations of human rights and fundamental freedoms in the complaint procedure laid down in the Police Tasks and Powers Act.

#### **Article 70** **(recognition of decisions on expulsion)**

(1) The police shall also remove from the country an alien who is legally residing in the territory of the Republic of Slovenia against whom another EU Member State has passed a final decision on expulsion.

(2) If the alien referred to in the preceding paragraph has a residence permit issued by other EU Member State, the police shall consult prior to the removal of the alien the competent state body which issued the residence permit and the competent state body which passed the final decision on the expulsion. If the alien's residence permit is terminated in another EU Member State, despite its final decision on expulsion, the alien shall be removed to this state.

(3) Prior to the removal, the police may request the submission of documents referring to the decision on the expulsion from the EU Member State which passed the final decision on the expulsion. If the requested documentation is not submitted to the police, the police shall not be obliged to remove the alien.

(4) The police shall inform the competent authority of the EU Member State which passed the final decision on the expulsion about the conducted removal of the alien.

(5) The EU Member State which passed the final decision on the expulsion shall be obliged to reimburse all costs the police incurred with the removal when the citizen of a third country has insufficient own funds, according to the manner defined in the Decision of the Council 2004/191/EC of 23 February 2004 setting out the criteria and practical arrangements for compensation imbalances from the application of the Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals (OJ L, No. 60 of 27 February 2004, p. 55).

(6) The competent authority of the Republic of Slovenia which passed the final decision on the expulsion of an alien who is legally residing in the territory of another EU Member State shall submit the documentation regarding the decision on the expulsion at the request of the competent body of another Member State.

(7) The provisions of this Act shall not apply to EU Member State citizens, their family members or the family members of Slovenian citizens.

**Article 71**  
**(assistance to other EU Member States in removing an alien by air)**

(1) Upon the prior request of the competent authorities of another EU Member State, the police may allow the transit of an alien through an airport in the Republic of Slovenia who is being removed by air by the other EU Member State. In the case of an approved transit, the police provide adequate measures of assistance.

(2) The minister responsible for the interior lays down the rules in detail on the implementation of assistance in the case of the transit of an alien who is being deported by air.

**Article 72**  
**(prohibited removal of an alien)**

The principle of non-return under this Act, and according to the principle of customary international law, is an obligation of the Republic of Slovenia not to remove an alien to a country where his life or freedom will be at risk due to his race, religion, nationality, affiliation to a specific social group or political belief, or to a country where he could be exposed to torture and other cruel, inhumane or humiliating punishment or conduct.

**Article 73**  
**(permission to stay)**

(1) Under this Act, a stay in the country means permission granted 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 in the following circumstances:

- if the deportation of the alien is not permitted pursuant to the preceding Article;
- if the alien does not possess, and is unable to acquire, a valid travel document of the country of his nationality;
- if a physician advises that immediate deportation should be avoided due to the health of the alien;
- if the alien has to extend his permitted residence period due to the death or serious illness of a family member who resides in the Republic of Slovenia;
- if the participation of the alien in proceedings conducted by a state authority of the Republic of Slovenia has to be ensured;
- if an alien minor is attending primary school in the Republic of Slovenia; permission shall be granted until the end of the school year;
- if the country of the alien's nationality or, for stateless persons, of last habitual residence, refuses to admit the alien;
- if deportation is not possible because the transportation of the alien from the country cannot be provided by land, air or water;
- if deportation is not possible because circumstances preventing return, such as natural or other disasters, occurred in the country of the alien's nationality or in the country where the alien last resided as a stateless person;
- if it is required by a guardian for a special case assigned to an unaccompanied alien minor.

(3) Permission to stay shall be granted by the police at the request of the alien or *ex officio* for a period of six months. The permission may be renewed at the alien's request or *ex officio* for as long as the reasons referred to in the preceding paragraph exist. An alien who

acquires permission to stay in the Republic of Slovenia shall be issued a card by the police proving that the alien has permission to stay in the Republic of Slovenia.

(4) An alien may also file an application for permission to stay during his residence at the Centre. On the basis of the filed application the alien's stay at the Centre may not be extended. Removal from the country is not permitted until the final decision on the application on permission to stay.

(5) In the decision permitting an alien to stay in the Republic of Slovenia, the police may determine the alien's place of residence at a specific address.

(6) Permission to stay shall not cancel or in any way change the alien's obligation to depart from the country. If there are reasons to suspect that the alien would attempt to avoid removal, certain obligations such as regular reporting to the nearest police station, the deposit of an adequate financial guarantee, submission of documents or the obligation to stay at a certain place may be imposed on him.

#### **Article 74** **(termination of permission to stay)**

(1) Permission to stay shall be terminated in any of the following circumstances:

- if the reasons for permission to stay cease to exist;
- if the alien acquires a residence permit in the Republic of Slovenia on the basis of a law or a treaty;
- if the alien departs from the territory of the Republic of Slovenia during the period of the permission to stay;
- if the alien does not comply with the obligation referred to in the sixth paragraph of the preceding Article.

(2) After the cessation of reasons for the permission to stay, the police shall issue the decision to the alien by which it establishes the existence of reasons for the permission to stay. A complaint against the decision shall not be allowed. However, an administrative dispute may be initiated if it is filed in eight days from the service of the decision.

#### **Article 75** **(rights of aliens permitted to stay)**

(1) 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 health care and health insurance and to basic care, while alien minor schoolchildren shall also have the right to basic education.

(2) The right to basic care referred to in the preceding paragraph shall mean the right to an allowance granted in the amount and manner specified for financial social assistance by the Act governing social support allowances. Resources for the payment of the allowance shall be provided by the Centre.

(3) An alien who fails to act in compliance with the first and second paragraphs of Article 90 of this Act or an alien whose identity was not confirmed due to false information in the procedures for establishing identity shall not be entitled to basic care.

(4) An alien admitted to a hospital, prison or other state institution during the period when he is permitted to stay in the Republic of Slovenia does not have the right to basic care under the second paragraph of this Article for the duration of the stay in such institution.

**Article 76**  
**(restriction of movement of aliens who reside illegally)**

(1) An alien who is at risk of absconding or fails to depart from the country by the deadline specified and who for any reason cannot be removed immediately shall receive an order from the police restricting his movement and obliging him to stay at the Centre or outside it until he is deported from the country, 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) Restriction of movement shall be provided separately for women, families, children, unaccompanied minors, elderly people, and severely ill and other vulnerable persons with a view to ensuring an appropriate degree of privacy. The minister responsible for the interior shall determine a procedure for the accommodation of aliens at the Centre.

(4) Restriction of movement may last only for the period necessary to deport the alien from the country, but no longer than six months.

(5) 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.

(6) An alien referred to in the first and second paragraphs of this Article shall have the same scope of rights as an alien who has permission to stay. In this case, basic care is provided at the Centre and not in the manner defined in the second paragraph of Article 75 of this Act.

(7) During the period of restricted movement, the alien shall be regularly informed about the rules of the Centre and of his rights and obligations.

(8) The period of an alien's stay outside the centre without permission to leave the Centre, and the period of the stay in detention, prison or under the procedure of international protection, are not included in the period of residing at the Centre.

(9) During an alien's stay at the Centre, the movements of the alien are restricted to the area of the Centre, whereby the alien shall abide by the rules of the Centre. The alien may be exceptionally allowed movement outside the area of the Centre. The conditions and manner of allowing movement outside the area of the Centre shall be defined by the rules on residing at the Centre.

**Article 76.a**  
**(rules on residing at the Centre)**

(1) Aliens shall be obliged to follow the rules on residing at the Centre and the instructions of the competent Centre's employees to provide discipline and order.

(2) The employees of the centre may impose tasks and activities on aliens for the implementation of a weekly work schedule and other tasks for the purpose of fulfilling the duties and rights set out by the rules on residing at the Centre.

(3) Aliens shall be obliged to desist from activities which could jeopardise security, law and order in the Centre and to make a concrete and tolerant interrelationship and a relationship with the Centre's employees.

(4) The rules on residing at the Centre shall be prescribed by the minister responsible for the interior.

**Article 76.b**  
**(violation of rules on residing at the Centre)**

(1) Violations of the rules on residing can be minor or major violations.

(2) Minor violations are:

- changing the arrangement of equipment in rooms and moving inventory from one room to another;
- writing on or sticking things to walls, doors and windows;
- use of own electric devices without permission;
- bringing of lighters and other objects that could start a fire;
- bringing of food or cutlery into refectories;
- smoking in the rooms and common areas of the Centre;
- deliberate destruction of small tools of the Centre;
- use of mobile phones without permission;
- disturbing night rest.

(3) Major violations are:

- expressing racial, religious, national, sexual, political or other intolerance in any form;
- offensive or violent behaviour towards co-tenants, employees and visitors;
- bringing and consuming alcoholic beverages and other intoxicating substances;
- bringing dangerous objects and flammable substances;
- non-fulfilment of commands of official persons that could cause a major disruption to the operations of the Centre;
- physical assault on other residents, workers at the Centre or visitors to the Centre;
- manufacturing or bringing objects that could be used for assault, escape or the commission of a crime;
- arbitrary departure from the Centre;
- abuse of granted concessions;
- premeditated violations of safety rules on fire, explosives or other dangerous natural disasters;
- causing major material damage if it is caused in a premeditated way or due to gross negligence;
- repetition of minor violations of the house rules;
- coercing, exerting mental and physical pressure on other aliens in the Centre or procuring such actions.

**Article 76.c**  
**(penalties for violations of house rules)**

(1) For minor violations of house rules, the manager of the Centre or a person authorised by the manager shall give an alien a warning.

(2) If an alien continues to commit minor violations, the manager of the Centre or a person authorised by the manager shall be entitled to:

- limit the alien's enjoyment of rights under the house rules;

- temporarily or for a maximum period of one month, deny an alien the possibility of obtaining permission to leave the Centre;
- temporarily or for a maximum period of one month deny an alien the possibility of a less stringent measure on the basis of Article 81 of this Act.

(3) For major violations of the house rules, the measure referred to in the second indent of the second paragraph of Article 77 of this Act shall be imposed on the alien.

**Article 77**  
**(strict police supervision)**

(1) Against the alien referred to in the preceding Article, the Centre can order placement under strict police supervision.

(2) Placement under strict police supervision shall be imposed by the police with a decision if:

- the alien has already tried to avoid deportation by absconding or has actively resisted deportation;
- an alien breaks the house rules or fails to comply with the legal decisions and instructions of authorised personnel;
- it is evident from the actual circumstances and actions of the alien that the alien intends to avoid deportation.

(3) Placement under strict police supervision shall be imposed on an alien for the period necessary for his deportation, but no more than six months.

(4) Strict police supervision means restriction of movement to the area of the Centre pursuant to the house rules of the Centre.

**Article 78**  
**(procedure regarding restriction of movement)**

(1) A decision shall be issued by the police regarding the accommodation of an alien in or outside the Centre and placement under strict police supervision. The alien may file a complaint against the accommodation decision and the decision imposing

placement under strict police supervision within three days of being served the decision at the administrative court.

(2) A complaint shall not stay execution of the decision.

(3) The Administrative Court shall decide upon the complaint within six days.

(4) An alien whose movement is restricted to the Centre shall be enabled to contact his legal representative, family members, guardian and competent consular authorities.

(5) Representatives of non-governmental and international organisations may visit the centre and aliens accommodated there, while observing the rules of the centre. All aliens accommodated at the centre shall be informed of the possibility of contact with representatives of non-governmental and international organisations.

**Article 79**  
**(procedure for extending restriction of movement)**

(1) If an alien cannot be deported from the country after six months for objective reasons, the police may issue a decision to:

- extend the accommodation at the Centre or placement under strict police supervision due the alien's non-cooperation in the deportation procedure or delays in obtaining the required documents from third countries, or, if the procedure for establishing identity is still in progress, if it is realistic to expect that the alien could be deported in this period;
- determine the alien another place of residence outside the Centre, whereby the alien shall follow the rules of stay outside the Centre, otherwise he could be re-accommodated at the Centre.

(2) An alien may file a complaint against the decision to extended restriction of movement at the Administrative Court, which shall make a decision in eight days. A complaint shall not stay execution of the decision to extend restriction of movement.

**Article 79.a**  
**(substantiation test of the restriction of movement in the Centre)**

(1) The ministry responsible for the interior within three months from the order of restriction of movement at the Centre assesses *ex officio* the substantiation of the restriction of movement according to Article 78 of this Act. If it is established that the reasons for the restriction of movement cease to exist, the police shall order the immediate release of the alien from the Centre.

(2) If the restriction of movement under the preceding Article is longer than three months, the test of substantiation of the restriction of movement shall be conducted *ex officio* by the Administrative Court within three months from the decision on the restriction of movement . If the court establishes that the reasons for the restriction of movement cease to exist, the court shall order the police to immediately release the alien from the Centre.

(3) The police shall submit to the ministry or court the documents on the procedures regarding the return of the alien within fifteen days before the expiry of every testing period. In addition to the documents, the police shall present to the competent authority its opinion on legitimate expectations regarding the successful return and report other important circumstances.

(4) The ministry or court shall submit to the police and the alien its decision one day prior to the expiry of the test period at the latest. In the testing procedure, when necessary, representatives of ministry may visit the alien at the Centre, conduct an interview with him or with employees at the Centre and the police officers who participated in the procedure regarding the alien. The Administrative Court may request the participation of the alien and other persons referred to in the preceding sentence at the main hearing.

(5) An alien shall be entitled to file a complaint in an administrative dispute against the finding of the ministry that the restriction of movement is still justified. An alien shall be entitled to file a complaint at the Administrative Court of the Republic of Slovenia against the decision of the Administrative Court stating that the restriction of movement is still justified. An alien can present new facts in the complaint and also present new evidence.



**Article 80**  
**(special circumstances)**

(1) If there is an extremely high number of aliens in the deportation procedure, such that the capacities of the centres or bodies competent for the implementation of procedures related to the restriction of movement are exceeded, the movement of aliens may be restricted for this period, regardless of the decision as per the first and third paragraphs of Article 76 of this Act.

(2) In the period of special circumstances referred to in the preceding paragraph, the decision on the complaint and the complaint against accommodation shall not include the deadline set in the first and third paragraphs of Article 78 of this Act.

(3) The ministry responsible for the interior shall inform the European Commission about the occurrence and cessation of special circumstances.

**Article 81**  
**(less stringent measures)**

(1) The police may *ex officio*, or at the request of an alien, substitute the mandatory accommodation of an alien at the Centre with less stringent measures if they also provide for the deportation of the alien from the country.

(2) On the basis of the preceding paragraph, the police may allow the alien to stay outside the Centre with a decision, whereby it may also determine a place of stay for him.

(3) If the measure referred to in the preceding paragraph is taken, the police may restrict the movement of an alien with a decision to only the place of stay and impose on him the obligation to report regularly at the nearest police station.

(4) A complaint shall not be allowed against a decision which rejects an alien's request for the application of a less stringent measure.

**Article 82**  
**(procedure for alien minors)**

(1) In the case of the deportation of alien minors unaccompanied by parents or other legal representatives who are illegally resident in the Republic of Slovenia, the police shall immediately inform the social work centre, which shall assign alien minors a guardian for special cases. The police shall issue a return decision to the unaccompanied alien minor when the guardian for special cases, after thoroughly examining all circumstances, establishes that this is in the best interests of the alien minor.

(2) An alien minor referred as to in the preceding paragraph shall not be deported to the country of origin or a third country which is prepared to admit him until admission in the respective country is provided. It is necessary to ensure prior to deportation that the alien minor is returned to a family member, selected guardian or adequate reception centre in the country of return. The alien minor shall not be deported contrary to the Convention for the protection of human rights and fundamental freedoms, amended with the Protocols No. 3, 5 and 8 and supplemented with the Protocol No. 2 and its protocols No. 1, 4, 6, 7, 9, 10, and 11 (Official Gazette of the Republic of Slovenia – International Treaties, no. 7/94), the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Official Gazette of the Republic of Slovenia – International Treaties, no. 1/94) or Convention on the Rights of the Child (Official Gazette of the Republic of Slovenia –

International Treaties, no. 9/92) or the European Convention on the exercise of Children's Rights (Official Gazette of the Republic of Slovenia – International Treaties, no. 26/99). The alien minor shall be allowed to stay until the deportation according to the provisions of this Act.

(3) An alien minor and the family with an alien minor shall be accommodated upon agreement with a guardian for special cases in an adequate institution for the accommodation of minors, where the alien minor is provided with the rights referred to in the preceding paragraph. If this is not possible, the unaccompanied alien minor and a family with an alien minor shall be accommodated at the Centre.

(4) An alien who is a minor and accommodated at the Centre shall be enabled to participate in activities in his free time, including games and recreational activities appropriate to his age.

(5) When the identity of an alien minor is not confirmed and there is doubt that the person is a minor, the police may establish the age of such person with the assistance of experts. The police shall issue a declaratory decision on the person's age on the basis of the expert's opinion. An alien may file a complaint against the declaratory decision within eight days of the receipt of the decision. The appeal shall be decided on by the ministry responsible for the interior.

(6) Strict police supervision may be imposed on an alien minor only exceptionally and together with the parents or one of them. Strict police supervision may not be imposed on an unaccompanied alien minor.

#### **Article 83 (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 police may determine a specific address where the alien shall stay outside the Centre.

(3) Accommodation at the Centre may also cease 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 84 (cost of removal)**

(1) The alien referred to in the first paragraph of Article 76 of this Act who has his own funds shall be obliged to bear the costs of his sustenance and accommodation and the costs of deportation to the extent of his own funds.

(2) An alien who is accommodated at the Centre shall be obliged to deposit his funds when accommodated at the Centre. In order to satisfy essential personal needs, an alien may request that a part of his deposited funds be reimbursed. The amount of an individual reimbursement is determined in regard to the alien's reasonable needs as indicated in the request.

(3) If the alien has no funds, the costs referred to in the first paragraph of this Article shall be covered from the budget of the Republic of Slovenia.

(4) A person who transfers an alien across the national border in an illegal manner or who provides an alien with illegal employment or other work or with illegal residence in the Republic of Slovenia, and a natural or legal person who has enabled 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.

(5) The minister responsible for the interior shall issue the rules setting out the conditions and procedure for depositing and reimbursing alien's funds.

## CHAPTER VII (PROCEDURE AND AUTHORITIES)

### **Article 85 (application of the act governing general administrative procedures)**

In the procedures under this Act, the provisions of the act governing general administrative procedures shall apply, unless otherwise provided by this Act.

### **Article 86 (authorities)**

(1) Diplomatic and consular posts of the Republic of Slovenia abroad and the ministry responsible for foreign affairs shall be responsible for conducting and rendering decisions in procedures for issuing, revocation, renewing or cancelling short- and long-stay visas, for marking the annulment or expiry of residence permits affixed to aliens' passports, and for the revocation of expired residence permits issued as stand-alone documents.

(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 entry at the border, issuing short-stay visas at the border, annulling and cancelling visas, marking the annulment or expiry of residence permits affixed to aliens' passports, revoking expired residence permits issued as stand-alone documents, implementing measures referred to in Chapter VI of this Act and other measures and decisions provided for by the law with regard to aliens at the border or in the country, and for supervising the implementation of the provisions of this Act, violations of which are considered offences.

(4) The ministry responsible for the interior shall deal with administrative and professional matters relating to migration policy, aliens' entry to, departure from and residence in the country; it shall decide on appeals against decisions issued in the first instance, and adopt measures relating to aliens whenever so determined by law and whenever it is competent to issue temporary residence permits as referred to in Article 51 of this Act.

(5) In the implementation of the tasks referred to in the preceding paragraph, the ministry responsible for the interior shall cooperate with other ministries, authorities and services in such a manner as to direct and coordinate their work. For the purpose of ensuring the 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 responsible for the interior.

**Article 87**  
**(complaints and proceedings at the second instance)**

(1) Appeals against decisions and measures issued in the first instance by the authorities specified in the second and third paragraphs of the preceding Article shall be decided on by the ministry responsible for the interior.

(2) Appeals against decisions and measures issued in the first instance by diplomatic and consular representations of the Republic of Slovenia abroad shall be decided on by the ministry responsible for foreign affairs.

(3) A complaint against decisions and orders issued at the first instance by the authority as per the second paragraph of the previous Article with regard to issuing a uniform permit under Articles 37, 37.a, 37.b, 39, 41 in 42, 45, 46 and 48 of this Act, and against decisions and orders issued at the first instance by the authority as per the fourth paragraph of the previous Article with regard to issuing the permit under Article 47.a and 47.b of this Act, shall not be allowed; however, an administrative dispute may be initiated. An appeal against Administrative Court decisions may be lodged with the Supreme Court.

(4) An appeal in matters relating to the issuing of a first permit for temporary residence in the Republic of Slovenia shall be permitted only in cases where the alien exercises his right to be issued a permit on the basis of Articles 38, 44, 47 and 48 of this Act.

**Article 88**  
**(procedure at diplomatic missions and consular posts of the Republic of Slovenia based abroad)**

(1) An alien shall attach to his application for a first temporary residence permit all evidence and documents fulfilling the conditions referred to in the third and fourth paragraphs of Article 33 of this Act, and his photograph of prescribed size depicting his true image, and two fingerprints for digital capture.

(2) If an administrative unit requests the completion of an appeal the first temporary residence permit or the examination of an alien, the diplomatic mission or consular post of the Republic of Slovenia based abroad shall send the alien a call on this matter in writing.

(3) A diplomatic mission or consular post of the Republic of Slovenia based abroad shall serve on the first issued temporary residence permit on the alien in person. The alien shall be invited to the service in the manner referred to in the preceding paragraph. Upon service, the alien shall sign the return receipt, which is then submitted by the diplomatic mission or consular post of the Republic of Slovenia to the administrative unit which issued the residence permit.

(4) A decision to refuse to issue the first temporary residence permit, an order on the stay of procedure and an order on refusing the application issued in the procedure for issuing the first temporary residence permit shall be served by the diplomatic mission or the consular post of the Republic of Slovenia on an alien in person at the diplomatic mission or consular post, or by mail according to the rules of the country where the diplomatic mission or the consular post of the Republic of Slovenia is situated which regulating the postal services in a way that enables the confirmation of the receipt. If service cannot be conducted in this way, the decision or order is issued on the information board of the diplomatic mission or the

consular post of the Republic of Slovenia and at the uniform state portal e-administration according to the provisions of the Act regulating general administrative procedures.

**Article 89**  
**(cooperation between authorities)**

(1) The authorities referred to in Article 86 of this Act are obliged to collaborate in conducting their tasks within their jurisdiction, offer each other legal assistance and submit required personal and other data and information to execute their competence under this Act free-of-charge.

(2) State authorities, bodies of self-governing local communities and holders of public authority in the Republic of Slovenia in matters and issues referring to the entry, residence, exit of aliens and in other matters and issues referring to aliens shall collaborate with the authorities competent for alien matters under this Act, especially in the free submission of required personal and other data and information required for the execution of their competences under this Act.

(3) The data and information referred to in the first and second paragraphs of this Article shall be submitted on the basis of a written request or a request sent by the prescribed electronic means of the competent authority, with the stated relevant legal basis and a number or other mark of the matter with which the authority is dealing.

**Article 90**  
**(obligations of aliens in procedures)**

(1) During the entire procedure the alien collaborate with the competent authorities and obey their measures. The alien shall enable the competent authority access to all available evidence, and submit all documents and certificates in his possession that may be important in the procedure, and respond to the summons of the competent authorities. The competent authority may set a suitable deadline to the alien by which time he shall submit the necessary documents, certificates and other evidence; otherwise, the authority is not obliged to take them into account.

(2) An alien who is accommodated at a Centre, in addition to observing the provisions from the previous paragraph, must cooperate with the police, diplomatic missions and consular posts on establishing his or her identity.

(3) If a procedure in accordance with this Act is initiated at the demand or request of an alien or his employer and cannot be completed without his cooperation, the alien's failure to respond shall be deemed a withdrawal of the request if, despite warnings by the competent authorities, he fails to carry out any action for the continuation or completion of the procedure by the set deadline, or if it is possible to infer from the failure to act that the alien concerned no longer wishes to continue the procedure.

(4) The provisions of this Act shall also apply to EU citizens, their family members and the family members of Slovenian citizens.

**Article 91**  
**(decision-making)**

(1) The competent authority shall decide in the procedure on the basis of the facts and circumstances known in the Republic of Slovenia and, if so required in specific cases, on the basis of facts and data from the authorities of the Republic of Slovenia based abroad.

(2) The competent authority shall as soon as possible or within 30 days of the receipt of the full appeal decide on the appeals for issuing a residence permit and residence registration certificate. When the competent authority is obliged to conduct a special fact-finding procedure due to the existence of reasons to refuse to issue a permit or certificate, the competent authority shall make a decision on the appeal within 60 days at the latest.

**Article 92**  
**(obligation to inform)**

(1) State and other authorities and organisations shall immediately inform the police about an alien who is illegally resident in the Republic of Slovenia and also the administrative unit in the areas where the alien resides, and about an alien for whom the reason for the termination of residence was given.

(2) The state authority bringing a prosecution for a criminal offence for which a sentence of at least one year in prison may be imposed shall immediately inform the police and the administrative unit, in the area where the alien resides if the alien has a permit to reside in the Republic of Slovenia.

CHAPTER VIII  
(PROCESSING AND PROTECTING PERSONAL DATA AND ESTABLISHING THE IDENTITY OF AN ALIEN)

**Article 93**  
**(processing of personal data)**

(1) The authorities responsible for implementing this Act may, for the purposes of implementing this and other acts related to aliens, process personal data on aliens to whom the personal data refer.

(2) The authorities referred to in the preceding paragraph may process personal data on an alien which are acquired without the collaboration of an alien to whom the personal data refer from other bodies and organisations and authorities if this is:

- in the interests of the alien to whom the personal data refer and if the alien has approved the respective processing;
- permitted by law.

(3) Public and other authorities and organisations which have information related to aliens as referred to in the first paragraph of this Article at their disposal are obliged to disclose this information to the competent authorities at their request.

(4) The processing of the data referred to in the first, second and third paragraphs of this Article must be in accordance with the Act governing the protection of personal information.

**Article 94**  
**(alien's rights related to personal information)**

In addition to the rights related to the protection of personal information pursuant to the Act governing the protection of personal information and other regulations, an alien has the right to verify the correctness of personal information entered in the residence permit or visa and the right to file a request to change or delete it, if necessary, as defined in the Act governing the protection of personal information.

**Article 95**  
**(establishing an alien's identity)**

The police may also, without the consent of an alien, establish his identity, if:

- the alien is accommodated at the Centre;
- the alien's residence is terminated;
- there is a suspicion that the alien, under another personal name, is still prohibited from entering the Republic of Slovenia;
- a passport or other document for alien is to be issued for the alien;
- the alien is not able to confirm or prove his identity;
- this is required in order to establish citizenship;
- the alien has tried or entered the country with a forged or foreign passport and
- there exist other reasons defined by law.

**Article 96**  
**(personal name)**

(1) During his stay in the territory the Republic of Slovenia an alien shall use the personal name which he uses under the regulations of his country, unless stipulated otherwise by an Act or Treaty.

(2) If the personal name entered in the extract from the Register of Births is not identical with the personal name entered in the alien's passport, the personal name is entered in the official records kept in the Republic of Slovenia as it is entered in the alien's passport.

**Article 97**  
**(proving an alien's identity)**

(1) An alien proves his identity with a foreign travel document, identity card or other adequate document which is prescribed in the alien's country and by which an alien may prove his identity, with a passport for aliens, a residence permit issued in the form of a stand-alone document or with another public document issued by a state authority and which includes a photograph on the basis of which the alien's identity may be established.

(2) At the request of the police, an alien shall hand over a document proving his identity in a manner defined in the preceding paragraph.

(3) At the request of the police an alien shall also present a permit proving the legality of his entering and residing in the Republic of Slovenia.

(4) An alien shall not lend the document referred to in the first paragraph of this Article to another person or use a foreign document as his own.

(5) An alien shall report the misplacement, loss, theft or other disposal of the travel document or other document referred to in the first paragraph of this Article, except for a passport for aliens and a residence permit issued in the form of a stand-alone document, to the police immediately or within 24 hours after this was established at the latest. The police shall issue a written confirmation about this the report to the alien.

(6) An alien who loses a passport or other document abroad issued by the competent authority of the Republic of Slovenia, except for the passport for alien and a residence permit issued in a form of a stand-alone document, shall report this immediately to the nearest authority of the Republic of Slovenia based abroad responsible for diplomatic and consular matters.

## CHAPTER IX (TRAVEL DOCUMENTS AND OTHER PERMITS)

### **Article 98 (issuing of travel and other documents)**

(1) A passport for alien may be issued to an alien who possesses a residence permit in the Republic of Slovenia in the following cases:

- if the alien is a stateless person;
- if the alien does not possess and is unable to acquire a valid travel document of the country of his nationality.

(2) A passport for alien may also be issued to other aliens who have no valid travel document on justified grounds.

(3) An alien shall file an application for a passport at the administrative unit in person. A request may be filed by an alien who is not less than 18 years of age or an alien who is less than 18 years of age who has entered into marriage.

(4) An application for the passport is filed by the legal representative on behalf of an alien who is not 18 years of age or an alien without contractual capacity.

(5) The minister responsible for the interior, in agreement with the minister responsible for the exterior, prescribes the form of a passport for alien. The way of taking fingerprints is also determined by the regulation on the form of passport of alien.

### **Article 99 (validity of the passport for alien)**

(1) A passport for alien shall be valid for two years, unless:

- an alien applies for a passport with a shorter validity or
- a shorter validity is adequate for the purpose for which the passport is issued.

(2) A passport for an alien who is in the country is issued by the administrative unit of the area where the alien intends to reside or the administrative unit of the area where the alien resides, and by diplomatic missions or consular posts of the Republic of Slovenia based abroad for an alien living abroad.



**Article 100**  
**(refusal to issue a passport for alien and its revocation)**

(1) An alien shall not be issued with a passport for alien for any of the following reasons:

- criminal proceedings are being conducted against an alien if the competent court so demands;
- an alien is sentenced to an unconditional prison sentence, before the alien serves this sentence;
- if an alien has not settled maintenance obligations related to a marriage or relationship between parents and children which applies for beneficiaries who are permanent residents in the Republic of Slovenia and this is requested by the competent authority;
- if an alien has not settled tax obligations and this is requested by the competent authority.

(2) The competent authority establishes the existence of a reason to refuse to issue the passport for alien referred to in the fourth indent of the preceding paragraph on the basis of information from records kept by the tax authority on unsettled tax obligations which is marked as tax secrecy. The competent authority shall keep data which are regarded as tax confidentiality in accordance with the Act governing taxation procedures. The competent authority may obtain the data from the foregoing records *ex officio*.

(3) A passport for alien may be revoked from an alien if:

- the reasons referred to in the preceding paragraph are established;
- the passport lacks a photograph, or if it is not possible to establish the alien's identity;
- the passport is forged, incomplete or otherwise damaged.

(4) A passport for alien is revoked by a decision against which an alien may file an appeal within three days. An appeal shall not stay implementation of the decision.

(5) An alien shall return a passport for alien if he acquires citizenship of the Republic of Slovenia, or if he acquires a passport of a country of which he is or becomes a citizen, or if his residence permit is terminated or annulled.

**Article 101**  
**(misplacement of a passport for alien)**

(1) An alien shall report the misplacement, loss or theft (hereinafter referred to as: misplacement) of a passport for alien in the Republic of Slovenia immediately, or within eight days of learning about the misplacement at the latest, to any administrative unit, which shall inform the administrative unit which issued the passport about the misplacement. If the passport was issued by a diplomatic mission or consular post of the Republic of Slovenia based abroad, the administrative unit in the area of which the alien resides shall be informed.

(2) The alien shall as soon as possible or within eight days of learning about the misplacement at the latest notify the nearest diplomatic mission or consular post of the Republic of Slovenia based abroad about the misplacement of the passport for alien, which shall notify the administrative unit which issued the passport.

(3) An alien shall include in his report true information about the circumstances of the misplacement of the passport for alien.

**Article 102**  
**(manner of issue, content and form of a residence permit for citizens of the Swiss Confederation and their family members)**

(1) The temporary residence permit issued to citizens of Swiss Confederation and their family members on the basis of the Agreement between the European Union and its Member States on the one hand and the Swiss Confederation on the free movement of people (OJ L, No. 114 of 30 April 2002, p. 6) on the other hand and the permanent residence permit issued to the citizens of the Swiss Confederation and their family members is issued in the form of a card.

(2) The residence permit referred to in the preceding paragraph must contain a photograph of the person to whom it is issued and the following data:

- the permit type;
- the period of validity and
- the full name, nationality, sex and date of birth of the person to whom the permit is issued;

(3) The manner of issuing, the content and the form of the residence permit and the marking of the expiry date shall be prescribed by the minister responsible for the interior.

**Article 103**  
**(card permitting stay in the Republic of Slovenia)**

(1) An alien who acquires permission to stay in the Republic of Slovenia shall be issued a card by the police *ex officio* proving that the alien has permission to stay in the Republic of Slovenia.

(2) The permit to stay in the form of a card must contain a photograph of the person to whom the card was issued and the following information:

- number and date of issuing of the decision on the permission to stay;
- period of the permitted stay;
- the date and place of issue;
- full name, nationality, sex, date of birth and address of temporary residence of the person to whom the card was issued.

(3) The form and content of the card on the permission to stay and the procedure for issuing the card shall be prescribed by the minister responsible for the interior.

**Article 104**  
**(issuing a residence permit and passport for aliens)**

(1) The contractor selected by the minister responsible for the interior according to the regulations governing public procurements shall produce and personalise the residence permit and the passport for alien according to the agreement concluded between the ministry responsible for the interior and the contractor.

(2) The contractor may use the personal information referred to in Article 111 and 113 of this Act to produce the residence permit or the passport for alien for the purposes of entering the information in the form of a residence permit or passport for alien and is obliged to destroy this information within 30 days after their use.

(3) The contractor referred to in the preceding paragraph shall permit persons defined in the agreement referred to in the first paragraph of this Article to examine all documentation related to the procedures for producing, personalising and storing forms for

residence permits and passports for aliens, and the examination of facilities where their production, personalisation and storage takes place. The tasks related to production, personalisation and storage shall be conducted by persons assigned according to the agreement referred to in the first paragraph of this Article.

(4) The official referred to in the preceding paragraph carrying out control has the right and obligation:

- to stipulate that established irregularities or deficiencies in the making, personalising and storage are eliminated within the specified period;
- to stipulate that the person who conducts the tasks of production, personalisation and storage of forms but does not fulfil the conditions laid down in the contract shall cease to conduct these tasks and be replaced by a person who fulfils the prescribed conditions;
- to notify the authority responsible for the protection of personal information if the official establishes that the personal information is being used contrary to the provisions of this Act;
- to temporarily halt the production and personalisation of forms and propose that the minister responsible for the interior introduce a procedure to terminate the agreement referred to in the first paragraph of this Article for the production and personalisation of forms if the official establishes that the irregularities and deficiencies referred to in the first indent have not been eliminated in the specified period or that the contractor is not able to conduct the entrusted tasks.

(5) The transfer of the residence permit and passport for alien between the contractor referred to in the first paragraph of this Article and the competent authority or the ministry responsible for the interior is conducted by the company or organisation registered for the transfer of postal deliveries according to the agreement concluded with the contractor referred to in the first paragraph of this Article and the Act governing the postal services in a way that provides protection, security and tracking of postal items.

## CHAPTER X (INTEGRATION OF ALIENS)

### **Article 105 (general provision)**

(1) The Republic of Slovenia ensures conditions for the integration of aliens who have a residence permit or confirmation of registration of residence in the Republic of Slovenia into the cultural, economic and social life of the Republic of Slovenia.

(2) State and other authorities, organisations and associations through their operations ensure protection against any discrimination based on racial, religious, national, ethnic or other differentiation of aliens.

(3) The competent ministries in the implementation of integration tasks shall collaborate both together and also with domestic and international expert organisations, the authorities of other countries and other contracting entities and coordinate activities for the faster integration of aliens who are not citizens of the EU into the cultural, economic and social life and educational system of the Republic of Slovenia. The ministry responsible for the interior is competent for the harmonisation and coordination of tasks related to the integration of aliens.

(4) The ministry responsible for the interior shall provide information necessary for aliens to integrate into Slovenian society, especially in terms of their rights and obligations.

(5) The integration of aliens into the system of schooling and education of the Republic of Slovenia shall be conducted according to the acts governing the field of education.

#### **Article 106 (assistance with the integration of aliens who are not EU citizens)**

(1) Aliens who are not EU citizens are entitled to programmes which ensure faster integration into the cultural, economic and social life of the Republic of Slovenia, i.e.:

- learning the Slovenian language and lessons in Slovenian history, culture and the constitutional order (hereinafter referred to as: familiarisation with Slovenian society);
- programmes for mutual acquaintance and promotion of understanding with Slovenian citizens;
- information related to their integration into Slovenian society.

(2) Aliens who are not EU citizens are entitled to participate in Slovenian language courses and programmes to familiarise them with Slovenian society if they:

- reside in the Republic of Slovenia on the basis of a permanent residence permit, and their family members who have a temporary residence permit of the Republic of Slovenia for the purpose of family reunification, regardless of the duration of their residence in the Republic of Slovenia and the validity of the permit;
- reside in the Republic of Slovenia on the basis of a temporary residence permit issued with a validity of at least one year;
- are family members of Slovenian citizens or EU citizens who reside in the Republic of Slovenia on the basis of a residence permit for family members, regardless of the duration of their stay and validity of the permit.

(3) Aliens who have completed education at any level in the Republic of Slovenia, participate in regular educational programmes in the Republic of Slovenia presented in the Slovenian language or have already acquired a pass certificate for a Slovenian language examination at least at the basic level are not entitled to participate in a Slovenian language course. Aliens who have completed education at any level in the Republic of Slovenia are not entitled to the programme of familiarisation with Slovenian society.

(4) The Government of the Republic of Slovenia decree shall define by decree the ways and scope of the provision of assistance programmes for integrating of aliens who are not EU citizens.

#### **Article 107 (powers)**

(1) The ministry responsible for the interior is competent to implement Slovenian language courses and programmes of familiarisation with Slovenian society

and information for aliens who are not EU citizens.

(2) The ministry responsible for education is competent to prepare Slovenian language courses and programmes of familiarisation with Slovenian society

(3) The ministry responsible for the interior in collaboration with the ministry responsible for the culture shall provide programmes to promote mutual acquaintance and understanding.

(4) The administrative units of the areas where the alien resides are competent at the first level for the procedure related to the integration of aliens in the Republic of Slovenia.

**Article 108**  
**(provision of funds)**

(1) The ministry responsible for the interior shall provide the means for the implementation of Slovenian language courses and programmes of familiarisation with Slovenian society and information for aliens on integration programmes and shall manage the coordination of integration measures.

(2) The ministry responsible for education shall provide means for the preparation of Slovenian language courses and programmes of familiarisation with Slovenian society.

(3) The Ministry responsible for culture shall provide means for the implementation of programmes of cultural activities which enable mutual acquaintance and understanding of ethnic minorities and immigrants in order to enable aliens to participate in the cultural life of the Republic of Slovenia.

CHAPTER XI  
(REGISTRATION AND DEREGISTRATION OF RESIDENCE)

**Article 109**  
**(registration and deregistration of residence of an alien)**

An alien who possesses a residence permit or a long- stay visa of the Republic of Slovenia must register his permanent or temporary residence with the competent authority in accordance with the Act governing the registration of residence.

CHAPTER XII  
(RECORDS)

**Article 110**  
**(types of records)**

(1) For the purpose of ensuring data on the situation and movement of aliens, on decisions made with regard to the rights and obligations of aliens referred to in this Act, and on documents issued to them, records shall be kept of the following:

- temporary residence permits;
- permanent residence permits;
- visas;
- the passports for aliens;
- aliens who are permitted to stay and cards proving the same;
- aliens staying at the Centre;
- the secondary sanction of expulsion of aliens from the country;
- aliens who are the subject of an entry ban;
- termination of residence imposed on aliens;
- concerns regarding the issuing of a passport to an alien;
- aliens for whom strict police supervision has been ordered;
- aliens for whom a stay outside the Centre has been ordered;
- aliens who have been refused entry to the country;
- issued return decisions;
- returned and removed aliens;
- certified affidavits of support; and
- the participation of aliens in integration programmes.

(2) The ministry responsible for the interior shall keep the records specified in indents 5, 6, 7, 8, 11, 12, 14 and 17 of the preceding paragraph and may also use data from the other records referred to in the preceding paragraph for the purposes of its work.

(3) The competent authority shall administer the records referred to in indents 1, 2, 4, 9, 10 and 16 of the first paragraph of this Article and may also use data from the other records specified in the first paragraph of this Article for the purposes of its work.

(4) The authority competent for the supervision of crossings the state border shall keep the records referred to in indents 3, 13 and 15 of the first paragraph of this Article. It may also use data from other records specified in the first paragraph of this Article for the purposes of its work.

(5) The ministry responsible for foreign affairs or diplomatic missions and consular posts shall keep the records referred to in the third indent of the first paragraph of this Article. They may also use data from other records specified in the first paragraph of this Article for the purposes of their work.

(6) The authorities referred to in the third paragraph of this Article shall be obliged to forward the data referred to in Article 111 of this Act and the data from the records of the termination of an alien's residence referred to in the first and second paragraphs of Article 114 of this Act to the ministry responsible for the interior, which administers the central record of residence permits and residence terminations (Register of Aliens). The authorities referred to in the third and fifth paragraphs of this Article shall be obliged to forward the data referred to in Article 113 of this Act and the data referred to in the fourth paragraph of Article 114 of this Act to the ministry responsible for the interior, which administers the central record of alien's travel documents and concerns regarding the issuing of alien's passports (Register of Travel Documents).

(7) With regard to the records referred to in the third indent of the first paragraph of this Article, the competent authority shall, in addition to the data referred to in the first and second paragraphs of Article 112 of this Act, administer the data referred to in the last indent of the first paragraph of Article 27 of this Act.

(8) With regard to the records referred to in the fourth indent of the first paragraph of this Article the competent authority shall administer the data referred to in the first and second paragraphs of Article 113 of this Act.

(9) The competent authority may use data from the record of aliens' participation in Slovenian language courses in procedures of acquisition of citizenship of the Republic of Slovenia.

(10) The competent authority referred to in the second paragraph of this Article and the ministry responsible for the interior shall be entitled to access the data of the Employment Service of the Republic of Slovenia free of charge, i.e. those data relating to decisions in work permit procedures, and to terminated work permits, namely: full name, personal identification number, date and place of birth, citizenship, professional qualifications and profession of a work permit holder/person whose work permit terminated; branch office of the Employment Service which issued the decision; case number, work permit type, date of application, type of decision, basis for issuing the work permit, number of work permit/decision, order, decision/issuing date, term of work permit validity, location of work, title of employer, employer's registration number, employer's registered office, any complaints lodged, date of complaint, any new applications for a work permit, branch office of the Employment Service which terminated the work permit, termination reference number, termination type of a work permit, reasons for work permit termination, date of work permit

termination. The ministry responsible for the interior may connect the Register of Aliens to the database of the Employment Service of the Republic of Slovenia.

**Article 111**  
**(data required for issuing a residence permit)**

(1) In applying for a temporary or permanent residence permit, an alien is obliged to provide the competent authority with the following data:

1. 1. unique personal identification number of an alien if specified;
2. family name and first name;
3. maiden name;
4. gender;
5. date of birth (day, month, year);
6. place of birth (country, place);
7. citizenship;
8. marital status;
9. profession;
10. last permanent or temporary residence abroad or in the Republic of Slovenia (country, town, street and street number);
11. current temporary or permanent residence in the Republic of Slovenia (town, street and street 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 (the sources of) funds to support himself;
15. type and number of the passport or other document on the basis of which he has crossed the state border, the date and place of issue, and the period of validity;
16. date of submission of the application.

(2) In addition to the data referred to in the preceding paragraph, the following data must also be provided with the application for an EU Blue Card issued on the basis of a permit for highly-qualified employment, and an application for a single permit issued on the basis of consent from the competent authority under the law which governs the employment and work of aliens under the conditions for issuing an employment permit:

1. the type and level of professional education, or type of national vocational qualification of the alien;
2. the title or name of the employer;
3. the registered office or address of the employer;
4. the employer's registration number;
5. employer's VAT ID number;
6. alien's tax ID number;
7. the administrative unit of the position of employment;
8. the title of the position of employment for which the employment relationship is being concluded;
9. job description of the position of employment;
10. the code of occupation the alien is to perform, in accordance with the standard classification of occupations;
11. vocational or professional education or national vocational qualification that is required for the position of employment;
12. other skills required for the position of employment (such as work experience, language skills, computer skills, driving licence).

(3) In addition to the data referred to in the first paragraph, the information referred to in Points 1, 2, 3, 4 and 5 of the preceding paragraph must also be provided in the application for a single permit issued on the basis of the consent for a representative, or on

the basis of the authority competent for qualifications under the law which governs the employment of, and work with, aliens, and in the application for a single permit for the purposes of conducting seasonal employment issued on the basis of a consent for seasonal employment from the authority competent under the law governing the employment and work of aliens.

(4) In addition to the data referred to in the first paragraph, the information referred to in Point 6 of the second paragraph of this Article must also be provided in the application for a single permit issued on the basis of a consent for employment, self-employment and work from the authority competent for governing the employment and work of aliens if an alien has been registered in social insurance scheme as a self-employed person in the last two years.

(5) In addition to the data referred to in the first paragraph the following information must also be provided in the application for a single permit issued on the basis of the consent for work from the competent authority governing the employment and work of aliens:

1. the title or name of the contracting authority ;
2. the registered office or address of the contracting authority;
3. registration number of the client of the work.

(6) In addition to the data referred to in the first paragraph, the following information must also be provided in the application for a single permit issued for the performance of services with posted workers which is issued on the basis of the consent for work of posted workers from the competent authority governing the employment and work of aliens:

1. title and name of the foreign employer which is transferring workers and the contracting authority of the service;
2. registered office and address of a foreign employer who posts works and the client of the service;
3. registration number of a foreign employer who posts works and the client of the service.

(7) In addition to the data referred to in the first paragraph the following information must also be provided in the application for a single permit for the performance of work as a self-employed person issued on the basis of a consent for self-employment from the competent authority governing the employment and work of aliens:

1. title, head office and tax ID number of the company of which he is a founder of or a limited liability company, of which a person is the sole owner;
2. title, address, registration and tax ID number of an alien who is entered in the register of companies as a sole trader.

(8) An alien is obliged to enclose with his application for a temporary or permanent residence permit a photograph of the prescribed size depicting his true likeness, and provide two fingerprints for digital capture. An alien who resides outside the Republic of Slovenia and files an application for his first temporary residence permit shall provide his fingerprints at the diplomatic mission or consular posts of the Republic of Slovenia based abroad. The photograph shall be in paper or digital form. The digital photograph shall be stored for one year in a photo digital storage facility designed for photos for personal identity documents established pursuant to the Act governing the personal identity card and may be used, at the alien's request, for another official document with a photograph issued by a state authority. Fingerprints in a digital form shall be stored in the temporary records of fingerprints for residence permits, established pursuant to this Act, until the conclusion of the procedure for issuing a residence permit at first instance, but no for more than 60 days from the day of capture. An alien under the age of 6 years and an alien who is not able to provide any fingerprints on medical grounds are not required to provide fingerprints. An alien who is able to give only one fingerprint on medical grounds provides one fingerprint.



(9) An alien is also obliged to provide the data referred to in the preceding paragraph of this Article when applying for a new permit due to the misplacement of his residence permit issued as a stand-alone document and when replacing his residence permit issued as a stand-alone document prior to its expiry.

(10) The competent authority shall process the data referred to in the first, second, third, fourth, fifth, sixth, seventh and eight paragraphs of this Article, data on the facial appearance and fingerprints and a hand and a finger of the fingerprint of the residence permit holder kept in digital form in the records on the temporary residence permit (the records referred to in the first indent of the first paragraph of Article 110 of this Act) and in the records of the permanent residence permit (the records referred to in the second indent of the first paragraph of Article 110 of this Act). In the records of residence permits, the competent authority shall also process the data on the number, date of issue and finality of decision, validity and serial number of a permit, the data on the termination of a residence permit, the data on the deadline for voluntary return, if one is set, and data on stolen or misplaced residence permits.

((11) In order to provide for the security of legal transactions and the detection of stolen and misplaced residence permits, the following data referring to stolen or misplaced residence permits shall be publicly posted on the e-Government state portal: the competent authority that issued a permit, date of issue, period of validity and serial number of a permit and date when the permit was reported misplaced.

(12) The ministry competent for foreign affairs may process the following personal data in the temporary records of fingerprints for the purpose of issuing a residence permit:

- name and surname;
- date of birth;
- citizenship;
- type and number of a personal document;
- fingerprints as provided by the second paragraph of this Article;
- date of capture of fingerprints;
- designation of the representation office which captured the biometric data.

The data from the respective records are stored until the end of the procedure at the first instance, but for no more than 60 days from the day of capture.

#### **Article 112** **(data required for issuing a visa)**

(1) In applying for a visa, an alien is obliged to provide the competent authority with the following data:

1. unique personal identification number of an alien if specified;
2. family name and first name;
3. surname at birth;
4. date of birth (day, month, year) and place of birth (country, town);
5. gender;
6. citizenship;
7. nationality at birth;
8. marital status;
9. full name of the alien's mother and father or legal representatives;
10. 10. passport details (type and number of passport, issuing authority, date of issue, period of validity);
11. profession;
12. full name of the alien's spouse;
13. surname of the spouse at birth;

14. date and place of birth of the spouse;
15. full names and dates of birth of children;
16. 16. personal data on an EU citizen when an alien is a member of his family member (full name, date of birth, passport or identity card number, family relationship with the EU citizen);
17. address of residence abroad, e-mail and telephone number;
18. serial number and period of validity of visas issued by other states parties to the Convention implementing the Schengen Agreement of 14 June 1985;
19. state party to the Convention implementing the Schengen Agreement of 14 June 1985 which was the country of the alien's first entry to the Schengen area, and the final country of the alien's destination;
20. entry permit for the final country of destination (authority which issued the permit, start and end of the permit validity);
21. certification number of affidavit of support.

(2) In addition to the data referred to in the first paragraph, an alien is obliged to enclose with his application for a short-stay visa or an airport transit visa, a photograph of the prescribed size depicting his true likeness and to provide fingerprints to be digitally captured as provided by the Code on Visas. In addition to the data referred to in the first paragraph, an alien is obliged to enclose with his application for a long-stay visa a photograph of the prescribed size depicting his true likeness.

(3) In the record of visas (referred to in the third indent of the first paragraph of Article 110 of this Act) the competent authority shall process the data referred to in the first and second paragraphs of this Article and data on alien's place of residence in the Republic of Slovenia. In the record of visas, the competent authority shall also process the following data: number of the application; place and date of the submission of application; type, date of issue, validity, number of entries permitted; duration of stay permitted; serial number of visa; date and reason for visa revocation or cancellation, and date of, and reason for refusal of, the visa. In the record of visas, the authority shall also process data on the states parties to the Convention implementing the Schengen Agreement of 14 June 1985 which participated in prior consultations during a short-stay visa procedure and an airport transit visa procedure, on the date of consultation, and the date and content of the state's reply.

(4) A visa application and related documents submitted by an alien for the purposes of a visa procedure, a decision refusing a visa, decrees and other documents issued in the context of a visa procedure shall be kept for five years from the visa expiry, or if case a visa has been refused, five years from a final decision on the visa application. After this period, they shall be destroyed.

(5) In the records of certified affidavits of support (referred to in the sixteenth indent of the first paragraph of Article 110 of this Act) the competent authority shall process the following data: certification number of affidavit of support and the authority that certified it; the full name of the guarantor, guarantor's date of birth, guarantor's personal identification number and citizenship, address of permanent or temporary residence in the Republic of Slovenia, guarantor's telephone number, guarantor's financial resources and ownership or rental property and guarantor-related information from the criminal records. If the guarantor is a legal entity or a sole trader, the following data shall be processed in the records of affidavits of support: title, registered office and the telephone number of the legal entity or sole trader, registration number, names and surnames of statutory representatives and other representatives.

(6) In addition to the data referred to in the preceding paragraph, the following data on aliens shall be processed in the record of affidavits of support:  
– name and surname;

- date of birth;
- citizenship;
- passport number;
- purpose of the visit;
- relationship with the guarantor;
- indication that information was obtained from criminal records, the record of final judgments and minor offences decisions which is kept in the Republic of Slovenia by the ministry responsible for justice, and from the records of final decisions concerning minor offences which are kept by the minor offence authorities.

(7) The information referred to in the seventh indent of the preceding paragraph which is kept in files of administrative affairs shall be destroyed within two years of its processing in an administrative procedure.

### **Article 113** **(data for issuing a passport for alien)**

(1) In addition to the application for issuing the passport, an alien is obliged to forward the data referred to in Points 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11 and 16 of the first paragraph of Article 111 of this Act and submit two photographs of the prescribed size which depict his true likeness and provide two fingerprints for their digital capture. The photograph shall be in paper or digital form. The digital photograph shall be stored for one year in a photo digital storage facility designed for photos for personal identity documents established pursuant to the Act governing the personal identity card and may be used, at the alien's request, for another official document with a photograph issued by a state authority. An alien under the age of 12 years and an alien who is not able to provide any fingerprints on medical grounds are not required to give fingerprints. An alien who is able to give only one fingerprint on medical grounds provides one fingerprint.

(2) In the record of passports for alien (referred to in the fourth indent of the first paragraph of Article 110 of this Act), in addition to the data referred to in the first paragraph of this Article, the authority shall process the data on the number and date of issue of passport for alien or decisions and resolutions, registration and serial number of a passport for alien, validity and date of issue of a passport for alien, face likeness and fingerprints of the holder of a passport for alien recorded as biometric data, and data on stolen or misplaced passports for alien.

(3) A passport for alien shall also contain a storage medium in which the facial image and fingerprints of the holder are processed and stored as biometric data.

(4) In order to provide for the security of legal transactions and the detection of stolen and misplaced passports for aliens, the following data referring to stolen or misplaced passports for alien shall be publicly posted on the e-administration state portal: the competent authority that issued a permit, the date of issue, period of validity, registration and serial number of a passport for alien and date when the passport was reported as misplaced.

### **Article 114** **(information about records)**

(1) The records on secondary penalties of expulsion of an alien from the country (referred to in the seventh indent of the first paragraph of Article 110 of this Act), on aliens subject to entry bans (referred to in the eighth indent of the first paragraph of Article 110 of this Act) shall include the data referred to in Points 1, 2, 3, 4, 5, 6, 7, 8, 10 and 11 of the first paragraph of Article 111 of this Act, the period of an individual measure, the authority that

issued the measure, and the number and date of issue and finality of the decision when the entry ban is stipulated in a decision on a denial to issue the permit, a decision on the revocation of a residence permit, a decision on the termination of residence or by a return decision. The records of termination of an alien's residence also include data on the period in which an alien is obliged to leave the country.

(2) The records of aliens who are permitted to stay and cards proving the same (referred to in the fifth indent of the first paragraph of Article 110 of this Act) shall include the data referred to in Points 1, 2, 3, 4, 5, 6, 7, 8, 10 and 16 of the first paragraph of Article 111 of this Act on the number and date of the issuing of a decision on the permission to stay, the period of the permission to stay and date of the termination, the address of the place of stay, number and place and date of the card permitting to stay.

(3) The record of aliens accommodated at the Centre (referred to in the sixth indent of the first paragraph of Article 110 of this Act) shall include the data referred to in Points 1, 2, 3, 4, 5, 6, 7, 8 and 10 of the first paragraph of Article 111 of this Act on the number and date of the decision on the accommodation at the Centre, the period of accommodation at the Centre, and the police station that issued the decision, the reason for the accommodation and a photograph of the alien.

(4) The records of concerns regarding the issuing of a passport for alien (referred to in the tenth indent of the first paragraph of Article 110 of this Act) shall include the data referred to in Points 1, 2, 3, 4, 5, 6, 7, 8, 11 and 16 of the first paragraph of Article 111 of this Act and the data on the type of concern, the authority that raised the concern, duration and legal basis.

(5) The record of aliens for whom strict police supervision has been ordered (referred to in the eleventh indent of the first paragraph of Article 110 of this Act) shall include the data referred to in Points 1, 2, 3, 4, 5, 6, 7, 8 and 10 of the first paragraph of Article 111 of this Act, on the number and date of the decision and duration of strict police supervision.

(6) The record of aliens who have been refused entry to the country (referred to in the thirteenth indent of the first paragraph of Article 110 of this Act) shall include the data referred to in Points 1, 2, 4, 5, 6 and 7 of the first paragraph of Article 111 of this Act, the reasons and date and time of the refusal, and the authority of the border control which refused entry.

(7) The record of aliens for whom accommodation outside the Centre has been ordered (referred to in the twelfth indent of the first paragraph of Article 110 of this Act) shall include the data referred to in Points 1, 2, 3, 4, 5, 6, 7, 8 and 10 of the first paragraph of Article 111 of this Act, on the number and date of the decision, place and duration of accommodation outside the Centre and on the name, surname, date of birth and the address of the person at which the alien resides.

(8) The record of the return decisions issued (referred to in the fourteenth indent of the first paragraph of Article 110 of this Act) shall include the data referred to in Points 1, 2, 3, 4, 5, 6, 7, 8 and 10 of the first paragraph of Article 111 of this Act on the number, date, finality of a decision, the police station that issued the decision, the period for voluntary return, if specified, and the duration of an entry ban if determined.

(9) The record of returned and removed aliens (referred to in the fifteenth indent of the first paragraph of Article 110 of this Act) shall include the data referred to in Points 1, 2, 3, 4, 5, 6, 7, 8, 10 and 11 of the first paragraph of Article 111 of this Act, the reason, date and country of removal.

(10) The record of the participation of aliens in programmes of integration (referred to in the seventeenth indent of the first paragraph of Article 110 of this Act) shall include the data referred to in Points 1, 2, 4, 5, 6, 7 and 11 of the first paragraph of Article 111 of this Act and data on the type of programme, date of registration of an alien in the programme, date of deregistration of an alien from the programme, start date of the programme, number of programme lessons, number of programme lessons an alien has attended, the date and place of sitting the internal exam and the conclusion of the programme or results of the examination.

**Article 115**  
**(storage and keeping of records data)**

(1) The data from the record of temporary residence permits (referred to in the first indent of the first paragraph of Article 110 of this Act) and the record of visas (referred to in the third indent of the first paragraph of Article 110 of this Act) shall be kept for five years after the expiry of the permit or visa, and five years until the finality of the decision on an application for the issuing of the permit or visa if the permit or visa was not issued, and then archived. Biometric data on facial appearance and fingerprints shall be kept in the records of visas and records of temporary residence permits for thirty years after the finality of the decision on the application. After thirty years, the data shall be erased from the records. Biometric data on the facial appearance and fingerprints in the records of temporary residence permits are kept for thirty days from the serving of the document if the replacement of the document occurs prior to the expiry of the document or prior to the expiry of the permit.

(2) The data from the records of permanent residence permits (referred to in the second indent of the first paragraph of Article 110 of this Act) shall be kept for 50 years from the expiry of permanent residence permit, and if the permit was not issued, 50 years from the final decision on the application for the issuing of the permit and are then archived, with the exception of the biometric data on the facial appearance and fingerprints, which shall be kept for thirty days after the finality of the decision on the application before they are deleted. Biometric data on the facial appearance and fingerprints in the records of permanent residence permits shall be kept for thirty days from the serving of the document if the replacement of the document occurs prior to the expiry of the document or prior to the expiry of the permit.

(3) The data from the records on secondary penalties of expulsion imposed on an alien from the country (referred to in the seventh indent of the first paragraph of Article 110 of this Act), on the termination of an alien's residence (referred to in the ninth indent of the first paragraph of Article 110 of this Act), on aliens subject to entry bans (referred to in the eighth indent of the first paragraph of Article 110 of this Act) and returned and removed aliens (referred to in the fifteenth indent of the first paragraph of Article 110 of this Act) shall be kept for five years after the expiry date for which the secondary sanction or entry ban was imposed, or after the return or removal of the alien from the Republic of Slovenia.

(4) The data from the records of aliens who are permitted to stay and the cards permitting to stay (referred to in the fifth indent of the first paragraph of Article 110 of this Act), records of aliens accommodated at the Centre (referred to in the sixth indent of the first paragraph of Article 110 of this Act), records of aliens for whom strict police supervision was ordered (referred to in the eleventh indent of the first paragraph of Article 110 of this Act), records of aliens for whom accommodation outside the Centre was ordered (referred to in the twelfth indent of the first paragraph of Article 110 of this Act) shall be kept for five years after the issuing of this decision before they are archived.

(5) The data from the records of aliens who have been refused entry to the country (referred to in the thirteenth indent of the first paragraph of Article 110 of this Act) shall be kept for five years from the date of a denial of entry.

(6) The data from the records of the issued return decisions (referred to in the sixteenth indent of the first paragraph of Article 110 of this Act) shall be kept for five years from the execution of the return decision before they are archived. If a return decision also imposes an entry ban, the data shall be kept for five years after the expiry of the entry ban was before they are archived.

(7) The data from the records of passports for aliens (referred to in the fourth indent of the first paragraph of Article 110 of this Act) and on the concerns regarding the issuing of the passport to an alien (referred to in the tenth indent of the first paragraph of Article 110 of this Act) shall be kept for five years from the expiry of the passport for alien or from the finality of a decision or a resolution before they are archived, with the exception of the biometric data on the facial appearance and fingertips, which shall be kept for thirty days from the finality of the decision on the application before they are erased from the records.

(8) The data from the records of certified affidavits of support (referred to in the sixteenth indent of the first paragraph of Article 110 of this Act) shall be kept for five years from the certification of the affidavit of support before they are archived.

(9) The data from the records on the participation of aliens in programmes of integration (referred to in the seventeenth indent of the first paragraph of Article 110 of this Act) shall be kept for five years after the completed programme before they are archived.

**Article 116**  
**(application of data from the records)**

(1) The personal information from the records referred to in Article 110 of this Act may be used only for tasks prescribed by law. The facial appearance and fingerprints of the holder of a residence permit and passport for alien stored as biometric data referred to in Article 58 and 113 of this Act may be used and processed to verify the credibility of a residence permit or passport for alien and the identity of the holder of the residence permit or passport for alien when crossing national borders and in the country to establish the legality of stay.

(2) Keepers of records are obliged to submit the data from the records referred to in the Article 110 of this Act at the request of individuals, state authorities, legal entities, entrepreneurs, other bodies and organisations, and communities if they are entitled to their use by law.

(3) The users of personal information referred to in the preceding paragraph shall not be obliged to submit personal information to other users and are obliged to use them only for the purposes for which they have been acquired.

(4) Personal information from the records referred to in Article 110 of this Act which is necessary to establish the identity of an alien, or that may be used for the purpose of supervision of the correctness or legality of procedures may be submitted, under the principle of reciprocity, and for the purpose of supervision of the correctness and legality of procedures by the authorities competent for keeping records to other countries which are not members of the European Union or the European Economic Area, if the conditions are fulfilled which are prescribed by law governing the protection of personal information for the submission of personal information to countries which are not Member States of the European Union or the European Economic Area.

CHAPTER XIII  
(ENTRY AND RESIDENCE OF THE CITIZENS OF THE EUROPEAN UNION MEMBER STATES  
AND THEIR FAMILY MEMBERS AND THE FAMILY MEMBERS OF SLOVENIAN CITIZENS)

**Article 117**  
**(application)**

(1) The provisions of this Chapter shall apply to EU citizens, their family members and the family members of Slovenian citizens. Other provisions of this Act apply to them only if they are more convenient for them or if it is stipulated by this Act.

(2) Pursuant to this Act, an EU citizen is an alien with citizenship of another EU Member State.

(3) The provisions of this Act applicable to EU citizens also apply to citizens of member countries of the European Economic Area.

**Article 118**  
**(entry of EU citizens to the Republic of Slovenia)**

(1) An EU citizen may enter the Republic of Slovenia without an entry permit, i.e. a visa or a residence permit.

(2) An EU citizen may enter the Republic of Slovenia with a valid identity card or a valid passport, irrespective of the purpose of entry or residence in the Republic of Slovenia. He may leave the Republic of Slovenia with a valid identity card or a valid passport.

(3) An EU citizen denied entry in the following instances:

- if he does not possess a valid identity card or a valid passport;
- if the period of prohibition on entering the country has not yet expired;
- if his residence in the Republic of Slovenia would represent a threat to the public order, security or international relations of the Republic of Slovenia, or if there is a suspicion that his residence in the country might be associated with terrorist or other violent acts, illegal intelligence activities, drug trafficking or the commission of any other criminal acts;
- if he shows symptoms of infectious diseases with epidemic potential listed in the international health rules of the World Health Organization or serious symptoms of other infectious diseases which could pose a threat to people's health and which require the prescribed measures to be taken pursuant to the Act governing infectious diseases;

(4) Border control authorities shall decide on the denial of entry in compliance with the rules issued by the minister responsible for the interior according to the reasons referred to in the preceding paragraph.

(5) An EU citizen may file a complaint denial of entry within a period of eight days. The appeal shall be decided on by the ministry responsible for the interior. The appeal shall not have the effect of suspending enforcement.

**Article 119**  
**(registration of residence)**

(1) An EU citizen who enters in the Republic of Slovenia with a valid identity card or a valid passport may reside in the Republic of Slovenia without the registration of residence for a period of 90 days from his entry to the country. If an EU citizen wishes to reside in the

area of the Republic of Slovenia for a period longer than 90 days, he shall register the residence at the administrative unit in the area of which he resides prior to the expiry of a 90-day residence permit.

(2) The administrative unit shall issue the permit to the EU citizen on the lodged application for a residence registration certificate, which permits him to reside until the final decision on the application.

(3) The reasons for granting an EU citizen a residence registration certificate are as follows:

- employment or work;
- self-employment;
- services;
- study or other forms of education;
- reunification of his family and other reasons.

(4) The administrative unit in the area of which the EU citizen resides is competent to issue a residence registration certificate.

#### **Article 120**

##### **(residence registration of EU citizens for the purposes of employment or work)**

(1) An EU citizen who wishes to find employment or work in the Republic of Slovenia or an EU citizen who is employed or conducts work in the Republic of Slovenia may be issued with a residence registration certificate if he possesses:

- a valid identity card or a valid passport;
- employer's statement of intent to employ an EU citizen, or an employment contract, or a work contract if he is already employed or conducts work;
- a valid work permit when, due to measures adopted by the government, he has no free access to the labour market or for reasons laid down by treaty.

(2) The residence registration due to the employment of work shall not expire for an EU citizen who becomes unemployed if:

- he is temporarily unable to work due to disease or accident;
- his employment in the Republic of Slovenia, which lasted at least one year, was terminated involuntarily and without his fault and the EU citizen has been registered as a job seeker, which is proved by a certificate issued by the competent employment authority;
- participates in vocational training.

(3) If an EU citizen is registered as an unemployed person after the expiry of work based on a fixed-term employment contract for a period of less than one year, or if he became unemployed in the Republic of Slovenia with no fault of his own after the first twelve months of work and is registered as job seeker, his registration shall be terminated after a period of six months after the termination of employment if he does not meet the criteria for receiving a certificate for other reasons.

(4) The provisions of this Article also apply to an EU citizen who performs seasonal work in the Republic of Slovenia and an EU citizen who is in an employment relationship with an employer from another EU Member State and conducts work in the Republic of Slovenia on the basis of a contract concluded between the contracting party and a contractor from the Republic of Slovenia, who shall, in addition to the evidence referred to in the first paragraph of this Article, also possess evidence of posting workers to the Republic of Slovenia for the purposes of performing work under a contract concluded between a foreign contracting party and national contracting authority.



#### **Article 121**

##### **(registration of residence of an EU citizen who performs work or provides services as a self-employed person)**

An EU citizen who works or provides services in the Republic of Slovenia as a self-employed person may be issued with a residence registration certificate if he possesses:

- a valid identity card or a valid passport;
- evidence that the EU citizen is a self-employed person or provider of a service;
- a valid work permit if it is stipulated by the law governing the employment and work of aliens.

#### **Article 122**

##### **(residence registration of EU citizens for the purposes of study)**

(1) An EU citizen who wishes to study or be educated in the Republic of Slovenia may be issued a residence registration certificate if he possesses:

- a valid identity card or a valid passport;
- documentary proof of enrolment in studies or any other form of education issued by the education institution, or a certificate from the state authority competent to implement international or bilateral treaties, or a certificate issued by an organisation authorised by the country and competent to implement a specific programme;
- sufficient means of subsistence, whereby when establishing the means, the personal circumstances of the EU citizen are considered, which must be no lower than the threshold below which financial social assistance is granted under the act regulating social security;
- appropriate health insurance.

(2) The student's statement serves as documentary proof of sufficient means.

#### **Article 123**

##### **(residence registration of EU citizens for the purposes of reunification of the family and other reasons)**

(1) An EU citizen who is a family member of an EU citizen who resides in the Republic of Slovenia on the basis of a residence registration certificate or permanent residence permit, or who is a family member of a Slovenian citizen and wishes to reside in the Republic of Slovenia due to the reunification of his family, or an EU citizen who wishes to reside in the Republic of Slovenia for other reasons may be issued a residence registration certificate if he possesses:

- a valid identity card or a valid passport;
- sufficient means of subsistence, whereby the personal circumstances of the EU citizen and his family member are considered in the issuing of the residence registration certificate due to the reunification of his family, and whereby the means must be no lower than the threshold below which financial social assistance is granted under the act regulating social security;
- appropriate health insurance.

(2) An EU citizen or his family member can prove the fulfilment of the condition of sufficient means of subsistence referred to in the second indent of the preceding paragraph with means provided by himself with work, rights deriving from work or insurance, income from property or capital and other sources, or with the aid of those who are obliged to maintain the EU citizen or his family member with a contract on the basis of which a natural or legal entity pays the EU citizen or his family member a certain sum for subsistence, or in any other manner. An EU citizen or his family member may present sufficient means of subsistence with a contract on the basis of which other natural or legal entity pays the EU

citizen or his family member a certain sum for subsistence. The contract shall be concluded in the Republic of Slovenia in the form of a directly enforceable notary deed.

#### **Article 124**

##### **(refusal to issue a residence registration certificate for EU citizens)**

- (1) A residence registration certificate shall not be issued to an EU citizen, if:
- he does not fulfil the criteria for issuing a certificate, as defined in individual reasons for which the certificate is issued;
  - if his residence in the Republic of Slovenia would represent a serious and actual threat to the public order, security or international relations of the Republic of Slovenia, or if there is suspicion that his residence in the country might be associated with terrorist or other violent acts, illegal intelligence activities, drug trafficking or the commission of any other criminal acts;
  - if during the procedure of issuing a first residence registration certificate, it is established that the EU citizen is infected with an infectious disease with epidemic potential listed in the International Health Regulations of the World Health Organization or with infectious disease which could pose a threat to people's health and which require the prescribed measures to be taken pursuant to the act governing infectious diseases;
  - if the period of prohibition on entering the country has not yet expired;
  - if it is established that the EU citizen works in the Republic of Slovenia contrary to regulations governing employment relationships, employment and work, or contrary to regulations on the prevention of employment and undeclared work.

(2) If the administrative unit assesses that the data from the criminal record of another EU Member State are required to establish the reason referred to in the second indent of the preceding paragraph, the administrative unit needs to acquire such data by itself.

(3) An EU citizen is obliged to undergo a medical examination at the request of the administrative unit if the EU citizen in the procedure for issuing the first residence registration certificate shows serious symptoms of an infectious disease as referred to in the third indent of the first paragraph of this Article and the period of 90 days has not yet passed from his entry to the Republic of Slovenia. The means for a medical examination are provided by the ministry responsible for health.

#### **Article 125**

##### **(approved period of residence on the basis of the residence registration certificate and renewal of the certificate)**

(1) An administrative unit shall issue an EU citizen who fulfils the criteria laid down by this Act for issuing of a certificate of residence registration with a validity period of five years or for the period of the intended stay in the Republic of Slovenia if the period is less than five years.

(2) The administrative unit in the area of which the EU citizen resided may, at the request of the EU citizen, renew the residence registration certificate for the same period as it was issued if the EU citizen fulfils the criteria for issuing the certificate.

(3) The administrative unit issues the certificate to the EU citizen upon his timely lodged application for the renewal of the certificate, which permits him to reside in the Republic of Slovenia until the final decision on the application.

(4) The EU citizen may reside in the Republic of Slovenia for the period of approved stay.

**Article 126**  
**(permanent residence permit for EU citizens)**

(1) A permanent residence permit may be issued to the EU citizen who legally and continuously resides in the Republic of Slovenia for a period of five years on the basis of a residence registration certificate, a certificate on a lodged application for issuing or renewing a residence registration certificate or a valid identity card or a valid passport, unless there is a reasonable doubt that his residence in the Republic of Slovenia would represent a serious or actual threat to the public order, security or international relations of the Republic of Slovenia, or if there is a suspicion that his residence in the country might be associated with terrorist or other violent acts, illegal intelligence activities, drug trafficking or the commission of any other criminal acts. During the period when the decision on issuing a permanent residence permit is being taken, the EU citizen shall reside in the Republic of Slovenia on the basis of a residence registration certificate.

(2) The condition of a five-year period of continuous legal residence referred to in the preceding paragraph shall also be fulfilled if the EU citizen has been absent from the Republic of Slovenia in the respective period:

- for a maximum period of six months per year;
- once up to twelve consecutive months for justified reasons, such as pregnancy, child birth, serious disease, study, vocational training, posting to work in another country;
- military service.

(3) An EU citizen may be issued a permanent residence permit prior to the expiry of the period referred to in the first paragraph of this Article:

- if he is of Slovenian descent;
- if his residence in the Republic of Slovenia is in the interests of the Republic of Slovenia. This is decided by the authority competent for issuing the permit in accordance with the opinion of the competent ministry;
- if as an employed or self-employed person in the Republic of Slovenia he has ceased working, and according to the regulations of the Republic of Slovenia, is entitled to receive an old-age pension under the condition that he was employed in the Republic of Slovenia for the previous twelve months and that he has been legally and continuously residing in the Republic of Slovenia for more than three years;
- if he has been employed in the Republic of Slovenia for the previous twelve months and has retired early, if he has been legally and continuously residing in the Republic of Slovenia for more than three years; the period of twelve-month employment also includes the employment in other Member States of the European Union in which the EU citizen was employed;
- if he was employed or performed work as a self-employed person in the Republic of Slovenia or in other Member State of the Republic of Slovenia, to which he daily or weekly commuted to work, and has ceased to work due to a long-term inability to work, if he has been legally and continuously resident in the Republic of Slovenia for more than two years; if a long-term inability to work is a result of an accident at work or occupational disease and the EU citizen is entitled to disability pension in the Republic of Slovenia, the length of residence shall not be a condition;
- if as an employed or self-employed person after three years of continuous employment or conducting the work as a self-employed person and continuous legal residence in the Republic of Slovenia he is employed in another Member State of the European Union and returns to the Republic of Slovenia on a daily or at least weekly basis; the three-year period of continuous employment or performance of work includes also the period of employment

or performance of work in another Member State of the European Union in which the EU citizen is employed or works;

- if he is a family member of an EU citizen as referred to in the third, fourth, fifth or sixth indents of this paragraph;
- if he is a family member of a Slovenian citizen or a family member of an EU citizen or an alien who has a permanent residence permit in the Republic of Slovenia if he has legally and continuously resided in the Republic of Slovenia for at least for two years.

The employment period referred to in the fourth, fifth and sixth indents of this paragraph also includes the period when the EU citizen was unemployed, registered at the competent employment authority in the Republic of Slovenia or other Member State of the European Union in which he commuted to work on a daily or weekly basis as a job seeker, and the period in which the worker was not able to perform his work due to disease or accident.

(4) The EU citizen referred to in the third, fourth and fifth indents of the preceding paragraph, whose spouse with whom he resides in the Republic of Slovenia had citizenship of the Republic of Slovenia which was terminated upon entering into marriage, may be issued a permanent residence permit irrespective of the length of residence and employment in the Republic of Slovenia.

(5) The administrative unit in the area of which the EU citizen resides is competent to receive the application and to issue a permanent residence permit to EU citizens.

(6) A permanent residence permit is issued to EU citizens for an unlimited period.

#### **Article 127**

##### **(family members of an EU citizen and family members of a Slovenian citizen)**

(1) Family members of an EU citizen and family members of a Slovenian citizen (hereinafter referred to as: family member) according to this Act are the following:

- spouse or registered partner;
- children under the age of 21;
- children under the age of 21 of the spouse, registered partner or partner with whom the EU citizen or the Slovenian citizen has resided in a long-term partnership;
- children over the age of 21 and ancestors whom the EU citizen or the Slovenian citizen is obliged to maintain or actually maintains in accordance with the legislation of the state of which he is a citizen;
- children over the age of 21 and ancestors of the spouse, registered partner or partner with whom the EU citizen or the Slovenian citizen resides in a long-term partnership, with whom the spouse, registered partner or partner with whom the EU citizen or the Slovenian citizen resides in a long-term partnership is obliged to maintain or actually maintains in accordance with the regulations of the state of which he is a citizen;
- ancestors of the EU citizen or the Slovenian citizen until he reaches the age of 21.

Any other person who has resided with an EU or Slovenian citizen as a member of a household in another EU Member State or whom the EU citizen or the Slovenian citizen is obliged to maintain or actually maintains in accordance with the legislation of the country of which he is a citizen, as well as a person whom the EU or Slovenian citizen personally takes care of due to their medical condition, and a partner with whom the EU or Slovenian citizen has resided in a long-term partnership are also considered family members.

(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 residence in the Republic of Slovenia.

(3) A family member who is not an EU citizen may, for the purpose of family reunification with an EU citizen or a Slovenian citizen, enter the Republic of Slovenia with a valid passport containing a visa issued by the competent authority of the Republic of Slovenia or by another state party to the Convention Implementing the Schengen Agreement of 14 June 1985, unless he is a citizen of a state with which the Republic of Slovenia terminated the visas to enter the Republic of Slovenia, or with a valid travel document and residence permit issued by another EU member state, unless stipulated otherwise by international agreement .

(4) An EU citizen shall be denied entry in the following instances:

- if he has no adequate document or permit as referred to in the second or third paragraph of this Article;
- if the period of prohibition on entering the country has not yet expired;
- if his residence in the Republic of Slovenia would represent a serious and actual threat to the public order, security or international relations of the Republic of Slovenia, or if there is suspicion that his residence in the country might be associated with terrorist or other violent acts, illegal intelligence activities, drug trafficking or the commission of any other criminal acts;
- if he shows symptoms of infectious diseases with epidemic potential listed in the international health rules of the World Health Organization or serious symptoms of other infectious diseases which could pose a threat to people's health and which require the prescribed measures to be taken pursuant to the Act governing infectious diseases;

(5) Border control authorities shall decide on the denial of entry in compliance with the rules issued by the minister responsible for the interior according to the reasons referred to in the preceding paragraph.

(6) A family member may file a complaint against the denial of entry within a period of eight days. The appeal shall be decided on by the ministry responsible for the interior. The appeal shall not have the effect of suspending enforcement.

(7) A family member entering the Republic of Slovenia on the basis of a valid identity card, travel document or passport and a residence permit issued by another EU Member State or a passport and entry visa may reside in the territory of the Republic of Slovenia without a residence permit for ninety days from the day of entering the country.

(8) If a family member who is not an EU citizen, for the purposes of reunification or preservation of a family with an EU citizen or a Slovenian citizen in the territory of the Republic of Slovenia, wishes to reside longer as permitted in the preceding paragraph, he shall by himself or through his legal representative or an EU citizen or a Slovenian citizen file an application at the administration unit, in the area of which the family member resides for a temporary residence permit for an EU citizen family member before the expiry of the residence permit.

(9) The administrative unit shall issue a certificate to the family member confirming that an application was submitted for the issuing of a temporary residence permit in good time, which shall act as a temporary residence permit until the decision on the application becomes final. The certificate shall not allow the family member to cross the state border.

#### **Article 128** **(temporary residence permit for a family member)**

(1) A temporary residence permit may be issued to a family member who is not an EU citizen under the following conditions:

- if he is a family member of an EU citizen who resides in the Republic of Slovenia on the basis of an issued residence registration certificate or permanent residence permit, or of a Slovenian citizen who has registered residence in the Republic of Slovenia;
- if he possesses a valid identity card or a valid passport;
- if he has sufficient means of subsistence, whereby when establishing the means, the personal circumstances of the family member and of the EU citizen or the Slovenian citizen are considered, which must be no lower than the threshold below which financial social assistance is granted under the act regulating social security;
- if he has appropriate health insurance;
- if he entered the Republic of Slovenia in accordance with the provisions of this Act;
- if it is not established that the marriage or partnership cohabitation was concluded mainly for the purpose of obtaining a residence permit;
- if the reasons for the refusal to issue the permit referred to in the second, third, fourth or fifth indents of the first paragraph of Article 124 of this Act are not given.

(2) A family member can prove the fulfilment of the condition of sufficient means of subsistence referred to in the third indent of the preceding paragraph with means provided by himself with work, rights deriving from work or insurance, income from property or capital and other sources, or with the aid of those who are obliged to maintain the family member with a contract on the basis of which a natural or legal entity pays the family member a certain sum for subsistence or in any other manner. A family member may present sufficient means of subsistence with a contract on the basis of which another natural or legal entity pays the family member a certain sum for subsistence. The contract shall be concluded in the Republic of Slovenia in the form of a directly enforceable notary deed.

(3) A temporary residence permit is issued to a family member for the same period as that granted to the EU citizen in the residence registration certificate, and to the family member of an EU citizen with a permanent residence permit and a family member of a Slovenian citizen for a validity of five years. Unmarried descendants under the age of 21 and descendants of an EU citizen or a Slovenian citizen under the age of 21 shall not be issued a temporary residence permit for a family member until they reach the age of 21. The administrative unit in the area of which a family member resides shall be competent to issue a temporary residence permit to the family member.

(4) A temporary residence permit issued to a family member is served on the family member or his legal representative in person.

(5) The temporary residence permit of the Republic of Slovenia may be extended for a family member under the same conditions as those applicable to the issuing of the permit. An extension of the permit shall be applied for prior to its expiry at the administrative unit in the area of which a family member resides.

(6) The administrative unit shall issue a certificate to the family member confirming that an application was submitted for the extension of a temporary residence permit in good time, which shall act as a temporary residence permit until the decision on the application becomes final. The certificate shall not allow the family member to cross the state border.

**Article 129**  
**(maintaining a temporary residence permit for a family member)**

(1) A temporary residence permit issued to a family member in the event of the death of an EU citizen with whom a family member resided in the Republic of Slovenia for at least one year shall maintain its validity if the family member has sufficient means of

subsistence and appropriate health insurance or if he is employed or self-employed in the Republic of Slovenia.

(2) In the event of the death or departure of an EU citizen from the Republic of Slovenia, a temporary residence permit issued to a child of the EU citizen or the child's parent who are responsible for the upbringing and care of the child shall remain valid if the child is being educated in the Republic of Slovenia.

(3) In the event of divorce or termination of marriage and in the event of termination of the registered partnership, a temporary residence permit issued to a spouse or a registered partner of the EU or Slovenian citizen who has sufficient means for subsistence and appropriate health insurance remains valid in the following cases:

- if the marriage or registered partnership lasted at least three years, one year of which was in the Republic of Slovenia;
- due to the execution of parental rights or guardianship over children of an EU citizen or a Slovenian citizen who are given into his care and upbringing or due to the execution of permitted contacts with minor children of the EU or a Slovenian citizen;
- due to the execution of the parental right to children who reside in the Republic of Slovenia and were given into the care and upbringing to other parent;
- If he was a victim of family violence during the duration of the marriage or registered partnership or where other extremely serious circumstances justify this.

(4) In the case referred to in the first, second and third paragraphs of this Article, a temporary residence permit of a family member who possesses a valid identity card or a valid passport, sufficient means for subsistence and appropriate health insurance, and if there exist no reasons to refuse to issue a permit referred to in the second, fourth or fifth indents of the first paragraphs of Article 124 of this Act, may be extended for a period of five years or for the period of the intended residence in the Republic of Slovenia if less than five years.

#### **Article 130**

##### **(permanent residence permit for a family member who is not an EU citizen)**

(1) A permanent residence permit may be issued to a family member who is not an EU citizen if he has legally resided in the Republic of Slovenia for a period of five years on the basis of a temporary residence permit, a certificate on the lodged application for issuing or renewing the temporary residence permit or a valid identity card or a valid passport, unless there is a reasonable doubt that his residence in the Republic of Slovenia would represent a serious or actual threat to the public order, security or international relations of the Republic of Slovenia, or if there is a suspicion that his residence in the country might be associated with terrorist or other violent acts, illegal intelligence activities, drug trafficking or the commission of any other criminal acts. During the period when the decision on the issuing of a permanent residence permit is being taken, the family member shall reside in the Republic of Slovenia on the basis of a temporary residence permit.

(2) The condition of a five-year period of continuous legal residence referred to in the preceding paragraph shall also be fulfilled if the family member has been absent from the Republic of Slovenia in the respective period:

- for a maximum period of six months per year;
- once up to twelve consecutive months for justified reasons, such as pregnancy, child birth, serious disease, study, vocational training, posting to work in another country;
- military service.

(3) The family member of an EU citizen referred to in the third, fourth, fifth and sixth indents of the third paragraph of Article 126 of this Act may be issued a permanent residence permit prior to the expiry of the period referred to in the first paragraph of this Article.

(4) A family member of an EU citizen who has a permanent residence permit in the Republic of Slovenia and a family member of a Slovenian citizen may be issued a permanent residence permit after two years of continuous legal residence in the Republic of Slovenia.

(5) The family member referred to in Article 129 of this Act may be issued with a permanent residence permit if he has resided legally and continuously in the Republic of Slovenia for a period of five years if he possesses a valid identity card or a valid passport, sufficient means for subsistence and appropriate health insurance and if there exist no reasons for refusing to issue a permit referred to in the second, fourth or fifth indents of the first paragraph of Article 124 of this Act.

(6) If an EU citizen dies in the period when he is legally residing in the Republic of Slovenia and was employed or worked as a self-employed person in the Republic of Slovenia, but has not yet acquired a permanent residence permit, his family members may be issued a permanent residence permit prior to the expiry of the period referred to in the first paragraph of this Article, if:

- the EU citizen had continuously resided in the Republic of Slovenia for two years prior to his death as an employed or self-employed person;
- the death of the EU citizen was a result of an occupational accident or occupational disease, irrespective of the length of his residence in the Republic of Slovenia.

(7) A spouse or a registered partner of an EU citizen whose citizenship of the Republic of Slovenia was terminated after the conclusion of a marriage with an EU citizen and who has resided together with him in the Republic of Slovenia may be issued a permanent residence permit in the event of the death of the EU citizen prior to the expiry of the period referred to in the first paragraph of this Article if the EU citizen legally resided in the Republic of Slovenia and was employed or self-employed in the Republic of Slovenia, irrespective of the length of residence of the EU citizen in the Republic of Slovenia.

(8) An EU citizen or a Slovenian citizen or a family member or his legal representative may file an application for a permanent residence permit for a family member.

(9) The administrative unit in the area of which a family member resides shall be competent to receive the application and to issue the permanent residence permit to the family member.

(10) The permanent residence permit is issued to a family member for an unlimited period.

### **Article 131 (appeal)**

(1) An appeal may be filed against the resolution by which a procedure is concluded and against a decision of an administrative unit related to the issuing of a residence registration certificate or a residence permit to an EU citizen or a family member.

(2) The appeal shall be decided on by the ministry responsible for the interior.



**Article 132**  
**(revocation of a temporary residence permit for a family member)**

(1) A temporary residence permit may be revoked for a family member if it is established that he no longer fulfils the conditions for the issuing of the permit or if there are other reasons to refuse to issue a permit.

(2) In making a decision on the revocation of a temporary residence permit for a family member due to a serious and actual threat to the public order, security or international relations of the Republic of Slovenia, or if there is a suspicion that his residence in the country might be associated with terrorist or other violent acts, illegal intelligence activities, drug trafficking or the commission of any other criminal acts, the competent authority shall take into account the nature and strength of family relations, the duration of residence of the family member in the Republic of Slovenia, his integration into the cultural and social life of the Republic of Slovenia and the existence of family, cultural and social ties with his country of origin.

(3) A temporary residence permit shall be revoked by the administrative unit that issued it or by the administrative unit in the area of which a family member resides.

(4) An appeal against a decision on the revocation of the permit may be lodged with the ministry responsible for the interior. The appeal shall have suspensive effect.

**Article 133**  
**(termination of a temporary residence permit for a family member)**

A temporary residence permit shall be terminated in the following circumstances:

- if the validity of the permit expires or if the permit is revoked;
- if his residence is terminated;
- if a final secondary sanction of alien expulsion is imposed on the alien, or if the expulsion is imposed on the alien as a legal consequence of a sentence under the Penal Code (Official Gazette of RS, nos. 55/08 and 50/12);
- if he relinquishes the permit, from the day the statement on the relinquishment of the permit is submitted;
- if he acquires a permanent residence permit or citizenship of the Republic of Slovenia;
- if he is absent from the Republic of Slovenia during the validity period of the permit for more than six months per year;
- if he is absent from the Republic of Slovenia during the validity period of the permit once for more than twelve consecutive months, unless he was absent for justified reasons, such as pregnancy, child birth, serious disease, study, vocational training, posting to work in another country, or military service;
- if he acquires a new temporary residence permit prior to the expiry of the permit's validity;
- if he dies.

**Article 134**  
**(termination of residence registration of an EU citizen)**

(1) The residence registration of an EU citizen who possesses a residence registration permit in the Republic of Slovenia shall be terminated in the following circumstances:

- if it is established that he does not fulfil the conditions for issuing the certificate for the same or another reason for which the certificate was issued or if there exist other reasons to refuse to issue the certificate;
- if an EU citizen relinquishes the residence right, from the day the statement on the relinquishment of the residence right is submitted.

(2) In making a decision on the termination of a residence registration for an EU citizen due to a serious and actual threat to the public order, security or international relations of the Republic of Slovenia, or if there is a suspicion that his residence in the country might be associated with terrorist or other violent acts, illegal intelligence activities, drug trafficking or the commission of any other criminal acts, the competent authority shall take into account the duration of residence of the EU citizen in the Republic of Slovenia, his integration into the cultural and social life of the Republic of Slovenia and the existence of family, cultural and social ties with his country of origin.

(3) The administrative unit which issued the residence registration certificate or the administrative unit in the area of which the EU citizen resides shall decide on the termination of a residence registration.

(4) 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 lodged with the ministry responsible for the interior. The appeal shall have suspensive effect.

(5) The residence registration of an EU citizen is also terminated in the following circumstances:

- if his residence is terminated;
- if a final secondary sanction of alien expulsion is imposed on the alien, or if the expulsion is imposed on the alien as a legal consequence of a sentence under the Penal Code (Official Gazette of RS, nos. 55/08 and 50/12);
- if he acquires a permanent residence permit or citizenship of the Republic of Slovenia;
- if he dies.

#### **Article 135** **(expiry of a permanent residence permit)**

The permanent residence permit of an EU citizen or a family member shall expire in the following circumstances:

- if he moves or remains out of the territory of the Republic of Slovenia for a continuous period of more than two years;
- if a final secondary sanction of alien expulsion is imposed on the alien, or if the expulsion is imposed on the alien as a legal consequence of a sentence under the Penal Code (Official Gazette of RS, nos. 55/08 and 50/12);
- if his residence is terminated;
- if he acquires citizenship of the Republic of Slovenia;
- if he relinquishes the permit, from the day the statement on the relinquishment of the permit is submitted;
- if he dies;
- if he intentionally submitted false information on his identity or other incorrect information, or if he intentionally concealed circumstances relevant to issuing the permit, or if it is established that the marriage or the partnership was registered mainly in order to acquire the residence permit.

**Article 136**  
**(termination of residence)**

(1) The residence may be terminated for an EU citizen and a family member who legally resides in the Republic of Slovenia if there are good reasons to suspect that he could pose a threat to public order or public security.

(2) The residence may be terminated for an EU citizen or a family member who resides in the Republic of Slovenia on the basis of a permanent residence permit only if there are good reasons to suspect that he could pose a threat to public order or public security.

(3) The residence may be terminated for an EU citizen who legally resided in the Republic of Slovenia for the last ten years only if there are good reasons to suspect that he could pose an extremely serious threat to public security.

(4) The provisions of this Act on the termination of the residence of an alien are applied reasonably with regard to issuing a decision to terminate residence and the procedure.

(5) An EU citizen and a family member whose residence has been terminated and who is banned from re-entering the Republic of Slovenia may file an appeal at the administrative unit which terminated his residence to reduce the period of his ban on re-entering the Republic of Slovenia. He shall attach evidence of a relevant change of circumstances to the appeal on the basis of which the decision on residence termination was issued. An appeal against the decision to reduce the ban period may be lodged with the ministry responsible for the interior. Until the final positive decision on the appeal to reduce the ban period, an EU citizen or a family member shall be prohibited from entering the Republic of Slovenia.

**Article 137**  
**(manner of issuing, content and form of a residence registration certificate and residence permit, label of expiry and payment of fees)**

(1) A residence registration certificate for an EU citizen, a temporary and permanent residence permit for a family member and a permanent residence permit for an EU citizen shall be issued in the form of a card.

(2) The residence registration certificate and the residence permit referred to in the preceding paragraph must contain a photograph of the person to whom it is issued and the following data:

- the permit type;
- the validity period;
- the full name, citizenship, sex and date of birth of the person to whom the certificate or permit is issued, and
- the address of residence in the Republic of Slovenia.

(3) The manner of issuing, the content and the form of residence registration certificate and residence permit 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 an EU citizen and temporary and permanent residence permits for his family members, the amount of which equals the fee charged for

issuing a personal identity card to a citizen of the Republic of Slovenia with a validity of ten years pursuant to the Act regulating the payment of administrative fees.

(5) The provider of 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 of the certificate or permit and must destroy the data within 30 days after using it.

#### **Article 138 (removal)**

(1) An EU citizen and a family member who fails to depart the Republic of Slovenia shall be removed from the country in the following circumstances:

- if a final secondary sanction of alien expulsion is imposed on the alien, or if the expulsion is imposed on the alien as a legal consequence of a sentence under the Penal Code (Official Gazette of RS, nos. 55/08 and 50/12);
- if his residence is terminated;
- if he was refused a residence registration certificate or a residence permit, if his residence registration certificate was terminated or if his residence permit was annulled due to a serious or actual threat to the public order, security or international relations of the Republic of Slovenia, or if there is a suspicion that his residence in the country might be associated with terrorist or other violent acts, illegal intelligence activities, drug trafficking or the commission of any other criminal acts;
- if he is refused the first residence registration certificate or the first temporary residence permit due to a threat to public health referred to in the third indent of the first paragraph of Article 124 of this Act.

(2) Except in exceptional cases, the deadline set to depart from the country shall not be less than one month.

(3) With regard to the removal procedure, the provision of the third paragraph of Article 69 of this Act shall be applied reasonably.

(4) If an EU citizen or a family member is not removed from the Republic of Slovenia within a period of two years from the finality of the decision on the termination, revocation or refusal to issue a residence registration certificate or a residence permit, the administrative unit that issued the decision shall verify if the EU citizen or family member still poses a serious and actual threat to the public order, security and international relations of the Republic of Slovenia, or if there is still a suspicion that his residence in the country might be associated with terrorist or other violent acts, illegal intelligence activities, drug trafficking or the commission of any other criminal acts. If the serious and actual threat or the suspicion referred to in the previous sentence is established, the procedure for removing the EU citizen or family member from the country shall continue; otherwise, the administrative unit shall eliminate the decision to terminate, revoke or refuse to issue the residence registration certificate or residence permit.

#### **Article 139 (records)**

The records of residence registration certificates and residence permits for EU citizens and family members are kept in accordance with the provisions of this Act governing the keeping of records.

**Article 140**  
**(registration of residence)**

(1) An EU citizen who has been issued a residence registration certificate and a family member who has been issued a temporary residence permit shall register a temporary residence in the Republic of Slovenia in accordance with the Act governing the registration of residence.

(2) An EU citizen who has been issued with a permanent residence permit and a family member who has been issued with a permanent residence permit shall register a permanent residence in the Republic of Slovenia in accordance with the Act governing the registration of residence.

**Article 141**  
**(proving identity)**

With regard to proving the identity of an EU citizen and a family member and with regard to proving the right to entry and reside in the Republic of Slovenia, the provisions of Article 97 of this Act shall be applied reasonably.

CHAPTER XIV  
(PENAL PROVISIONS)

**Article 142**

(1) A fine from EUR 3,500 to EUR 6,200 for every alien brought into the Republic of Slovenia shall be imposed on a legal entity or a sole proprietor who, in performing his activity, brings an alien to the state border or territory of the Republic of Slovenia by land, air or water without a proper document or entry permit if this permit is required by the alien as a citizen of a specific country (first paragraph of Article 16 of this Act).

(2) A fine between EUR 200 and EUR 1,000 for every brought alien into the Republic of Slovenia shall also be imposed on the person responsible for the legal person committing the offence referred to in preceding paragraph.

(3) A fine from EUR 3,000 to EUR 10,000 for every brought alien into the Republic of Slovenia shall be imposed on a legal entity or a sole proprietor who has not provided the alien with accommodation or who does not cover the subsistence costs or costs of return to the country of origin, for which he has provided an affidavit of support, or if he does not cover the accommodation costs at the Aliens Centre or at the Asylum Centre or the costs of removal from the country (second paragraph of Article 24 of this Act).

(4) A fine of between EUR 1,000 and EUR 4,000 shall be imposed on a natural entity who commits an offence referred to the preceding paragraph.

**Article 143**

A fine from EUR 500 to EUR 1,200 shall be imposed on an alien if:

1. He has no valid travel document (Article 7 of this Act);
2. He has no permit to enter the Republic of Slovenia (Article 8 of this Act);

3. He fails to leave a country or an area of a state party to the Convention implementing the Schengen Agreement of 14 June 1985 in the period for which his residence is permitted (Article 14 of this Act);
4. He has not been fingerprinted after the improvement of his medical condition or if has not submitted his permit issued in the form of a stand-alone document in the specified period after termination to the competent authority (third and fourth paragraph of Article 58 of this Act);
5. He fails to report the misplacement of a residence permit (first and second paragraph of Article 59 of this Act);
6. He uses his personal name in contravention of the Act (Article 96 of this Act);
7. He does not report a loss, theft or other misappropriation of a travel or other document (fifth and sixth paragraph of Article 97 of this Act);
8. He lends his travel or other document to another person or uses the documents of others as his own (fourth paragraph of Article 97 of this Act);
9. He fails to report the misplacement of an alien's passport (first and second paragraph of Article 101 of this Act).

#### **Article 144**

A fine of EUR 400 shall be imposed on an alien if:

1. If he tries to leave the country in contravention with Article 13 of this Act;
2. Fails to leave the country immediately upon the termination of his visa (third paragraph of Article 28 of this Act);
3. He fails to present the permit proving his legality of residence and entry to the country at the request of the police (third paragraph of Article 97 of this Act);
4. If he fails to prove his identity at the request of the police (second paragraph of Article 97 of this Act);
5. He fails to replace a stand-alone document in the form of which his permanent residence permit was issued with a new one prior to the expiry of its validity (first paragraph of Article 58 of this Act);
6. He fails to replace a stand-alone document issued in the form referred to in the Article 58 of this Act and on which the right to work is marked, within eight days from the service of an appeal at the competent administrative authority in the area of which he resides (eleventh paragraph of Article 58 of this Act).

#### **Article 145**

(1) A fine from EUR 500 to EUR 1,200 shall be imposed on an alien if he enters the Republic of Slovenia illegally (Article 12 of this Act).

(2) A fine from EUR 800 to EUR 1,200 shall be imposed on an alien if:

- he resides in the Republic of Slovenia contrary to the purpose for which he was issued a residence permit (fifth paragraph of Article 35 of this Act);
- he illegally resides in the Republic of Slovenia (Article 60 of this Act).

#### **Article 146**

(1) A fine from EUR 2,000 to EUR 4,500 shall be imposed on an individual who enables or assists an alien to enter, travel, engage in transit or resides in the territory of the Republic of Slovenia in contravention of the first and second paragraphs of Article 15 of this Act.

(2) A fine from EUR 2,000 to EUR 4,500 shall be imposed on an individual who enables or assists another alien to enter, travel, engage in transit or reside in the territory of

the Republic of Slovenia in contravention of the first and second paragraph of Article 15 of this Act.

(3) A fine of from EUR 3,000 to EUR 15,000 shall be imposed on a legal entity responsible for an offence referred to in the first and second paragraphs of this Article.

(4) A fine of from EUR 1,000 to EUR 4,000 shall be imposed on a responsible person of the legal entity responsible for an offence referred to in the first and second paragraphs of this Article.

#### **Article 147**

(1) A fine from EUR 500 to EUR 1200 shall be imposed on an individual who is a citizen of the EU, his family member or a family member of a Slovenian citizen if:

- he enters the Republic of Slovenia without a document necessary for entry;
- enters the Republic of Slovenia although his entry was denied;
- enters the Republic of Slovenia, although the period of the entry ban has not yet expired;
- remains in the Republic of Slovenia after the expiry of his residence permit.

(2) A fine from EUR 100 to EUR 400 shall be imposed on an individual who is an EU citizen, his family member or a family member of a Slovenian citizen if he fails to report a loss, theft or other misappropriation of a passport or other document (fifth paragraph of Article 97 of this Act).

(3) A fine from EUR 200 to EUR 830 shall be imposed on an individual who is an EU citizen, his family member or a family member of a Slovenian citizen if:

- He fails to prove his identity at the request of the police (second paragraph of Article 97 of this Act);
- He fails to present a certificate or permit proving the legality of his residence and entry to the country at the request of the police (third paragraph of Article 97 of this Act);
- He lends his passport or other document to another person or uses the documents of others as his own (fourth paragraph of Article 97 of this Act).

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**The Aliens Act – ZTuj-2 (Official Gazette of the Republic of Slovenia, no. 50/11) contains the following transitional and final provisions:**

#### **CHAPTER XV TRANSITIONAL AND FINAL PROVISIONS**

#### **Article 148**

(1) On the day of entry into force of this Act, the Aliens Act shall cease to apply (ZTuj-1; Official Gazette of the Republic of Slovenia, nos. 61/99, 87/02, 96/02 – corr., 108/02 – UPB1, 93/05, 112/05 – UPB2, 79/06, 107/06 – UPB3, 44/08, 71/08 – UPB5, 41/09, 64/09 – UPB6; hereinafter referred to as: ZTuj-1). However it shall still apply to the procedures referred to in the second, third, fourth and sixth paragraphs of this Article.

(2) Procedures initiated prior to the implementation of this Act and which are decided upon prior to the application of this Act shall be concluded pursuant to the provisions of ZTuj-1.

(3) Procedures initiated prior to the implementation of this Act and which were not decided prior to the application of this Act although the statutory period for making the decision has already expired, shall be continued and concluded pursuant to the provisions of ZTuj-1, unless this Act is more favourable to the alien.

(4) Procedures initiated after the implementation of this Act and which are decided prior to the application of this Act shall be concluded pursuant to the provisions of ZTuj-1.

(5) Procedures initiated after the implementation of this Act and which are decided prior to the application of this Act, and if the statutory period has not yet expired, shall be concluded pursuant to the provisions of this Act.

(6) Procedures initiated after the implementation of this Act which were not decided prior to the application of this Act, although the statutory period for making a decision has already expired, shall be continued and concluded pursuant to the provisions of ZTuj-1, unless this Act is more favourable to the alien.

#### **Article 149**

(1) Visas, residence permits, residence registration permits, identity cards for aliens, passports for aliens, cards permitting the residence issued pursuant to ZTuj-1 shall remain valid until their expiry date.

(2) Notwithstanding the preceding paragraph, a permanent residence permit issued pursuant to ZTuj-1 may be used until 18 May 2013. An alien shall replace it with a stand-alone document issued pursuant to this Act.

#### **Article 150**

(1) On the day of entry into force of this Act, the Rules on the manner of implementation of the Aliens Act (Official Gazette of the Republic of Slovenia, nos. 19/91 and 52/94) issued on the basis of the Aliens Act (Official Gazette of the Republic of Slovenia, nos. 1/91-I, 44/97, 50/98 – Constitutional Court Decision and 14/99 – Constitutional Court Decision) shall cease to apply.

(2) On the day this Act enters into force, the following implementing regulations issued on the basis of ZTuj-1 shall cease to be valid:

- Rules on the issue of residence permits and the method of recording fingerprints (Official Gazette of the Republic of Slovenia, no. 35/11),
- Rules on the stay and movement of aliens at the Aliens Centre and the Conditions for the use of milder measures (Official Gazette of the Republic of Slovenia, nos. 97/00, 92/03 and 49/07),
- Instructions on the format and contents of visa (Official Gazette of the republic of Slovenia, no. 43/04),
- Instructions on administering assistance in cases of a transit of a foreigner to be expelled by air (Official Gazette of the Republic of Slovenia, no. 25/06),
- Instructions on the refusal of entry to the Republic of Slovenia relating to EU citizens (Official Gazette of the Republic of Slovenia nos. 74/06 and 75/06, corr.);



- Rules on the form of the travel document for the alien (Official Gazette of the Republic of Slovenia, nos. 90/06 and 48/09);
- Rules on the refusal of entry in the Republic of Slovenia to a third country alien, the issuing of visas at the border crossings and the method of marking the annulment of visas (Official Gazette of the Republic of Slovenia, no. 29/07),
- Rules on the contents, form, method of issuing and termination of residence registration certificates and residence permits for the European Union Member States citizens and their family members and the family members of the Slovenian citizens (Official Gazette of the Republic of Slovenia, no. 70/07),
- Decree on aliens integration (Official Gazette of the Republic of Slovenia, nos. 65/08 and 86/10);
- Rules on the method of issue, contents and form of residence permits for the citizens of Swiss Confederation and their family members (Official Gazette of the Republic of Slovenia, no. 60/09).

(3) The implementing regulations referred to in the preceding paragraph shall apply until the issuing of corresponding regulations on the basis of this Act, unless they contravene this Act.

#### **Article 151**

(1) Within six months of the entry into force of this Act, the minister responsible for the interior shall issue the regulations referred to in the first paragraph of Article 10, the sixth paragraph of Article 58, the second paragraph of Article 65, the fourth paragraph of Article 67, the third paragraph of Article 76, the fifth paragraph of Article 84, and the third paragraph of Article 103 of this Act.

(2) Within six months of the entry into force of this Act, the minister responsible for foreign affairs shall issue the implementing regulations referred to in the first paragraph of Article 22 and the seventh paragraph of Article 24 of this Act.

(3) Within six months of the entry into force of this Act, the minister responsible for foreign affairs shall issue, in agreement with the minister responsible for the interior, the implementing regulation referred to in the third paragraph of Article 27 of this Act.

(4) Within six months of the entry into force of this Act, the minister responsible for the economy shall issue the implementing regulation referred to in the fourth paragraph of Article 20 of this Act.

(5) Within six months of the entry into force of this Act, the minister responsible for higher education and science shall issue the implementing regulation referred to in the fifth paragraph of Article 20 of this Act.

(6) Within six months of the entry into force of this Act, the minister responsible for the interior shall issue, in agreement with the minister responsible for finance, the implementing regulation referred to in the eighth paragraph of Article 55 of this Act.

(7) Within six months of the entry into force of this Act, the minister responsible for foreign affairs shall issue, in agreement with the minister responsible for finance, the implementing regulation referred to in the eighth paragraph of Article 24 of this Act.

#### **Article 152**

(1) This Act shall enter into force one month following its publication in the Official Gazette of the Republic of Slovenia, and shall begin to apply three months after its adoption,

except for the provision of the fourth paragraph of Article 34 which enters into force and begins to apply on the day of publication.

(2) The provision of Article 50 of this Act referring to the part regulating the permission to reside and the issuing of a temporary residence permit to a victim of illegal employment shall begin to apply on the day the regulations begin to apply in the Republic of Slovenia regulating the criminal offences and responsibility of legal entities for criminal offences, harmonised with Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals (OJ L No. 168, 30 June 2009, p. 24).

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**The Act Amending the Aliens Act – ZTuj-2A (Official Gazette of the Republic of Slovenia, no. 26/14) contains the following transitional and final provisions:**

“TRANSITIONAL AND FINAL PROVISIONS

**Article 72**

(1) Temporary residence permits issued for the purposes of employment or work, seasonal work, work as a transferred worker and work of a daily migrant worker on the basis of the Aliens Act (Official Gazette of the Republic of Slovenia, no. 64/09) and the Aliens Act (Official Gazette of the Republic of Slovenia, nos. 50/11 and 57/11 – corr.) shall remain valid until their expiry date.

(2) For the purposes of establishing the reasons for the annulment of temporary residence permits issued for the purposes of employment of work, seasonal work, posting of workers and work of a daily migrant worker on the basis of the Aliens Act (Official Gazette of the Republic of Slovenia, no. 64/09) and the Aliens Act (Official Gazette of the Republic of Slovenia, nos. 50/11 and 57/11 – corr.) referred to in the first indent of the first paragraph of Article 56 of the Act, the provision of the first paragraph of Article 37, the first, second and fourth paragraphs of Article 45 and the second paragraph of Article 46 of the Aliens Act (Official Gazette of the Republic of Slovenia, nos. 50/11 and 57/11 – corr.) shall continue to be applied.

(3) Procedures initiated prior to this Act enters into force shall be continued and concluded in accordance with existing regulations.

**Article 73**

(1) The minister responsible for the interior shall issue an implementing regulation as referred to in the third paragraph of Article 18 of the Act within six months of the entry into force of this Act.

(2) The minister responsible for the interior in agreement with the minister responsible for labour shall issue the implementing regulation referred to in the sixth paragraph of Article 58 of this Act within six months of the entry into force of this Act.

(3) The minister responsible for the interior in agreement with the minister responsible for finance shall harmonise the implementing regulation referred to in the eighth paragraph of Article 55 of this Act within one month after the adoption of this Act.

#### **Article 74**

(1) Temporary residence permits issued to citizens of the Republic of Croatia shall remain valid until their validity expires.

(2) Citizens of the Republic of Croatia may, with a temporary residence permit, issued in a form referred to in Article 58 of the Aliens Act (Official Gazette of the Republic of Slovenia, nos. 50/11 and 57/11 – corr.) replace the temporary residence permit within three months after the adoption of this Act with a card of the residence registration certificate as determined by the Rules on the contents, form, methods of issuing and the termination of residence registration certificates and residence permits for citizens of European Union Member States and their family members and family members of Slovenian citizens (Official Gazette of the Republic of Slovenia, nos. 99/11, 90/12, and 65/13).

(3) Citizens of the Republic of Croatia with a permanent residence permit issued in the form referred to in Article 46 of the Aliens Act (Official Gazette of the Republic of Slovenia, no. 112/05 – official consolidated text) or in the form referred to in Article 58 of the Aliens Act (Official Gazette of the Republic of Slovenia, nos. 50/11 and 57/11 – corr.) shall replace the permanent residence permit within three months after the adoption of this Act with a card of the residence registration certificate, as determined by the Rules on the contents, form, methods of issuing and the termination residence registration certificates and residence permits for citizens of European Union Member States and their family members and the family members of Slovenian citizens (Official Gazette of the Republic of Slovenia, nos. 99/11, 90/12, and 65/13).

#### **Article 75**

(1) In the procedure for acquiring the status of a long-term resident on the basis of Article 53.a of this Act, an administrative fee that is settled before the implementation of amendments to the Act regulating the administrative fee payments in the amount set by the Act regulating the administrative fee payments in the procedure of the issuing of a temporary residence permit.

(2) The administrative fee shall not be paid for the substitution of a card permitting the stay referred to in the eighth and ninth paragraphs of Article 58 until the implementation of amendments to the Act regulating administrative fee payments.

#### **Article 76**

This Act shall enter into force on the fifteenth day after its publication in the Official Gazette of the republic of Slovenia and shall begin to apply on 1 January 2015, except for the provisions of the amended second and third paragraphs of Article 60, amended first paragraph of Article 63, amended first and fourth paragraphs and new third paragraph of Article 64, amended first paragraph of Article 65, new fifth and sixth paragraphs of Article 69, amended second paragraph and new fourth and seventh paragraphs of Article 73, amended first paragraph and new second paragraph of Article 74, amended second and third paragraphs and new fourth paragraph of Article 75, new seventh, eighth and ninth paragraphs of Article 76, new Article 76.a, amended first, second and third paragraphs and new fourth paragraph of Article 78, new Article 79.a, new third paragraph of Article 82,

amended second paragraph and amended third paragraph of Article 84, new third paragraph of Article 86 and amended second paragraph of Article 90 of this Act, which shall begin to apply on the day this Act enters into force.”