

REPUBLIC OF SLOVENIA
NATIONAL ASSEMBLY

Number: 213-04/09-16/ EPA 735-V
Date: 8 March 2010

THE NATIONAL ASSEMBLY, AT A SESSION HELD ON 8 MARCH 2010, ADOPTED
THE ACT AMENDING THE ACT REGULATING THE LEGAL STATUS OF CITIZENS
OF FORMER YUGOSLAVIA LIVING IN THE REPUBLIC OF SLOVENIA (ZUSDDD-B)
IN THE FOLLOWING TEXT:

ACT

**AMENDING THE ACT REGULATING THE LEGAL STATUS OF CITIZENS OF
FORMER YUGOSLAVIA LIVING IN THE REPUBLIC OF SLOVENIA (ZUSDDD-B)**

Article 1

Article 1 of the Act Regulating the Legal Status of Citizens of Former Yugoslavia Living in the Republic of Slovenia (Official Gazette of the Republic of Slovenia – Official Gazette of the RS, nos. 61/99 and 54/00 - Constitutional Court Decision, 64/01 and 36/03 - Constitutional Court Decision) shall be amended to read as follows:

“Article 1

An alien who was a citizen of another republic of the former Socialist Federative Republic of Yugoslavia on 25 June 1991 (hereinafter: an alien) and had a registered permanent residence in the Republic of Slovenia on 23 December 1990 and has actually lived in the Republic of Slovenia since that day and an alien who lived in the Republic of Slovenia on 25 June 1991 and has actually uninterruptedly resided in it since that day, shall be issued a permanent residence permit upon request if the conditions laid down in this Act are met, irrespective of the provisions of the Aliens Act (Official Gazette of the RS, no. 64/09 – official consolidated text).

If, in compliance with this Act, a permanent residence permit is issued to an alien whose registration of permanent residence had expired in the Republic of Slovenia in the Permanent Population Register on 26 February 1992 or on the day when the provisions of the Aliens Act (Official Gazette of the RS, no. 1/91-I, 44/97, 50/98 – Constitutional Court decision, and 14/99 – Constitutional Court decision) entered into force (hereinafter: removal from the Permanent Population Register), it shall be deemed

that the alien held a permanent residence permit in the Republic of Slovenia and registered permanent residence at the address at which he/she was also registered during the time from removal from the Permanent Population Register to the acquisition of the permanent residence permit, about which an alien shall be issued a specific decision *ex officio* concurrently with the permanent residence permit.

If, according to the Aliens Act (Official Gazette of the RS, no. 64/09 – official consolidated text), a permanent residence permit is issued to an alien who was removed from the Permanent Population Register on 26 February 1992 or on the day when the provisions of the Aliens Act entered into force (Official Gazette of the RS, no. 1/91-I, 44/97, 50/98 – Constitutional Court decision, and 14/99 – Constitutional Court decision), it shall be deemed that he/she had a permanent residence permit in the Republic of Slovenia and registered permanent residence at the address at which he/she was registered when removed from the Permanent Population Register, also during the time from removal from the Permanent Population Register to acquisition of the permanent residence permit, about which an alien shall be issued with a specific decision upon request.”.

Article 2

After Article 1, new Articles 1a, 1b, 1c, 1č and 1d shall be inserted, reading:

”Article 1a

A person who was born after 25 June 1991 in the Republic of Slovenia and at least one of his/her parents had been removed from the Permanent Population Register and after his/her birth he/she obtained a permanent residence permit or acquired citizenship of the Republic of Slovenia (hereinafter: a child), a permanent residence permit shall be issued upon request provided that he/she has actually lived in the Republic of Slovenia since his/her birth.

If, according to this Act, a permanent residence permit is issued to a child, it shall be deemed that he/she had a permanent residence permit and registered permanent residence in the Republic of Slovenia at the same address as the parent who had been removed from the Permanent Population Register during the time from birth to the acquisition of a permanent residence permit, for which the child shall be issued a specific decision *ex officio* concurrently with the permanent residence permit.

A child who has already been granted a permanent residence permit or has acquired citizenship of the Republic of Slovenia shall be deemed to have had a permanent residence permit and registered permanent residence in the Republic of Slovenia at the same address as the parent who had been removed from the Permanent Population Register during the time from birth to the acquisition of a permanent residence permit or the acquisition of citizenship of the Republic of Slovenia, about which a specific decision shall be issued upon request.

Article 1b

A citizen of the Republic of Slovenia who was removed from the Permanent Population Register and has subsequently acquired citizenship of the Republic of Slovenia without being issued a permanent residence permit, shall be deemed to have had a permanent residence permit and registered permanent residence in the Republic of Slovenia at the address at which he/she was registered when he/she was removed from the Permanent Population Register from the time of removal from the Permanent Population Register to acquisition of citizenship of the Republic of Slovenia, about which a specific decision shall be issued upon request.

Article 1c

A person for whom the ministry responsible for internal affairs, pursuant to point 8 of the Constitutional Court of the Republic of Slovenia decision no. U-I-246/02 of 3 April 2003 (Official Gazette of the RS, no. 36/03), in 2004 issued a supplementary decision on establishing permanent residence shall be deemed to have held a permanent residence permit and registered permanent address in the Republic of Slovenia at the address at which the person was registered when removed from the Permanent Population Register also at that time at which it was established in the decision that the person had a permanent residence in the Republic of Slovenia.

Article 1č

Actual life in the Republic of Slovenia according to this Act shall mean that an individual person in the Republic of Slovenia has the centre of his/her life interests, this being determined on the basis of his/her personal, family, economic, social and other relations demonstrating the existence of actual and permanent connections between an individual and the Republic of Slovenia. Justifiable absence from the Republic of Slovenia because of reasons referred to in the third paragraph of this Article shall not mean an interruption of actual life in the Republic of Slovenia.

The condition of actual life in the Republic of Slovenia shall be met if the person left the Republic of Slovenia and the continuous absence was not longer than one year, irrespective of the reason of absence.

The condition of actual life in the Republic of Slovenia shall also be met in the event that the absence was longer than one year but was justifiable for the following reasons:

- if a person left the Republic of Slovenia as a consequence of the removal from the Permanent Population Register;
- If a person left the Republic of Slovenia because he/she was assigned to work, study or to undergo medical treatment by a legal person from the Republic of Slovenia or in

the case of a minor person by his/her parents or guardians or if the person was an employee on a ship with a home port in the Republic of Slovenia, for the period of posting, study or treatment or for the period of employment on the ship;

- if a person left the Republic of Slovenia because he/she could not acquire a residence permit in the Republic of Slovenia owing to non-fulfillment of conditions and the application for issuing a permit was rejected, dismissed or the procedure was terminated;
- if the person could not return to the Republic of Slovenia because of conditions of war in other countries successors of the former Socialist Federative Republic of Yugoslavia, or for medical reasons;
- if the person was expelled from the Republic of Slovenia pursuant to Article 28 of the Aliens Act (Official Gazette of the RS, no. 11/91-I, 44/97, 50/98 – Constitutional Court Decision and 14/99 – Constitutional Court Decision) or Article 50 of the Aliens Act (Official Gazette of the RS, no. 64/09 – official consolidated text), unless the person was expelled because of the imposed sanction of expulsion of an alien from the country because of having committed a criminal offence;
- if entry into the Republic of Slovenia was refused to a person except in the event that entry was refused because of the imposed secondary sanction of expulsion of an alien from the country because of having committed a criminal offence or for reasons referred to in Article 10 indents 1, 2, 5, or 7 of the Aliens Act (Official Gazette of the RS, no. 1/91-I, 44/97, 50/98 – Constitutional Court Decision and 14/99 – Constitutional Court Decision), for reasons referred to in Article 9 § 1 indents 1, 2 or 6 of the Aliens Act (Official Gazette of the RS, no. 61/99, 87/02 and 93/05) or for reasons referred to in Article 5 (1) (d or e) of Regulation (EC) no. 562/2006 of the European Parliament and Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (OJ L no. 105, 13 April 2006).

If the absence for reasons referred to in the preceding paragraph, except for the second indent, lasted more than five years, it shall be deemed that the condition of actual life is satisfied for the period of five years and in a further period of five years only if the conduct of a person demonstrates that, during the period of absence, the person tried to return to the Republic of Slovenia and continue his/her actual life in the Republic of Slovenia.

According to this Act, a permanent residence permit or a specific decision on a retroactive permanent residence permit and registered permanent residence or a supplementary decision issued pursuant to point 8 of Constitutional Court Decision of the Republic of Slovenia, no. U-I-246/02-28 of 3 April 2003 (Official Gazette of the RS, no. 36/03) shall not mean that the condition of actual life in the Republic of Slovenia in proceedings initiated under the Citizenship of the Republic of Slovenia Act is met.

Article 1d

An alien whose permanent residence permit has been issued according to this Act and who, at the time of issue of this permit, because of justifiable absence referred

to in Article 1č § 3 of this Act is not actually living in the Republic of Slovenia or a child who, at the time of issue of a permanent residence permit, is not living in the Republic of Slovenia, must move to the Republic of Slovenia within one year from the service of the permit and continue his/her actual life in the Republic of Slovenia. Failing this, the authority that issued the permit shall cancel the permanent residence permit.

This time-limit may be extended upon request of the alien or of the child for medical, family or other justifiable reasons, for the duration of the reason, but not longer than one year. The request for an extension of the time-limit must be filed with the authority that issued the permanent residence permit prior to the expiry of the time-limit referred to in the preceding paragraph.”.

Article 3

In Article 2, the first and second paragraphs shall be deleted.

The current third paragraph, which shall be renumbered as the first, shall be amended to read as follows:

“The administrative unit in the area of which an alien, child or citizen of the Republic of Slovenia lives shall be responsible for the issue of a permanent residence permit according to this Act, the issue of a decision referred to in Article 1 §§ 2 and 3, a decision referred to in Article 1a §§ 2 and 3 and a decision referred to in Article 1b of this Act. If an alien or child does not live in the Republic of Slovenia, the administrative unit in the area of which an alien or child intends to live after moving to the Republic of Slovenia shall be responsible for the issue of the permanent residence permit according to this Act.”.

The current fourth paragraph shall be renumbered the second paragraph.

Article 4

In Article 3 § 1, the words “the ministry” shall be replaced by the words “the administrative unit”.

In the fourth indent, the full stop shall be replaced by a comma and the following words shall be inserted “or convicted of a criminal offence referred to in Chapters 14, 34 or 35 of the Criminal Code (Official Gazette of the RS, no. 55/08, 66/08 - amended 39/09, 55/09 – Constitutional Court Decision),”.

A new fifth indent shall be inserted, reading as follows:

“- convicted by a foreign or international court of the crime of genocide, crime against humanity or war crime, irrespective of where it had been committed.”.

In the second paragraph, the word “the ministry” shall be replaced by the words “the administrative unit”.

A new third paragraph shall be inserted to read as follows:

"if criminal proceedings referred to in the third, fourth or fifth indent of the first paragraph of this Article are initiated against an alien in the Republic of Slovenia, other country or before an international court, the procedure for issuing a permanent residence permit shall be stayed until the decision in the criminal proceedings becomes final."

Article 5

In Articles 4 and 5 the word "the ministry" shall be replaced by the words "the administrative unit".

Article 6

In Article 7 § 1, the word "the ministry" shall be replaced by the words "the administrative unit".

The second paragraph shall be amended to read as follows:

"The administrative unit shall submit the data from the records to the ministry responsible for internal affairs, which shall keep central records."

In the third paragraph, a new point 8 shall be inserted after point 7, which shall read as follows:

"8. citizenship as of 25 June 1991;"

The current points 8, 9, 10, 11, 12, 13, 14 and 15 shall be renumbered points 9, 10, 11, 12, 13, 14, 15 and 16.

Article 7

A new Article 7a shall be inserted after Article 7, to read as follows:

"Article 7a

In the procedure for issuing the decision referred to in Article 1 § 3, Article 1a § 3 and Article 1b § 3 of this Act initiated upon request of a party, no fee shall be paid for the application and decision."

TRANSITIONAL AND FINAL PROVISIONS

Article 8

An application for the issue of a permanent residence permit to an alien referred to in Article 1 § 1 of the Act shall be filed within three years of the entry into force of this Act. An alien whose application for acquisition of citizenship of the Republic of Slovenia in compliance with Article 40 of the Citizenship of the Republic of Slovenia Act (Official Gazette of the RS, no. 24/07 – official consolidated text) was rejected, dismissed or the procedure was terminated, may file an application for the issue of a permanent residence permit in compliance with in Article 1 § 1 of the Act within three years of the entry into force of this Act or of the finality of the decision or conclusion if the decision or conclusion becomes final following the entry into force of this Act.

An application for the issue of a decision to an alien referred to in Article 1 § 3 of the Act, may be filed within three years of entry into force of this Act.

An application for the issue of a permanent residence permit referred to in Article 1 § 1 of the Act and for the issue of a decision to a child as laid down in Article 1a § 3 of the Act, may be filed within three years of entry into force of this Act or until he/she is 21 years of age, if this time period is longer.

A person referred to in Article 1b of the Act may file an application for the issue of the decision within three years of the entry into force of this Act.

Article 9

Procedures initiated prior to the entry into force of this Act shall continue to be conducted and shall be completed in accordance with the provisions of this Act.

Irrespective of the provision of the preceding paragraph, the ministry responsible for internal affairs shall be responsible for conducting and making decisions in procedures already initiated but not yet completed by the time of publication of this Act in the Official Gazette of the Republic of Slovenia.

Article 10

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