**INFORMATION ABOUT**

**REGULATION OF RESIDENCE**

**OF CITIZENS OF THE UNITED KINGDOM AND THEIR FAMILY MEMBERS IN SLOVENIA AS OF 1 JANUARY 2021**

The National Assembly of the Republic of Slovenia passed on 30 March 2021 the Act Amending the Foreigners Act – ZTuj-2F (hereinafter referred to as: amended ZTuj-2F), which was published in the National Gazette of the Republic of Slovenia ([National Gazette of the RS, No. 57/21](https://www.uradni-list.si/glasilo-uradni-list-rs/vsebina/2021-01-1153/zakon-o-spremembah-in-dopolnitvah-zakona-o-tujcih-ztuj-2f)) on Monday, 12 April 2021. The amended ZTuj-2F enters into force on the fifteenth day following its publication in the Official Gazette of the RS (i.e. on 27 April 2021), and starts to be applied on the 30th day following its entry into force (i.e. on 26 May 2021).

Among other things, the amended Foreigners Act regulates in the new Chapter XIII.A the **implementation of the provisions of the** [Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community](https://eur-lex.europa.eu/legal-content/SL/TXT/?uri=uriserv:OJ.L_.2020.029.01.0007.01.SLV&toc=OJ:L:2020:029:TOC) (hereinafter referred to as: Agreement on the withdrawal) regarding the rights related to residence and documents for residence of citizens of the United Kingdom and their family members who had already been legally residing in the Republic of Slovenia prior to the end of the transitional period from the Agreement on the withdrawal (which ended on 31 December 2020) and who will continue to reside in the Republic of Slovenia after the end of the transitional period.

**In the interim period, i.e. from the end of the transitional period from the Agreement on the withdrawal to the entry into force and beginning of the use of the Foreigners Act,** the provisions of the Agreement on the withdrawal that regulate the rights related to residence and obtaining of new documents for residence are **applied directly** in the Republic of Slovenia for citizens of the United Kingdom and their family members for whom the Agreement on the withdrawal is applied. Information about the direct application of the Withdrawal agreement and the rights related to residence is available on the website [Changes for citizens and companies after the exit of the United Kingdom from the European Union – Brexit](https://www.gov.si/en/registries/projects/brexit/) and is relevant **until the beginning of the application of the amended Foreigners Act.** After the amended Foreigners Act begins to be applied, the information on the website will be updated with the regulation from the amended Foreigners Act, which in its essential elements is the same as the regulation that the Republic of Slovenia has already implemented since 1 January 2021 by directly applying the Agreement on the withdrawal.

Significant solutions in the amended Foreigners Act:

**1. RESIDENCE PERMITS**

**a) Deadline for submission of application for a new temporary residence permit**

A citizen of the United Kingdom and their family member who is not a citizen of the EU, who on the day of the end of the transitional period from the Agreement on the withdrawal, i.e. on 31 December 2020, resided in the Republic of Slovenia on the basis of a valid certificate of registration of residence for an EU citizen, residence permit for a family member of an EU citizen or temporary residence permit for a family member of an EU citizen, and who still reside in the Republic of Slovenia after the end of the transitional period, must submit at the administrative unit covering the area in which they reside an application for a temporary residence permit within one year following the end of the transitional period, i.e. not later than on 31 December 2021, or before the expiry of the validity of the certificate or permit, if it expires before 31 December 2021.

**b) Deadline for submission of application for an existing certificate or permanent residence permit to be replaced with a new permanent residence permit**

A citizen of the United Kingdom and their family member who is not a citizen of the EU, who on the day of the end of the transitional period, i.e. on 31 December 2020, resided in the Republic of Slovenia on the basis of a valid certificate of registration of permanent residence for an EU citizen, permanent residence permit for an EU citizen or permanent residence permit for a family member of an EU citizen, must submit at the administrative unit covering the area in which they reside an application for the certificate or permanent residence permit to be replaced with a new permanent residence permit within one year following the end of the transitional period, i.e. not later than on 31 December 2021, or before the expiry of the validity of the certificate or permanent residence permit, if it expires before 31 December 2021.

**c) Conditions for issuing a new residence permit**

The conditions for issuing a temporary residence permit and permanent residence permit are actually the same as those stipulated by the EU rules on the freedom of movement ([Directive 2004/38/EC 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](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:32004L0038)) and the valid [Foreigners Act](http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761) in Chapter XIII in relation to the residence rights of EU citizens and their family members, which means that a citizen of the United Kingdom and their family member must meaningfully fulfil the same conditions that they had to fulfil to be issued with the existing certificate or residence permit in the Republic of Slovenia that they currently hold. In addition to the above, they must also produce, as part of the procedure, a certificate from the criminal record of the country of origin, other documents proving that they fulfil the conditions, a physical or digital photograph in the prescribed size and showing their true image, and provide two fingerprints to be digitally captured, as the new residence permit is issued as an independent document, as an identity card with biometric data containing a facial image and two fingerprints.

**Temporary residence permit**

* **Employment or work**

A citizen of the United Kingdom who intends to obtain employment or work in the Republic of Slovenia, or is already employed or performs work in the Republic of Slovenia is issued a temporary residence permit if they fulfil the conditions referred to in the [first paragraph of Article 120 of the Foreigners Act](http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761).

* **Self-employment or provision of services (with the exception of posted workers who are not eligible for a residence permit in accordance with the Agreement on the withdrawal)**

A citizen of the United Kingdom who intends to perform work as a self-employed person or provide services in the Republic of Slovenia or who already performs work as a self-employed person or provides services in the Republic of Slovenia is issued a temporary residence permit if they fulfil the conditions referred to in [Article 121 of the Foreigners Act.](http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761)

* **Studying**

A citizen of the United Kingdom who wants to study, undergo vocational training or participate in other forms of education in the Republic of Slovenia or who already studies, undergoes vocational training or participates in other forms of education in the Republic of Slovenia is issued a temporary residence permit if they fulfil the conditions referred to in [Article 122 of the Foreigners Act](http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761).

* **Economically inactive person (for example, a retired person)**

A citizen of the United Kingdom who intends to reside or who already resides in the Republic of Slovenia for reasons other than employment or work, self-employment or studying, is issued a temporary residence permit if they fulfil the conditions referred to in the [fourth paragraph of Article 119 of the Foreigners Act](http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5761).

**Permanent residence permit**

A citizen of the United Kingdom and their family member may have their valid certificate of registration of permanent residence for an EU citizen, permanent residence permit for an EU citizen or permanent residence permit for a family member of an EU citizen replaced with a new permanent residence permit if they fulfil the conditions referred to in [point (h) of the first paragraph of Article 18 of the Agreement on the withdrawal](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=uriserv:OJ.L_.2020.029.01.0007.01.SLV&toc=OJ:L:2020:029:TOC) when:

* their identity is confirmed,
* their criminal record is checked, and a security check is carried out in accordance with point (p) of the first paragraph of Article 18 of the Agreement on the withdrawal, and
* their current permanent residence in the Republic of Slovenia is confirmed.
* **Family member of a citizen of the United Kingdom**

A family member of a citizen of the United Kingdom is issued a temporary residence permit if:

- they are a family member of a citizen of the United Kingdom who resides in the Republic of Slovenia on the basis of an issued certificate of registration of residence for an EU citizen or certificate of registration of permanent residence for an EU citizen or residence permit;

- if they possess a valid identity card or a valid passport;

- they have sufficient means of subsistence, whereas these means must not, on a monthly basis, be below the [threshold under which the right to financial social assistance is granted under the act regulating social security](https://www.gov.si/teme/denarna-socialna-pomoc/);

- they have health insurance that covers at least urgent healthcare services in the Republic of Slovenia.

**d) Certificate of submission of application**

The administrative unit issues to a citizen of the United Kingdom or their family member a certificate confirming that an application for a temporary residence permit, for replacement of a certificate or permanent residence permit or for a permanent residence permit has been submitted immediately after the application is submitted.

A certificate of submission of application confirms that:

* the application has been submitted,
* the applicant has fulfilled the obligation of submission of an application for a new residence status,
* after the expiry of validity of the existing certificate, it serves as a temporary or permanent permit for residence in the Republic of Slovenia for the applicant until the final decision on the application.

**e) Administrative fees**

An administrative fee of EUR 0.50 is paid for an application for a temporary residence permit. An administrative fee of EUR 4.50 is paid for the issuing of a temporary residence permit. The price of printing of a temporary residence card is EUR 12.

An administrative fee and cost of printing of a temporary residence card is not paid for the replacement of a certificate of registration of permanent residence for an EU citizen, permanent residence permit for an EU citizen or permanent residence permit for a family member of an EU citizen with a new permanent residence permit.

An administrative fee of EUR 0.50 is paid for an application for a permanent residence permit. An administrative fee of EUR 9.10 is paid for the issuing of a permanent residence permit. The price of printing of a permanent residence card is EUR 12.

**f) Expiry of validity of residence documents issued to citizens of the United Kingdom and their family members before 1 January 2021**

* **Expiry of validity of certificates and temporary residence permits**

A certificate of registration of residence for an EU citizen, residence permit for an EU citizen and temporary residence permit for a family member of an EU citizen issued to a citizen of the United Kingdom or their family member who is not an EU citizen before the end of the transitional period from the Agreement on the withdrawal remains valid for not more than one year after the end of the transitional period from the Agreement on the withdrawal, i.e. until 31 December 2021 or until the final decision of the competent authority in the procedure to issue a new temporary residence permit or until the expiry of validity, if the certificate or permit expires before 31 December 2021.

* **Expiry of validity of certificates and permanent residence permits**

A certificate of registration of permanent residence for an EU citizen, permanent residence permit for an EU citizen and permanent residence permit for a family member of an EU citizen remains valid for not more than one year after the end of the transitional period from the Agreement on the withdrawal, i.e. until 31 December 2021, or until the final decision of the competent authority in the procedure to replace it with a new permanent residence permit or until the expiry of validity of the existing permanent residence permit card, if it expires before 31 December 2021.

**g) Processing of applications for issuing or renewal of a certificate of registration of residence for an EU citizen, applications for issuing of a certificate of registration of permanent residence for an EU citizen, applications for issuing or extension of a residence permit for a family member of an EU citizen and applications for issuing a permanent residence permit for a family member of an EU citizen on which a final decision was not taken by the end of the transitional period from the Agreement on the withdrawal (31 December 2020)**

A procedure for the issuing or renewal of a certificate of registration of residence for an EU citizen or certificate of registration of permanent residence for an EU citizen that had been initiated before the end of the transitional period, and on which a decision was not made by the end of the transitional period, continues and concludes in accordance with the provisions of the Foreigners Act (Official Gazette of the RS, No. 1/18 – official consolidated text, 9/18 – corr. and 62/19 – decision of the Constitutional Court) that apply for the issuing of a certificate of registration of residence or certificate of registration of permanent residence. If the conditions for the issuing of a certificate of registration of residence or certificate of registration of permanent residence are fulfilled, a citizen of the United Kingdom is issued a temporary residence permit or permanent residence permit in the form of an independent document, as a card with biometric data containing a facial image and two fingerprints.

A procedure for the issuing of a residence permit for a family member of an EU citizen or permanent residence permit for a family member of an EU citizen initiated on the basis of an application submitted by a family member of a citizen of the United Kingdom before the end of the transitional period, on which a decision was not made by the end of the transitional period, continues and concludes in accordance with the provisions of the Foreigners Act (Official Gazette of the RS, No. 1/18 – official consolidated text, 9/18 – corr. and 62/19 – decision of the Constitutional Court) that apply for the issuing of a residence permit for a family member of an EU citizen or a permanent residence permit for a family member of an EU citizen. If the conditions for the issuing of a residence permit or permanent residence permit are fulfilled, a family member of a citizen of the United Kingdom is issued a temporary or permanent residence permit in the form of an independent document, as a card with biometric data containing a facial image and two fingerprints.

**h) Procedures for the issuing of a residence permit on the basis of the Agreement on the withdrawal on which a final decision was not made until the entry into force and beginning of the use of the Foreigners Act**

Procedures for the issuing of a residence permit on the basis of the Agreement on the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the European Union and the European Atomic Energy Community initiated before the amended Foreigners Act started to be applied and on which a final decision has not been made yet, continue and conclude in accordance with the provisions of the amended Foreigners Act.

**2. CERTIFICATE ON THE RIGHTS OF CROSS-BORDER COMMUTERS**

The amended Foreigners Act also regulates the issuing of a certificate on the rights of a cross-border commuter who performed an economic activity in the Republic of Slovenia before the end of the transitional period from the Agreement on the withdrawal in accordance with [Article 45 or 49 of the Treaty of the Functioning of the European Union](https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX:02016E/TXT-20200301) and who has also performed an economic activity in the Republic of Slovenia after the end of the transitional period.

An application for a certificate is submitted at the Ljubljana Administrative Units, which is exclusively competent for the issuance thereof.

In the procedure, a cross-border commuter must submit proof of employment, performance of work or self-employment in the Republic of Slovenia before and after the end of the transitional period from the Agreement on the withdrawal, a physical or digital photograph in the prescribed size and showing their true image, and provide two fingerprints to be digitally captured. A certificate on the rights of a cross-border commuter is issued in the form of an independent document, as a card with biometric data containing a facial image and two fingerprints.