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Uradni list RS (Official Gazette of the Republic of Slovenia), No 50/2011 of 27 June 2011

Aliens Act (ZTuj-2), p. 6783

Pursuant to the second indent of the first paragraph of Article 107 and the first paragraph of Article 91 of the Constitution of the Republic of Slovenia, I hereby issue this

O R D E R

promulgating the Aliens Act (ZTuj-2).

I declare the Aliens Act (ZTuj-2) adopted by the National Assembly of the Republic of Slovenia at its session of 15 June 2011.

No 003-02-6/2011-5

Ljubljana, 23 June 2011

Dr Danilo Türk m.p.

President of the Republic of Slovenia

ALIENS ACT (ZTuj-2)

CHAPTER I

GENERAL PROVISIONS

Article 1

(Contents)

(1) This Act shall set out the conditions for 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 decision of the EU:

– 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, 2.6.2001, p. 34);

– Council Directive 2001/51/EC of 28 June 2001 supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (OJ L 187, 10.7.2001, p. 45);

– Council Directive 2002/90/EC of 28 November 2002 defining the facilitation of unauthorised entry, transit and residence (OJ L 328, 5.12.2002, p. 17);

– Council Directive 2003/86/EC of 22 September 2003 on the right to family reunification (OJ L 251, 3.10.2003, p. 12);

- Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents (OJ L 16, 23.1.2004, p. 44);
 - Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air (OJ L 321, 6.12.2003, p. 26);
 - Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC (OJ L 158, 30.4.2004, p. 77);
 - Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of the trafficking of human beings or who have been the subject of an action to facilitate illegal immigration and who cooperate with the competent authorities (OJ L 261, 6.8.2004, p. 19);
 - Council Directive 2004/114/EC of 13 December 2004 on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (OJ L 375, 23.12.2004, p. 12);
 - Council Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L 289, 3.11.2005, 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, 24.12.2008, p. 98);
 - 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, 18.6.2009, 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, 30.6.2009, p. 24);
 - 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, 19.12.1994, 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, 29.12.2004, 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, 21.3.2001, 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, 13.4.2006, p. 1; (hereinafter: the Schengen Borders Code);
 - Council Regulation (EC) No 380/2008 of 18 April 2008 the European Parliament and of the Council amending Regulation (EC) No 1030/2002 laying down a uniform format for residence permits for third country nationals (OJ L 115, 29.4.2008, 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, 15.9.2009, p. 1 (hereinafter: the Visa Code));
- Council Regulation (EC) No 265/2010 of the European Parliament and Council of 25 March 2010 amending the Convention Implementing the Schengen Agreement and Regulation (EC) No 562/2006 as regards the movement of persons with long-stay visas (OJ L 85, 31.3.2010, p. 1).

Article 2

(Definition of terms)

For the purposes of this Act, the terms below shall have the following meanings:

- "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 the arrival to 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 exercised 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;
- "Valid travel document" means a document issued by a competent international entity, if the document clearly shows the identity of the holder and the period of validity of the document;
- "Daily migrant 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 under the permit type field that the person is a long-term resident;
- "EU citizen" means an alien who holds the citizenship 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 the trafficking of human beings" 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 pay 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 attesting to the purpose of an alien's stay in the Republic of Slovenia, that he has accommodation and sufficient financial resources during his stay in the Republic of Slovenia or upon his return to the country of origin, which the third-country national produces for this purpose;
- "Diplomatic representation" means a representation of the Republic of Slovenia abroad led by the head of the mission in charge of performing consular functions in accordance with the Vienna Convention on Diplomatic Relations done in Vienna on 18 April 1961 and 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" means an authorisation for temporary stay for the purposes of highly qualified employment which bears the term "EU Blue Card" and is issued by an EU Member State for the purposes of highly qualified employment for an alien who is a third-country national, entitling him to enter, reside and work in an 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 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 (Ur. l. RS, MP, No 9/92) shall apply to them.
- (3) In the event that the principle of reciprocity is required to be exercised with respect to aliens on a statutory basis, a stateless person may be exempt from this principle if he has 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 the international obligations assumed and the principle of reciprocity. In the event of such, this Act may be applied only to the extent that it does not contravene the international obligations assumed and the principle of reciprocity.
- (8) In cases where doubt has arisen 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 obligations 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 in establishing contact with the diplomatic or consular representation of the country of which 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 setting 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 the 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.

II. CHAPTER

ENTRY OF ALIENS INTO AND DEPARTURE FROM THE REPUBLIC OF SLOVENIA

Article 6

(Entry into and departure from the Republic of Slovenia)

(1) Entry into and departure from the Republic of Slovenia along the external border shall only be permitted at designated border crossing points.

(2) Entry into and departure from the Republic of Slovenia along its internal border shall be possible anywhere without border control.

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

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

Article 7

(Obligation to hold a travel document)

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

(2) Aliens whose names are entered on 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) A group member may be permitted to depart the Republic of Slovenia in exceptional cases if this is necessary due to his personal circumstances or if the competent authority has ordered so.

(5) The Government of the Republic of Slovenia may allow the citizens of specific countries to enter and depart the Republic of Slovenia with an identity card or any other appropriate official 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) The Republic of Slovenia may, on the basis of an international agreement, also allow entry to exiled aliens in transit who do not possess a valid travel document and 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 the law or an international agreement.

(2) The list of countries whose citizens require a visa for entry into the Republic of Slovenia shall be governed by the *acquis communautaire*, which defines a list of third countries whose citizens are required to possess 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 on the following provisos:

- that an up-to-date 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

– that 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 not longer than three months, or, in the event of transit through the Republic of Slovenia, for not 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 pupils within the framework of a school excursion into another EU Member State, the school in question shall, provided the conditions laid down in the first paragraph of this Article have been fulfilled, fill in 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. The minister responsible for the interior shall define in more detail the grounds for the refusal of entry of an alien if a threat is posed to public order, the internal security of the Republic of Slovenia or to public health.

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 against the refusal of entry within a period of eight days. The decision on the appeal shall be taken by the ministry responsible for the interior. The appeal shall not have the effect on staying the 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 for refusal of entry specified in the Schengen Borders Code.

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.

Article 11

(Border control)

(1) Aliens must conform to 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 the refusal of entry into 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 into the Republic of Slovenia)

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

- if the alien enters 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 required upon entry, or if he provides false information to border control authorities;
- if the alien enters the Republic of Slovenia at the internal border in contravention of Articles 7 and 8 of this Act.

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 shall not be permitted to depart the Republic of Slovenia if a criminal or minor offence or any other type of proceedings has been instituted against him, for which his presence is required by order of the authority conducting the proceedings.

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 three months within a six-month 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 may stay and move in the territory of the states parties to the Convention implementing the Schengen Agreement of 14 June 1985 without a visa for a maximum of three months during the six-month period may enter the Republic of Slovenia and reside there as long as the total length of his stay in the territories of all the states parties does not extend beyond three months during the six-month period following the date of his first entry to one of the states of the states parties.
- (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 into 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 into 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 the competent authority determines so.

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

(Obligation 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 adequate 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 into 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 decision on the appeal shall be taken 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 the 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.

III. CHAPTER

VISAS

Article 17

(Visas and their types)

(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) The types of visa are as follows:

– 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 extending 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) 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 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 purposes of reunification with the EU citizen or the 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 discharging his functions at a diplomatic or consular representation of another state or with an international organisation with a head office in the Republic of Slovenia, and to his family members as specified in Article 47 of this Act if the alien and his family members are subject to visa requirements 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;
 - 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;
- to an alien who is a sports trainer, professional athlete or private sports operator whose intention is to conclude a contract of employment or other work with a club or sports organisation with its head office in the Republic of Slovenia;
- to an alien who works as a reporter for non-Slovenian media or is an international correspondent accredited in the Republic of Slovenia;
- to an alien who intends to work as a clergyman in a registered religious community or to an alien who intends to perform charity or humanitarian activities for an established humanitarian organisation or registered religious community.

(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 his three-month legal period of 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 the 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 three-month legal stay in the Republic of Slovenia with the ministry responsible for foreign affairs.

(4) The minister responsible for the economy shall issue rules to define in greater detail the criteria for verifying the economic interest referred to the fourth indent of the first paragraph of this Article.

(5) The minister responsible for higher education and science shall issue rules to define in greater detail the criteria for verifying the economic interest referred to in the fifth indent of the first paragraph of this Article.

Article 21

(Cooperation with the police)

(1) In the event that 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 with the issuing of a visa.

Article 22

(Procedure and conditions for issuing a long-stay visa)

(1) A long-stay visa may be issued to an alien upon application. 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 to 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, 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 the issuing of 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 the issuing of a long-stay visa. An application for the issuing of a long-stay visa for which no administrative charges have been paid shall be dismissed by a 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 the issuing of 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) Any decision refusing the issuing of a visa, a decree staying the procedure and a decree dismissing an application issued in a visa procedure shall be served on the alien in person at the diplomatic or consular representation, or by post in accordance with the postal service regulations of the country in which the diplomatic or consular representation is located in a way that enables the acceptance of service. If it is not possible to serve the documents on the alien in the above manner, a decision or decree shall be affixed to the notice board of the diplomatic or consular representation of the Republic of Slovenia and posted on the e-Government state portal in accordance with the Act regulating the general administrative procedure.

Article 23

(Travel medical insurance)

(1) An alien applying for a short-term visa shall prove that he is in a possession of adequate medical travel 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 take out 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 take out 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 take out insurance in the name 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: 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 that 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 capacity for covering costs and providing accommodation, which shall be kept in an official record. Where 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 tax secret data in accordance with the Act regulating the tax procedure. 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 any 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 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 person 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) In the event that 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 fourth paragraph of this Article provided by tax authorities and the way in which the fulfilment of the requirements for sufficient means of subsistence is to be verified 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 the issuing of 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 of 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 have not been satisfied;
- 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 assume 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 exist reasons to assume that the alien will not abide by the law and order of 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 the prescribed measures to be adopted pursuant to the Act governing infectious diseases;

- if during the procedure for the issuing of 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 a unfavourable report;
- 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 court decisions or minor offences decrees, which are administered in the Republic of Slovenia by the ministry responsible for justice, records of decisions related to minor offences administered by minor offence authorities, and data related to final indictments and court decisions that have not yet become final, which are held by the competent courts. The competent authority shall acquire the data from the records specified above *ex officio*.

(3) The competent authority may 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 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

(Form and content of visas)

(1) A visa shall contain the following data:

- name of the issuing country;
- visa type;
- period of validity;
- territorial validity of the visa;
- length of permitted stay;
- number of permitted entries;
- full name of the person to whom the visa was issued;
- visa holder travel document number;
- date and location of the issued visa;
- 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 shall, in agreement with the minister responsible for the interior, issue the rules governing the format and content of visas and the way in which the annulment of visa is to be shown.

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

Article 28

Annulment of a long-stay visa

(1) A long-stay visa shall be annulled for any of the following reasons:

- 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 has deliberately provided incorrect data concerning his identity or any other inaccurate data, or deliberately concealed specific 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. In the event that 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 immediately.

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 and 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, staying of a 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) No appeal shall be permitted against a decision rendered by the ministry of foreign affairs concerning the granting of a visa or its refusal, dismissal of a visa application, staying of a visa procedure, annulment of a visa or the revocation of an airport transit visa and a short-stay visa.

(4) An appeal shall be lodged with the authority that rendered the decision on the 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 with a temporary residence permit provided that he has fulfilled the relevant requirements and provided that this Act does not stipulate otherwise.

(2) An application for a temporary residence permit shall be lodged with the administrative unit of the alien's residence prior to the expiry of the validity of a long-stay. 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 taken regarding the application.

(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 in which it was issued.

IV. CHAPTER RESIDENCE OF ALIENS

Article 31 (Residence permit)

- (1) An alien who wishes to enter and stay in Slovenia for reasons other than those permitted by his visa must hold a residence permit.
- (2) 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.
- (3) A residence permit in the Republic of Slovenia shall not be required for aliens and circumstances where so determined by the law or an international agreement.

Article 32 Types of residence permit

- (1) A residence permit is defined as follows:
1. a temporary residence permit;
 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 Slovenia. An alien who, upon the fulfilment of the requirement of five years of continuous residence on the basis of a temporary residence in line with this Act or on the basis of Article 55 of this Act, has acquired a permanent residence permit shall be entitled to long-term residence status that shall be adequately marked 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 with a residence permit.

(3) An alien who wishes to reside in the Republic of Slovenia must possess a valid travel document whose validity must be 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, or present a contract on the basis of which a natural or legal person is paying the alien a certain amount for subsistence, or in any other way. A contract in which the alien receives a certain amount of resources from a natural or legal person may be used to prove no more than one half of the necessary means of subsistence and shall be admissible only for the purpose of a study-related residence permit. Such a contract shall be concluded in the Republic of Slovenia and shall take the form of a directly enforceable notarial deed. For the purposes of a permanent residence permit, an alien may not prove his sufficient means of subsistence using the resources he is paid by another natural or legal person by virtue of a maintenance agreement.

(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 set forth by the law or an 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 into 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 with 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.

If an alien, due to unexpected circumstances, was 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 into the country, has been fingerprinted by the diplomatic or consular representation of the Republic of Slovenia prior to his entry into 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 why 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 has fulfilled the conditions specified in this Act.

Article 35

(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 other work;
- family reunification;
- study, education, advanced professional training and practical training, participation and attendance in international volunteer exchange programmes and in other programmes that are not part of the formal education system;
- other valid purposes and reasons on the basis of this Act, international Acts or international principles and customs, or for 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 residency 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 the trafficking of human beings;
- victims of illegal employment;
- aliens who have been permitted to stay 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 of a maximum period of one year, unless otherwise determined by the 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 with a temporary residence permit for a specific purpose may reside in the Republic of Slovenia only for the purpose stated.

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

Article 36

(Extension of residence permit and issuing of subsequent permits)

- (1) A temporary residence permit may be extended under the same conditions it was issued. 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.
- (2) An alien in possession of a temporary residence permit of the Republic of Slovenia may, prior to the expiry of the period for which the permit was issued, lodge an application with the competent authority in the Republic of Slovenia for a subsequent residence permit for a different purpose.
- (3) An alien may appeal against a decision or decree, based on which an application for the extension or renewal of 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

(Residence permits for employment or work)

- (1) An alien who wishes to reside in the Republic of Slovenia for employment or other work purposes may be granted a temporary residence permit if he possesses a work permit or if he fulfils the conditions required for carrying out an economic activity pursuant to the Acts and regulations of the Republic of Slovenia and may carry out these activities without a work permit.
- (2) An alien shall be issued a first temporary residence for employment or other work purposes for the period of validity of the work permit or the period required to carry out the activity, which shall not exceed one year.
- (3) The permit referred to in the preceding paragraph may be extended provided that the alien requests the extension of a temporary residence permit in good time, as specified in the second paragraph of Article 36 of this Act, and provided that all conditions referred to in the first paragraph have been fulfilled for the period of the permit's validity or the period required to carry out the activity, which shall not exceed two years.
- (4) An alien who has worked in the Republic of Slovenia continuously for three years on the basis of a temporary residence permit issued for employment and work purposes may be issued with a temporary residence permit for a period exceeding two years by the competent authority if the conditions specified in the first paragraph of this Article are fulfilled.
- (5) In cases where the alien is employed or works on a contract for a period shorter than the validity of the work permit, the alien's temporary residence permit shall be issued or extended for the period of validity of the employment or other work contract irrespective of the second, third and fourth paragraphs of this Article.
- (6) An application for a residence permit for the purposes of employment or other work may be lodged by an alien or his employer. The alien must lodge the application for a first temporary residence permit with a diplomatic or consular representation of the Republic of Slovenia abroad while the employer may lodge the application with the diplomatic or consular representation of the Republic of Slovenia abroad or with the competent authority in the Republic of Slovenia. If an application for a residence permit for work or other employment purposes or its extension is lodged by the alien's employer, the employer may carry out other acts in the proceedings in accordance with the alien's authorisation but may not act as an agent for the acceptance of service.

(7) The Government of the Republic of Slovenia shall issue a regulation setting out the circumstances in which the quotas specified in the first paragraph of this Article need not be observed in the process of issuing the permit specified in the first paragraph of this Article.

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 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 work specified in the hosting agreement, but not for a period exceeding one year. The permit may be extended for a validity of up to one year until the work carried out under the hosting agreement is concluded.

(3) The application for a residence permit may be lodged by a researcher, university lecturer or university staff member or a research organisation or higher education institution. The researcher, university lecturer or university staff member shall lodge an application for a first temporary residence permit with a diplomatic or consular representation of the Republic of Slovenia abroad while the research organisation or higher education institution may lodge an application with the diplomatic or consular representation of the Republic of Slovenia abroad or with the competent authority in the Republic of Slovenia.

(4) A researcher, university lecturer or university staff member who has concluded a hosting agreement and has been issued with 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 three months 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 the permit issued in the other EU Member State or until the expiry of the permit if this period is shorter.

(5) A researcher, university lecturer or university staff member who has been issued with a residence permit for a researcher, university lecturer or university staff member in another EU Member State and wishes to perform research or education work in the Republic of Slovenia for a period longer than three months must, in order to reside in the Republic of Slovenia, acquire a residence permit for a researcher, university lecturer or university staff member based on the hosting agreement concluded with the domestic research organisation or higher education institution and fulfil the other conditions defined in the first paragraph of this Article. The researcher, university lecturer, university staff member or research organisation or higher education institution may lodge the application for a first temporary residence permit with a diplomatic or consular representation of the Republic of Slovenia abroad or with the competent authority in the Republic of Slovenia within three months of the arrival of the researcher, university lecturer or university staff member to the Republic of Slovenia or prior to the expiry of the residence permit issued in another EU Member State if this period is shorter. The competent state authority shall issue a certificate attesting to the prompt filing of the application to a researcher, university professor and university staff member, which shall serve as a temporary residence permit until a final decision is taken regarding the application. The researcher, university lecturer or university staff member who lodged the application for a first temporary residence permit with the competent authority of the state shall be served the permit in person by the issuing authority.

(6) 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 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.

(7) The competent issuing authority shall give priority to processing applications for the issuing of 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 with 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 for an EU Blue Card to be issued in accordance with the Act governing the employment and other work of aliens and there are no grounds for the refusal of the permits referred to in this Article and the second, third, fourth, fifth, seventh, eighth or ninth indent 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, yet not with a validity exceeding two years.

(3) An EU Blue Card may be renewed up to a validity of three years when the conditions of the first paragraph of this Article apply, unless the work contract covers a shorter 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 longer than three years. An application for an EU Blue Card renewal may be lodged by an alien or his employer with 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 for a change in employer *ex officio* from the authority responsible for issuing such consent, in accordance with the Act governing the employment and other work of aliens. An EU Blue Card holder shall support his application for the change in employer with the certificates referred to in the second paragraph of Article 40 of this Act, which the competent authority shall forward to the competent authority responsible for providing its consent.

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

(6) 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" box.

Article 40

(Competent authority and the EU Blue Card issuing procedure)

(1) An application for the granting or renewal of an EU Blue Card shall be lodged by an alien or his employer. The alien shall lodge an application for a first EU Blue Card with a diplomatic or consular representation of the Republic of Slovenia abroad while the employer may lodge it with the diplomatic or consular representation of the Republic of Slovenia abroad or with the 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 service.

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

(3) After receiving an application for the granting or renewal of an EU Blue Card, the competent authority shall request *ex officio* the authority competent for providing the consent for the granting or renewal of an EU Blue Card in accordance with the Act governing the employment and other work of aliens to provide its consent to the grant or renewal of an EU Blue Card. The authority responsible for providing the consent shall decide on the request for the consent concerning the granting or renewal of an EU Blue Card within 30 days of receipt of an admissible request. If it fails to reach a decision within the time limit specified, it shall notify the competent authority of the extension of the time limit. In the event that the request for consent is not properly supported, the authority responsible for providing consent shall request that the competent authority supplement the request. The competent authority shall review the other requirements for the grant or renewal of an EU Blue Card referred to in the preceding Article after it has received the consent for the granting or renewal of an EU Blue Card.

(4) If consent to the granting of an EU Blue Card is refused, the competent authority for processing such a consent shall, in accordance with the Act governing the employment and other work of aliens, state the reasons for refusal, after which point the competent authority shall refuse to grant or renew an EU Blue Card without taking the other requirements referred to in the preceding paragraph into consideration.

Article 41

(Residence of the holder of an 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 shall be permitted to stay in the territory of the Republic of Slovenia without a residence permit for a period of one month from his entry in the country. If the alien wishes to stay in the Republic of Slovenia for a longer period, he or his employee must apply for an EU Blue Card with the competent authority in the area of his residence before his residence permit has expired. An alien or his employer may apply for an EU Blue Card before his arrival to the Republic of Slovenia at a diplomatic or consular representation 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, whereas the employer may also apply for an EU Blue Card with the competent authority of the Republic of Slovenia. If the

application is lodged with the diplomatic or consular representation of the Republic of Slovenia abroad, an EU Blue Card holder referred to in the preceding paragraph may enter the Republic of Slovenia before the decision on the application is reached, notification of which he must provide the authority competent for the decisions on applications in the Republic of Slovenia upon arrival. The competent authority in the Republic of Slovenia or the diplomatic or consular representation of the Republic of Slovenia abroad shall issue a special certificate that shall serve as a temporary residence permit until a final decision on the application for an EU Blue Card has been reached. An EU Blue Card, a decision refusing an EU Blue Card, a decree ordering a stay of proceedings or a decree dismissing an application for an EU Blue Card shall be served by the competent authority of the Republic of Slovenia on an alien who is already residing in the territory of 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 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 on the issuing of a residence permit for the purposes of family reunification.

(2) Family members of the holder of a non-Slovenian EU Blue Card who have been granted their temporary residence permits based on that EU Blue Card in another EU Member State and who have resided in that country may also reside in the Republic of Slovenia on the grounds of the aforementioned residence permit issued in another EU Member State for one month from entering the country or until their permit has expired, if this period is shorter. If they wish to stay in the Republic of Slovenia for a longer period, the EU Blue Card holder shall, prior to the expiry of his residence apply for a new temporary residence for a family member of an EU Blue Card holder with the competent authority located in his area of residence. An application for a temporary residence shall 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 an EU Blue Card allowing his stay in another EU Member State. The administrative unit shall issue a receipt to the family member stating that an application was submitted for the issuing of a temporary residence permit, which shall be considered a temporary residence permit until the final decision on the application is reached.

(3) A 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 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 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 the grant of a residence permit for himself and his family members. 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.

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 to have sufficient means of 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 his studies.

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

(3) The issuing of a permit specified in the preceding paragraph of this Article shall be conditional upon the submission of documentary proof of acceptance to the study, education, specialisation or advanced professional training course issued by the educational institution which accepted the alien as a student, or confirmation from the state authority responsible for the implementation of international or bilateral agreements or which is 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 may reside in the territory of the Republic of Slovenia on the basis of a valid temporary residence permit issued for study purposes in another EU Member State for three months from the day of entering the state or until the expiry of the permit, if the permit expires prior to the three-month period stated. However, should he wish to stay in the Republic of Slovenia for a longer period, the alien must apply for a temporary residence permit for study purposes in the Republic of Slovenia with the competent administrative authority in the area of his residence before his residence permit expires. A granted permit, a decision refusing a permit, a decree staying the procedure or a decree dismissing an application in the permit procedure shall be served on the alien at the administrative unit of the Republic of Slovenia that issued the permit, decision or decree.

Article 45

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

(1) An alien's temporary residence permit shall be issued and renewed for seasonal work purposes for the period of validity of his residence permit, the maximum period of validity of his permit not exceeding six months, or, in exceptional circumstances, for seven months in a calendar year as specified in the Act regulating the employment and other work of aliens.

(2) An alien shall be issued with a permit specified in the preceding paragraph if the conditions specified in the second paragraph of Article 5 of this Act are fulfilled.

(3) The permit referred to in the first paragraph of this Article may be issued at the request of an alien or employer. An employer may lodge an application for a first temporary residence permit with a diplomatic or consular representation of the Republic of Slovenia abroad or with a competent authority in the Republic of Slovenia. If the application for a residence permit is lodged by the alien's employer, the latter may perform acts in the procedure on behalf of the alien in accordance with the alien's authorisation but cannot act as an agent for the acceptance of service.

(4) For the purposes of pursuing cross-border services, an alien may be issued with a temporary residence permit on the condition that he holds social insurance in the country from where he was seconded and has been listed as a seconded worker by a job centre. Cross-border services shall be pursued on the basis of a contract concluded between the contracting parties, i.e. a non-Slovenian employer employing an alien and a customer from the Republic of Slovenia who has entered into a contractual relationship with the non-Slovenian employer and to whom the alien has been seconded. A permit shall be issued for a fixed-term period specified in the contract which may not exceed one year unless otherwise agreed upon in an inter-state agreement.

(5) If there are valid reasons why the contracted work cannot be completed by the prescribed deadline, the permit shall be extended until the work has been completed, provided that the validity of the work permit of the alien in question has been extended previously.

(6) The application for a permit referred to in the fourth paragraph of this Article may be lodged by an alien or a statutory representative of a state party referred to in the fourth paragraph of this Article. If the application for a residence permit is lodged by the statutory representative, the latter may perform acts in the procedure on behalf of the alien in

accordance with the alien's authorisation, but cannot act as an agent for the acceptance of service.

(7) A statutory representative of a contractual party referred to in the fourth paragraph of this Article may lodge an application for a first temporary residence permit with the diplomatic or consular representation of the Republic of Slovenia abroad or with a competent authority in the Republic of Slovenia.

Article 46

(Daily migrant workers)

(1) A daily migrant worker may be granted a temporary residence permit for daily labour migrants.

(2) A temporary residence permit for daily labour migrants shall be granted to an alien for the period of validity of a work permit, but not for a period longer than two years if he fulfils the conditions for a temporary residence permit for employment or other work purposes, and proves that he is a daily migrant worker.

(3) An alien referred to in the first paragraph of this Article who continues to fulfil the conditions of the preceding paragraph after the expiry of his temporary residence permit for daily migrant workers may have it extended for the period of validity of his work permit, but for not for more than two years.

(4) If a daily migrant worker holds a special work permit with a validity of three years in accordance with the Act governing the employment and work of aliens, the temporary residence permit for daily migrant workers shall be issued or renewed for a period of three years provided that the requirements of the second paragraph of this Article have been met.

(5) In cases where a daily migrant worker is employed or works on a contractual basis for a period shorter than the validity of work permit, the alien's temporary residence permit shall be issued or extended for the period of validity of the employment or other work contract irrespective of the second, third and fourth paragraphs of this Article.

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 or temporary residence permit, with the exception of an alien who holds a temporary residence permit for seasonal work purposes, 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.

(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 with the diplomatic or consular representation of the Republic of Slovenia abroad or with a competent authority in the Republic of Slovenia.

(3) In accordance with this Act, the alien's 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 to 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 who these persons are obliged to maintain in accordance with the regulations of his own state.

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

(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 of time equal to that granted to the alien, but for not longer than one year, and may be extended for a period of time equal to that granted to the alien's temporary residence permit, but for not longer than two years. A temporary residence permit shall be issued and extended to the holder of an EU Blue Card for its period of validity. The temporary residence permit 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 the 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 the 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 prolonged for a period that extends beyond the child's age of majority.

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

(8) The competent authority may also extend 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 demise or dissolution of marriage, registered partnership or long-term partnership on the condition that the duration of the marriage in the Republic of Slovenia was at least three years. This permit may be extended only once for a validity of up to one year.

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 wishes to reside in the Republic of Slovenia for the purposes of employment or other work, study, seasonal work, the cross-border provision of services as a worker on secondment or for 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 and if there are no reasons to refuse the granting of a permit specified in Article 55 of this Act.

(2) An alien referred to in the first 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 or the cross-border provision of services as a worker on secondment which lasts up to one year, shall be granted, under the conditions of and in accordance with this Act, the right to 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 first paragraph of this Article in the EU Member State where the alien concerned enjoys the status of a long-term resident.

(3) The long-term resident and his family members referred to in the second paragraph of this Article may reside in the territory of the Republic of Slovenia without a residence permit for three months from the day of entry to the country or until the expiry of the permit, if the permit expires prior to the three-month period stated. If they wish to stay in the Republic of Slovenia for a longer period, the long-term resident must apply for a temporary residence permit for himself and his family members at the competent authority of the Republic of Slovenia in the area of his residence prior to the expiry of the residence permit. He may also submit an application for a temporary residence permit for himself or his family members before entering the Republic of Slovenia at the diplomatic and consular representation of the Republic of Slovenia in the EU Member State where he enjoys the status of a long-term resident. If the applications are submitted to the diplomatic or consular representation of the Republic of Slovenia abroad, the long-term resident and his family members referred to in the preceding paragraph may enter the Republic of Slovenia before the decision on the applications is reached, notification of which they must provide the authority competent for the decisions on applications in the Republic of Slovenia after arrival. The competent authority in the Republic of Slovenia or the diplomatic or consular representations of the Republic of Slovenia abroad shall issue a special receipt which shall serve as a temporary residence permit until the final decision on the application has been reached. A temporary residence permit, a decision refusing the granting of a permit, a decree staying the procedure or dismissing an application for a temporary residence permit shall be served on the long-term resident and his family members who are already residing in the territory of the Republic of Slovenia by the competent authority of the Republic of Slovenia.

(4) The temporary residence permit for the long-term resident shall be granted and extended for the period of time necessary in accordance with the purpose of the stay and in accordance with the validity defined in this Act for specific types of temporary residence permits. The temporary residence permit for a family member shall be granted and extended for a period of time equal to that granted to the long-term resident, but for not longer than two years. A long-term resident may reside in the Republic of Slovenia only in accordance with the purpose for which the temporary residence permit was issued.

(5) The ministry competent for 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 of the issuing or extension of the temporary or permanent residence permit, of the issuing of a 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 with a temporary residence permit if he proves that he fulfils the conditions laid down in the third paragraph of Article 33 of this Act.

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 shall be extended *ex officio* for as long as the children's mother or father, or the guardian in charge of 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.

Article 50

(Victims of the trafficking of human beings and illegal employment)

(1) The police shall provide a victim of the trafficking of human beings who resides illegally in the Republic of Slovenia, *ex officio* or upon the victim's request, with an opportunity to remain in the country for a period of three months in order to decide whether he shall participate as a witness in criminal proceedings concerning the trafficking of 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 the trafficking of human beings or a victim of illegal employment may be extended, for valid reasons, for a period of up to three months.

(2) Stay may be denied if the residence of a victim of the trafficking of 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 the health of people and which require the prescribed measures to be adopted pursuant to the Act governing infectious diseases.

(3) During the period of stay permitted, a victim of the trafficking of 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 the trafficking of 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 the victims of the trafficking of 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 the criminal prosecution, while the victim of illegal employment may also be issued with a temporary residence permit if he has lodged an action to enforce employment rights and 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 the trafficking of human beings or a victim of illegal employment in the following circumstances:

- if he has not fulfilled the conditions for the issuing of 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 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 for the issuing of 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 the health of people and which require the prescribed measures to be adopted pursuant to the Act governing infectious diseases;
- if during the permit granting procedure it is determined that a victim of the trafficking of human beings has contacted the suspect, the defendant or the accused voluntarily, or that a victim of illegal employment has voluntarily contacted the employer who is suspected, charged with or accused of a criminal offence of illegal employment.

(6) A victim of the trafficking of human beings and a victim of illegal employment shall lodge an application for the issue of 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 the trafficking of 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 cost of printed material in the procedure of the issuing of a temporary residence permit and the costs of interpretation and translation.

(7) A temporary residence permit shall be issued to a victim of the trafficking of human beings or a victim of illegal employment for the foreseen duration of the criminal proceedings, but for not less than six months or for more than one year. The temporary residence permit may be extended upon the victim's request, each time for a period of up to one year, until the criminal proceedings are concluded and provided that the conditions defined in this Article are fulfilled. The temporary residence status of a victim of illegal employment whose back payment of remuneration has not been paid by the employer may be also renewed, at his own request, for up to a maximum period of 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 any outstanding remuneration. In the event that the any 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 the trafficking of 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 healthcare pursuant to the Act regulating healthcare as well as health insurance and basic care in the same way as aliens who are allowed to temporarily stay in the Republic of Slovenia. A victim of the trafficking of 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 whereas 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 subsequent temporary residence permit may be issued to a victim of the trafficking of human beings and to a victim of illegal employment for another purpose for residence in the Republic of Slovenia if he fulfils the conditions for the issuing of such a permit. An application for a subsequent permit must be lodged prior to the expiry of the previous permit.

Article 51

(Residence permit on other well-founded grounds and for 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 with a temporary residence permit by the competent body 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 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 renewal of his temporary residence permit with the competent authority in the Republic of Slovenia prior to the expiry of the allowed period of stay. A temporary residence permit may be issued provided that the conditions referred to in this paragraph have been fulfilled and if there are no grounds for suspicion that the alien might pose a threat to the public order and safety or international relations of the Republic of Slovenia, or if there is no suspicion that the alien's residence in the country might be associated with the commission of terrorist or other violent acts, illegal intelligence activities, drug trafficking or the commission of other criminal acts. The permit may be issued notwithstanding the provisions of the seventh indent of the first paragraph of Article 55 of this Act and shall be served by the competent authority of the Republic of Slovenia that issued the permit. An alien who holds a temporary residence permit may obtain employment or perform other work in the Republic of Slovenia during the period of validity of the aforementioned permit under the conditions defined by the Act regulating the employment and other work of aliens. An alien who has been issued with a temporary residence permit and has no means of subsistence shall be entitled to emergency healthcare pursuant to the Act regulating healthcare as well as health insurance and basic care, in the

same way as aliens who are allowed temporary stay in the Republic of Slovenia. 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 administrative unit shall issue a certificate to the alien stating that an application was submitted for the issuing of a temporary residence permit which shall be regarded as a temporary residence permit until the final decision on the application is reached. An alien who does not have his own means of subsistence shall be exempt from administrative charges and the cost of printed matter in the procedure for the issuing of 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 with 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 the issuing of 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.

(2) 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 for suspicion that he might pose a threat to the public order, security or international relations of the Republic of Slovenia or 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 health of people and which require the prescribed measures to be adopted 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 with 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 an application for the renewal or acquisition of a subsequent temporary residence permit 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 the issuing of 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, a certificate attesting to the filing of an application, or a certificate attesting to the issuing of a subsequent temporary residence permit shall also be fulfilled if the alien has been absent from the Republic of Slovenia and if the temporary residence permit was not issued to him, provided that the absence was less than six consecutive months and not more than 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 the issuing of a permanent residence permit if the alien requests that a temporary residence permit is 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 the issuing of 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 the issuing of a permanent residence permit. While a decision is being reached on the application for the issuing of a permanent residence permit, the family member shall reside in the Republic of Slovenia based on the 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 within 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 interest of the Republic of Slovenia. 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 be issued prior to the expiry of the period specified in the preceding paragraph also to an alien whose permanent residence permit expired on the basis of the sixth, seventh or eighth indent of 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 a duration exceeding one year. The time that the alien spends in prison shall not be included in the period of time required for 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 nor to an alien who, during the period of taking a decision on the issuing of permanent residence permit, resides in the

Republic of Slovenia on the basis of a temporary residence permit for the purposes of study, vocational training, seasonal work, as a worker on secondment or as a daily migrant worker.

(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 a long-term residence status which shall be properly marked on the permit.

Article 53

(Subsequent acquisition of long-term residency 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 certificate stating that an application was submitted for the granting or renewal 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 the issuing of the permit referred to in Article 55 of this Act.

(2) An alien may lodge an application for subsequent long-term residency status with the administrative unit in his area of residence.

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

(4) In proceedings for the subsequent acquisition of long-term residence status, the same administrative fees shall be charged as for the temporary residence permit in accordance with the Act regulating administrative fees.

Article 54

(Jurisdiction of authorities 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. A temporary residence permit granted on the basis of the interest of the Republic of Slovenia shall be issued and renewed by the ministry responsible for the interior.

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

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 fulfilled;
- if the alien is subject to an entry ban;
- 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 is a suspicion 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 residence of the alien in the country will be associated with the commission of terrorist or other violent acts, illegal intelligence activities, 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 it is clear that a marriage was entered into exclusively or chiefly for the purpose of obtaining a residence permit or if it is determined during the procedure of extending the 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 of issuing a first temporary residence permit it is determined that the alien in fact already resides in the Republic of Slovenia on the grounds other than those possible on the basis of a visa;
- if during the procedure for the issuing of a first temporary residence permit 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 the prescribed measures to be adopted pursuant to the Act governing infectious diseases;
- if during the procedure of issuing a first temporary residence permit it is determined that the alien was refused a visa in the course of the last six months prior to the filing of an application for the issuing of a permit due to a threat to public order, security or international relations of the Republic of Slovenia or if it is suspected that his residence in the country will be associated with the commission of terrorist or other violent actions, illegal intelligence activities, drug trafficking or the commission of other criminal offences.

(2) The competent authority shall verify the existence of conditions referred to in the first indent of the preceding paragraph concerning sufficient means of subsistence also on the basis of the records administered by the tax authorities in accordance with the tax governing personal income tax, i.e. the income-related data not exempted from national income tax, tax data and data on compulsory social security contributions and the related normalised expenses or real costs, as well as data on dependants, which are classified as a tax secret. The competent authority shall be obliged to protect tax secret data in accordance with the Act regulating the tax procedure. The competent authority shall acquire the data from the records referred to above *ex officio*.

(3) The competent authority shall establish the existence of reasons for the refusal of a long-stay visa referred to in the fifth and sixth indents of the preceding paragraph also on the basis of the data available in criminal records, in the record of final judgments or minor offences

decrees, which in the Republic of Slovenia are administered by the ministry responsible for justice, records of decisions related to minor offences administered by minor offence authorities, and the data related to final indictments and court decisions that have not yet become final administered by competent courts as well as on the basis of the data from records administered by tax authorities concerning tax liabilities payable and tax violations, all of which are marked as tax secret. The competent authority shall be obliged to protect tax secret data in accordance with the Act regulating the tax procedure. The competent authority shall acquire the data from the records referred to above *ex officio*.

(4) The competent authority may establish the existence of the grounds for the refusal of a long-stay visa referred to in the fourth and fifth indents of the first paragraph of this Article also on the basis of the data obtained from official records or official documents of other countries submitted by a diplomatic or consular representation of the Republic of Slovenia or the ministry responsible for foreign affairs.

(5) In the procedure for the granting or renewal of 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 by which a competent authority has refused an application for the granting or renewal of 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 period during which the alien is banned from entering the country may not be shorter than one year or longer than five years. In judging how long an alien should be banned from re-entering the country, the authority which issues the decision on the revocation of residence shall take into account the type and gravity of the circumstances by reason of which the alien's stay in Slovenia is undesirable.

(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 for the input of data into the Schengen Information System of the entry ban.

(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 is 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 the granting of a residence permit or if there are other reasons for the refusal of the permit;
- if the alien concerned intentionally submitted incorrect data on his identity or other inaccurate data, or if he intentionally concealed the circumstances which have a bearing on the issuing of a permit.

(2) Notwithstanding the first indent of the first paragraph of this Article, a residence permit issued for the purpose of employment or other work shall not be annulled by virtue of an expired work permit during the first three months of the invalidity of this work permit if the alien's employment in the Republic of Slovenia which lasted at least one year was terminated involuntarily and the alien has been registered as job seeker which is evidenced by a document issued by the competent employment office.

(3) An EU Blue Card shall, in addition to the reasons defined in the preceding paragraph, also be annulled if the EU Blue Card holder has been unemployed for over three consecutive months or if during the validity of his EU Blue Card he has been unemployed at least twice.

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) A decision annulling a residence permit on the grounds referred to in the fourth indent of the first paragraph of the preceding Article or on the grounds referred to in the fifth 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 judging how long an alien should be banned from re-entering the country, the authority which issues the decision on the annulment of a residence permit shall take into account the type and gravity of the circumstances by reason of which the alien's stay in Slovenia is undesirable.

6) The competent body shall issue a decision on the annulment of a residence permit which an alien may appeal against with 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 for the input of data in the Schengen Information System of the prohibition of entry.

Article 57

Termination 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 a final secondary sentence of expulsion has been passed on the alien in the Republic of Slovenia or a final sentence of expulsion has been passed on him by another EU Member State due to which he will be 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 the 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 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 annulled;

– if the alien's residence is terminated;

– if a final secondary sentence of expulsion has been passed on the alien in the Republic of Slovenia or a final sentence of expulsion has been passed on him by another EU Member State due to which he will be 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 the 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 three months shall not interrupt the above period;

– if the alien is awarded the status of 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 be cease to be valid when the reasons of the preceding paragraph apply, yet the sixth indent of the preceding paragraph shall apply only if the alien moves out of the state or remains outside the territory of the European Union for a continuous period of two years or more.

Article 58

(Manner of issuing a residence permit, its content, form and annulment)

(1) A residence permit issued to an alien by the competent authority shall be a stand-alone document, the validity of which, for a temporary residence permit, shall be the same as the validity of a temporary residence, and, in for a permanent residence permit, no longer than 10 years. Prior to the expiry of the validity of the stand-alone document, an alien holding a permanent residence permit shall substitute the latter with a replacement at the administrative unit that issued it or at the administrative unit in the area in which he resides.

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

– 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;

– period of validity;

– date and place of issuing;

– full name, nationality, sex and date of birth of the person to whom the permit is issued; and

– facial image and two fingerprints of the holder, processed and stored as biometric data on the storage medium.

(3) The residence permit of an alien under six years of age and an alien who is unable to give any fingerprints for medical reasons shall not contain fingerprints. A residence permit issued to a holder who, for medical reasons, can only give one fingerprint shall contain only one fingerprint.

(4) If, upon filing an application for a permanent or temporary residence permit, an alien was not fingerprinted due to a certain acute medical condition that may improve, he must 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.

(5) In the event of the termination of the residence permit, the alien must return the stand-alone document to the competent authority within eight days. If the alien fails to return it, the police shall confiscate his document and send it to the competent authority provided that they have found such document in the course of exercising their duty to check the legality of the alien's residence in or entry into the country or the alien's identity. After the expiry of the period referred to in the first sentence of this paragraph the alien's stand-alone document may also be withdrawn by a diplomatic or consular representation of Slovenia that shall send it to the competent authority.

(6) The minister responsible for the interior shall prescribe the way in which a residence permit is to be issued, fingerprints are to be taken, a residence permit is to be annulled and its expiry to be marked.

Article 59

(Misplacement of a residence permit)

(1) An alien must report the misplacement, loss or theft (hereinafter: the misplacement) of any document referred to in the first paragraph of Article 58 in the Republic of Slovenia immediately or, if this is not possible, within eight days of finding out that it was misplaced at the latest, to any administrative unit, which shall notify the issuing authority of the misplacement.

(2) An alien must report the misplacement of the document referred to in Article 58 of this Act immediately or, if this is not possible, within eight days of finding out that it was misplaced at the latest, to the closest diplomatic or consular representation of the Republic of Slovenia abroad, which then notifies the administrative unit which issued the alien's passport of its misplacement.

(3) When reporting the misplacement of his document, the alien must also provide a true account of the circumstances surrounding the misplacement of the document referred to in Article 58 of this Act.

(4) The authority that issued the document referred to in the first paragraph of Article 58 of this Act or the administrative unit of the alien's residence shall issue a new document referred to in the first paragraph of Article 58 of this Act.

CHAPTER V

DEPARTURE FROM THE COUNTRY AND REVOCATION 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 his visa expired or if he resided in the Republic of Slovenia in contravention of the entry title, or if the time has expired for which he has been permitted to reside in the Republic of Slovenia on the basis of a legal act or international agreement;
- if he does not possess a residence permit or if his permit has expired.

(2) An alien who has lodged an application for a renewal of his residence permit or for the issuing of 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. This certificate shall not allow the alien to cross the border.

(3) An alien must depart from the country within the period specified. In determining the period in which the alien must depart from the country, the competent authority that issued a decision on the annulment of a long-stay visa, a decision on the annulment of a residence permit, a decision on the termination of residence, a decision or decree on the refusal or dismissal of an application or a decision on the staying of the procedure shall take into account the time in which departure is feasible while this period shall not be shorter than seven or longer than 30 days. The period shall not be specified for an alien whose residence in the Republic of Slovenia constitutes a threat to public order, security or national security. The competent authority shall render its final decision or decree referred to in the second paragraph to the police station in the area of which the alien resides. The period in which the alien has to depart from the state shall commence on the day of the finality of the decision or decree.

Article 61

(Termination of residence)

(1) Residence may be revoked with respect to an alien who possesses a permanent residence permit in the Republic of Slovenia in the following circumstances:

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

(2) Residence with respect to an alien who is legally residing in the Republic of Slovenia, excluding an alien who possesses a permanent residence permit of the Republic of Slovenia, may be terminated in the following circumstances:

- if he is residing in Slovenia in contravention of the purpose for which the permit was issued;
- if he refuses to comply with decisions issued by state bodies;
- if he was convicted in a court of law of a criminal offence and given an unconditional prison sentence of more than three years;
- if he runs out of funds to support himself 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 preceding Article shall be issued by the administrative unit in the area of which the alien resides.
- (2) The decision on the termination of residence specified in the preceding paragraph shall specify a deadline by which the alien must depart the Republic of Slovenia in accordance with the third paragraph of Article 60 of this Act, and the period of time during which the alien shall not be permitted to re-enter the country, whereby this period of time may not be less than six months and not more than five years.
- (3) In reaching a decision on the termination of residence, the authority referred to in the first paragraph of this Article shall take into account the length of stay of the alien concerned in the country, his personal, family, economic and other ties linking him to Slovenia, and the effect that the termination of residence would have on him and his family.
- (4) An alien may lodge an appeal against the decision specified in the first paragraph of this Article within three days.
- (5) In judging how long an alien should be prohibited from re-entering the country, the authority which issued the decision on the termination of residence shall take into account the type and gravity of the circumstances by reason of which the alien's stay in Slovenia is undesirable.
- (6) When the decision on the termination of residence has become final, the competent authority shall notify the authority responsible for the input of data in the Schengen Information System of the entry ban.

VI. CHAPTER VOLUNTARY RETURN AND DEPORTATION OF ALIENS

Article 63

(Voluntary return and deportation)

- (1) An alien who fails to depart the territory of the Republic of Slovenia pursuant to the third paragraph of Article 60 of this Act shall be permitted to return voluntarily or shall be deported from the country.
- (2) The police may cooperate with other national or international bodies or non-governmental organisations in voluntary return or deportation of an alien.

Article 64

(Return decision)

- (1) A return decision shall be issued by the police to an alien who resides illegally in the Republic of Slovenia, save where the alien is apprehended due to the 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 an international agreement on readmission, or an secondary sanction of expulsion from the country has been imposed on the alien. If the return procedure based on an international agreement ends in the non-readmission of the alien to the state party, the alien shall be issued with a return decision.
- (2) An alien who resides illegally in the Republic of Slovenia and holds, in another Member State of the European Union, a valid residence permit or any other permit granting him the

right to reside there must immediately depart from the Republic of Slovenia and travel to that Member State. If the alien fails to do so or if he is obliged to depart 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) An alien may lodge an appeal against a return decision issued by the police within three days of the service of process. The ministry responsible for the interior shall render a decision on the appeal within eight days at the latest.

(4) 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 of issuing a return decision)

(1) The police shall issue a return decision to an alien following a completed minor offence procedure for the violation referred to in the second or third indent of the second paragraph of Article 60 of this Act and in the case referred to in the first indent of the first paragraph of Article 60 of this Act if the alien who entered illegally was not readmitted to the state party concerned during the return procedure based on an international agreement on readmission.

(2) In the event that 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) Where no deadline for voluntary return is set in a return decision and where an entry ban is imposed by a return decision, the decision shall not be issued 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, an introduction, operative part, a statement of grounds, legal instruction, the signature of the authorised officer, and the stamp of the authority.

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

Article 66

(Entry ban)

(1) A return decision shall also impose an entry ban on the alien in the following circumstances:

- if he has not been permitted voluntary return, in accordance with the fifth paragraph of Article 67 of this Act; or
- if he has not departed from the country by the deadline set for voluntary return.

(2) The period during which the alien is prohibited from re-entering the country may not be shorter than six months or longer than five years. In assessing how long an alien is to be prohibited from re-entering the country, the authority that issued the return decision shall take into account the type and seriousness of the circumstances that led to the residence of the

alien in the Republic of Slovenia as being undesirable. When the return decision has become final, the authority that issued the return decision shall notify the authority responsible for the input of data into the Schengen Information System of the entry ban.

(3) An entry ban imposed by a return decision, a decision refusing a residence permit, a decision on the annulment of a residence permit, and a decision on the termination of residence may be cancelled or suspended by the police *ex officio* or at the request of the alien owing to the following reasons:

- the death or illness of a family member of the alien;
- the provision of emergency medical treatment;
- the participation in proceedings before public authorities;
- if the alien on whom the entry ban was imposed by a decision refusing a residence permit, a decision on the annulment of a residence permit or a decision on the termination of residence proves that he departed from the country by the deadline for return.
- if the alien was permitted to stay in the Republic of Slovenia as a victim of the trafficking of human beings or if he was issued with a temporary residence permit in accordance with Article 50 of this Act.

(4) The period of time during which the alien shall not be permitted to re-enter the country shall commence on the day of the execution of the return decision.

Article 67

(Voluntary return)

(1) The police may set a deadline in a return decision by which the alien must depart from the country voluntarily and which may not be shorter than seven days or longer than thirty days. The police may determine a specific address where the alien shall stay in the Republic of Slovenia during the period set for his voluntary departure from the country. The alien may depart from the country earlier than within seven days.

(2) The deadline by which the alien must depart from the country, which is set by the competent authority referred to in the third paragraph of Article 60 of this Act, shall be considered a deadline for voluntary departure from the country.

(3) In a return decision determining a deadline for voluntary departure from the country, the police may restrict the movement of the alien to his place of residence in the Republic of Slovenia and impose on him the obligation to report regularly to the nearest police station.

(4) If there exist objective circumstances preventing the alien from voluntary return by the deadline set, the police may, upon the submission of a request made by the alien prior to the expiry of the period for voluntary return, extend the deadline for voluntary return by a decision, having taken the specific circumstances of the case in question into consideration. The minister responsible for the interior shall determine the circumstances that provide grounds for the extension of the deadline for the voluntary return of an alien.

(5) A deadline for voluntary return shall not be set for an alien who is at risk of absconding or whose residence in the Republic of Slovenia poses a threat to public order, security or national security. A deadline for voluntary return may be set for an alien with regard to whom there exists less serious circumstances that indicate a risk of absconding.

Article 68

(Risk of absconding)

(1) Circumstances that indicate that an alien who has been issued with a return decision is at risk of absconding are as follows:

- the alien has illegally resided in the Republic of Slovenia previously;
- the alien has entered the country despite the entry ban imposed on him;
- a final judgment has been imposed on the alien for a criminal offence;
- the alien possesses the forged or altered travel or other documents of another person;
- the alien has provided false information or is uncooperative in the procedure;
- the conduct of the alien suggests that he will not depart from the Republic of Slovenia by the deadline set for voluntary return.

(2) Less serious circumstances indicating that an alien is at risk of absconding are as follows:

- the alien has entered the Republic of Slovenia illegally;
- the alien has exceeded the period of legal residence in the country by less than 30 days;
- there is no possibility for the alien to reside in the Republic of Slovenia;
- other less serious circumstances identified on the basis of specific treatment.

Article 69

(Deportation 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.

Article 70

(Recognition of expulsion decisions)

1) An alien who resides in the territory of the Republic of Slovenia and against whom another EU Member State has issued a final expulsion decision shall be deported by the police.

2) If the alien referred to in the preceding paragraph of this Article holds a residence permit issued by another EU Member State, the police shall, prior to deportation, consult the competent authority of the state that issued the permit as well as the competent authority of the state that issued the final decision on the expulsion. If, despite the final decision on the expulsion issued, the alien's residence permit in another EU Member State is not annulled the alien shall be deported to that State.

3) Prior to the deportation the police may demand the EU Member State which issued the final decision on the expulsion to forward to it the documentation related to the decision on the expulsion. If the required documentation is not forwarded to the police, it shall not be obliged to deport the alien.

4) In the event of the implementation of the deportation procedure, the police must inform the competent authority of the EU Member State which issued the final decision on the expulsion.

5) If the third-country national does not have sufficient funds the EU Member State which issued the final decision on the expulsion shall compensate the police for all costs related to the deportation as laid down by the Council Decision of 23 February 2004 setting out the criteria and practical arrangements for the compensation of the financial imbalances resulting from the application of Directive 2001/40/EC on the mutual recognition of decisions on the expulsion of third-country nationals (OJ L 60, 27.2.2004, p. 55).

6) The competent authority of the Republic of Slovenia which issued the final decision on the expulsion of an alien who resides legally in the territory of another EU Member State must on the request of the competent authority of another EU Member State which is to deport the alien forward to it the documentation related to the decision on the expulsion.

7) The provisions of this Article shall not apply to the national of an EU Member State, his family members and family members of the Slovenian citizen.

Article 71

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

(1) After prior request has been made by the competent authorities of another EU Member State the police may allow transit through the airport in the Republic of Slovenia in cases where aliens are removed by air by another EU Member State. In the event that transit is permitted, the police shall provide appropriate assistance measures.

(2) The minister responsible for the interior shall issue instructions describing in detail the provision of assistance in case of transit for the purposes of removal of aliens by air.

Article 72

(Prohibition of deportation of an alien)

The principle of non-refoulement referred to in this Act and customary international law shall mean an obligation of the Republic of Slovenia not to deport an alien to a country in which his life or freedom would be threatened on the basis of race, religion, nationality, membership of a special social group or political conviction, or to a country in which the alien would be exposed to torture or other cruel, inhumane and humiliating treatment or punishment.

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 under 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 is avoided due to the health condition of the alien;

- if an alien minor attends primary school in the Republic of Slovenia; permission shall be granted till 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 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 conditions referred to in the preceding paragraph exist. An alien who acquires permission to stay in the Republic of Slovenia shall be issued a personal card by the police evidencing that the alien has permission to stay in the Republic of Slovenia.

(4) 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.

(5) 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 deportation, certain obligations such as regular reporting to the nearest police station, 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)

The 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 of the Republic of Slovenia on the basis of a legal act or an international agreement;
- 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 fifth paragraph of the preceding Article.

Article 75

(Rights of aliens who have been 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 healthcare and health insurance and to basic treatment, while alien minor schoolchildren shall also have the right to basic education.

(2) The right to basic treatment 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 shall not be entitled to basic treatment.

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 can not be removed immediately shall receive by the police an order restricting his movement and obliging him to stay in 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) The persons referred to in the first and second paragraphs of this Article shall have the same rights as persons who have been permitted to stay. In that case basic treatment shall be provided to aliens at the Centre and not in the manner specified in the second paragraph of Article 75 of this Act.

Article 77

(Strict police supervision)

(1) A stay under strict police supervision in the Centre may be imposed on the aliens referred to in the preceding Article.

(2) The police shall issue a decision to impose a stay under strict police supervision in the following cases:

- if the alien has already attempted to avoid deportation through absconding or has actively resisted deportation;
- if the alien has violated the rules of stay in the Centre or does not observe lawful orders and instructions of authorised officers;
- if the circumstances and the alien's actions indicate that the alien intends to avoid deportation.

(3) A stay under strict police supervision shall be imposed on the alien for a period of time deemed absolutely necessary for his deportation, but not longer than for six months.

(4) A stay under strict police supervision shall be deemed to be the confinement of movement to the premises of the Centre in accordance with the Centre's house rules.

Article 78

(Procedure regarding restriction of movement)

(1) A decision shall be issued by the police to impose accommodation of an alien in the Centre or outside it and a stay under strict police supervision. The alien may appeal against the accommodation decision and the decision imposing a stay under strict police supervision within eight days of service of the decision. The ministry responsible for the interior shall render a decision on the appeal within eight days.

(2) An appeal shall not withhold the execution of the decision.

(3) A judicial review of the decision on appeal shall be permitted. The Administrative Court shall decide upon the action within eight days.

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

Article 79

(Procedure of extending restriction of movement)

(1) If it is not possible for objective reasons to deport an alien even after six months have elapsed, the police may issue a decision to carry out the following:

– extend the accommodation at the Centre and the stay under strict police supervision for a further six months due to the failure of the alien to cooperate in the deportation procedure, due to delayed acquisition of documents from third countries or due to a pending procedure of establishing identity, if it is realistic to expect that it will be possible to deport the alien within that period;

– determine another place of accommodation for the alien outside the Centre until his deportation, where he must observe the rules on accommodation outside the Centre; the alien may otherwise be accommodated at the Centre again.

(2) An action may be lodged with the Administrative Court against the decision extending restriction of movement. The Court shall decide on the action within eight days. An action lodged shall not stay the execution of the decision extending restriction of movement.

Article 80

(Specific circumstances)

(1) If extraordinary high numbers of aliens are to be deported, which is beyond the capacities of the Centre or the authorities in charge of procedures relating to the restriction of movement, the movement of aliens may be restricted in such specific circumstances regardless of the provisions of the first and third paragraphs of Article 76 of this Act.

(2) During specific circumstances referred to in the preceding paragraph, the time limit for rendering a decision on an appeal or an action against the accommodation decision specified in the first and third paragraphs of Article 78 of this Act shall not be observed.

(3) The ministry responsible for the interior shall notify the European Commission of the time of occurrence and end of specific circumstances.

Article 81

(More lenient measures)

(1) The police may, *ex officio* or at the request of an alien, replace the measure of obligatory accommodation at the Centre with more lenient measures provided that this also enables deportation of the alien from the country.

(2) On the basis of the preceding paragraph, the police may issue a decision allowing an alien to stay outside the Centre, where the police may determine a place of his residence.

(3) In the event of the measure referred to in the preceding paragraph, the police may restrict the movement of an alien to his place of residence, and impose on him the obligation to report regularly to the nearest police station.

(4) No appeal shall be permitted against a decision refusing an alien's request for a more lenient measure.

Article 82

(Procedure for alien minors)

(1) In cases where an alien minor is deported who is not accompanied by his parents or other legal representatives and resides illegally in the Republic of Slovenia, the police shall immediately inform a social work centre, which must immediately assign a guardian for special case to the alien minor. The police shall issue the alien minor with a return decision where his guardian for special case, having carefully considered all circumstances, establishes that this is in the best interests of the alien minor.

(2) An alien minor referred to in the preceding paragraph may not be deported to his country of origin or to a third country which is willing to accept him, until reception is ensured for him there. Prior to deporting an alien minor, it needs to be ascertained that he will be returned to a member of his family, a nominated guardian or adequate reception facilities in the country of return. In no case may unaccompanied alien minor be deported in violation of the Convention for the Protection of Human Rights and Fundamental Freedoms, amended with Protocols Nos 3, 5 and 8 and supplemented with Protocol No 2, and its Protocols 1, 4, 6, 7, 9, 10 and 11 (Ur. l. RS-MP, 7/94), the European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (Ur. l. RS-MP, 1/94), or the Convention on the Rights of the Child (Ur. l. RS-MP, 9/92) and the European Convention on the Exercise of Children's Rights" (Ur. l. RS-MP, 26/99). The alien minor shall be permitted to stay pursuant to the provisions of this Act until his deportation.

(3) An alien minor and a family with an alien minor shall be accommodated, in agreement with a guardian for special case, at adequate accommodation facilities for minors, where he will be guaranteed the rights referred to in the preceding paragraph. If this is not possible, an unaccompanied alien minor and a family with an alien minor shall be accommodated at the Centre.

(4) Where the identity of an alien minor is not ascertained and it is suspected that the person is not a minor, the police may establish the age of the person through experts. Based on an expert opinion the police shall issue a declaratory decision on the age of the person. An appeal against the declaratory decision is permitted within eight days of service of the decision. The decision on the appeal shall be taken by the ministry responsible for the interior.

(5) Strict police supervision may be imposed on an alien minor only exceptionally whereby he is accompanied by both or at least one of his parents. A stay under strict police supervision for an unaccompanied alien minor cannot be ordered.

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 be ceased 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

(Costs of deportation)

(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) The alien shall be obliged to deposit his funds when accommodated at the Centre. In view of satisfying essential personal needs the alien may request a part of his deposited funds to be reimbursed.

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

(4) The person who transferred the alien across the national border in an illegal manner or who provided the alien with illegal employment or other work or with illegal stay in the Republic of Slovenia and the natural or legal person having 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 the procedure of depositing and reimbursing alien's funds.

CHAPTER VII

PROCEDURES AND AUTHORITIES

Article 85

(Application of the Act governing the General Administrative Procedure)

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

Article 86

(Authorities)

(1) Diplomatic and consular representations of the Republic of Slovenia abroad and the ministry responsible for foreign affairs shall be responsible for conducting and rendering decisions in procedures of issuing, annulling, 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 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 into, 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 the law and whenever it is competent for issuing the temporary residence permits referred to in Article 51 of this Act.

In the performance 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 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

(Appeals and proceedings in 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 upon 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 upon by the ministry responsible for foreign affairs.

(3) 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 with a permit on the basis of Articles 38, 39, 41, 42, 44, 47 and 48 of this Act.

Article 88

(Procedure in diplomatic and consular representations of the Republic of Slovenia)

(1) When applying for a first temporary residence permit, an alien shall submit all evidence and documents proving that the conditions referred to in the third and fourth paragraphs of Article 33 of this Act have been met, a photograph of the prescribed size showing a true likeness of the alien concerned, and two fingerprints to be captured digitally.

(2) If the administrative unit requires the application for a first temporary residence permit to be supplemented or the alien to be interviewed, the diplomatic or consular representation of the Republic of Slovenia abroad shall send a request to the alien in writing.

(3) The diplomatic or consular representation of the Republic of Slovenia abroad shall serve a first temporary residence permit on the alien in person. It shall invite the alien to be served the document in the manner specified in the preceding paragraph. When served the document, the alien shall sign a proof of service, which shall be sent by the diplomatic or consular representation of the Republic of Slovenia to the administrative unit that issued the residence permit.

(4) A decision on the refusal of a first temporary residence permit, a decree on the discontinuation of a procedure and a decree on the rejection of an application for a first temporary residence permit shall be served on the alien by the diplomatic or consular

representation of the Republic of Slovenia abroad in person at the diplomatic or consular representation or by post in a manner enabling proof of receipt and in accordance with the rules governing postal services in the country where the diplomatic or consular representation is located. If the service cannot be carried out in such a manner, the decision or the decree shall be posted on the bulletin board of the diplomatic or consular representation of the Republic of Slovenia and on the e-Government state portal in accordance with the Act regulating the general administrative procedure.

Article 89

(Cooperation between authorities)

(1) In the performance of tasks that fall within their jurisdiction, the authorities specified in Article 86 shall be obliged to cooperate with each other, provide each other with legal aid and exchange free of charge all personal and other data and information required for carrying out the tasks in accordance with this Act.

(2) With respect to issues and questions regarding the entry, residence and departure of aliens, other issues and questions regarding aliens, the national and self-governing local community authorities and holders of public authority in the Republic of Slovenia must cooperate with the authorities responsible for aliens in accordance with this Act, in particular, by providing the necessary personal and other data and information required for carrying out the tasks in accordance with this Act free of charge.

(3) Data and information referred to in the first and second paragraphs of this Article shall be forwarded only on the basis of a written request or a request sent by prescribed electronic mail by the competent authority stating the appropriate legal basis and the appropriate reference number or other identification of the subject to be dealt with by the authority.

Article 90

(Obligations of aliens in procedures)

(1) Aliens must cooperate with the competent authorities throughout procedures and must comply with their measures. Aliens must enable access by the competent authorities to all available evidence, submit all documents and confirmations which they possess and which may be relevant to procedures, and respond to invitations by the competent authorities. The competent authorities may set a suitable deadline by which aliens must submit all documents, confirmations and other evidence required; otherwise they shall not be obliged to take this evidence into account.

(2) Apart from fulfilling the obligations referred to in the preceding paragraph, an alien accommodated at the Centre shall be obliged to cooperate with the police in establishing his 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 to be 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 deadline set, or if it is possible to infer from the failure to act that the alien concerned is no longer interested in continuing 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

(Adoption of decisions)

(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 decide on an application for a residence permit or for a certificate of residence registration as soon as possible, but no later than in one month following the reception of a complete application. Where the competent authority has to conduct a special fact-finding procedure in order to establish the existence of reasons for the refusal of a residence permit or a residence registration certificate, it shall decide on the application in three months at the latest.

Article 92

(Obligation to provide information)

(1) National and other authorities and organisations must, without delay, inform the police of any alien residing in the Republic of Slovenia illegally, and the administrative unit in the area of alien's residence of any alien for whom reasons for termination of residence exist.

(2) The state authority which initiated a criminal procedure for a criminal offence for which imprisonment of at least one year is imposed shall immediately inform the police and the administrative unit of the area of alien's residence whether the alien has been granted a residence permit of the Republic of Slovenia.

CHAPTER VIII

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

Article 93

(Processing of personal data)

(1) The authorities responsible for the implementation of this Act may, for the purpose of implementing this Act and other laws and regulations in relation to aliens, process personal data on aliens to whom such data refer.

(2) The authorities referred to in the preceding paragraph of this Article may also process personal data on an alien obtained even without the cooperation of the alien concerned from other authorities and organisations, and from other bodies in the following circumstances:

- if this is in the interest of the alien to whom such personal data refer and he has consented to it;
- if this is permitted by the law.

(3) National and other authorities and organisations which hold data referring to the aliens specified in the first paragraph of this Article shall be obliged to forward this data to competent authorities at their request.

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

Article 94

(Rights of aliens in relation to personal data)

In addition to the rights which they have in relation to the protection of personal data on the basis of the Act governing personal data protection and other regulations, aliens shall also

have the right to check the accuracy of their personal data entered in a residence permit or a visa, as well as the right to request their modification or deletion if required, as laid down by the Act governing personal data protection.

Article 95

(Establishing an alien's identity)

The police may determine the identity of an alien, even against his will, in the following circumstances:

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

Article 96

(Personal name)

(1) Aliens must, during their residence in the territory of the Republic of Slovenia, use the personal name which they were given in accordance with the regulations of their country, unless otherwise determined by the law or an international agreement.

(2) If the personal name entered in the extract from the birth certificate register is not identical to the personal name entered in the alien's travel document, the name which shall be entered in the official records kept in the Republic of Slovenia shall be the personal name entered in the alien's travel document.

Article 97

(Proving an alien's identity)

(1) Aliens shall prove their identity by means of a foreign travel document, identity card or other suitable document which is prescribed in the alien's country and which proves the identity of the alien, an alien's passport, an alien's residence permit issued as a stand-alone document, or another public document issued by a state authority which includes a photograph and on the basis of which it is possible to establish the identity of the alien.

(2) At the request of a police officer, an alien must present a document proving his identity in the manner determined in the preceding paragraph.

(3) At the request of a police officer, an alien must also present a permit demonstrating that he has entered and is residing in the Republic of Slovenia legally.

(4) An alien may not lend a document specified in the first paragraph of this Article to other persons nor use another person's document as his own.

(5) An alien must report misplaced, lost, stolen or otherwise misappropriated travel and other documents specified in the first paragraph of this Article, with an exception of an alien's passport and a residence permit issued as a stand-alone document, to the police immediately, or at the latest within 24 hours of discovering it. The alien shall be issued with a receipt by the police.

(6) An aliens who loses, while abroad, his travel or other documents issued by a competent authority of the Republic of Slovenia, with an exception of an alien's passport and a residence permit issued as a stand-alone document, must report this immediately to the nearest authority of the Republic of Slovenia responsible for diplomatic and consular affairs based abroad.

CHAPTER IX TRAVEL AND OTHER DOCUMENTS AND PERMITS

Article 98

(Issuing of travel and other documents)

(1) An alien who possesses a residence permit of the Republic of Slovenia may be issued with a passport in the following circumstances:

- if the alien concerned is a stateless person;
- if the alien does not have and cannot acquire a valid travel document for the country of his nationality.

(2) An alien's passport may also be issued to other aliens who do not have a valid travel document, if well-founded reasons exist for this.

(3) An application for an alien's passport shall be lodged by an alien in person at the administrative unit. The application may be lodged by an alien who has reached the age of 18 and by an alien who has not yet reached the age of 18 but who has entered into marriage.

(4) A passport for an alien under 18 years of age or for an alien who does not have the capacity to contract shall be applied for by his legal representative.

(5) The minister responsible for the interior shall determine the form of an alien's passport, in agreement with the minister responsible for foreign affairs. A regulation on the form of an alien's passport shall also set out the manner of capturing fingerprints.

Article 99

(Validity of an alien's passport)

(1) An alien's passport may be issued with a validity of two years, unless the following circumstances apply:

- the alien applies for a travel document with a shorter period of validity; or
- a shorter period of validity is sufficient for achieving the purpose for which the travel document is being issued.

(2) An alien located in the country shall be issued with an alien's passport by the administrative unit of the area where he intends to reside or by the administrative unit of the area where he resides, whereas an alien located abroad shall be issued with an alien's passport by a diplomatic or consular representation of the Republic of Slovenia based abroad.

Article 100

(Refusal of an alien's passport and its seizure)

(1) A passport shall not be issued to an alien in the following circumstances:

– if criminal proceedings are in progress against the alien, but only if so requested by the competent court;

– if the alien has been given an unconditional prison sentence, until the sentence has been served;

– if the alien has not settled his maintenance liabilities arising from marriage or from relations between parents and children to entitled persons who have permanent residence in the Republic of Slovenia, if so requested by the competent authority;

– if the alien has not settled his tax liabilities, if so requested by the competent authority.

(2) The competent authority shall establish the existence of reasons for refusing an alien's passport referred to in the fourth indent of the preceding paragraph on the basis of data from the records of overdue tax liabilities which are kept by the tax authority and classified as a tax secret. The competent authority shall be obliged to protect tax secret data in accordance with the Act regulating the tax procedure. Data from the records specified above may be obtained by the competent authority *ex officio*.

(3) An alien's passport shall be seized in the following circumstances:

– if the reasons specified in the preceding paragraph are established;

– if the travel document does not contain a photograph or if it is no longer possible to determine the identity of the alien;

– if the travel document is forged, incomplete or damaged in some other way.

(4) An alien's passport shall be seized with a decision. The alien may lodge an appeal against such a decision within three days. An appeal shall not withhold the execution of the decision.

(5) An alien must return his alien's passport if he acquires the nationality of the Republic of Slovenia, if he acquires a travel document from the country of which he is a national or of which he became a national, or if his residence permit expires or is annulled.

Article 101

(Misplacement of an alien's passport)

(1) An alien must report the misplacement of his passport in the Republic of Slovenia immediately or, if this is not possible, at the latest within eight days of discovering it, to any administrative unit, which notifies the administrative unit which issued the passport of the misplacement; if the passport was issued by a diplomatic or consular representation of the Republic of Slovenia based abroad, the misplacement shall be reported to the administrative unit of the area where the alien resides.

(2) An alien must report the misplacement of his passport abroad immediately or, if this is not possible, at the latest within eight days of discovering it, to the closest diplomatic or consular representation of the Republic of Slovenia abroad, which then notifies the administrative unit which issued the alien's passport of the misplacement.

(3) When reporting the misplacement of his passport, the alien must also give real information regarding the circumstances of the misplacement of his passport.

Article 102

(Manner of issuing, content and form of residence permits for the citizens of the Swiss Confederation and their family members)

(1) A temporary residence permit for a citizen of the Swiss Confederation and his family member issued pursuant to the Agreement between the European Community and its Member States, of the one part, and the Swiss Confederation, of the other, on the free movement of persons (OJ L 114, 30.4.2002, p. 6) and a permanent residence permit for a citizen of the Swiss Confederation and his family member shall be 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;
- 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 a residence permit as well as the marking of expiry shall be prescribed by the minister responsible for the interior.

Article 103

(Personal cards evidencing permission to stay in the Republic of Slovenia)

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

(2) A personal card evidencing permission to stay shall include a photograph of the person to whom it is issued and the following data:

- the number and date of issuing of the decision evidencing the permission to stay;
- the period of permission to stay;
- the date and place of issuing;
- the full name, nationality, sex, date of birth and place of temporary residence of the person to whom the card is issued.

(3) The form and the content of a personal card evidencing permission to stay shall be determined by the minister responsible for the interior.

Article 104

(Issuing of residence permits and alien's passports)

(1) Residence permits and alien's passports shall be manufactured and personalised by the service provider selected by the minister responsible for the interior in line with public procurement regulations, in accordance with a contract concluded between the ministry responsible for the interior and the service provider.

(2) The personal data referred to in Articles 111 and 113 of this Act may be used by the service provider to manufacture residence permits or alien's passports for the purpose of entering data in the residence permit forms or alien's passport, and must be destroyed within 30 days of their use.

(3) The service provider referred to in the precedent paragraph must enable the persons specified in the contract referred to in the first paragraph of this Article to inspect all documents concerning the processes of manufacturing, personalisation and storage of the forms of residence permit and alien's passport, as well as the facilities where such forms are manufactured, personalised and stored. The tasks related to the manufacture, personalisation

and storage shall be performed by persons designated for that purpose in accordance with the contract referred to in the first paragraph of this Article.

(4) The official person referred to in the preceding paragraph shall have the following rights and duties during the supervision:

- to order the elimination of any irregularities or deficiencies established in the manufacture, personalisation or storage by a given deadline;
- to order that the person who performs the tasks of the manufacture, personalisation and storage of the forms who does not comply with the conditions of the contract to stop performing those tasks and to be replaced by a person observing the prescribed conditions;
- to notify the authority responsible for personal data protection if he has established that personal data is used in violation of this Act;
- to suspend the manufacture and personalisation of the forms and propose to the minister responsible for the interior that he initiate a procedure for the termination of the contract referred to in the first paragraph of this Act for the manufacture and personalisation of forms if the official establishes that the irregularities or deficiencies referred to in the first indent have not been eliminated by the deadline set or that the service provider is not capable of performing the tasks assigned.

(5) The transmission of residence permits and alien's passports between the service provider referred to in the first paragraph of this Article and the competent authority or the ministry responsible for the interior shall be effected by an undertaking or organisation registered for the transmission of postal items, in compliance with the contract concluded with the service provider referred to in the first paragraph of this Article and with the Act governing postal services, and in a manner ensuring the protection, safety and traceability of postal items.

CHAPTER X

INTEGRATION OF ALIENS

Article 105

(General provisions)

- (1) The Republic of Slovenia shall ensure the provision of the conditions necessary for aliens who are in possession of a residence permit or a residence registration certificate of the Republic of Slovenia to be integrated into the cultural, economic and social life of the country.
- (2) Within their operations, national and other authorities, organisations and associations shall ensure protection from any type of discrimination against aliens based on racial, religious, national, ethnic or other differences.
- (3) In the implementation of integration tasks, competent ministries shall cooperate with each other and with national and international professional organisations, bodies based in other countries and other service providers, and shall coordinate activities speeding up the integration of aliens who are third-country nationals into the cultural, economic and social life and education system of the Republic of Slovenia. The ministry responsible for the interior shall be in charge of the coordination of tasks relating to the integration of aliens.
- (4) The ministry responsible for the interior shall provide information necessary for the integration of aliens into Slovenian society, particularly with regard to their rights and obligations.
- (5) The integration of aliens into the education system of the Republic of Slovenia shall be implemented in conformity with relevant Acts regulating education.

Article 106

(Facilitating the integration of aliens who are third-country nationals)

(1) Aliens who are third-country nationals shall be entitled to the following programmes facilitating integration into the cultural, economic and social life of the Republic of Slovenia:

- Slovenian language courses and courses on Slovenian history, culture and constitutional order (hereinafter: Slovenian society courses);
- programmes promoting social exchanges and communication with Slovenian citizens;
- information on the integration of aliens into Slovenian society.

(2) Free Slovenian language and society courses shall be made available to aliens who are third-country nationals and who fulfil the following criteria:

- reside in the Republic of Slovenia on the basis of a permanent residence permit and their family members who reside in the Republic of Slovenia on the basis of a temporary residence permit due to family reunification, regardless of the length of residence in the Republic of Slovenia or of the permit validity;
- reside in the Republic of Slovenia based on a temporary residence permit issued for a period of at least one year;
- are family members of Slovenian citizens or of the EU citizens residing in the Republic of Slovenia on the basis of a family member's residence permit, regardless of the length of residence or the permit validity.

(3) Slovenian language courses shall not be made available to aliens who have completed schooling at any level in the Republic of Slovenia, taken part in a mainstream educational programme in the Republic of Slovenia or have acquired a certificate for passing at least a basic level Slovenian language exam. The Slovenian society courses shall not be available to aliens who have completed schooling at any level in the Republic of Slovenia.

(4) The Government of the Republic of Slovenia shall pass a decree setting out the methods and scope of the provision of programmes that facilitate the integration of aliens who are third-country nationals.

Article 107

(Competences)

(1) The ministry responsible for the interior shall be responsible for the implementation of Slovenian language and society courses and information programmes for aliens.

(2) The ministry responsible for education shall be responsible for the preparation of the Slovenian language and society courses.

(3) The ministry responsible for the interior shall, in cooperation with the ministry responsible for culture, provide programmes promoting social exchanges and communication.

Article 108

(Provision of funds)

(1) The ministry responsible for the interior shall provide funding for the implementation of Slovenian language courses, Slovenian society courses and information for aliens on integration programmes, and shall be in charge of the coordination of integration measures.

(2) The ministry responsible for education shall be responsible for the preparation of the Slovenian language and society courses.

(3) The ministry responsible for culture shall provide funds for the implementation of cultural programmes that enable social exchanges and a better understanding of minority ethnic groups and immigrants with a view to helping aliens participate in the cultural life of the Republic of Slovenia.

CHAPTER XI
REGISTRATION AND DEREGISTRATION OF RESIDENCE

Article 109

(Registration and deregistration of the residence of an alien)

An alien who possesses a residence permit 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 of aliens;
- aliens who are permitted to stay and personal cards evidencing the same;
- aliens staying at the Centre;
- the secondary sanction of the 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 the passport of an alien;
- aliens for whom strict police supervision has been ordered;
- aliens who have been given accommodation outside the Centre;
- aliens who have been refused entry into the country;
- return decisions;
- returned and deported aliens;
- certified affidavits of support;
- the participation of aliens in integration programmes.

(2) The ministry responsible for the interior shall administer 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 responsible for the control of state border crossings shall administer the records specified in indents 3, 13 and 15 of the first paragraph of this Article. It may also use data from the 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 and consular representations shall administer the record specified in the third indent of the first paragraph of this Article. They may also use data from the 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 record of termination of 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 passports and concerns regarding the issuing of alien's passports (Register of Passports).

(7) With regard to the record 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 record 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 the data from the record of aliens' participation in Slovenian language courses in procedures of acquisition of the citizenship of the Republic of Slovenia.

(10) The competent authorities referred to in the second paragraph of this Article and the ministry responsible for the interior shall obtain free of charge from the existing records of the Employment Service of the Republic of Slovenia data relating to decisions in work permit procedures and to terminated work permits, namely: full name, unique 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 the issuing of work permit, number of work permit/decision/decreed, decision/issuing date, term of work permit validity, location of work, name of employer, employer's ID number, employer's registered office, any appeals lodged, date of appeal, any new application for work permit, branch office of the Employment Service which terminated the work permit, termination reference number, work permit type termination, reasons for work permit termination, date of work permit termination. The Ministry responsible for the interior may connect the Register of Aliens to the records of the Employment Service of the Republic of Slovenia.

Article 111

(Data required for the issuing of 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. unique personal identification number of an alien if specified;
2. full name;
3. maiden name;
4. sex;
5. date of birth (day/month/year);
6. place of birth (country, town);
7. nationality;
8. marital status;
9. profession;
10. last permanent or temporary residence abroad or in the Republic of Slovenia (country, town, street and 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) An alien is obliged to enclose to his application for a permit for temporary or permanent residence a photograph of the prescribed size showing his true likeness and give two fingerprints to be digitally captured. An alien who resides outside of the Republic of Slovenia and files an application for a first temporary residence permit, shall give his fingerprints at the diplomatic or consular representation of the Republic of Slovenia based abroad. A photograph shall be enclosed on paper or in a digital form. A 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 regulating the personal identity card and may be used, at alien's request, for another official document with a photograph issued by a state authority. An alien under six years of age and an alien who is unable to give any fingerprints for medical reasons shall not be fingerprinted. One fingerprint shall be captured from those aliens who can only give one fingerprint owing to medical reasons.

(3) 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.

(4) In 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 permanent residence permits (referred to in the second indent of the first paragraph of Article 110 of this Act), the competent authority shall process the data specified in the first and second paragraphs of this Article,

data on facial and fingerprint digitalised images and on the hand and finger of a residence permit holder's fingerprint. The competent authority shall, in the records of residence permits, also process data on the number, date of issue and the finality of a decision, on the validity and serial number of a permit, on the expiry of a residence permit, on a deadline for voluntary return if set, and data on stolen and misplaced residence permits.

(5) In order to provide for the safety 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: competent authority having issued a permit, date of issue, period of validity and serial number of a permit and date when the permit was reported misplaced.

Article 112

(Data required for the issuing of 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. full name;
3. surname at birth;
4. date of birth (day, month, year) and place of birth (country, town);
5. sex;
6. citizenship;
7. citizenship at birth;
8. marital status;
9. full name of an alien's mother and father or legal representatives;
10. passport details (type and number of passport, issuing authority, date of issue, period of validity);
11. profession;
12. full name of an 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. personal details of the EU citizen who is a family member of the alien (full name, date of birth, passport or identity card number, family relationship with the EU citizen);
17. address of residence abroad, email 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 alien's first entry into the Schengen area, and the final country of 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 to his application for a short-stay visa or an airport transit visa a photograph of the prescribed size showing his true likeness and to give fingerprints to be digitally captured as stipulated by the Code on Visas. Apart from 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 showing 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 application, place and date of the submission of application, visa type, date of issue, visa validity, number of entries permitted, duration of stay permitted, serial number of visa, date of and reason for visa annulment or revocation, and date of and reason for refusal of 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 consultation during a short-stay visa procedure and an airport transit visa, on date of consultation, date and content of state's reply, and, where a visa application was lodged with an external service provider, also data on the service provider's name and address.

(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 in case a visa has been refused five years from a final decision on visa application. After this period they shall be destroyed.

(5) In the record 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 having certified it, full name of sponsor, sponsor's date of birth, sponsor's unique personal identification number and citizenship, address of permanent or temporary residence in the Republic of Slovenia, sponsor's telephone number, sponsor's financial resources and ownership or lease of property, and sponsor-related information from the criminal records. Where a sponsor is a legal person or a sole proprietor, the following data shall be processed in the record of affidavits of support: business name, registered office and telephone number of the legal person or sole proprietor, company registration number, forenames and surnames of statutory representatives and assignees.

(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:

- full name;
- date of birth;
- citizenship;
- passport number;
- purpose of the visit;
- relationship with the sponsor;
- 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 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 required for the issuing of an alien's passport)

(1) In applying for an alien's passport, an alien is obliged to provide the competent authority or the authority of the Republic of Slovenia based abroad which is authorised to conduct consular affairs 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, as well as to attach two photographs of the prescribed size showing his true likeness and to give two fingerprints to be digitally captured. A photograph shall be enclosed on paper or in a digital form. A digital photograph shall be stored for one year in a photo digital storage facility designed for photos for personal identity documents and established pursuant to the Act regulating personal identity cards and may be used, at the alien's request, for another official document with a photograph issued by a state authority. An alien under twelve years of age and an alien who is unable to give any fingerprints owing to medical reasons shall not be fingerprinted. One fingerprint shall be captured from an alien who can only give one fingerprint for medical reasons.

(2) The authority shall, in the record of alien's passports (referred to in the fourth indent of the first paragraph of Article 110 of this Act), process data on the number and date of issue of an alien's passport or a decision, the registration and serial numbers of the passport, its period of validity and date of issue, the facial image and fingerprints of the holder of the passport recorded as biometric data, and data on stolen and misplaced alien's passports.

(3) An alien's passport shall also include a storage medium which contains the facial image and two fingerprints of a passport holder processed and stored as biometric data.

(4) In order to provide for the safety of legal transactions and the detection of stolen and misplaced alien's passports, the following data referring to stolen or misplaced alien's passports shall be publicly posted on the e-Government state portal: competent authority having issued a passport, date of issue, period of validity, registration and serial numbers of an alien's passport, and date when the passport was reported misplaced.

Article 114

(Data in the records)

(1) The records of imposed secondary sanctions of expulsion from the country (the record referred to in the seventh indent of the first paragraph of Article 110 of this Act), on aliens subject to an entry ban (the record referred to in the eighth indent of the first paragraph of Article 110 of this Act) and on termination of alien's residence (the record referred to in the ninth indent of the first paragraph of Article 110 of this Act) shall contain 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 duration of the pronounced measure, the authority which pronounced the measure, and the number and date of issue and finality of the decision in the event an entry ban is imposed by a decision on refusal or annulment of a residence permit, a decision on termination of residence or a return decision. The record of termination of residence shall also contain data regarding the deadline by which the alien must depart the country.

(2) The record of aliens who are permitted to stay and of personal cards evidencing permission to stay (the record 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, as well as the number and date of issue of a decision granting permission to stay, the period of permitted stay and the expiry of the permission to stay, place of stay, and the number, place and date of the personal card evidencing permission to stay.

(3) The record of aliens staying 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, as well as the number and date of issue of a decision imposing accommodation at the Centre, the duration of stay at the Centre, the police unit which issued the decision, the reasons for accommodation at the Centre, and a photograph.

(4) The record of concerns regarding the issuing of an alien's passport (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 nature of the concern, the authority which expressed a concern, and the duration of and legal basis for a concern.

(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, as well as the number and date of issue of a decision, and the duration of strict police supervision.

(6) The record of aliens who have been refused entry into the country (referred to in the thirteenth indent of the first paragraph of Article 110 of this Act) shall contain 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 for, date and hour of refused entry, and the border control authority which refused entry to the alien.

(7) The record of aliens who have been given accommodation outside the Centre (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, as well as the number and date of decision, place and duration of stay outside the Centre, and the forename, surname, date of birth and address of the person in whose place the alien is staying.

(8) The record of return decisions (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, as well as the number, date, finality of a decision, the police unit which issued a decision, deadline for voluntary return if set, and the duration of entry ban if specified.

(9) The record of returned and deported aliens (referred to in the fifteenth indent of the first paragraph of Article 110 shall contain 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, and the reason, date and country to which the alien has been deported.

(10) The record of aliens' participation in integration programmes (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, 3, 4, 5, 6, 7 and 11 of the first paragraph of Article 111 of this Act, as well as the type of programme, date of alien's signing up for the programme, date of alien's

termination of the programme, date of the programme's commencement, hours of alien's attendance of the programme, date and place of an internal exam or programme's completion, and the result obtained in the exam.

Article 115

(Storage and archiving of data from the records)

(1) 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 from 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 from the visa or permit expiry or in case a visa or a permit has been refused five years from a final decision on the visa or permit application. After this period it shall be archived. Biometric data on the facial image and fingerprints shall be kept in the record of visas and in the record of temporary residence permits for thirty days from a final decision on the application. After this period it shall be erased from the records. In case of replacing the document prior to its expiry, biometric data on the facial image and fingerprints shall be kept in the record of temporary residence permits for thirty days from the service of document.

(2) Data from the record of permanent residence permits (referred to in the second indent of the first paragraph of Article 110 of this Act) shall be stored for 50 years from the termination of a permanent residence permit or, in case a permit has been refused, for 50 years from a final decision on the permit application. After this period it shall be archived, with the exception of biometric data on the facial image and fingerprints, which shall be kept for thirty days from a final decision on the application and shall be subsequently erased from the record. In the event that the document is replaced prior to its expiry, biometric data on the facial image and fingerprints shall be kept in the record of temporary residence permits for thirty days from the service of document.

(3) Data from the record of imposed secondary sanctions of expulsion from the country (referred to in the seventh indent of the first paragraph of Article 110 of this Act), the record of termination of residence (referred to in the ninth indent of the first paragraph of Article 110 of this Act), the record of aliens subject to an entry ban (referred to in the eighth indent of the first paragraph of Article 110 of this Act) and the record of returned and deported aliens (referred to in the fifteenth indent of the first paragraph of Article 110 of this Act) shall be kept for five years from the expiry of the period for which the secondary sanction or entry ban was pronounced or from an alien's return or deportation from the Republic of Slovenia.

(4) Data from the record of aliens who are permitted to stay and of personal cards evidencing permission to stay (the record referred to in the fifth indent of the first paragraph of Article 110 of this Act), the record of aliens staying at the Centre (referred to in the sixth indent of the first paragraph of Article 110 of this Act), 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), the record of aliens who have been provided accommodation outside the Centre (referred to in the twelfth indent of the first paragraph of Article 110 of this Act) shall be kept for five years from the issuing of a decision and archived thereafter.

(5) Data from the record of aliens who have been refused entry into 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 refused entry.

(6) Data from the record of return decisions (referred to in the fourteenth indent of the first paragraph of Article 110 of this Act) shall be kept for five years from the execution of a return decision and archived subsequently. In case a return decision also imposes an entry ban,

data shall be kept for five years from the expiry of the period for which the entry ban has been imposed, and shall be archived subsequently.

(7) Data from the record of alien's passports (referred to in the fourth indent of the first paragraph of Article 110 of this Act) and from the record of concerns regarding the issuing of an alien's passport (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 an alien's passport or from a final decision or a final decree. After that period it shall be archived, with the exception of biometric data on the facial image and fingerprints, which shall be kept for thirty days from a final decision on the application and shall be subsequently erased from the record.

(8) Data from the record 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 an affidavit of support and archived subsequently.

(9) Data from the record of aliens' participation in integration programmes (referred to in the seventeenth indent of the first paragraph of Article 110 of this Act) shall be kept for five years from a completed programme and archived subsequently.

Article 116

(Use of data from the records)

(1) Personal data from the records specified in Article 110 of this Act may only be used for the execution of legally-prescribed tasks. The facial image and fingerprints of the holder of a residence permit or an alien's passport stored as the biometric data referred to in Article 58 and 113 of this Act may only be used and processed in order to verify the authenticity of the residence permit or alien's passport and the identity of the permit or passport holder when he is crossing state borders and when the legality of his residence in the country is being checked.

(2) At the request of individuals, state authorities, legal persons, businesspersons, and other bodies, organisations and groups, the administrators of the records shall be obliged give them data from the records referred to in Article 110 of this Act if they are entitled to use this data on the basis of the law.

(3) Users of the personal data referred to in the preceding paragraph may not forward this personal data to other users and may only use it for the purposes for which they received it.

(4) The authorities responsible for the administration of the records may, subject to reciprocity and for the purposes of verifying the correctness and legality of procedures, transmit personal data from the records referred to in Article 110 of this Act which is strictly necessary for the identification of an alien or for the verification of the correctness or legality of procedures to third-country or non-EEA countries provided that the conditions relating to the transmission of personal data to such countries laid down in the Act governing personal data protection have been fulfilled.

CHAPTER XIII

ENTRY AND RESIDENCE OF CITIZENS OF EU MEMBER STATES, THEIR FAMILY MEMBERS AND FAMILY MEMBERS OF SLOVENIAN CITIZENS

Article 117

(Scope of application)

(1) The provisions of this Chapter shall also apply to EU citizens, their family members and the family members of Slovenian citizens. The other provisions of this Act shall apply to them only if they are more favourable to them or if stipulated so by this Act.

(2) An EU citizen under this Act means an alien with the citizenship of another EU Member State.

(3) The provisions of this Act which apply to EU citizens shall also apply to the citizens of the Member States of the European Economic Area.

Article 118

(Entry of EU citizens to the Republic of Slovenia)

(1) An EU citizen shall not require any entry permit, i.e. a visa or residence permit, for entry into the Republic of Slovenia.

(2) An EU citizen may enter the Republic of Slovenia with a valid identity card or a valid passport irrespective of the purpose of entering and residing in the Republic of Slovenia. He may exit the Republic of Slovenia with a valid identity card or a valid passport.

(3) An EU citizen shall be refused entry in the following circumstances:

- if he does not possess a valid identity card or a valid passport;
- if the period of time for which an entry ban was imposed has not yet expired;
- if his residence in the Republic of Slovenia would represent 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 terrorist or other violent acts, illegal intelligence activities, drug trafficking or with the commission of any other criminal acts;
- if he shows serious symptoms of an infectious disease with the possibility of epidemic, laid down in the international health rules of the World Health Organization or serious symptoms of another infectious disease which could endanger health of people and for which the set out measures must be taken in accordance with the Act regulating infectious diseases.

(4) The border control authority shall decide on a refusal of entry in accordance with the instructions regarding the reasons referred to in the precedent paragraph issued by the minister responsible for the interior.

(5) An EU citizen may lodge an appeal against the refusal of entry within eight days. The decision on the appeal shall be made by the ministry responsible for the interior. An appeal shall not stay the execution of the decision.

Article 119

(Registration of residence)

(1) An EU citizen who enters the Republic of Slovenia with a valid identity card or a valid passport may reside in the territory of the Republic of Slovenia for three months from the day of entering the state without having to register the residence. If he wishes to reside in the territory of the Republic of Slovenia for more than three months, he has to register at the administrative unit in the area where he resides prior to the expiry of the three-month period.

(2) The administrative unit shall issue a receipt stating that an application was submitted for issuing a residence registration certificate which allows residence until the final decision on the application is taken.

(3) The reasons for issuing a residence registration certificate to an EU citizen are as follows:

- employment or other work;
- self-employment;
- provision of services;
- study or other forms of education;
- family reunification and other reasons.

(4) The competent authority for issuing a residence registration certificate shall be the administrative unit in the area of the EU citizen's residence.

Article 120

(Registration of residence of an EU Citizen for employment or work)

(1) An EU citizen who intends to enter into employment or other work in the Republic of Slovenia and an EU citizen who is employed or works in the Republic of Slovenia may be issued with a residence registration certificate if he possesses any of the following:

- a valid identity card or a valid passport;
- a document issued by the employer attesting the intention to employ the EU citizen concerned or evidence of employment or other work if the EU citizen concerned is already employed or works;
- a valid work permit where he does not have free access to labour market due to a government measure or if so determined by an international agreement.

(2) The registration of residence for the purpose of employment or other work shall not be terminated for an EU citizen whose employment was terminated in the following circumstances:

- if he is temporarily unable to work as the result of an illness or accident;
- if his employment in the Republic of Slovenia which lasted at least one year was terminated involuntarily and he registered as a job seeker, which is attested by a document issued by the competent employment office;
- if he undergoes vocational training.

(3) If an EU citizen is duly recorded as an unemployed person after completing a fixed-term employment contract of less than one year or after having become involuntarily unemployed during the first twelve months of working in the Republic of Slovenia and has registered as a job seeker with the relevant employment office, his registration of residence shall be terminated six months after the employment ceased unless he fulfils the conditions for issuing a residence registration certificate for any other reasons.

(4) The provisions of this Article shall also apply to an EU citizen who carries out seasonal work in the Republic of Slovenia and to an EU citizen who is employed with the employer from another EU Member State and who works in the Republic of Slovenia on the basis of a contract concluded between a foreign contractor and a contracting authority from the Republic of Slovenia, in which case he must possess, in addition to the documents listed in the first paragraph of this Article, the document attesting secondment to the Republic of Slovenia for the realisation of work referred to in the contract concluded between the foreign contractor and the domestic contracting authority.

Article 121

(Registration of residence for an EU Citizen who works as a self-employed person or provides services)

(1) An EU citizen who works as a self-employed person or provides services in the Republic of Slovenia may only be issued with a residence registration certificate if he possesses the following:

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

Article 122

(Registration of residence of an EU Citizen for study purposes)

(1) An EU citizen who wishes to study or receive education in the Republic of Slovenia may only be issued with a residence registration certificate if he possesses the following:

- a valid identity card or a valid passport;
- a document attesting acceptance by an educational institution for the purposes of studies or other forms of education issued by an educational institution or a document of the state authority responsible for the implementation of an international or bilateral agreement or a document issued by an organisation authorised by the state for carrying out a specific educational course;
- sufficient means of subsistence, whereby when establishing them the personal circumstances of the EU citizen shall be regarded and whereby they must not be lower than the threshold under which financial social assistance is granted according to the Act regulating social security;
- appropriate medical insurance.

(2) Student's statement of having sufficient means of subsistence shall be regarded as appropriate evidence.

Article 123

(Registration of residence of an EU Citizen due to family reunification or other reasons)

(1) An EU citizen who is a family member of an EU citizen who resides in the Republic of Slovenia based on a residence registration certificate or a permanent residence permit or who is a family member of a Slovenian citizen, and wishes to reside in the Republic of Slovenia due to family reunification, or who wishes to reside in the Republic of Slovenia due to other reasons may be issued with a residence registration certificate if he possesses the following:

- a valid identity card or a valid passport;
- sufficient means of subsistence, whereby when establishing them the personal circumstances of the EU citizens and his family member shall be regarded, if a residence registration certificate is to be issued due to family reunification, and whereby these means must not be lower than the threshold under which financial social assistance is granted according to the law regulating social security;
- appropriate medical insurance.

(2) In order to meet the requirement for sufficient means of subsistence referred to in the second indent of the preceding paragraph, the EU citizen or his family member may provide

proof of the assets earned by himself, his employment or insurance rights, income related to property, income from capital and from other sources or proof of the support of people who are obliged to maintain him, or present a contract on the basis of which a natural or legal person is paying the alien or his family member a certain amount of finance, or provide any other evidence. The EU citizen or his family member may fully prove the possession of sufficient means of subsistence with the contract based on which a natural or legal person pays out to the EU citizen or his family member sufficient resources for subsistence. Such a contract must be concluded in the Republic of Slovenia and take the form of a directly enforceable notarial deed.

Article 124

(Refusal to issue a residence registration certificate to an EU Citizen)

(1) A residence registration certificate shall not be issued to an EU citizen in the following circumstances:

- if he does not fulfil the qualifying criteria for issuing the certificate;
- if his residence in the Republic of Slovenia would represent a serious and actual 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 terrorist or other violent acts, illegal intelligence activities, drug trafficking or with the commission of any other criminal acts;
- if during a procedure of first residence registration certificate, it is established that he is infected with an infectious disease with the possibility of epidemics laid down in the documents of the World Health Organization or that he is infected with an infectious disease which could endanger health of people and for which set out measures must be carried out in accordance with the Act regulating infectious diseases;
- if the period of time for which an entry ban was imposed has not yet expired;
- if it is established that in the Republic of Slovenia he is violating the provisions regulating industrial relations, employment and work or the provisions on the prevention of undeclared employment and work.

(2) If an administrative unit considers that in order to confirm the requirement specified in the second indent of the preceding paragraph it needs data from the criminal records of another EU Member State with regard to the EU citizen, it must obtain that data on its own.

(3) In case during a procedure of first residence registration certificate the EU citizen shows serious symptoms of an infectious disease referred to the third indent of the first paragraph of this Article and he has entered the Republic of Slovenia in the last three months, he shall undergo a medical examination at the request of the administrative unit. The funds for the medical examination shall be provided by the ministry responsible for health.

Article 125

(Permitted period of residence on the basis of a residence registration certificate and renewal of the certificate)

(1) The administrative unit shall issue a residence registration certificate valid for five years or for the duration of the intended period of residence in the Republic of Slovenia if the latter is less than five years, to the EU citizen who fulfils the conditions for issuing the residence registration certificate laid down in this Act.

(2) The administrative unit of the area of the EU citizen's residence may, at the request of the EU citizen, renew the residence registration certificate for a period of time equal to the period of time for which the registration certificate was issued provided that he fulfils the conditions for issuing the certificate.

(3) The administrative unit shall issue to the EU citizen a receipt stating that an application was submitted for the renewal of the residence registration certificate, which allows the EU citizen to reside in the Republic of Slovenia until the final decision on the application is taken.

(4) The EU citizen may reside in the Republic of Slovenia for the period stated in the residence registration certificate.

Article 126

(Permanent residence permit for an EU citizen)

(1) A permanent residence permit may be issued to an EU citizen who has resided in the Republic of Slovenia continuously for five years on the basis of his residence registration certificate, a receipt stating that an application was submitted for the issuance or renewal of the residence registration certificate or his valid identity card or a valid passport, if there are no reasonable grounds to believe that his residence in the Republic of Slovenia would present a serious and actual threat to public order and safety or the international relations of the Republic of Slovenia, or if there are no grounds to believe that his residence in the country would be associated with terrorist or other violent acts, illegal intelligence activities, trafficking in drugs, or with the commission of any other criminal acts. While a decision is being reached on the application for a permanent residence permit, the EU citizen shall reside in the Republic of Slovenia on the basis of his residence registration certificate.

(2) The five years of continuous legal residence laid down in the first paragraph of this Article shall not be affected by the following absences from the Republic of Slovenia:

- absence not exceeding six months per calendar year;
- one absence of a maximum of twelve consecutive months for important reasons such as pregnancy, childbirth, serious illness, study or vocational training or a posting in another state;
- absence due to military service.

(3) A permanent residence permit may be issued prior to the expiry of the period laid down in the first paragraph of this Article to an EU citizen who meets the following criteria:

- an EU citizen who is of Slovenian origin;
- an EU citizen whose residence in the Republic of Slovenia is in the interests of the Republic of Slovenia, which is decided on by the body competent for issuing the permit based on the opinion of the competent ministry;
- an EU citizen who has stopped working as an employed or self-employed person in the Republic of Slovenia and is entitled to receive a retirement pension in accordance with the regulations of the Republic of Slovenia, provided that he has been employed in the Republic of Slovenia for the past twelve months and has legally resided in the Republic of Slovenia continuously for more than three years;
- an EU citizen who has been employed in the Republic of Slovenia for the past twelve months and has retired prior to the legal retirement age if he has legally resided in the Republic of Slovenia continuously for more than three years on the basis of his residence registration certificate; employment in another EU Member State in which the EU citizen was employed is also considered to form part of the twelve-month period of employment;

- an EU citizen who was employed or worked as a self-employed person in the Republic of Slovenia or another EU Member State to which he came to work on a daily or weekly basis and stopped working due to permanent inability to work if he has legally resided in the Republic of Slovenia continuously for more than two years; however, the period of residence shall not be a condition if the permanent inability to work results from an accident at work or occupational illness and he is entitled to disability pension in the Republic of Slovenia;
- an EU citizen who finds employment or other work as a self-employed person in another EU Member State after three years of continuous employment or other work as a self-employed person and continuous legal residence in the Republic of Slovenia and who returns to the Republic of Slovenia daily or at least once a week; the period of employment or self-employment in another EU Member State in which the EU citizen is employed or works is also considered to form part of a three-year period of continuous employment or other work;
- an EU citizen is a family member of an EU citizen referred to in the third, fourth, fifth or sixth indent of this paragraph;
- an EU citizen is a family member of a Slovenian citizen or a family member of an EU citizen or alien having permanent residence permit of the Republic of Slovenia, if he has resided legally in the Republic of Slovenia continuously for at least two years.

The period of unemployment of the EU citizen and the registration as a job seeker with the relevant employment office in the Republic of Slovenia or other EU Member State to which he came daily or weekly to work, and the period during which the employee was incapable of working due to illness or accident is also considered to form part of the period of employment referred to in the fourth, fifth and sixth indents of this paragraph.

(4) The EU citizen referred to in the third, fourth and fifth indents of the preceding paragraph whose spouse with whom he lives in the Republic of Slovenia had the citizenship of the Republic of Slovenia which terminated after the marriage, shall be issued with a permanent residence permit regardless of the length of his residence and employment in the Republic of Slovenia.

(5) The competent authority for accepting the application and issuing a permanent residence permit to an EU citizen shall be the administrative unit in the area where the EU citizen resides.

(6) A permanent residence permit shall be issued to an EU citizen for an unlimited period of time.

Article 127

(Family members of an EU citizen and family members of a Slovenian citizen)

(1) For the purposes of this Act, the family members of EU citizens and the family members of Slovenian citizens (hereinafter: family members) are defined as follows:

- the spouse or the registered partner;
- children under the age of 21;
- children of the spouse, registered partner or partner with whom the EU citizen or the Slovenian citizen has resided in a long-term partnership who are under the age of 21;
- children above 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 above the age of 21 and ancestors of the spouse, registered partner or partner with whom the EU citizen or the Slovenian citizen has resided in a long-term partnership, whom the spouse, registered partner or partner with whom the EU citizen or the Slovenian citizen has resided 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 resided with the EU citizen 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 state of which he is a citizen, as well the person for whom the EU citizen or the Slovenian citizen personally takes care of due to their medical condition, and the partner with whom the EU citizen or the Slovenian citizen has resided in a long-term partnership, shall also be 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 purposes 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 1984, unless he is a citizen of a state for which the Republic of Slovenia has cancelled visas, or with a valid travel document and residence permit issued by another EU Member State, unless stipulated otherwise by an international agreement.

(4) A family member shall be refused entry for the following reasons:

- if he does not possess an appropriate document or permit referred to in the second or third paragraph of this Article;
- if the period of time for which an entry ban was imposed on him has not yet expired;
- if his residence in the Republic of Slovenia would represent a serious and actual 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 terrorist or other violent acts, illegal intelligence activities, drug trafficking or with the commission of any other criminal acts;
- if he shows serious symptoms of an infectious disease with the possibility of epidemic, laid down in the international health rules of the World Health Organization or serious symptoms of another infectious disease which could endanger the health of people and for which the set out measures must be taken in accordance with the Act regulating infectious diseases.

(5) The border control authority shall decide on a refusal of entry in accordance with the instructions regarding the reasons referred to in the preceding paragraph issued by the minister responsible for the interior.

(6) A family member may lodge an appeal against the refusal of entry within eight days. The decision on the appeal shall be taken by the ministry responsible for the interior. An appeal shall not stay the execution of the decision.

(7) A family member entering the Republic of Slovenia on the basis of a valid identity card, passport or passport and a residence permit issued by another EU Member State or passport

and entry visa, may reside in the territory of the Republic of Slovenia without a residence permit for three months from the day of entering the country.

(8) If a family member who is not an EU citizen wishes to reside in the territory of the Republic of Slovenia for a period longer than that stipulated in the preceding paragraph of this Article for the purposes of reunification or the preservation of the family with an EU citizen or a Slovenian citizen, he or his legal representative or the EU citizen or the Slovenian citizen must, prior to the expiry of the period of permitted residence, submit an application for a temporary residence permit for an EU citizen's family member with the administrative unit in the area of the family member's residence.

(9) The administrative unit shall issue a receipt to the family member stating that an application was submitted in good time for the issuing of a temporary residence permit, which shall be regarded as a temporary residence permit until the final decision on the application is reached. This receipt shall not grant the family member the right to cross the 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 in the following circumstances:

- 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 them the personal circumstances of the family member and of the EU citizen or the Slovenian citizen shall be regarded and whereby they must not be lower than the threshold under which financial social assistance is granted according to the Act regulating social security;
- if he has appropriate medical insurance;
- if he entered the Republic of Slovenia in accordance with the provisions of this Act;
- it is not established that the marriage or partnership cohabitation was concluded exclusively for the purpose of obtaining a residence permit;
- if there are no reasons to refuse the permit specified in the second, third, fourth or fifth indent of the first paragraph of Article 124 of this Act.

(2) In order to meet the requirement of sufficient means of subsistence the family member may provide proof of the assets earned by himself, his employment or insurance rights, income related to property, income from capital and from other sources or proof of the support of people who are obliged to maintain him, or present a contract on the basis of which a natural or legal person is paying the family member a certain amount of finance, or provide any other evidence. The family member may fully prove the possession of sufficient means of subsistence with a contract based on which a natural or legal person pays out to the family member sufficient resources for subsistence. Such contract must be concluded in the Republic of Slovenia and take the form of a directly enforceable notarial deed.

(3) A temporary residence permit shall be issued to a family member for a period of time equal to 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 to a family member of a Slovenian citizen for a validity of five years. Unmarried children under the age of 21 and

ancestors of the EU citizen or Slovenian citizen under the age of 21 may not be issued with a temporary residence permit for a family member for a longer period after the child reaches 21 years of age. The administrative unit of the area where the family member resides shall be competent to issue a temporary residence permit for a family member.

(4) A temporary residence permit issued to the family member shall be served on the family member in person or on his legal representative.

(5) A temporary residence permit of the family member may be extended under the same conditions as those applicable to the issuing of the permit. In order to renew the permit, an application for renewal must be filed with the administrative unit in the area of which the family member resides.

(6) The administrative unit shall issue a receipt to the family member stating that a timely application was submitted for extending a temporary residence permit, which shall be regarded as a temporary residence permit until the final decision on the application is taken. This receipt shall not allow the family member to cross the border.

Article 129

(Retention of a temporary residence permit for a family member)

(1) The death of an EU citizen or Slovenian citizen shall not result in the loss of the temporary residence permit of his family member who has been residing with the EU citizen or the Slovenian citizen in the Republic of Slovenia for at least one year if the family member has sufficient resources and appropriate medical insurance arranged or if he is employed or self-employed in the Republic of Slovenia.

(2) The death or departure of an EU citizen from the Republic of Slovenia shall not result in the loss of a temporary residence permit issued to a child of the EU citizen or to the parent with custody of the child if the child attends school in the Republic of Slovenia.

(3) In the following cases the divorce or annulment of a marriage and the annulment of a registered partnership shall not result in the loss of the temporary residence permit issued to the spouse or registered partner of an EU citizen or Slovenian citizen who has sufficient means of subsistence and appropriate medical insurance arranged:

- if the marriage or registered partnership has lasted for at least three years, of which one year was spent in the Republic of Slovenia;
- in order to exercise the parental right or guardianship regarding the children in the custody of the EU citizen or Slovenian citizen or in order to carry out the permitted contact with the EU citizen's or Slovenian citizen's minor children;
- in order to exercise the parental right regarding the children who reside in the Republic of Slovenia and who have been given in the custody of the other parent;
- if the spouse was a victim of domestic violence during the marriage or registered partnership or if this is justified due to other aggravating circumstances.

(4) In the cases referred to in the first, second and third paragraphs of this Article, a temporary residence permit of a family member who has a valid identity card or a valid passport, sufficient means of subsistence ensured and appropriate medical insurance arranged and if no reasons to refuse the permit specified in the second, fourth or fifth indent of the first paragraph of Article 124 of this Act exist, may be extended for the period of five years or for the period of intended residence in the Republic of Slovenia if the latter is shorter than five years.

Article 130

(A permanent residence permit for a family member who is a third-country national

(1) A permanent residence permit may be issued to a family member who is not an EU citizen if he has resided in the Republic of Slovenia continuously for five years on the basis of a temporary residence permit, a receipt stating that an application was submitted for the issuance or extension of a temporary residence permit or his valid identity card or a valid passport, if there are no reasonable grounds to believe that his residence in the Republic of Slovenia would present a serious and actual threat to public order and safety or the international relations of the Republic of Slovenia, or if there are no grounds to believe that his residence in the country will be associated with terrorist or other violent acts, illegal intelligence activities, trafficking in drugs, or with the commission of any other criminal acts. While a decision is being reached on the application for a permanent residence permit the family member shall reside in the Republic of Slovenia based on the temporary residence permit.

(2) The five years of continuous residence laid down in the preceding paragraph shall not be affected by the following absences of the family member during this period from the Republic of Slovenia:

- absence not exceeding six months per calendar year;
- one absence for a maximum of twelve consecutive months for important reasons such as pregnancy, childbirth, serious illness, study or vocational training or a posting to another country;
- absence due to military service.

(3) A permanent residence permit may be issued prior to the expiry of the period laid down in the first paragraph of this Article to a family member of the EU citizen referred to in the third, fourth, fifth and sixth indents of the third paragraph of Article 126 of this Act.

(4) A permanent residence permit may be issued to a family member of an EU citizen who holds a permanent residence permit of the Republic of Slovenia, and to a family member of a Slovenian citizen after he has legally resided in the Republic of Slovenia continuously for two years.

(5) A permanent residence permit may be issued to the family member referred to in Article 129 of this Act if he has resided legally in the Republic of Slovenia continuously for five years, if he has a valid identity card or a valid passport, sufficient means of subsistence and appropriate medical insurance and if there are no reasons to refuse the permit specified in the second, fourth or fifth indent of the first paragraph of Article 124 of this Act.

(6) If the EU citizen dies during his legal residence in the Republic of Slovenia and was employed or self-employed in the Republic of Slovenia but had not yet obtained a permanent residence permit, his family members may be issued with a permanent residence permit prior to the expiry of the period specified in the first paragraph of this Article on the following conditions:

- the EU citizen had resided as an employed or self-employed person in the Republic of Slovenia continuously for two years before his death;
- the death of the EU citizen was caused by an accident at work or occupational illness regardless of the duration of his residence in the Republic of Slovenia.

(7) The EU citizen's spouse or registered partner whose citizenship of the Republic of Slovenia terminated after his marriage to the EU citizen and who had lived with the EU citizen in the Republic of Slovenia may be, in case of the death of the EU citizen, issued with a permanent residence permit prior to the expiry of the period specified in the first paragraph of this Article if the EU citizen had resided legally in the Republic of Slovenia and had been employed or self-employed in the Republic of Slovenia, regardless of the period of his residence in the Republic of Slovenia.

(8) An application for a permanent residence permit for a family member may be submitted by the EU citizen or the Slovenian citizen or by his family member or his legal representative.

(9) The competent authority to accept the application and to issue a permanent residence permit to a family member shall be the administrative unit in the area in which the family member resides.

(10) A permanent residence permit shall be issued to a family member for an unlimited period of time.

Article 131

(Appeal)

(1) An appeal shall be permitted against the decree having terminated the procedure and against the decision of the administrative unit issued in the context of the procedure of issuing a residence registration certificate or a residence permit to an EU citizen or his family member.

(2) The decision on the appeal shall be taken by the Ministry responsible for the interior.

Article 132

(Annulment of a temporary residence permit for a family member)

(1) A temporary residence permit for a family member may be annulled if it is determined subsequently that the family member does not fulfil the conditions for acquiring a permit or if there are other reasons for refusing a permit.

(2) When deciding on annulment of the temporary residence permit of a family member due to serious and actual threat to public order and safety or the international relations of the Republic of Slovenia, or if there are grounds to believe that his residence in the country will be associated with terrorist or other violent acts, illegal intelligence activities, trafficking in drugs, or with the commission of any other criminal act, the competent authority shall consider the nature and stability of his family relationship, the length of the residence of the family member in the Republic of Slovenia, his inclusion in cultural and social life of the Republic of Slovenia and existence of family, cultural and social ties with the country of origin.

(3) The temporary residence permit shall be annulled by the administrative unit which issued it or by the administrative unit in the area where the family member resides.

(4) An appeal against the decision to annul the permit may be lodged with the Ministry responsible for the interior. The appeal shall stay the enforcement.

Article 133

(Termination of a temporary residence permit for a family member)

A temporary residence permit for a family member shall be terminated in the following circumstances:

- if its validity expires or it is annulled;
- if the family member's residence is terminated;
- if a final secondary sanction of expulsion of the alien from the country has been passed on the family member;
- if the family member relinquishes the permit as of the date of the submitted statement on relinquishment;
- if the family member acquires a permanent residence permit or the citizenship of the Republic of Slovenia.
- if the family member is absent in the Republic of Slovenia for more than six months a year during the validity of his permit;
- if the family member is absent once for more than twelve consecutive months during the validity of his permit, unless the absence was due to important reasons such as pregnancy, childbirth, serious illness, study or vocational training, a posting in another state or military service;
- if the family member acquires a new temporary residence permit prior to the expiry of the permit;
- if the family member dies.

Article 134

(Termination of a residence registration of an EU citizen)

(1) The residence registration of an EU citizen who has a residence registration certificate of the Republic of Slovenia shall be terminated in the following circumstances:

- if it is determined that the EU citizen does not fulfil the conditions for acquiring a residence registration certificate for the same or different reason due to which the certificate has been issued or if there are other reasons to refuse a certificate;
- if he relinquishes the right to residence as of the date of the submitted statement on relinquishment.

(2) When deciding on termination of the registration of residence due to serious and actual threat to public order and safety or the international relations of the Republic of Slovenia, or if there are reasons to believe that his residence in the country will be associated with terrorist or other violent acts, illegal intelligence activities, trafficking in drugs, or with the commission of any other criminal act, the competent authority shall consider the length of the residence of the EU citizen in the Republic of Slovenia, his inclusion in the cultural and social life of the Republic of Slovenia and the existence of family, cultural and social ties with the country of origin.

(3) The decision on the termination of the residence registration shall be taken by the administrative unit which issued the residence registration certificate or by the administrative unit in the area where the EU citizen resides.

(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 stay the enforcement.

(5) The residence registration of an EU citizen shall also be terminated in the following circumstances:

- if his residence is terminated;

- if a final secondary sanction of expulsion of the alien from the country has been passed on the EU citizen;
- if he acquires a permanent residence permit or the citizenship of the Republic of Slovenia;
- if he dies.

Article 135

(Termination of a permanent residence permit)

A permanent residence permit of an EU citizen or family member shall be terminated in the following circumstances:

- if he moves abroad or remains out of the territory of the Republic of Slovenia continuously for more than two years;
- if a final secondary sanction of expulsion of the alien from the country has been passed on him;
- if his residence is terminated;
- if he acquires the citizenship of the Republic of Slovenia;
- if the family member relinquishes the permit as of the date on which the statement on relinquishment is submitted;
- he dies;
- he intentionally provided incorrect data on his identity or other incorrect data or has intentionally concealed circumstances which are important for issuance of the permit or if it is established that his marriage or partnership was concluded exclusively for the purpose of obtaining a residence permit.

Article 136

(Termination of residence)

- (1) The residence of the EU citizen or family member who resides legally in the Republic of Slovenia may be terminated if there are reasonable grounds to believe that he could compromise public order or national safety.
- (2) The residence of the EU citizen or family member who resides in the Republic of Slovenia based on a permanent residence permit may be terminated only if there are reasonable grounds to believe that he could seriously compromise public order or safety.
- (3) The residence of the EU citizen who has resided legally in the Republic of Slovenia for the last ten years, may be terminated only if there are reasonable grounds for the suspicion of extremely serious threat to public safety.
- (4) As regards the issuing of a decision on termination of residence and the related procedure, the provisions of this Act concerning the termination of residence of an alien shall apply *mutatis mutandis*.
- (5) The EU citizen and family member whose residence has been terminated and who has been prohibited to enter the Republic of Slovenia may submit an application with the administrative unit which terminated his residence for reducing the period for which he is prohibited to enter the Republic of Slovenia. The application must be accompanied by evidence showing a significant change in the circumstances on the basis of which the

residence termination decision was issued. An appeal against the decision taken by the administrative unit on the reduction of the period may be lodged with the ministry responsible for the interior. The EU citizen or family member may not enter the Republic of Slovenia until a positive decision is taken on his application for reducing the period.

Article 137

(Manner of issuing, content and form of a residence registration certificate and residence permit, marking 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 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;
- the full name, citizenship, sex and date of birth of the person to whom the certificate or permit is issued.

(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 a temporary and permanent residence permits for his family member, the amount of which equals the fee charged for issuing a personal identity card to a citizen of the Republic of Slovenia with the validity of ten years pursuant to the Act regulating the payment of administrative fees.

(5) The manufacturer 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 having used it.

Article 138

(Deportation)

(1) An EU citizen and family member who does not depart from the Republic of Slovenia voluntarily shall be deported in the following circumstances:

- if a final secondary sanction of expulsion of alien from the country has been passed on the EU citizen or family member;
- if the alien's residence is terminated;
- if a residence registration certificate or residence permit was refused, his registration certificate expired or his residence permit was annulled due to a serious and actual threat to public order and safety or the international relations of the Republic of Slovenia or due to the suspicion that his residence in the country will be associated with terrorist or other violent acts, illegal intelligence activities, trafficking in drugs, or with the commission of any other criminal offences;

– if the issuing of the first residence registration certificate or the first temporary residence permit was rejected since it might endanger public health referred to in the third indent of Article 124 of this Act.

(2) Unless exceptional circumstances apply, the deadline for departure from the country may not be shorter than one month.

(3) For the deportation procedure The provisions of the third paragraph of Article 69 of this Act shall apply *mutatis mutandis*.

(4) In the event the EU citizen or family member is not deported from the Republic of Slovenia within two years after the final decision on cancellation, annulment or refusal of a residence registration certificate or residence permit, the administrative unit having issued the decision shall verify whether the EU citizen or family member still presents a serious and actual threat to public order, safety or the international relations of the Republic of Slovenia, or if there exists a suspicion that his residence in the country will be associated with terrorist or other violent acts, illegal intelligence activities, trafficking in drugs, or with the commission of any other criminal offences. In the event the serious and actual threat referred to in the previous sentence exists, the deportation procedure of the EU citizen or family member from the country shall continue, otherwise the administrative unit shall issue a decision annulling the decision on cancellation, annulment or refusal of a residence registration certificate or residence permit.

Article 139

(Records)

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

Article 140

(Registration of residence)

(1) An EU citizen issued with a residence registration certificate and a family member issued with a temporary residence permit must register temporary residence in the Republic of Slovenia, pursuant to the Act regulating registration of residence.

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

Article 141

(Proving of identity)

As regards proving the identity of an EU citizen and a family member and proving the right to enter and reside in the Republic of Slovenia, the provisions of Article 97 of this Act shall apply *mutatis mutandis*.

CHAPTER XIV

PENALTY PROVISIONS

Article 142

(1) Any legal entity or sole trader who brings an alien to the state border or in the territory of the Republic of Slovenia by land, air or water without an appropriate document or entry permit if such permit is required from the alien as a citizen of a specific country (first paragraph of Article 16 of this Act) shall be liable to a fine of between EUR 3 500 and EUR 6 200 for each alien brought in this manner.

(2) The responsible person of a legal entity who commits a violation referred to in the preceding paragraph shall also be liable to a fine of between EUR 200 and EUR 1 000 for each alien brought in that manner.

(3) Any legal entity or sole trader who does not provide for the alien's accommodation and does not bear the cost of the alien's residence or return to the country of origin, which he assured with an affidavit of support, or who does not bear the cost of the alien's stay at the Aliens Centre or the Asylum Centre or the cost of the alien's deportation from the country (second paragraph of Article 24 of this Act) shall be liable to a fine of between EUR 3 000 and EUR 10 000 for each alien.

(4) Any natural person who commits a violation referred to in the preceding paragraph shall be liable to pay a fine of between EUR 1 000 and EUR 4 000.

Article 143

An alien shall be liable to a fine of between EUR 500 and EUR 1 200 for the following offences:

1. not possessing a valid travel document (Article 7 of this Act);
2. not possessing a permit to enter the Republic of Slovenia (Article 8 of this Act);
3. not departing from the country or from the territory of the states parties to the Convention implementing the Schengen Agreement of 14 June 1985 once his residence permit has expired (Article 14 of this Act);
4. not giving his fingerprints within one month of an improvement to his medical condition or not returning his permit issued as a stand-alone document to the competent authority within the prescribed period following its expiry (third and fourth paragraphs of Article 58 of this Act);
5. failing to report the misplacement of his residence permit (first and second paragraphs of Article 59 of this Act);
6. using his personal name in violation of the law (Article 96 of this Act);
7. failing to report the loss, theft or other misappropriation of his travel or other document (fifth and sixth paragraphs of Article 97 of this Act);
8. lending his travel or other document to another person or using another person's documents as his own (fourth paragraph of Article 97 of this Act);
9. failing to report the misplacement of his alien's passport (first and second paragraphs of Article 101 of this Act).

Article 144

A fine of EUR 400 shall be imposed on an alien for the following offences:

1. attempting to depart from the country in violation of Article 13 of this Act;

2. failing to depart from the country immediately after his visa has been annulled (third paragraph of Article 28 of this Act);
3. failing to produce, at the request of a police officer, a document which proves that the alien is legally entitled to enter and stay in the country (third paragraph of Article 97 of this Act);
4. failing to prove his identity at the request of a police officer (second paragraph of Article 97 of this Act);
5. failing to replace his permanent residence permit issued as a stand-alone document with a new one prior to its expiry (first paragraph of Article 58 of this Act).

Article 145

(1) If an alien enters the Republic of Slovenia illegally, he shall be liable to a fine of between EUR 500 and EUR 1 200 (Article 12 of this Act).

(2) An alien shall be liable to a fine of between EUR 800 and EUR 1 200 in the following circumstances:

- if he resides in the Republic of Slovenia in contravention of the purpose for which his residence permit was issued (fifth paragraph of Article 35 of this Act);
- if he resides in the Republic of Slovenia illegally (Article 60 of this Act).

Article 146

(1) A person who allows or assists an alien to enter, transit or reside in the territory of the Republic of Slovenia in violation of the first and second paragraphs of Article 15 of this Act, shall be liable to a fine of between EUR 2 000 and EUR 4 500.

(2) A person who allows or assists another person with a view to assisting an alien to enter, transit or reside in the territory of the Republic of Slovenia, in violation of the first and second paragraphs of Article 15 of this Act, shall be liable to a fine of between EUR 2 000 and EUR 4 500.

(3) A legal entity that commits an offence specified in the first or second paragraph of this Article shall be liable to a fine of between EUR 3 000 and EUR 15 000.

(4) The responsible person of the legal entity that commits an offence specified in the first and the second paragraphs of this Article, shall be liable to a fine of between EUR 1 000 and EUR 4 000.

Article 147

(1) An EU citizen, his family member or a family member of a Slovenian citizen shall be liable to a fine of between EUR 500 and EUR 1 200 in the following circumstances:

- if he enters the Republic of Slovenia without a required entry document;
- if he enters the Republic of Slovenia despite having been refused entry;
- if he enters the Republic of Slovenia despite the period of time for which an entry ban was imposed on him having not yet expired;
- if he remains in the Republic of Slovenia after the expiry of his legal stay.

(2) An EU citizen, his family member or a family member of a Slovenian citizen shall be liable to a fine of between EUR 100 and EUR 400 if he does not report the loss, theft or other misappropriation of his travel or other documents (fifth paragraph of Article 97 of this Act).

(3) An EU citizen, his family member or a family member of a Slovenian citizen shall be liable to a fine of between EUR 200 and EUR 830 in the following circumstances:

- if he fails to prove his identity at the request of a police officer (second paragraph of Article 97 of this Act);

- if he, at the request of a police officer, fails to produce a certificate or permit demonstrating that he has entered and is residing in the Republic of Slovenia legally (third paragraph of Article 97 of this Act);

- if he lends his passport or other document to another person or uses the documents of another person as his own (fourth paragraph of Article 97 of this Act).

CHAPTER XV

TRANSITIONAL AND FINAL PROVISIONS

Article 148

(1) On the day this Act enters into force, the Aliens Act (ZTuj-1; Ur. l. RS, nos 61/99, 87/02, 96/02 – amended, 108/02 – UPB1, 93/05, 112/05 – UPB2, 79/06, 107/06 – UPB3, 44/08, 71/08 – UPB5, 41/09, 64/09– UPB6 (hereinafter: ZTuj-1) shall cease to be in force. It shall continue to apply to the procedures referred to in the second, third, fourth and sixth paragraphs of this Article.

(2) Procedures initiated prior to the entry into force of this Act in which decisions are taken prior to the application of this Act, shall be completed in accordance with the provisions of the ZTuj-1.

(3) Procedures initiated prior to the entry into force of this Act in which decisions are not taken prior to the application of this Act, shall, despite the expiry of the decision deadline, be continued and completed under the provisions of the ZTuj-1, unless this Act is more favourable to the client.

(4) Procedures initiated after the entry into force of this Act in which decisions are taken prior to the application of this Act, shall be completed in accordance with the provisions of the ZTuj-1.

(5) Procedures initiated after the entry into force of this Act in which decisions are not taken prior to the application of this Act and the decision deadline has not yet expired shall be completed under the provisions of this Act.

(6) Procedures initiated after the entry into force of this Act in which decisions are not taken prior to the application of this Act, shall, despite the expiry of the decision deadline, be continued and completed under the provisions of the ZTuj-1, unless this Act is more favourable to the client.

Article 149

(1) The visas, residence permits, residence registration certificates, alien's identity cards, alien's passports and personal cards evidencing permission to stay and which were issued under the provisions of the ZTuj-1 shall continue to be in force until they expire.

(2) Regardless of the preceding paragraph, a permanent residence permit issued pursuant to the ZTuj-1 may continue to be used until 18 May 2013; following that day, the holder must replace it with a stand-alone document issued in accordance with this Act.

Article 150

On the day this Act enters into force, the Rules on the implementation of the Aliens Act (Ur. I. RS nos 19/91 and 52/94) issued on the basis of the Aliens Act (Ur. I. RS 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:

- the Rules on the manner of issuing residence permits and capturing fingerprints (Ur. I. RS no 35/11);
- the Rules on the special requirements for the stay and movement of aliens at the Aliens Centre and the conditions and procedure for applying more lenient measures (Ur. I. RS nos 97/00, 92/03 and 49/07);
- the Instructions on the content and format of visas (Ur. I. RS no 43/04);
- the Instructions on the provision of assistance for transits for the purpose of the deportation of aliens by air (Ur. I. RS no 25/06);
- the Instructions on refusing entry to the Republic of Slovenia to EU citizens (Ur. I. RS nos 74/06 and 75/06, amended);
- the Rules on the alien's passport form (Ur. I. RS nos 90/06, 48/09);
- the Rules on the refusal of entry into the Republic of Slovenia to third-country nationals, on issuing visas at border crossing points and on visa annulment marking methods (Ur. I. RS no 29/07);
- the Rules concerning the content, form, manner of issue and expiry of residence registration certificates and residence permits for EU citizen, their family members and the family members of Slovenian citizens (Ur. I. RS no 70/07);
- the Regulation on the integration of aliens (Ur. I. RS nos 65/08 and 86/10);
- the Rules on the issuing, content and form of residence permits for Swiss Confederation citizens and their family members (Ur. I. RS no 60/09).

(3) If not in contravention of this Act, the implementing regulations specified in the preceding paragraph shall apply until relevant regulations are adopted pursuant to this Act.

Article 151

(1) Within six months of the entry into force of this Act, the minister responsible for the interior shall adopt 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 adopt 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 adopt, 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 adopt 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 adopt 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 adopt, 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 adopt, 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 become applicable three months after its entry into force, with the exception of the provisions of the fourth paragraph of Article 34, which shall enter into force and apply on the day of publication.

(2) The provision of Article 50 of this Act regulating the permission to stay and the issuance of a temporary residence permit to a victim of illegal employment shall begin to apply on the day of the entry into force in the Republic of Slovenia of the regulations concerning criminal offences and the criminal liability of legal entities, harmonised with 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 the employers of illegally staying third-country nationals (OJ L 168, 30.6.2009, p. 24).

No 213-04/11-4/26

Ljubljana, 15 June 2011

EPA 1644-V

National Assembly
of the Republic of Slovenia
Pavel Gantar, PhD
Chairman