

Mobility: Immigration alert

April 2021



Slovenia

Amendments to the Foreigners Act

Executive summary

On 30 March 2021, the Slovenian National Assembly adopted amendments to the Foreigners Act (the Act), which was proposed by the Slovenian Ministry of Interior Affairs. The Act was published in the Official Gazette of the Republic of Slovenia on 12 April 2021. The Act details the conditions for entry into, residence in, and departure from Slovenia by foreign nationals. These amendments will be applied starting on 12 May 2021, except where otherwise noted. Employers should become familiar with these amendments as they will impact the process of transferring third-country nationals to work in Slovenia, as well as their family members.

Key issues

The Act includes the following immigration-related amendments:

- ▶ Third country nationals working in Slovenia will no longer be able to count allocations for meals, transportation or other expenses (e.g., relating to business trips) toward their minimum net wage, for purposes of demonstrating that they satisfy the minimum salary requirements to obtain residence authorization in Slovenia. Under the terms of the Act, only the worker's base salary will be counted toward the minimum salary requirement.
- ▶ In general, third-country nationals will be required to work in Slovenia for two years before their (third country national) family members can apply for a Slovenian residence permit on the basis of family reunification. This two-year residence requirement does not apply in limited situations, including when third country nationals hold an EU Blue Card, or are working in Slovenia pursuant to an intra-company transfer arrangement.
- ▶ Third-country nationals aged 18 or above, who live in Slovenia and are family members of third country nationals who are working in Slovenia, will be subject to a Slovenian language requirement, in order to renew their Slovenian residence permits, if their permits were issued on the basis of family reunification. Specifically, impacted family members will need to demonstrate that they are fluent (A1 level) in Slovenian, and include a language certificate as part of their residence permit renewal application. Family members of third country nationals who have resided in Slovenia continuously for five years at the time that the changes take effect, will be subject to a less stringent requirement (i.e., A2 level proficiency will suffice). The language-related provisions of the Act are scheduled to take effect on 30 March 2023.
- ▶ The Act clarifies the health insurance requirement that applies to foreign workers, including citizens of other EU member states and third country nationals. In order to satisfy this requirement, foreign workers must hold

health insurance that covers the cost of emergency medical care in Slovenia.

- ▶ The Act incorporates provisions of EU Directive 2016/801 on the conditions of entry and residence of third-country nationals for the purposes of research, studies, training, volunteering, student exchange schemes, educational projects and au pairing. In addition, the Act incorporates part 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 (OJ 2019/C 144 I/01). Specifically, it ensures the continuous right of residence in Slovenia for UK nationals with valid Slovenian residence permits expiring after 31 December 2020.

Key steps

EY will continue to monitor these developments. Should you have any questions, we encourage you to contact one of our immigration professionals.

EY | Building a better working world

create long-term value for clients, people and society and build trust in the capital markets.

Enabled by data and technology, diverse EY teams in over 150 countries provide trust through assurance and help clients grow, transform and operate.

Working across assurance, consulting, law, strategy, tax and transactions, EY teams ask better questions to find new answers for the complex issues facing our world today.

EY refers to the global organization, and may refer to one or more, of the member firms of Ernst & Young Global Limited, each of which is a separate legal entity. Ernst & Young Global Limited, a UK company limited by guarantee, does not provide services to clients. Information about how EY collects and uses personal data and a description of the rights individuals have under data protection legislation are available via ey.com/privacy. EY member firms do not practice law where prohibited by local laws. For more information about our organization, please visit ey.com.

Ernst & Young LLP is a client-serving member firm of Ernst & Young Global Limited operating in the US.

© 2021 Ernst & Young LLP.
All Rights Reserved.

EYG no. 003133-21Gbl

2101-3682263
ED None

ey.com

Matej Kovačič, Partner, Country Tax Leader
Tel: +386 1 583 17 62
Email: matej.kovacic@si.ey.com

Mojca Lukač, Senior Manager, People Advisory Services
Tel: +386 1 583 17 31
Email: mojca.lukac@si.ey.com