



OVERVIEW OF VARIOUS TYPES OF ALIENS STATUSES WITH EMPHASIS ON THE EXISTENCE OF ECONOMIC INTEREST

OBTAINING A LONG-STAY VISA ON THE BASIS OF THE EXISTENCE OF ECONOMIC INTEREST

VISA – TYPE D – LONG STAY RESIDENCE VISA, BASED ON ECONOMIC INTEREST

Long-stay visa – Type D is a national visa that allows a foreigner to enter the country and stay for as long as the visa allows.

It is regulated by the Aliens act (Official Gazette of Republic of Slovenia No. 45/14, 90/14, 19/15, 47/15). It can be issued for a period **from 90 days to 1 year**. Visas shall be issued by the diplomatic missions and consular posts of the Republic of Slovenia abroad.

Conditions for issuing a long stay visa – type D (defined in Articles 22 – 25 of the Aliens Act):

- a valid travel document, the validity of which is at least three months longer than the intended stay in the Republic of Slovenia,
- travel medical insurance
- sufficient means of subsistence
- existence of an economic interest for the Republic of Slovenia (Article 20).

A long-stay visa may be issued according to Article 20 if there is the existence of an economic interest for the Republic of Slovenia which the foreigner proves by submitting an opinion issued by the ministry responsible for the economy.

The criteria for establishing the economic interest of the Republic of Slovenia in a long stay visa are determined by the Rules on criteria for establishing the economic interest of the Republic of Slovenia for a long-stay visa to be issued to a foreigner (Official Gazette of the Republic of Slovenia, No. 50/2012).

The existence of economic interest is demonstrated when a foreigner:

- demonstrates specialised knowledge and special experience that are advantageous for the Slovenian economy,
- can facilitate the expansion of business relations between the Slovenian economy and the rest of the world, or
- can help introduce and apply new technologies, business models or knowledge in the Republic of Slovenia or capital investments in the Republic of Slovenia, or help expand or open up new markets for Slovenian products. (Article 2 of the Rules).

Procedure:

1. *Obtaining an opinion on the existence of economic interest:* Written applications for the issue of an opinion on the existence of economic interest shall be submitted in Slovenian language to the Ministry of Economic Development and Technology, Kotnikova ulica 5, Ljubljana, Slovenia.

Applicants or associated economic entities can apply for such opinion on the basis of the applicant's prior authorization. The application shall be drawn up in the form of a letter with an explanatory description of what is seen to contribute to the economic development of the Republic of Slovenia according to the criteria set out in Article 2 of the Rules. The request must be accompanied by written evidence showing that it meets one of the pertinent criteria. As proof, primarily certificates, business plans, opinions and recommendations from companies, business associations and chambers of commerce (Article 3 of the Rules) shall be accepted. The procedure within the ministry usually takes **1 month**.

2. Application for the visa category D:

After obtaining a positive opinion from the Ministry of Economic Development and Technology regarding the existence of an economic interest, the application for the visa D shall be submitted at a Slovenian diplomatic mission or consular post. Information regarding Slovenian diplomatic missions and consular posts where it is possible to submit a visa application is available at: http://www.mzz.gov.si/en/representations_abroad/

It is not possible to apply for a long stay residence visa at missions of Schengen States representing Slovenia in the visa procedure.

The process of issuing a visa D is as follows:

- applicant fills the visa application form for a long-stay visa,
- the applicant lodges the visa application (together with all the documents) at the responsible diplomatic mission or consulate of the Republic of Slovenia abroad,
- upon lodging the application the applicant receives a confirmation and indication of the time in which the matter is expected to be settled.

During the procedure, a diplomatic mission or consulate has the right to request additional evidence and information if it considers that the information provided in the context of documentation from the first two indents is not sufficiently clear or complete.

The fee for issuing a long-stay visa (type D) for the Republic of Slovenia is determined by the Administrative Fees Act and is set at EUR 77.

A foreigner shall not be issued a long-stay visa if there are grounds for believing that the foreigner will not be residing in the territory of Republic of Slovenia, or if any other reasons from Article 26 of the Aliens Act are identified.

With a visa - type D, a foreigner can reside within the territory of the entire Schengen area, but not for the entire time the visa is valid; just for 90 days in any 180-day period.

APPLICANT'S FAMILY REUNIFICATION

Paragraph 1, Article 47 of the Alien Act stipulates that an alien who resides in the Republic of Slovenia on the basis of a permanent residence permit or an alien who in the last year resides on the basis of temporary residence permit issued for the duration of at least one year shall be granted, under the conditions of and in accordance with this Act, the **right to reunification, preservation and reintegration of the family** with family members who are aliens. **Without limitation on the length of the alien's stay in the Republic of Slovenia and the validity of his permit**, an alien with a temporary residence permit can reunion his family members, provided this is **in the interest of the Republic of Slovenia**, on which the authority responsible for issuing the permit decides on the basis of the opinion of the competent ministry or some other national authority.

The application to obtain an opinion on the **existence of an economic interest for the purposes of early family reunification** should be submitted to the Ministry of Economic Development and

Technology, Kotnikova ulica 5, 1000 Ljubljana, Slovenia. The application for issuing an opinion shall be submitted by the business entity at which the applicant is employed. The application should be prepared as a letter in which the applicant's job and tasks are explicated and family members that are reunifying with the applicant are listed.

At the Ministry of Economic Development and Technology, opinions on the existence of economic interest are prepared by the competent directorate, while the final opinion is issued by the Commission for Establishing the Existence of Grounds for Extraordinary Naturalisation at its session. The duration of the procedure is usually one month.

The Ministry of Economic Development and Technology prepares an opinion on the existence of an economic interest, while the residence permit is issued by other authorities (an administrative unit).

SINGLE RESIDENCE AND WORK PERMIT

In September 2015, Slovenia introduced a new employment of foreigner's regime. Through this new regime, Slovenia combined two procedures into one, single procedure, which results in one single permit. A single procedure reduced the duration of issuance of the necessary documents for residence and employment of foreigners from 4 or 5 months to about one month.

Foreigners from third countries must obtain a single permit in order to work and live in Slovenia. Permit is granted in form of a single working and residence permit (a Single Permit or an EU Blue Card). This permit enables a foreigner to reside in the country and to work or to be self-employed or employed.

Steps in employing a non-EEA foreigner in Slovenia				
Step	Applicant	Responsible institution	Duration	Cost
Obtaining a single work and residence permit (Single Permit or Blue Card)	Foreigner or Employer	Embassies or consulates of the Republic of Slovenia abroad or Administrative unit	30 days	102 € 74,50 €
Registration of residence	Foreigner	Administrative unit	1 day	/
Registration of commencement of employment	Employer	Health Insurance Institute of Slovenia	1 day	/
Obtaining the tax card for income tax	Foreigner	FURS	1 day	/

The single application for single residence and work permit is submitted in one place, i.e. an alien may submit it at the relevant embassy or consulate of the Republic of Slovenia abroad (except those who are legally residing in the Republic of Slovenia, can according to the sixth paragraph of Article 37a of the Aliens Act lodge an application for the first issue of a single residence and work permit at the administrative unit), while his employer may submit it at the relevant administrative unit in Slovenia or at the relevant embassy or consulate of the Republic of Slovenia abroad

Applying for a work permit beforehand is no longer required; the administrative unit in whose territory the alien is residing or intends to reside shall ex officio acquire prior consent from the Employment Service of the Republic of Slovenia to issue a single permit.

A single permit may be issued to aliens who possess a valid travel document (its validity must exceed the intended stay in Slovenia by at least three months), appropriate health insurance and sufficient

means of subsistence during his residence in the country (on a monthly basis, in an amount equal to at least the basic minimum income in the Republic of Slovenia). Additionally, consent from the Employment Service of the Republic of Slovenia for the issuing of a single permit is required, which is obtained by the administrative unit and it is not the obligation of the applicant. The Employment Service issues consent if the conditions, which are determined by the law are met. Conditions are determined in the Employment, self-employment and work of foreigners act (Official Gazette of RS, No. 47/2015).

The deadline to render a decision on the issuing of a single permit is 30 days (or 60 days in cases in which a special fact-finding procedure must be conducted). A single permit shall be issued to an alien as a stand-alone document: a biometric residence permit allowing the holder to enter, reside as well as work in the Republic of Slovenia. The single permit allows an alien to reside in the country, to find employment and to change employment elements, e.g. to change role with the same employer, to change employer or to be employed by one or more employers.

The first single permit shall be issued for the duration of the employment contract or work contract, but no longer than for one year, and can be extended by maximum of two years.

Obtaining a single residence and work permit on the basis of existence of economic interests for persons already in the territory of the Republic of Slovenia
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Simplifications in obtaining a temporary residence permit upon entering the country

On the basis of paragraph 6, Article 37a of the Aliens Act, certain categories of aliens who already legally reside in the country may obtain their first single residence and work permit upon entering the country. The possibility to obtain first permit for temporary residence permit in Republic of Slovenia, after entering the country is also available to researchers, who have concluded a hosting agreement with research organisation, foreign students, who submit a documentary proof of acceptance to the study, aliens who apply for an EU blue card for the first time and aliens of Slovenian ancestry, upon condition that aliens are legally residing in Republic of Slovenia.

Legal residence means that an alien resides in Slovenia for up to 90 days if he comes from a country for which no visa obligation applies. Legal residence also means that an alien resides in Slovenia on the basis of a valid passport and visa type C, issued by the Republic of Slovenia or another State party to the Convention implementing the Schengen Agreement or in the case of study also visa type D, issued by a competent authority of another EU Member State or a valid passport and residence permit, issued by another EU Member State.

An alien who formally proves **the existence of an economic interest for obtaining their first single residence and work permit** is not required to leave the country to obtain his first single residence and work permit, nor is he required to apply and wait for the permit outside the country until it is issued. Application for the first single residence and work permit shall be lodged in due time, prior to the expiry of the allowed period to stay in the country (that is, before the expiry of the permitted stay of 90 days or before the expiry of a visa or residence permit, whichever is shorter); an alien is issued a certificate allowing him to stay in the country until the application has been decided upon.

Written applications for the issue of an opinion on the existence of economic interest shall be submitted to the Ministry of Economic Development and Technology, Kotnikova ulica 5, Ljubljana, Slovenia. The application must be submitted by the employer, business entity at which the applicant is employed. The application must contain detailed explanation of the work and functions of the applicant and accompanied by the proof of employment. The Ministry of Economic Development and Technology prepares an opinion on the existence of an economic interest, while the permit is issued by other authorities.

The right to work is granted to an alien through the issuance or serving of a single residence and work permit. The right to reside and work is granted to an alien who has been issued a certificate

proving submission of application for the extension of a single permit or application for a single permit as a further residence permit, if he had under the previous residence permit or long-stay visa, access to the labour market on the basis of the law governing the employment and work of foreigners. In this way, an alien is able to retain his employment and thus provided economic safety.

More info:

- <http://www.infotujci.si/?setLang=EN&t=&id=>
- http://www.mzz.gov.si/en/travel_and_visa_information/visa_information/for_visa_applicants/
- <http://www.ess.gov.si>

Contacts for more information:

- Ministry of the Interior, Administrative Internal Affairs, Migration and Naturalization Directorate, Štefanova ulica 2, 1501 Ljubljana, E: gp.mnz@gov.si
- Regarding visa: Ministry of Foreign Affairs, Consular service, Visa division, Prešernova cesta 25, Ljubljana, E: gp.mzz@gov.si
- Regarding existence of economic interest: Ministry of Economic Development and Technology, Commission for Establishing the Existence of Grounds for Extraordinary Naturalisation, Kotnikova 5, 1000 Ljubljana, Slovenia, E: gp.mg@gov.si
- Regarding single permit: Ministry of Labour, Family, Social Affairs and Equal Opportunities, Directorate for Labour Market and Employment, Kotnikova 28, 1000 Ljubljana, Slovenia, E-mail: gp.mdds@gov.si

Prepared by: Ministry of Economic Development and Technology

Date: 13. July 2016