



REPUBLIKA SLOVENIJA
MINISTRSTVO ZA NOTRANJE ZADEVE

Dr. Vinko Gorenak
MINISTER

Štefanova ulica 2
1501 Ljubljana
Slovenija

T: 01 428 47 21
F: 01 428 59 01
E: vinko.gorenak@gov.si

Ljubljana, 25 January 2013

Mr Niels Muižnieks,
Council of Europe Commissioner for Human Rights

Dear Commissioner,

Please allow me to refer to the letter you have sent to the Prime minister of the Republic of Slovenia Janez Janša on 10 January 2013 (Ref: CommHR/ EBsf 001-2013).

I would like stress commitment of the Government of the Republic of Slovenia to implement the judgements of the European Court of Human Rights in its national law. In line with that statement, I would like to bring to your attention that the Government of the Republic of Slovenia has established an Intergovernmental Working Group with a view to executing the judgment of the Grand Chamber of the European Court of Human Rights issued in June 2012 in the case of Kurić and others v. Slovenia. The Group is tasked to address the issues pertaining the persons removed from the permanent residents register and to examine the possible ways to compensate them for the occurred damage. At its 52nd Session on 18 January 2012, the Government of the Republic of Slovenia adopted an Action Plan for the execution of the judgment of the Grand Chamber of the European Court of Human Rights in the case of Kurić and others v. Slovenia, which has already been submitted to the Department for the Execution of Judgments of the European Court of Human Rights, Council of Europe Secretariat.

Furthermore, I would like to respond to some of the statements from your letter related to the amendment of the act governing the status of persons removed from the permanent residents register Act amending the Act Regulating the Legal Status of Citizens of the Former Socialist Federal Republic of Yugoslavia Living in the Republic of Slovenia (hereinafter: the ZUSDDD-B), which entered into force on 24 July 2010, was adopted by the National Assembly of the Republic of Slovenia in order to finally regulate the legal status of the persons who were removed from the permanent residents register. In addition to implementing the Constitutional Court Decision no. U-I-246/02-28 of 3 April 2003 and eliminating the established unconstitutionality (among other by regulating legal status retroactively), the act also regulates some other related issues. The content of the act was also examined by the Constitutional Court of the Republic of Slovenia which, in decision no. U-II-1/10-19 of 10 June 2010, deciding that the required referendum was unconstitutional, also judged that the ZUSDDD-B, in line with the constitution, eliminates the established unconstitutionality while also legitimately regulating other issues (regulation of the status for the children of the persons removed from the permanent residents register and regulation of the status retroactively for the citizens of the Republic of Slovenia). Moreover, it assessed that based on the ZUSDDD-B it will be possible to finally resolve the legal status of those citizens of other republics of former SFRY who were persons removed from the permanent residents register, if their status has not been regulated yet.

As for your proposal that procedures under the ZUSDDD-B should be exempt from administrative fee, we would like to explain that the procedure for the issuing of a permanent residence permit under the ZUSDDD-B is subject to administrative fee like it was before the amendment. As a large number of the persons had obtained permanent residence permits under the ZUSDDD or the Aliens Act before the ZUSDDD was amended and they had paid administrative fees in the procedure, it would not be fair if only the persons removed from the permanent residents register who would obtain the permanent residence permit under the amended ZUSDDD would be exempt from paying the fee. The mentioned persons would thus be put in an unequal position as regards the payment of the administrative fee. A person removed from the permanent residents register in dire financial circumstances may, upon his or her request, be exempt from the administrative fee payment, subject to reciprocity. In the procedure of issuing a special decision (by means of which permanent residence permits and registration of residence are decided on retroactively) the fee is not payable at all.

Your letter also contains a proposal on the extension of the time limit for lodging applications. The ZUSDDD-B defines a new, three-year period for lodging applications. Applications can thus be lodged until 24 July 2013. The Republic of Slovenia considers such a period to be appropriate and long enough to enable all interested individuals to be informed of the arrangements and lodge the application.

The Republic of Slovenia is aware that the regulation of the status of the mentioned persons under the ZUSDDD-B entails ensuring that all affected, including those living outside of Slovenia, are informed of what is required of them to do to regulate their status. For this reason, the Ministry of the Interior has undertaken a number of activities to present the Act to all the interested parties before its entry into force. The entry into force was accompanied by the publication of a special brochure in the Slovenian language, which is available at all administrative units in Slovenia and at Slovenian diplomatic representations and consulates in the successor states to the former SFRY. It has also been sent to non-governmental organisations. In January 2012 the Ministry of the Interior issued the same brochure in the four languages of the former SFRY. The contents of the brochures and all the necessary information are also available on the Ministry of the Interior's website (www.infotujci.si). Since 20 July 2010 there has also been a toll-free hotline with all the information in connection with the ZUSDDD-B.

As far as other rights are concerned, we wish to clarify that the purpose of the ZUSDDD-B is to facilitate the regularization of status (i.e. the acquisition of a permanent residence permit) for citizens of the other republics of the former common state (SFRY). As such the ZUSDDD-B does not regulate any other rights or compensation. As far as other segments of life (e.g. social security, health care, access to labour market, integration) are concerned, persons removed from the permanent residents register - i.e. holder of permanent residence permit - may become a beneficiary entitled to those rights that are defined in specific regulations for aliens and conditional on the holding of a permanent residence permit or registration of permanent residence in the Republic of Slovenia. In November 2010 The Government of Republic of Slovenia has set up an Intergovernmental Working Group to address the issues concerning persons removed from the permanent residents register comprehensively. The primary objective of the group was to identify and prepare a set of actions to reintegrate persons removed from the permanent residents register in the Slovenian society, including assistance in materializing the rights extending to them based on their regularized status. The Intergovernmental Working Group prepared an overview of the rights which persons removed from the permanent residents register can claim once they have obtained their permanent residence permits. The Intergovernmental Working Group completed its work on May 2012.

In response to the letter in which the removal from the permanent residents register is associated with statelessness, the Republic of Slovenia wishes to emphasize that the removal from the permanent residents register meant the termination of registration of a permanent residence in the Republic of Slovenia for citizens of other republics of the former SFRY, and as such did not have any effect on the citizenship of those persons. In the former Yugoslavia, a dual citizenship (federal and republic) system

was in place. Every SFRY citizen held the citizenship of the federal state and that of one of the republics. In founding their state bodies, all of the successor States to the former SFRY relied on the citizenship of the republic, which means that each federal citizen (after the dissolution of SFRY) was to retain his/her citizenship of one of the independent successor states automatically. Strict observance and implementation of the legislation of successor states in the field of citizenship should have resulted in each former federal citizen enjoying the continuity of citizenship of one of the successor states. It therefore follows that the termination of registration of permanent residence (the revocation of a permanent residence status) did not influence the citizenship or caused any loss of the original citizenship of the affected persons.

Yours sincerely,

A handwritten signature in black ink, appearing to be a stylized 'J' followed by a surname, possibly 'J. M. ...'.