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NATURALISATION PROCEDURES FOR IMMIGRANTS SLOVENIA

Maša Kovič Dine

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European University Institute, Florence
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EUDO Citizenship Observatory

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Naturalisation Procedure for Immigrants

Slovenia

Maša Kovič Dine

1. Introduction

The main piece of legislation regulating the acquisition of citizenship in Slovenia is the Citizenship Act,¹ which is supported by three other documents: Regulation on the Criteria of Assessing the Conditions and Circumstances of Acquisition of Citizenship of the Republic of Slovenia in the Process of Naturalisation [hereafter Regulation on Criteria],² Rules on the Procedure and Manner of the Solemn Act of Oath Taking,³ and the Decision Establishing the Commission to Perform the Slovenian Language Test.⁴

As several documents address the issue of acquisition of citizenship, this report will provide a comprehensive overview of the regular naturalisation procedure for legal foreign residents in Slovenia. The report will present in detail the procedure for legal foreign residents to acquire Slovenian citizenship through regular naturalisation, provide the requirements that have to be fulfilled by the applicants, the documentation required for support of the applicant's conditions, and indicate the authorities that have the power of decision-making.

The Citizenship Act in article 10 sets the criteria for granting citizenship upon an application for naturalisation.⁵ The applicant has to be at least 18 years of age, have a lawful alien status in Slovenia, and has to prove that he/she has been living in Slovenia for ten years, including five years continuously prior to the submission of the application, and that his/her residence status in Slovenia has not been annulled. Additionally, the applicant needs to prove he/she has a guaranteed permanent source of income, at least the amount that enables

¹ Citizenship Act, Official Gazette of the Republic of Slovenia, No. 1/1991-I. The Citizenship Act has been amended four times, in 1992, 1994, 2002 and 2006. Citizenship Act, Official Gazette of the Republic of Slovenia, Nos. 38/1992, 13/1994, 96/2002 and 127/2006. The latest official consolidated text of the Citizenship Act, Official Gazette of the Republic of Slovenia, No. 24/2007.

² Regulation on the Criteria of Assessing the Conditions and Circumstances of Acquisition of Citizenship of the Republic of Slovenia in the Process of Naturalisation, Official Gazette of the Republic of Slovenia, No. 51/2007, amended in 2009, Official Gazette of the Republic of Slovenia, No. 112/2009.

³ Rules on the Procedure and Manner of the Solemn Act of Oath Taking, Official Gazette of the Republic of Slovenia, No. 42/2007.

⁴ Decision Establishing the Commission to Perform the Slovenian Language Test, Official Gazette of the Republic of Slovenia, No. 47/1994.

⁵ Art. 10 para. 1, Citizenship Act.

material and social security, has settled all tax obligations; and has a good command of the Slovene language. Further, the applicant must prove that he/she has not been sentenced to an unconditional prison sentence longer than three months, nor conditionally sentenced to a prison sentence with probation longer than one year, and that his/her naturalisation poses no threat to the public order, security or defence of the State. Finally, the applicant must provide a release for his/her current citizenship or prove that he/she will obtain a release if he/she acquires citizenship of the Republic of Slovenia and submit a declaration that, by obtaining citizenship of the Republic of Slovenia, he/she agrees with the legal system of the Republic of Slovenia.

2. Availability of information on acquisition of Slovene citizenship through naturalisation

As has been recognized for the majority of the Middle and Eastern European States, the citizenship of Slovenia is based on the ethnic principle,⁶ meaning that the ethnic origin of the individuals plays an important role in building the nation.⁷ This characteristic seems to be the reason for the lack of any promotional activities on naturalisation in Slovenia.

The Ministry of Education and Sport in 2008 initiated a set of programs for the integration of foreign residents in Slovenia (with financial support from the European Union).⁸ While these programs are targeted at all foreigners residing in Slovenia, foreign residents wishing to obtain Slovenian citizenship can benefit from these programs as well. These programs include state-funded language courses, language examinations and courses on Slovenian culture, history and constitutional order. Within the framework of these programs a special website has been set up (www.infotujci.si) that provides information on residence permits, acquiring citizenship, schooling, health and social services, language schools, Slovenian culture and history classes, other general information, as well as links to associations of foreigners living in Slovenia.⁹ This website is available in Slovenian, as well as in several foreign languages from English, French, and Spanish to Russian, Bosnian and Albanian. The Ministry of Interior has also provided printed brochures and pamphlets with the same information in the mentioned languages.

Information on acquisition of Slovenian citizenship is available on the following three websites: <http://www.infotujci.si> (State portal for information on integration of foreign residents in Slovenia – already mentioned above), <http://www.mnz.gov.si/en> (website of the Ministry of Interior), and <http://e-uprava.gov.si> (Online Portal of the State Administration).

⁶ Jasminka Dedić, *Discriminacija v postopkih pridobivanja državljanstva v Sloveniji* (Discrimination in the procedures of acquisition of citizenship in Slovenia), Ljubljana: The Peace Institute (2003), p. 19, available online at http://www2.arnes.si/~ljmiri1s/slo_html/publikacije/Dedic01.pdf (last visited July 2012).

⁷ *Ibid.*; Frank Horn, *Conception and principles in Modern Western Democracies*, 21 *Science and Technique of Democracy* (1998) 39, p. 80.

⁸ Decree on Integration of Foreigners, Official Gazette of the Republic of Slovenia, No. 65/2008; Rules on Programs for Integration of Foreigners, Official Gazette of the Republic of Slovenia, No. 25/2009; Statistično poročilo Direktorata za migracije in integracijo 2009 (Statistical Report of the Directorate for Migration and Integration 2009), Ministry of Interior of the Republic of Slovenia (2010), available online at http://www.mnz.gov.si/fileadmin/mnz.gov.si/pageuploads/SOJ/word/Statisti%C4%8Dno_poro%C4%8Dilo_Direktorata_za_migracije_in_integracijo_2009.pdf (last visited July 2012).

⁹ <http://www.infotujci.si> (last visited July 2012).

The latter two are available only in Slovenian and English. The information on all of the three websites is very basic and necessitates further research by applicants to obtain the necessary information on the documents that need to be submitted with the application, the different steps of the procedure, the length of the procedure, the possible outcomes and the formal appeal procedure. As the content on the webpage www.infotujci.si is geared towards all the foreigners residing in Slovenia, it covers mostly information on adaptation to living in Slovenia. Additional information is available on the Online Portal of the State Administration and on the website of the Ministry of Interior,¹⁰ which contains the most extensive description of the requirements for obtaining Slovenian citizenship. No interactive self-assessment tool is available and none of the information sources cover the topic of benefits of naturalisation.

The Online Portal of the State Administration is the only online source that offers a downloadable Application Form for Slovenian Citizenship by Naturalisation. These are otherwise available in printed form at all of the administrative units in Slovenia. Since the filled out application form can only be submitted in person at any of the administrative units in Slovenia, no online submission is available. While the Online Portal of the State Administration provides the application form and detailed instructions on how this form should be filled out, both are available only in the Slovenian language.¹¹

The application form has to be submitted with all the other required documents (see below section 3. Documents), including the proof of payment of the official fee for application. The official fee for the application is 194.82 EUR¹² and should be paid at the administrative unit at the time of submission of the application form.

Among all of the programs for integration of foreign residents into Slovenia prepared by the Ministry of Education and Sport in 2008, only the Slovenian language course and the language examination are relevant for the applicants for Slovenian citizenship. No citizenship/integration exam is necessary under Slovenian legislation for obtaining Slovenian citizenship.

Each applicant for Slovenian citizenship has to provide proof of the basic knowledge of the Slovenian language.¹³ The State has appointed the Centre for Slovene as a Second Language at the University of Ljubljana¹⁴ [hereafter Centre] as an expert commission responsible for examining the language skills of the applicants.¹⁵ The centre is an independent institution, which employs language-learning specialists. The first sitting of the

¹⁰ Acquisition of Citizenship of the Republic of Slovenia by Naturalisation, Ministry of the Interior, http://www.mnz.gov.si/en/services/slovenia_your_new_country/citizenship/ (last visited July 2012).

¹¹ Online Services of the State Administration, <http://e-uprava.gov.si/storitve/pridobiVlogo.esju?id=145> (last visited July 2012).

¹² Online Services of the State Administration, <http://e-uprava.gov.si/storitve/pridobiVlogo.esju?id=145> (last visited July 2012).

¹³ Art. 10 para. 2(5), Citizenship Act.

¹⁴ Centre for Slovene as a Second Language at the University of Ljubljana, <http://www.centerslo.net/index.asp?lang=eng> (last visited July 2012).

¹⁵ Decision Establishing the Commission to Perform the Slovenian Language Test, Official Gazette of the Republic of Slovenia, No. 47/1994; Art. 10 para. 4, Citizenship Act.

exam is free of charge for applicants that provide a certificate from the administrative unit of their residence that they fall into one of the following categories: have permanent residence in Slovenia; have temporary residence in Slovenia for the length of at least one year; are family members of a foreign national and have temporary residence in Slovenia for the reason of uniting families; or are family members of a Slovenian national or a national of the EEA and reside in Slovenia on the family members' residence permit.¹⁶

The cost of the exam for the second sitting or any later sittings for applicants within these categories or for any other categories of applicants is 120 EUR.¹⁷

The Citizenship Act requires no language assessment for applicants that have finished elementary school education in Slovenia; have finished high school education in Slovenia; have obtained a college or university degree in Slovenia on a Slovenian program; are 60 years of age or older and have lived in Slovenia for 15 years; or have finished elementary or high school education in Slovenian language on the territories of the neighbouring States, where Slovenian minorities reside.¹⁸

Within the framework of integration of foreign residents in Slovenia, Slovenian language courses are available free of charge to the same categories of applicants, that are entitled to a free Slovenian language examination (see above). Upon the receipt of a certificate from the administrative unit of the applicant's residence, which indicates that the individual falls into one of these categories, the applicant is entitled to 60 to 180 hours of Slovenian language training free of charge. These courses are carried out by the Centre and several other language schools in Slovenia, chosen by the Ministry of Interior.¹⁹ The State has set up specific guidelines on the required knowledge of the Slovene language to pass the exam.²⁰ These guidelines provide a detailed explanation on what knowledge is required from the applicant to pass the exam and could be considered as a very basic study guide. The Centre offers on its website an example of the language exam.²¹ A textbook (*Pot to izpita iz znanja slovenščine*)²² and book of sample tests (*Zbirke testov za izpite iz znanja*

¹⁶ Centre for Slovene as a Second Language at the University of Ljubljana http://www.centerslo.net/l2.asp?L1_ID=3&L2_ID=99&LANG=eng (last visited July 2012).

¹⁷ Centre for Slovene as a Second Language at the University of Ljubljana, http://www.centerslo.net/l1.asp?L1_ID=3&LANG=eng (last visited July 2012).

¹⁸ Art. 10, para. 4, Citizenship Act.

¹⁹ Rules on Implementation and Criteria for Implementation of the examination of the Knowledge of Slovene language at the Basic, Intermediate and Higher Level, adopted by the Board of the Examination Centre at the Centre for Slovene as a Second Language and the Senate of the Faculty of Arts, University of Ljubljana, available online at http://www.centerslo.net/l2.asp?L1_ID=3&L2_ID=42&LANG=slo (last visited July 2012).

²⁰ Slovene for Foreign Learners, available online at http://programoteka.acs.si/PDF/slo_za_tujce.pdf (last visited July 2012).

²¹ Sample Tests, available online at http://www.centerslo.net/l1.asp?L1_ID=3&LANG=eng (last visited July 2012).

²² Damjana Kern, Mojca Stritar, Damjan Huber, Tjaša Alič and Tanja Jerman, *Pot to izpita iz znanja slovenščine* (2010).

slovenščine)²³ can be purchased at the bookstore at the Faculty of Arts, University of Ljubljana.²⁴

For applicants that do not satisfy the conditions for the free language course or who wish to take additional lessons, the costs of the language courses vary between different language course providers. The cost of the language course at the Centre is 400 EUR for 40 school hours.²⁵

The final act of the procedure for acquisition of the Slovenian citizenship is the citizenship ceremony. It consists of the applicant's reciting an oath to respect the democratic constitutional order of the Republic of Slovenia.²⁶ The oath is expressed before the Head of the administrative unit that decided on the application. With the taking of oath the applicant becomes a citizen of the Republic of Slovenia. The ceremony is very simple and neither public dignitaries nor media is present at the event.

3. Documentation that needs to be provided with the application for citizenship

With the application for citizenship the applicant has to provide documents that prove that he/she fulfils all the requirements for acquiring Slovenian citizenship determined in article 10 of the Citizenship Act (see 1. Introduction above). These documents are clearly stated in the Instructions on how to fill out the citizenship application form. The documents that have to be provided together with the application form are:²⁷

1. Birth certificate;
2. Marriage certificate;
3. Curriculum Vitae;
4. Proof of current citizenship (passport or other proof);
5. Proof of sufficient funds to ensure material and social security;
6. Proof of basic knowledge of the Slovenian language;
7. Criminal records from the State of current citizenship;
8. Proof of residence in Slovenia (residence permit card);
9. Proof of actual residence in Slovenia;
10. Receipt of payment of the application fee; and
11. Proof of renunciation of current citizenship.

All documents, except the proof of renunciation of current citizenship, have to be submitted at the beginning of the procedure. The applicant does not need to provide information and documents on data to which the administrative unit has direct access from its

²³ Ina Ferbežar (ed.), *Zbirke testov za izpite iz znanja slovenščine* (2006).

²⁴ Centre for Slovene as a Second Language at the University of Ljubljana, http://www.centerslo.net/l2.asp?L1_ID=3&L2_ID=103&LANG=eng (last visited July 2012).

²⁵ Centre for Slovene as a Second Language at the University of Ljubljana, http://www.centerslo.net/l2.asp?L1_ID=1&L2_ID=13&LANG=eng (last visited July 2012).

²⁶ Rules on the Procedure and Manner of the Solemn Act of Oath Taking, Official Gazette of the Republic of Slovenia, No. 42/2007.

²⁷ Online Services of the State Administration, <http://e-uprava.gov.si/storitve/pridobiVlogo.esju?id=145> (last visited July 2012).

databases. These are: their status as a foreigner in Slovenia; whether a denial of residence in Slovenia has been issued in the past; confirmation that the granting of citizenship does not present a danger to public order, security, or defence of the State; whether a work permit for foreigners has been granted; and fulfilment of tax obligations in Slovenia.

All documents issued by another State have to be translated into Slovenian by an official translator and legalised by the officials of the issuing State.

Proof of residence in Slovenia is provided by the residence permit card and confirmed by the administrative unit through their own database. The general requirement of residence is ten years of actual residence in Slovenia, but the legislation provides for shorter residence requirements for certain groups of applicants.²⁸ If the applicant is married to a Slovenian citizen the residence requirement is one year. An applicant who lost citizenship of the Republic of Slovenia due to renunciation of or release from citizenship can obtain back his/her citizenship after residing for six months in Slovenia. If the applicant is a Slovenian expatriate or his/her descendant, the residence requirement is one year. An applicant without any citizenship may obtain Slovenian citizenship after residing in Slovenia for five years. If the applicant is a refugee, his/her residence requirement is five years. If the applicant attended and successfully finished at least a university study programme in the Republic of Slovenia, he/she may obtain Slovenian citizenship after seven years of residence in Slovenia, of which at least five years continuously. For the applicant that was born in the territory of the Republic of Slovenia and has been living in the Republic of Slovenia since birth there are no time requirements of residence.

There are several options for applicants to prove their basic knowledge of the Slovene language. All applicants have to prove their basic knowledge of the language, even illiterate and deaf applicants. Applicants prove these by providing one of the following documents: certificate of successful completion of the Slovenian language examination, elementary school diploma, secondary school diploma, university diploma, for applicants older than 60 year proof of residence in Slovenia for at least 15 years, or elementary or secondary school diploma from a Slovenian school in the territories of the neighbouring countries where Slovenian minorities reside. However, certain groups of applicants are exempt from the requirement of passing a Slovene language exam. Applicants that have finished elementary school education in Slovenia; secondary school education in Slovenia; or have obtained a college or university degree in Slovenia in a program taught in Slovenian are exempt from the requirement of passing a language exam. Additionally, applicants that are 60 years old or older and have lived in Slovenia for 15 years or have finished elementary or secondary school education in a program taught in Slovenian language on the territories of the neighbouring States, where Slovenian minorities reside, are also exempt from passing the language exam.

The applicant can prove sufficient financial means for support by providing one of the following documents: employment contract, pension, work contract, contract of authorship, fellowship contract, rent income, or any other document indicating other forms of income. It has to be pointed out that the applicant has to provide one of the abovementioned documents

²⁸ Art. 12, Citizenship Act.

indicating his/her income for the last three months before application. These documents have to indicate that the applicant has been receiving sufficient financial means for the last two years, to prove continuity of the income.²⁹ The Citizenship Act defines sufficient means as the monthly income that equals at least the minimum income determined by the social security legislation.³⁰ The applicant has to have sufficient financial means available also for every dependant.

The applicant also has to provide documentation that indicates that he/she has been in fact residing in Slovenia for the requested period of time. In support of this the applicant may provide a confirmation of the selection of a family doctor in Slovenia, confirmation of the selection of a dentist in Slovenia, confirmation of student status in Slovenia, or other similar document indicating his/her actual residence in Slovenia.

Applicant's criminal records have to indicate that the applicant has not been sentenced to an unconditional prison sentence longer than three months, nor conditionally sentenced to a prison sentence with probation longer than one year.³¹ The criminal record is the only document that has to be updated and provided again when the proof of renunciation from the previous citizenship is delivered to the administrative unit to confirm that the applicant still fulfils all the requirements for granting Slovenian citizenship.

Finally, the Citizenship Act also provides details on the documents accepted as a proof of renunciation of the previous citizenship. Proof that the applicant has renounced his/her foreign citizenship is required before the approval of citizenship. If the applicant cannot provide this proof at the time of submission of the application form or before the decision on the granting of Slovenian citizenship is made (due to requirements for renunciation of citizenship in his previous State of citizenship) and he/she satisfies all the other requirements for Slovene citizenship, the applicant is issued an assurance decision that he/she will receive Slovene citizenship upon providing proof of renunciation within the next two years. If the applicant does not provide such proof in the required time, it is considered, that the applicant has withdrawn his/her application, unless he/she can provide other proof indicating that he/she has done everything in his/her power to receive the document of renunciation, but the State of his/her current citizenship has failed to provide such a document.³²

The Regulation on Criteria provides guidelines on the interpretation of the requirement of renunciation. It grants the right to exemption from the renunciation requirement on grounds of statelessness, impossibility, threat to life and existence of reciprocity between EU Member States.³³ Thus, the renunciation requirement is considered to

²⁹ Art. 3(1), Regulation on the criteria of assessing the conditions and circumstances of acquisition of citizenship of the Republic of Slovenia in the process of naturalization, Official Gazette of the Republic of Slovenia, No. 51/2007.

³⁰ Art. 10, Citizenship Act. The current minimal pay in Slovenia, determined by the Ministry of Labour, Family and Social Affairs, is 584,29 EUR, Amount of Minimal Pay, Official Gazette of the Republic of Slovenia, No. 5/2012.

³¹ Art. 10, Citizenship Act.

³² Art. 12, Citizenship Act.

³³ Art. 12, Citizenship Act.

be fulfilled if the applicant is stateless or proves that according to the legislation of the State of his/her current citizenship, he/she loses citizenship with the act of naturalisation in another State.³⁴ Additionally, if the applicant proves that the State of his/her current citizenship does not decide on the renunciation in a reasonable time limit (which is considered two years after the issue of the conditional decision to grant citizenship in Slovenia and the applicant has requested renunciation in 60 days after the issue of the conditional decision to grant citizenship and has done everything in his/her power receive renunciation) he/she may also be exempt from the renunciation requirement.³⁵ Finally, the applicant may also be exempt from this requirement in cases where he/she proves that the State does not grant renunciations or that the act of renunciation is considered as disloyal to the State, if the applicant provides a declaration that he/she renounces the citizenship of his/her current State.³⁶

There are additional guidelines on renunciation requirements for applicants that are married to a Slovenian citizen. Upon a request to the Government of Slovenia, the government can decide that proof of renunciation is not necessary, if the applicant can prove that to satisfy the renunciation requirement he/she will have to satisfy conditions that represent threat to his/her life or existence or if he/she can prove that the renunciation would have as a consequence loss of his/her property rights in the State concerned.³⁷

4. Discretion of the decision-making authorities

The decision to grant Slovenian citizenship is made on two levels. The initial decision is made by the administrative unit of the applicant's place of residence. This decision is revised by the Ministry of Interior, which gives consent to the decision of the administrative unit. The consent of the Ministry for Interior is the basis for granting of citizenship.³⁸ As the Citizenship Act states throughout its text the administrative unit and the Ministry of Interior have full discretion to decide on granting of Slovenian citizenship to an applicant. They can deny citizenship to an applicant that fulfils all of the requirements, as well as grant citizenship to an applicant that does not fulfil all the requirements, if this is in line with the national interest.

Slovenian citizenship can be denied if it is proven that the applicant provided false information.³⁹ These are also grounds for revocation of the decision to grant citizenship at any later time. Citizenship status is also refused if the applicant represents a threat to public

³⁴ Art. 12, Citizenship Act.

³⁵ Art. 12, Citizenship Act.

³⁶ Art. 12, Citizenship Act.

³⁷ Art. 12, Citizenship Act; Art. 8, Regulation on the Criteria of Assessing the Conditions and Circumstances of Acquisition of Citizenship of the Republic of Slovenia in the Process of Naturalization.

³⁸ Art. 27b, Citizenship Act.

³⁹ Art. 16, Citizenship Act.

policy, national security and defence of the State.⁴⁰ A decision from the Constitutional Court of Slovenia regarding the refusal of granting citizenship acknowledges that the administrative unit and the Ministry of Interior have full discretionary power in assessing the elements that constitute a threat to public policy, national security and defence.⁴¹

While the administrative unit and the Ministry of Interior have discretion to decide on granting Slovenian citizenship, they have to ensure that due account is taken of the fact that there exists a strong bond between the applicant and the Republic of Slovenia. More specific, it has to be proven that the State is the centre of the applicant's interests. This is assessed through the applicant's political, economic, social and other connections to the State.⁴²

The Administrative Procedure Act requires the administrative unit to grant each applicant in any proceedings the right to be heard before it makes a decision.⁴³ The Administrative Procedure Act also gives each party in an administrative procedure the right to request information on the progress of the application.⁴⁴ If the administrative unit fails to provide the applicant any information on the procedure upon his/her request, he/she can appeal such a decision.⁴⁵

After passing the Slovenian language examination each individual receives a certificate to present to the administrative unit as proof of satisfying the language requirement. The administrative unit does not have the discretion to deny this certification or consider it insufficient. This applies also to the provision of other documents as proof of language skills (see above).⁴⁶ However, if the civil servant deciding in the application procedure believes that the applicant has a lower level of understanding Slovene than expected by someone that has successfully passed the language exam, the civil servant may follow up with the Centre to enquire if the applicant has really undertaken and passed the exam.

Additionally, the Citizenship Act grants no discretion to the authorities with regard to the interpretation of the Criminal Records. If there is a procedure in place against the applicant for a crime with an unconditional prison sentence shorter than three months or a conditional sentence of imprisonment with probation not longer than one year, then the application for granting of citizenship is suspended until a sentence is given in the criminal proceedings.⁴⁷ The applicant is considered to have fulfilled the criminal record requirements if he/she has been previously issued the abovementioned sentence, but all the conditions are met for the removal of the sentence from his/her criminal records.⁴⁸

⁴⁰ Arts. 4-6, Regulation on the Criteria of Assessing the Conditions and Circumstances of Acquisition of Citizenship of the Republic of Slovenia in the Process of Naturalization.

⁴¹ Decision of the Constitutional Court of Slovenia, No. UP 84/94.

⁴² Art. 10, Citizenship Act.

⁴³ Art. 9, Administrative Procedure Act, Official Gazette of the Republic of Slovenia, No. 8/2010.

⁴⁴ Art. 82, Administrative Procedure Act, Official Gazette of the Republic of Slovenia.

⁴⁵ Ibid.

⁴⁶ Slovene for Foreign Learners, available online at http://programoteka.acs.si/PDF/slo_za_tujce.pdf (last visited July 2012).

⁴⁷ Art. 10, Citizenship Act.

⁴⁸ Art. 10, Citizenship Act.

5. Bureaucracy

While the application for Slovene citizenship can be submitted at any administrative unit in Slovenia, the decision is carried out by the administrative unit of the permanent/temporary residence of the applicant.⁴⁹

The submitted documents are checked two times during the application procedure. First, by the administrative unit during their decision-making process, and second, by the Ministry of Interior during the revision procedure. After the provision of the proof of renunciation, the new certificate of criminal records is reviewed again to ensure the fulfilment of all the requirements.

As the abovementioned indicates, the decision to grant Slovene citizenship is made by the administrative unit and the Ministry of Interior. At the first stage the administrative unit grants a decision on citizenship or an assurance decision to grant citizenship upon receipt of the proof of renunciation. On the second stage, the Ministry of Interior has to give consent to the decision of the administrative unit. The applicant becomes a Slovene citizen after giving oath to respect the legal systems of Slovenia, upon the consent of the Ministry of Interior. The decision to grant or deny Slovenian citizenship is taken on the national level.

The legislation does not regulate the maximum length for the procedure. From the various documents it can be deduced that the actual duration of the procedure is around two years and six months. The administrative unit has to make a decision on the application in two months after all the required documents have been submitted. In eight working days after the assurance decision of the administrative unit becomes final, it has to forward its decision to the Ministry of Interior for revision. The Ministry of Interior has an additional two months to grant consent in the revision procedure. If the Ministry finds that the administrative unit has erred in the decision process, the Ministry of Interior removes the decision of the administrative unit and carries out its own procedure. The time limit for this procedure is four months.⁵⁰ There are no sanctions for non-respect of the time limits by the authorities. However, as presented by the interviewed civil servant, the period of revision usually takes longer than two months, as required by the legislation for that part of the procedure. The applicant can initiate a separate administrative procedure against the administrative unit for not respecting the time limits.⁵¹

6. Review of the decision

The Slovenian legislation prescribes the form of the decision of the administrative unit and the Ministry of Interior.⁵² Both decisions must contain an explanation of the request of the applicant, the illustration of the facts, the reasoning for acceptance of the evidence, the legal

⁴⁹ Art. 27b, Citizenship Act; Online Services of the State Administration, <http://e-uprava.gov.si/storitve/pridobiVlogo.esju?id=145> (last visited July 2012).

⁵⁰ Art. 27a, b, c, Citizenship Act.

⁵¹ Art. 222, Administrative Procedure Act, Official Gazette of the Republic of Slovenia, No. 80/1999, amendments 70/2000, 52/2002, 73/2004, 22/2005-UPB1, 119/2005, 24/2006-UPB2, 105/2006-ZUS-1, 126/2007, 65/2008, , 8/2010.

⁵² Art. 210, Administrative Procedure Act.

acts that were the basis for the decision, the reasoning for the decision, as well as the information on the available remedies and the time limits for appeal.⁵³ The applicant can appeal all the decisions at all the stages of the procedure. The appeal covers both substantive and procedural aspects and may modify the decision.

The applicant can appeal the denial of assurance decision of the administrative unit before the Ministry of Interior in an administrative appeal procedure.⁵⁴ The applicant can appeal the denial of citizenship by the Ministry of Interior before the Administrative Court.⁵⁵ The applicant can further appeal the decision of the Administrative Court before the Supreme Court.⁵⁶ The applicant also has the possibility to appeal the decision of the Supreme Court before the Constitutional Court of Slovenia if he/she believes that his/her constitutional rights have been breached by the decision of the Supreme Court.⁵⁷

The time limit for appeal against the decision of the administrative unit is fifteen days from the receipt of notification of denial.⁵⁸ The time limit for the filing of the suit before the Administrative Court against the decision of the Ministry of Interior is 30 days from the receipt of notification of denial.⁵⁹ The applicant has fifteen days after the receipt of the decision of the Administrative Court to appeal its decision before the Supreme Court.⁶⁰ The time limit for the appeal to the Constitutional Court is 60 days from the receipt of the decision of the Supreme Court.⁶¹

The applicant may appeal also against the Slovenian language examination procedure and the results of the Slovenian language examination. The applicant has to submit a written appeal within 30 days of the date of the examination or the receipt of the examination results.⁶² The written complaints and the appeal procedure are carried out in the Slovenian language.⁶³ In the case of a successful appeal a new commission with different language assessors is formed to assess the applicant's knowledge.

Discrimination by administrative organs is prohibited by the Constitution of the Republic of Slovenia.⁶⁴ However, neither the Administrative Procedures Act nor the

⁵³ Art. 210, Administrative Procedure Act.

⁵⁴ Arts. 13 and 231, Administrative Procedure Act.

⁵⁵ Art. 1, Administrative Dispute Act, Official Gazette of the Republic of Slovenia, No. 50/1997, amendments 70/2000, 105/2006-ZUS-1.

⁵⁶ Art. 73, Administrative Dispute Act.

⁵⁷ Art. 21, Constitutional Court Act, Official Gazette of the Republic of Slovenia, No. 15/1994, amendments 51/2007, 64/2007-UPB1.

⁵⁸ Art. 235, Administrative Procedure Act.

⁵⁹ Art. 28, Administrative Dispute Act.

⁶⁰ Art. 73, Administrative Dispute Act.

⁶¹ Art. 52, Constitutional Court Act.

⁶² Centre for Slovene as a Second Language at the University of Ljubljana, http://www.centerslo.net/l2.asp?L1_ID=3&L2_ID=99&LANG=eng (last visited July 2012).

⁶³ Ibid.

⁶⁴ Art. 14, Constitution of the Republic of Slovenia, Official Gazette of the Republic of Slovenia, No. 33/1991, amended 51/2007, 64/2007-UPB1. Slovenia has also ratified the Convention on the Elimination of All Forms of Racial Discrimination. However, the UN Committee on Elimination of Racial Discrimination has reported that Slovenian legislation does not sufficiently address all the requirements of Article 4. of the Convention on the Elimination of All Forms of Racial Discrimination, Report of the UN Committee on Elimination of Racial Discrimination (2001).

Citizenship Act contain a measure referring explicitly to prohibition of discrimination. The current legislation could be regarded discriminatory due to the high discretion of the decision-making authorities.⁶⁵ Victims of such discrimination have most often been the most marginalised ethnic and social groups, such as the Roma people and former prisoners.⁶⁶

⁶⁵ Dedić (2003), p. 44.

⁶⁶ Ibid. p. 39.

7. Conclusion

The regulations on acquisition of the Slovenian citizenship by regular naturalisation are based on the principle of prevention of statelessness, principle of free choice of citizenship, and gender equality in acquisition of citizenship.⁶⁷ While Slovenian citizens can hold dual citizenship, foreign residents wishing to obtain Slovenian citizenship have to renounce their previous citizenship to obtain the Slovenian citizenship.

Though the rules on acquisition of Slovenian citizenship have changed several times since Slovenian independence,⁶⁸ there are no plans for changes to the regulations in the near future. According to the current regulations, foreign residents in Slovenia can acquire Slovenian citizenship upon living in Slovenia for ten years, having a basic command of the Slovenian language, a clean criminal record, and sufficient financial means to support themselves. They cannot pose any threat to public order, security and defence of the State. The regulations offer few exemptions on the requirements for obtaining citizenship (mainly with regard to the duration of the living period in Slovenia). Between 1992 and 2011 32,973 individuals acquired Slovenian citizenship through regular naturalisation.⁶⁹

While the procedure to acquire Slovenian citizenship is regulated by law, the authorities have significant discretionary power. Therefore the procedure has several checks to ensure that the applicants are given fair consideration. The first check is the automatic revision of the decision of the administrative unit by the Ministry of Interior before the final decision on granting citizenship is made. The second check is offered through the available means for appeal. The applicants can appeal against the denial of citizenship by any of the two decision-making authorities. The bodies deciding on the appeal of the applicant have the power to change the decision of the authorised authorities. If the process violates the fundamental human rights of the applicant, he/she can appeal to the Constitutional Court as the final instance.

⁶⁷ Dedić (2003), p. 31.

⁶⁸ See Felicita Medved, Country Report: Slovenia, EUDO Citizenship Observatory, Robert Schuman Centre for Advanced Studies (2010).

⁶⁹ Ministry of Interior (2012). For more see Eurostat, Acquisition of citizenship by sex, age group and former citizenship, available online <http://appsso.eurostat.ec.europa.eu/nui/setupModifyTableLayout.do> (last visited July 2012).

