

Opozorilo: Neuradno prečiščeno besedilo predpisa predstavlja zgolj informativni delovni pripomoček, glede katerega organ ne jamči odškodninsko ali kako drugače.

Neuradno prečiščeno besedilo Zakona o urejanju statusa državljanov drugih držav naslednic nekdanje SFRJ v Republiki Sloveniji obsega:

- Zakon o urejanju statusa državljanov drugih držav naslednic nekdanje SFRJ v Republiki Sloveniji – ZUSDDD (Uradni list RS, št. 61/99 z dne 30. 7. 1999),
- Odločbo o razveljavitvi prve, druge in tretje alineje 3. člena zakona o urejanju statusa državljanov drugih držav naslednic nekdanje SFRJ v Republiki Sloveniji (Uradni list RS, št. 54/00 z dne 16. 6. 2000),
- Zakon o spremembah in dopolnitvah zakona o urejanju statusa državljanov drugih držav naslednic nekdanje SFRJ v Republiki Sloveniji – ZUSDDD-A (Uradni list RS, št. 64/01 z dne 3. 8. 2001),
- Zakon o spremembah in dopolnitvah Zakona o urejanju statusa državljanov drugih držav naslednic nekdanje SFRJ v Republiki Sloveniji – ZUSDDD-B (Uradni list RS, št. 50/10 z dne 24. 6. 2010),
- Zakon o urejanju statusa državljanov drugih držav naslednic nekdanje SFRJ v Republiki Sloveniji – uradno prečiščeno besedilo – ZUSDDD (Uradni list RS, št. 76/10 z dne 1. 10. 2010).

ZAKON

o urejanju statusa državljanov drugih držav naslednic nekdanje SFRJ v Republiki Sloveniji (ZUSDDD)

Disclaimer: All of the translations contained on this website are unofficial. Only the original Slovene texts of the laws and regulations have legal effect, and the translations are to be used solely as reference materials to aid in the understanding of Slovene laws and regulations. The Government of the Republic of Slovenia is not responsible for the accuracy, reliability or currency of the translations provided on this website, or for any consequence resulting from the use of information on this website. For all purposes of interpreting and applying law to any legal issue or dispute, users should consult the original Slovene texts published in the Official Gazette of the Republic of Slovenia.

The unofficial consolidated version of the Act Regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia comprises:

- Act Regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia – ZUSDDD (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 61/99 of 30 July 1999),
- Decision abrogating indents one, two and three of Article 3 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 [*Uradni list RS*], No. 54/00 of 16 June 2000),
- Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia – ZUSDDD-A (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 64/01 of 3 August 2001),
- Act Amending the Act Regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia Act – ZUSDDD-B (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 50/10 of 24 June 2010),
- Act Regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia – Official Consolidated Text – ZUSDDD (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 76/10 of 1 October 2010).

ACT

Regulating the Legal Status of Citizens of Former Yugoslavia living in the Republic of Slovenia (ZUSDDD)

(neuradno prečiščeno besedilo št. 5)

1. člen

Tujcu, ki je bil na dan 25. 6. 1991 državlján druge republike nekdanje SFRJ (v nadaljnjem besedilu: tujec) in je imel 23. 12. 1990 v Republiki Sloveniji prijávljeno stalno prebivališče ter od tega dne dalje v Republiki Sloveniji tudi dejansko živi, oziroma tujcu, ki je na dan 25. 6. 1991 prebival v Republiki Sloveniji in od tega dne dalje v njej tudi dejansko neprekinjeno živi, se ne glede na določbe Zakona o tujcih (Uradni list RS, št. 64/09 – uradno prečiščeno besedilo) na prošnjo izda dovoljenje za stalno prebivanje, če izpolnjuje pogoje, določene v tem zakonu.

Če se po tem zakonu dovoljenje za stalno prebivanje izda tujcu, ki mu je dne 26. 2. 1992 oziroma dne, ko so zanj začele veljati določbe Zakona o tujcih (Uradni list RS, št. 1/91-I, 44/97, 50/98 – odločba US in 14/99 – odločba US), v Republiki Sloveniji v registru stalnega prebivalstva prenehala prijava stalnega prebivališča (v nadaljnjem besedilu: izbris iz registra stalnega prebivalstva), se šteje, da je imel v Republiki Sloveniji dovoljenje za stalno prebivanje in prijávljeno stalno prebivališče, na naslovu, na katerem je bil prijávljen ob izbrisu iz registra stalnega prebivalstva, tudi v času od izbrisa iz registra stalnega prebivalstva do pridobitve dovoljenja za stalno prebivanje, o čemer se tujcu hkrati z dovoljenjem za stalno prebivanje po uradni dolžnosti izda posebna odločba.

Če se po Zakonu o tujcih (Uradni list RS, št. 64/09 – uradno prečiščeno besedilo) dovoljenje za stalno prebivanje izda tujcu, ki je bil dne 26. 2. 1992 oziroma dne, ko so zanj začele veljati določbe Zakona o tujcih (Uradni list RS, št. 1/91-I, 44/97, 50/98 – odločba US in 14/99 – odločba US) izbrisan iz registra stalnega prebivalstva, se šteje, da je imel v Republiki Sloveniji dovoljenje za stalno prebivanje in prijávljeno stalno

(Unofficial consolidated version No. 5)

Article 1

A foreigner who on 25 June 1991 was a citizen of another republic of the former Socialist Federal Republic of Yugoslavia (hereinafter: foreigner) and had permanent residence in the Republic of Slovenia registered as of 23 December 1990, and who has actually lived in the Republic of Slovenia since that date, or a foreigner who resided in the Republic of Slovenia on 25 June 1991 and has actually continuously lived in the Republic of Slovenia since that date, shall, upon application, be issued a permanent residence permit notwithstanding the provisions of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 64/09 – official consolidated text), provided that he or she fulfils the conditions laid down in this Act.

If a permanent residence permit is issued under this Act to a foreigner whose permanent residence registration in the Republic of Slovenia ceased in the Permanent Population Register on 26 February 1992 or on the date when the provisions of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 1/91-I, 44/97, 50/98 – Constitutional Court Decision, and 14/99 – Constitutional Court Decision) became applicable to them (hereinafter: erasure from the Permanent Population Register), they shall be deemed to have had a permanent residence permit and registered permanent residence in the Republic of Slovenia at the address at which they were registered at the time of erasure from the Permanent Population Register, also in the period between erasure from the Permanent Population Register and the acquisition of a permanent residence permit, regarding which a specific decision shall be issued to the foreigner *ex officio* together with the permanent residence permit.

If a permanent residence permit is issued under the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 64/09 – official consolidated text) to a foreigner who was erased from the Permanent Population Register on 26 February 1992 or on the date when the provisions of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 1/91-I, 44/97, 50/98 – Constitutional Court

prebivališče, na naslovu, na katerem je bil prijavljen ob izbrisu iz registra stalnega prebivalstva, tudi v času od izbrisa iz registra stalnega prebivalstva do pridobitve dovoljenja za stalno prebivanje, o čemer se tujcu na prošnjo izda posebna odločba.

1.a člen

Osebi, ki je bila rojena po 25. 6. 1991 v Republiki Sloveniji in katere vsaj eden od staršev je bil izbrisan iz registra stalnega prebivalstva, po njenem rojstvu pa je pridobil dovoljenje za stalno prebivanje ali je bil sprejet v državljanstvo Republike Slovenije (v nadaljnjem besedilu: otrok), se na prošnjo izda dovoljenje za stalno prebivanje, pod pogojem, da v Republiki Sloveniji dejansko živi od rojstva dalje.

Če se po tem zakonu dovoljenje za stalno prebivanje izda otroku, se šteje, da je imel v Republiki Sloveniji dovoljenje za stalno prebivanje in prijavljeno stalno prebivališče, na istem naslovu kot tisti od staršev, ki je bil izbrisan iz registra stalnega prebivalstva, tudi v času od rojstva do pridobitve dovoljenja za stalno prebivanje, o čemer se otroku hkrati z dovoljenjem za stalno prebivanje po uradni dolžnosti izda posebna odločba.

Za otroka, ki je že pridobil dovoljenje za stalno prebivanje ali je bil sprejet v državljanstvo Republike Slovenije, se šteje, da je imel v Republiki Sloveniji dovoljenje za stalno prebivanje in prijavljeno stalno prebivališče, na istem naslovu kot tisti od staršev, ki je bil izbrisan iz registra stalnega prebivalstva, v času od rojstva do pridobitve dovoljenja za stalno prebivanje oziroma do sprejema v državljanstvo Republike Slovenije, o čemer se mu na prošnjo izda posebna odločba.

1.b člen

Decision, and 14/99 – Constitutional Court Decision) became applicable to them, they shall be deemed to have had a permanent residence permit and registered permanent residence in the Republic of Slovenia, at the address at which they were registered at the time of erasure from the Permanent Population Register, also in the period between erasure from the Permanent Population Register and the acquisition of the permanent residence permit, regarding which a specific decision shall be issued to the foreigner upon application.

Article 1a

A person who was born after 25 June 1991 in the Republic of Slovenia and at least one of whose parents had been erased from the Permanent Population Register but who after their birth obtained a permanent residence permit or was granted citizenship of the Republic of Slovenia (hereinafter: child) shall be issued a permanent residence permit upon application, provided that they have actually lived in the Republic of Slovenia since birth.

If under this Act a permanent residence permit is issued to a child, they 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 was erased from the Permanent Population Register, also in the period between their birth and the acquisition of the permanent residence permit, regarding which a specific decision shall be issued to the child *ex officio* together with the permanent residence permit.

A child who has already obtained a permanent residence permit or has been granted 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 was erased from the Permanent Population Register, in the period between their birth and the acquisition of a permanent residence permit or until granted citizenship of the Republic of Slovenia, regarding which a specific decision shall be issued to the child upon application.

Article 1b

Za državljana Republike Slovenije, ki je bil izbrisan iz registra stalnega prebivalstva, kasneje pa je bil sprejet v državljanstvo Republike Slovenije, ne da bi mu bilo pred tem izdano dovoljenje za stalno prebivanje, se šteje, da je imel v Republiki Sloveniji dovoljenje za stalno prebivanje in prijavljeno stalno prebivališče, na naslovu, na katerem je bil prijavljen ob izbrisu iz registra stalnega prebivalstva, v času od izbrisa iz registra stalnega prebivalstva do pridobitve državljanstva Republike Slovenije, o čemer se mu na prošnjo izda posebna odločba.

1.c člen

Za osebo, kateri je ministrstvo, pristojno za notranje zadeve, leta 2004 na podlagi 8. točke odločbe Ustavnega sodišča Republike Slovenije, št. U-I-246/02 z dne 3. 4. 2003 (Uradni list RS, št. 36/03) izdalo dopolnilno odločbo o ugotovitvi stalnega prebivanja, se šteje, da je imela v Republiki Sloveniji dovoljenje za stalno prebivanje in prijavljeno stalno prebivališče, na naslovu, na katerem je bila prijavljena ob izbrisu iz registra stalnega prebivalstva, tudi v obdobju, za katerega je bilo v odločbi ugotovljeno, da ima v Republiki Sloveniji stalno prebivanje.

1.č člen

Dejansko življenje v Republiki Sloveniji po tem zakonu pomeni, da ima posameznik v Republiki Sloveniji središče življenjskih interesov, ki se presoja na podlagi njegovih osebnih, družinskih, ekonomskih, socialnih ali drugih vezi, ki kažejo, da med posameznikom in Republiko Slovenijo obstajajo dejanske in trajne povezave. Upravičena odsotnost iz Republike Slovenije zaradi razlogov iz tretjega odstavka tega člena ne pomeni prekinitve dejanskega življenja v Republiki Sloveniji.

Pogoj dejanskega življenja v Republiki Sloveniji je izpolnjen, če je oseba zapustila Republiko Slovenijo in odsotnost v neprekinjenem trajanju ni trajala dlje kot leto dni, ne glede na razlog odsotnosti.

A citizen of the Republic of Slovenia who was erased from the Permanent Population Register and was subsequently granted citizenship of the Republic of Slovenia without previously 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 they were registered when erased from the Permanent Population Register, in the period between erasure from the Permanent Population Register and the acquisition of citizenship of the Republic of Slovenia, regarding which they shall be issued a specific decision upon application.

Article 1c

A person for whom the ministry responsible for the interior, in accordance with point 8 of the Decision of the Constitutional Court of the Republic of Slovenia, No. U-I-246/02 of 3 April 2003 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 36/03), issued in 2004 a subsidiary decision establishing permanent residence, shall be deemed to have had a permanent residence permit and registered permanent address in the Republic of Slovenia, at the address at which they were registered when erased from the Permanent Population Register, also in the period during which, according to the findings in the decision, they had permanent residence in the Republic of Slovenia.

Article 1č

Under this Act, actually living in the Republic of Slovenia shall mean that the centre of an individual's life interests is in the Republic of Slovenia, this being determined based on their personal, family, economic, social and other ties demonstrating the existence of actual and permanent connections between the individual and the Republic of Slovenia. Justified absence from the Republic of Slovenia due to reasons referred to in paragraph three of this Article shall not mean an interruption of actually living in the Republic of Slovenia.

The condition of actually living in the Republic of Slovenia shall be fulfilled if the person left the Republic of Slovenia and his or her continuous absence did not exceed one year, irrespective of the reason of

Pogoj dejanskega življenja v Republiki Sloveniji je izpolnjen tudi v primeru, če je odsotnost trajala več kot leto dni in gre za upravičeno odsotnost iz naslednjih razlogov:

- če je oseba zapustila Republiko Slovenijo zaradi posledic izbrisa iz registra stalnega prebivalstva;
- če je oseba zapustila Republiko Slovenijo, ker jo je poslala na delo, študij ali na zdravljenje pravna oseba iz Republike Slovenije ali v primeru mladoletne osebe njeni starši oziroma skrbniki, ali če je bila zaposlena na ladji z matično luko v Republiki Sloveniji, za čas napotitve na delo, študij ali zdravljenje oziroma za čas zaposlitve na ladji;
- če je oseba zapustila Republiko Slovenijo, ker ni mogla pridobiti dovoljenja za prebivanje v Republiki Sloveniji zaradi neizpolnjevanja pogojev in ji je bila prošnja za izdajo dovoljenja zavržena, zavržena ali je bil postopek ustavljen;
- če se oseba ni mogla vrniti v Republiko Slovenijo zaradi vojnih razmer v drugih državah, naslednicah nekdanje SFRJ ali iz zdravstvenih razlogov;
- če je bila oseba prisilno odstranjena iz Republike Slovenije na podlagi 28. člena Zakona o tujcih (Uradni list RS, št. 1/91-I, 44/97, 50/98 – odločba US in 14/99 – odločba US) ali 50. člena Zakona o tujcih (Uradni list RS, št. 64/09 – uradno prečiščeno besedilo), razen če je bila prisilno odstranjena zaradi izrečene stranske kazni izгона tujca iz države, zaradi storjenega kaznivega dejanja;
- če je bil osebi zavržen vstop v Republiko Slovenijo, razen v primeru, če ji je bil vstop zavržen zaradi izrečene stranske kazni izгона tujca iz države, zaradi storjenega kaznivega dejanja, ali zaradi razlogov iz prve, druge, pete ali sedme alineje 10. člena Zakona o tujcih (Uradni list RS, št. 1/91-I, 44/97, 50/98 – odločba US in 14/99 – odločba US), iz razlogov iz prve, druge ali šeste alineje prvega odstavka 9. člena Zakona o tujcih (Uradni list RS, št. 61/99, 87/02 in 93/05) ali iz razlogov iz točke d ali e prvega odstavka 5. člena Uredbe (ES) št. 562/2006 Evropskega Parlamenta in Sveta z dne 15. marca 2006 o Zakoniku Skupnosti o pravilih, ki urejajo gibanje oseb prek meja (UL L št. 105, 13. 4. 2006).

absence.

The condition of actually living in the Republic of Slovenia shall also be fulfilled if the absence exceeded one year but was justified for the following reasons:

- if the person left the Republic of Slovenia as a consequence of erasure from the Permanent Population Register;
- if the person left the Republic of Slovenia because they were assigned to work, study or undergo medical treatment by a legal entity from the Republic of Slovenia or, in the case of a minor, sent by his or her parents or guardians, or if the person was employed on a vessel with a home port in the Republic of Slovenia, for the time of assignment to work, study or medical treatment or for the time of employment on the vessel;
- if the person left the Republic of Slovenia because they were unable to obtain a residence permit in the Republic of Slovenia due to non-compliance with the conditions and their application for a permit was dismissed, rejected or the proceedings were stayed;
- if the person was unable to return to the Republic of Slovenia because of war conditions in other successor states to former Yugoslavia or for medical reasons;
- if the person was forcibly removed from the Republic of Slovenia in accordance with Article 28 of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No.1/91-I, 44/97, 50/98 – Constitutional Court Decision, and 14/99 – Constitutional Court Decision) or Article 50 of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 64/09 – official consolidated text), unless the person was forcibly removed under the secondary sanction of expulsion from the country imposed on a foreigner for having committed a criminal offence;
- if the person was refused entry into the Republic of Slovenia, except where entry was refused because of the secondary sanction of expulsion from the country imposed on a foreigner for having committed a criminal offence or for reasons referred to in indents one, two, five or seven of Article 10 of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 1/91-I, 44/97, 50/98 – Constitutional Court Decision, and 14/99 – Constitutional Court Decision), reasons referred to in indents one, two or six of paragraph one of Article 9 of the Foreigners Act (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 61/99, 87/02 and 93/05), or reasons referred to in points d or e of paragraph one of Article 5 of 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 No. 105, 13 April 2006).

Če je odsotnost zaradi razlogov iz prejšnjega odstavka, razen iz druge alineje, trajala več kot pet let, se šteje, da je bil pogoj dejanskega življenja izpolnjen za obdobje petih let, v nadaljnjem obdobju petih let pa samo, če ravnanja osebe kažejo na to, da se je v času odsotnosti poskušala vrniti v Republiko Slovenijo in nadaljevati z dejanskim življenjem v Republiki Sloveniji.

Po tem zakonu izdano dovoljenje za stalno prebivanje ali izdana posebna odločba glede dovoljenja za stalno prebivanje in prijavljenega stalnega prebivališča za nazaj ali na podlagi 8. točke odločbe Ustavnega sodišča Republike Slovenije, št. U-I-246/02-28 z dne 3. 4. 2003 (Uradni list RS, št. 36/03) izdana dopolnilna odločba, ne pomenijo izpolnjenega pogoja dejanskega življenja v Republiki Sloveniji v postopkih, ki se vodijo po zakonu, ki ureja državljanstvo Republike Slovenije.

1.d člen

Tujec, kateremu se dovoljenje za stalno prebivanje izda po tem zakonu in ki v času izdaje dovoljenja zaradi upravičene odsotnosti iz tretjega odstavka 1.č člena tega zakona dejansko ne živi v Republiki Sloveniji, ali otrok, ki v času izdaje dovoljenja za stalno prebivanje ne živi v Republiki Sloveniji, se mora v roku enega leta od vročitve dovoljenja preseliti v Republiko Slovenijo in nadaljevati z dejanskim življenjem v Republiki Sloveniji. V nasprotnem primeru mu organ, ki je dovoljenje izdal, dovoljenje za stalno prebivanje razveljavi.

Iz zdravstvenih, družinskih ali drugih utemeljenih razlogov se na prošnjo tujca oziroma otroka ta rok lahko podaljša za čas trajanja razloga, vendar ne dlje kot za eno leto. Prošnja za podaljšanje roka mora biti vložena pri organu, ki je dovoljenje za stalno prebivanje izdal, pred pretekom roka iz prejšnjega odstavka.

If the absence for reasons referred to in the preceding paragraph, with the exception of indent two, exceeded five years, it shall be deemed that the condition of actually living has been fulfilled for the period of five years; for a further period of five years, this shall only apply if the person's conduct demonstrates that during the period of absence they tried to return to the Republic of Slovenia and continue actually living in the Republic of Slovenia.

A permanent residence permit or a specific decision regarding a permanent residence permit and registered permanent residence retroactively issued under this Act or a supplementary decision issued in accordance with point 8 of the Decision of the Constitutional Court of the Republic of Slovenia, No. U-I-246/02-28 of 3 April 2003 (Official Gazette of the Republic of Slovenia [*Uradni list RS*], No. 36/03) shall not mean that the condition of actually living in the Republic of Slovenia has been fulfilled in proceedings conducted under the Citizenship of the Republic of Slovenia Act.

Article 1d

A foreigner whose permanent residence permit has been issued under this Act and who does not actually live in the Republic of Slovenia at the time of issue of such permit due to justified absence referred to in paragraph three of Article 1č of this Act or a child who does not live in the Republic of Slovenia at the time of issue of a permanent residence permit must move to the Republic of Slovenia within one year of the service of the permit and continue actually living in the Republic of Slovenia. Failing this, the authority that issued the permit shall annul their permanent residence permit.

This deadline may be extended for medical, family or other justified reasons, for the duration of the reason, but for not longer than one year. An application for extension of the deadline must be filed with the authority that issued the permanent residence permit prior to the expiry of the deadline referred to in the preceding paragraph.

2. člen

Za izdajo dovoljenja za stalno prebivanje po tem zakonu, izdajo odločbe iz drugega in tretjega odstavka 1. člena, odločbe iz drugega in tretjega odstavka 1.a člena in odločbe iz 1.b člena tega zakona je pristojna upravna enota, na območju katere tujec, otrok ali državljan Republike Slovenije prebiva. Če tujec ali otrok ne prebiva v Republiki Sloveniji, je za izdajo dovoljenja za stalno prebivanje po tem zakonu pristojna upravna enota, na območju katere namerava tujec ali otrok prebivati po preselitvi v Republiko Slovenijo.

Prošnja za izdajo dovoljenja za stalno prebivanje se vloži na obrazcu, ki ga predpiše minister, pristojen za notranje zadeve.

3. člen

Upravna enota lahko zavrne izdajo dovoljenja za stalno prebivanje, če je bil tujec s pravnomočno sodbo:

- obsojen za kaznivo dejanje na zaporno kazen najmanj treh let,
- obsojen na zaporne kazni, katerih skupna dolžina presega pet let,
- po 25. juniju 1991 obsojen za kaznivo dejanje iz petnajstega ali šestnajstega poglavja Kazenskega zakona SFRJ (Uradni list SFRJ, št. 44/76, 34/84, 74/87, 57/89, 3/90 in 39/90), uperjeno zoper Republiko Slovenijo oziroma druge vrednote, ki jih v skladu z določbo prvega odstavka 4. člena ustavnega zakona za izvedbo temeljne ustavne listine o samostojnosti in neodvisnosti Republike Slovenije varuje kazenska zakonodaja Republike Slovenije, ne glede na to, kje je bilo to dejanje storjeno,
- obsojen za kaznivo dejanje iz triintridesetega, štiriintridesetega ali

Article 2

The issuing of a permanent residence permit under this Act, a decision referred to in paragraphs two and three of Article 1, a decision referred to in paragraphs two and three of Article 1a and a decision referred to in Article 1b of this Act shall be the responsibility of the administrative unit in the area of which a foreigner, child or citizen of the Republic of Slovenia resides. If a foreigner or child does not live in the Republic of Slovenia, the issuing of a permanent residence permit under this Act shall be the responsibility of the administrative unit in the area of which the foreigner or child intends to reside after moving to the Republic of Slovenia.

An application for a permanent residence permit shall be filed on the application form prescribed by the minister responsible for the interior.

Article 3

An administrative unit may refuse to issue a permanent residence permit if the foreigner has been finally:

- convicted for a criminal offence and sentenced to at least three years imprisonment,
- sentenced to imprisonments amounting in aggregate to more than five years,
- convicted, after 25 June 1991, of a criminal offence under Chapters Fifteen or Sixteen of the Criminal Code of the Socialist Federal Republic of Yugoslavia (Official Gazette of the Socialist Federal Republic of Yugoslavia [*Uradni list SFRJ*], Nos. 44/76, 34/84, 74/87, 57/89, 3/90 and 39/90) directed against the Republic of Slovenia or other values which, according to the provision of paragraph one of Article 4 of the Constitutional Act Implementing the Basic Constitutional Charter on the Sovereignty and Independence of the Republic of Slovenia, are protected by the criminal law of the Republic of Slovenia, irrespective of where such offence was committed,
- convicted of a criminal offence under Chapters Thirty-Three, Thirty-

petintridesetega poglavja Kazenskega zakonika Republike Slovenije (Uradni list RS, št. 63/94, 70/94 in 23/99) ali obsojen za kaznivo dejanje iz štirinajstega, triintridesetega, štiriintridesetega ali petintridesetega poglavja Kazenskega zakonika (Uradni list RS, št. 55/08, 66/08 – popr. 39/09, 55/09 – odločba US), ali

- obsojen s strani tujega ali mednarodnega sodišča za kaznivo dejanje genocida, hudodelstva zoper človečnost ali vojnega hudodelstva, ne glede na to, kje je bilo dejanje storjeno.

Pri odločanju na podlagi prejšnjega odstavka upravna enota upošteva dolžino prebivanja tujca v državi, njegove osebne, družinske, gospodarske, socialne in druge vezi, ki ga vežejo na Republiko Slovenijo ter posledice, ki bi jih za tujca povzročila zavrnitev izdaje dovoljenja za stalno prebivanje.

Če je zoper tujca v Republiki Sloveniji, v drugi državi ali pred mednarodnim sodiščem uveden kazenski postopek za kaznivo dejanje iz tretje, četrte ali pete alineje prvega odstavka tega člena, se postopek izdaje dovoljenja za stalno prebivanje prekine do pravnomočne odločitve v kazenskem postopku.

4. člen

Na podlagi dejstev in okoliščin ugotovljenih v postopku, lahko upravna enota izda odločbo brez poprejšnjega zaslišanja stranke, če oceni, da zaslišanje stranke ne bi spremenilo stanja stvari.

5. člen

Če postopka ni mogoče končati brez sodelovanja stranke, se njen molk šteje za umik prošnje, če, kljub v opozorilu upravne enote postavljenem roku, ne opravi dejanja, potrebnega za nadaljevanje ali dokončanje postopka.

Four or Thirty-Five of the Criminal Code of the Republic of Slovenia (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 63/94, 70/94 and 23/99) or convicted of a criminal offence under Chapters Fourteen, Thirty-Three, Thirty-Four or Thirty-Five of the Criminal Code (Official Gazette of the Republic of Slovenia [*Uradni list RS*], Nos. 55/08, 66/08 – Corr., 39/09, 55/09 - Constitutional Court Decision, or

- convicted by a foreign or international court of the criminal offence of genocide, a crime against humanity or a war crime, irrespective of where such offence was committed.

In reaching a decision in accordance with the preceding paragraph, the administrative unit shall consider the length of the foreigner's residence in the country, his or her personal, family, economic, social and other ties connecting him or her to the Republic of Slovenia, and the consequences that refusal to issue a permanent residence permit would entail for the foreigner.

If criminal proceedings for criminal offences referred to in indents three, four or five of paragraph one of this Article have been instituted against a foreigner in the Republic of Slovenia, in another country or before an international court, the procedure of issuing a permanent residence permit shall be suspended until the decision in the criminal proceedings becomes final.

Article 4

On the basis of facts and circumstances established in the proceedings, the administrative unit may issue a decision without a prior hearing of the party concerned if it takes the view that hearing the party would not change the state of affairs.

Article 5

Where it is not possible to conclude the procedure without the cooperation of the party, their failure to respond shall be deemed to be withdrawal of application if, despite a deadline set in the information of the administrative unit, they fail to take the action needed to continue or conclude the procedure.

6. člen

Ministrstvo tujcu, ki je zaprosil za izdajo dovoljenja za stalno prebivanje po zakonu o tujcih, pa o njegovi prošnji še ni bilo dokončno odločeno, izda dovoljenje za stalno prebivanje po tem zakonu, če je to zanj ugodnejše.

7. člen

Zaradi zagotovitve podatkov o tujcih ter o izdanih odločbah in sklepih vodi upravna enota evidenci o:

- prejetih prošnjah,
- izdanih dovoljenjih za stalno prebivanje, odločbah in sklepih.

Upravna enota podatke iz evidenc posreduje ministrstvu, pristojnemu za notranje zadeve, ki upravlja centralno evidenco.

Evidence vsebujejo naslednje osebne in druge podatke:

1. priimek in ime;
2. EMŠO;
3. priimek pred sklenitvijo zakonske zveze;
4. spol;
5. rojstni datum (dan, mesec, leto);
6. rojstni kraj (država, kraj);
7. državljanstvo;
8. državljanstvo na dan 25. 6. 1991;
9. poklic;
10. kraj, ulico in hišno številko stalnega ali začasnega prebivališča oziroma kraja prebivanja v Republiki Sloveniji na dan 23. decembra 1990 oziroma 25. junija 1991;
11. kraj, ulico in hišno številko sedanjega prebivališča ali kraja prebivanja;
12. datum prihoda na območje Republike Slovenije;
13. dokazila o dejanskem neprekinjenem prebivanju;
14. vrsto in številko dokumenta o istovetnosti, datum izdaje, njegova

Article 6

Where a foreigner has applied for a permanent residence permit under the Foreigners Act and the application has not yet been finally decided, the ministry shall issue them with a permanent residence permit under this Act if this is more favourable to the foreigner.

Article 7

For the purpose of providing information on foreigners and on decisions and procedural decisions issued, administrative units shall keep records of:

- applications received,
- permanent residence permits and decisions and procedural decisions issued.

Administrative units shall transmit the data from the records to the ministry responsible for the interior, which shall manage the central records.

The records shall contain the following personal and other data:

1. surname and first name;
2. personal identification number;
3. last name before marriage;
4. gender;
5. date of birth (day, month, year);
6. place of birth (country, town);
7. citizenship;
8. citizenship on 25 June 1991;
9. profession;
10. town, street and house number of permanent or temporary residence or place of residence in the Republic of Slovenia on 23 December 1990 and 25 June 1991;
11. town, street and house number of the current residence or place of residence;
12. date of arrival in the territory of the Republic of Slovenia;
13. evidence of actual continuous residence;
14. type and number of identity document, date of issue, period of validity

veljavnost in organ, ki ga je izdal;

15. datum vložitve prošnje in izdaje potrdila;

16. datum in številko izdaje odločbe ali sklepa in datum vročitve.

Evidence iz tega člena se povezujejo z evidencami, določenimi z zakonom o tujcih.

Za druga vprašanja, ki se nanašajo na varstvo, uporabo, posredovanje in hrambo osebnih podatkov, se smiselno uporabljajo določbe zakona o tujcih.

7.a člen

V postopku izdaje odločbe iz tretjega odstavka 1. člena, tretjega odstavka 1.a člena in 1.b člena tega zakona, ki se uvede na prošnjo stranke, se za vlogo in odločbo ne plača takse.

8. člen

Ta zakon začne veljati šestdeseti dan po objavi v Uradnem listu Republike Slovenije.

and the issuing authority;

15. date of filing the application and of issue of the certificate;

16. date and number of the issue of the decision or procedural decision and date of service.

The records referred to in this Article shall be linked to the records specified in the Foreigners Act.

For other issues related to the protection, use, supply and storage of personal data, the provisions of the Foreigners Act shall apply *mutatis mutandis*.

Article 7a

In the process of issuing a decision referred to in paragraph three of Article 1, paragraph three of Article 1a and Article 1b of this Act initiated upon application of a party, no fee shall be payable for the application and decision.

Article 8

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