

FAMILY REUNIFICATION PROCEDURE FOR PERSONS UNDER INTERNATIONAL PROTECTION

Handbook



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POSTOPEK ZDRUŽITVE DRUŽINE OSEB Z MEDNARODNO ZAŠČITO – priročnik
FAMILY REUNIFICATION PROCEDURE FOR PERSONS UNDER INTERNATIONAL PROTECTION
Handbook

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The Handbook on family reunification for persons under international protection is part of the REPAIR project (Reunification pathways for integration). The project is co-financed by the European Commissioner under the AMIF. The project is coordinated by the International Federation of Red Cross and Red Crescent Societies (IFRC) and in cooperation with the Austrian Red Cross, the French Red Cross, the British Red Cross and the Slovenian Red Cross. The implementation of the project activities is supported by the International Committee of the Red Cross (ICRC). More information on the project can be found at: <https://www.rks.si/sl/REPAIR/>.



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FOREWORD

The main and key mission of the Slovenian Red Cross and the entire family of the International Red Cross and Red Crescent Movement is to help vulnerable people. Children and the elderly are certainly among the most vulnerable, but they are also the two pillars that make up the family. The family is the basic unit, and we cannot do without it. And within the family, there is always the concern of parents about the wellbeing of their children, of course, the concern of children (no matter their age) about the wellbeing of their parents. But surely, the biggest worry for each one of us is not knowing where our children are, what is happening with our parents... A great worry and a painful wound.

The REPAIR project, an inevitable part of the family reunification process, is assuredly an important part of our mission to help vulnerable people. It is an important, arduous and often overlooked part of our efforts to help families. I would also like to thank our partner organisations with whom we work closely all the time - the Law Centre for the Protection of Human Rights and the Environment (PiC), the International Organisation for Migration (IOM), The Office of the Government of the Republic of Slovenia for the Support and Integration of Migrants and the UN Refugee Agency (UNHCR).

We are living in a time of the greatest changes in human history, when multiple and very different crisis events force people to leave their homes virtually overnight. Climate change, disasters, conflicts, hunger and growing poverty are among the main causes of increasing migration and, with it, the search for a place elsewhere. Slovenia is also facing an increasing number of migrations and consequently an increasing number of people with refugee status or international protection. Some come here with their family, others join their family here, and there are too many who leave everything behind in their country of origin in search of a better tomorrow and, due to a number of events, can no longer contact their family.

And this is where the International Red Cross and Red Crescent Movement network and the Slovenian Red Cross come as a ray of hope, with our trained, skilled and experienced staff who know how to listen and, of course, how to help. A huge wheel of family reunification is set in motion and on the following pages you will be able to read a clear and comprehensive guide with tips and useful links on how to make the process go as smoothly as possible.

Refugees are #NotAlone and it is our mission, our duty, to help them.

USE OF HANDBOOK

The family reunification procedure enables persons under international protection to exercise their right to family and private life. The purpose of the handbook is to provide a comprehensive overview of the family reunification procedure for persons under international protection in the Republic of Slovenia. The procedure of family reunification of a person under international protection is different from the procedure of family reunification initiated by a foreigner residing in Slovenia on another legal basis or in procedures where the foreigner is reunited with a family member who became a family member after his or her arrival in the Republic of Slovenia. The differences in the procedure arise from the nature of international protection and the grounds on which it is granted. The specific rules on the conduct of the family reunification procedure of a person under international protection are thus aimed at conducting the family reunification procedure in a way that allows for the protection of the person under international protection, the protection of his or her personal data before the authorities of the country of origin and addressing the specific situation of both the person and his or her family members.

In preparing this handbook, we wanted to create a comprehensive document that would be helpful both to persons undergoing family reunification and to individuals who deal with them in the course of their work. The handbook is therefore divided into two parts: the first part is aimed at relevant stakeholders involved and the second part consists of a short brochure aimed at persons undergoing the family reunification process.

Who are persons under international protection?

A person under international protection is a person who has obtained refugee status or subsidiary protection status in the Republic of Slovenia.

Refugee status is granted to a person who has a well-founded fear of persecution in the country of origin/country of habitual residence due to:

- belonging to a particular racial or ethnic group,
- religion,
- nationality,
- belonging to a particular social group, or
- political opinion.¹

A person cannot obtain refugee status on other grounds. A person who is recognised as a refugee in Slovenia also obtains upon recognition a permanent residence permit.

¹ The grounds for refugee status are set out in Article 20(2) of the International Protection Act (ZMZ-1).

Subsidiary protection is granted to a person who does not qualify for refugee status, but who has reasonable grounds to believe that he or she would suffer serious harm if returned to the country of origin/country of last habitual residence. Serious harm includes:

- the death penalty or execution,
- torture, inhuman or degrading treatment or punishment in the country of origin,
- a serious and individual threat to the life or person of a civilian as a result of arbitrary violence in international and internal armed conflicts.²

A person granted subsidiary protection status in Slovenia obtains a temporary residence permit. The period of time for which the temporary residence permit is granted depends on the duration of the subsidiary protection. In practice, individuals obtain subsidiary protection for one, two or five years. If there are grounds for renewal, subsidiary protection is extended for two years.

The person may be persecuted or seriously harmed in the country of origin/country of habitual residence by a state, a political party or organisation controlling the country or a substantial part of its territory, or by non-state actors. If a person is persecuted or threatened with serious harm by non-state actors, he or she must show in the course of the proceedings that the state or organisations (including international organisations) controlling the state or a substantial part of its territory are unable or unwilling to protect him or her from persecution.

For these reasons, **a person under international protection cannot and should not return to his or her country of origin/country of habitual residence. Nor can or should he or she contact the authorities of that country.** Doing so could endanger his or her safety and/or his or her international protection status in Slovenia. International protection is granted to a person because the country of origin/country of habitual residence is unable/unwilling to provide protection. All competent authorities of the Republic of Slovenia are therefore obliged to protect the personal data of applicants for international protection and persons granted international protection from the authorities of their country of origin/country of habitual residence.³ If a person returns to his or her country of origin or contacts the authorities of his or her country of origin, he or she accepts his or her protection, which may be grounds for withdrawal of international protection status. In practice, therefore, the person under international protection is often unable to obtain and present certain evidence from the country of origin, and the competent authorities are not allowed to request certain evidence from the person under international protection. Family reunification procedures initiated at the request of the person under international protection are therefore subject to specific rules which differ from family reunification procedures conducted with other foreigners.

The family reunification procedure for persons under international protection must take into account the individual circumstances of persons under international protection. Persons under international protection are persons in need of additional assistance and support during the procedure. They are persons who have in practice been outside their

² The grounds for subsidiary protection status are set out in Article 20(3) of the ZMZ-1.

³ Article 119(1) of the International Protection Act (ZMZ-1).

country of origin for a long period of time or have never been there (e.g. in the case of stateless persons), and who may have been victims of various forms of exploitation or violence in their country of origin or en route. Prolonged separation from family members may affect a person's ability to contact family members, obtain the necessary evidence for family reunification or provide relevant circumstances within set timeframes. The vulnerability of persons under international protection and their family members should therefore be taken into account during the procedure and they should be allowed to participate effectively.

Who are the family members of persons under international protection?

The family members with whom the person under international protection wishes to associate may include immediate (spouse, partner, child) or extended (parents, grandparents, siblings) family members. Whether reunification will actually be possible depends on the individual circumstances of the case.

The family members of the person under international protection may be inside or outside the country of origin/country of habitual residence. They may have a different nationality from the person under international protection, be stateless, be present in the country illegally, belong to particularly vulnerable groups (unaccompanied minors, single women, etc.). As is the case for the person with international protection, his or her family members may also be at risk of persecution or serious harm in their country of origin/country of habitual residence or in the third country where they are located, but have, due to various reasons, not made the journey with the concerned family member. The family reunification procedure must therefore take into account the vulnerability and individual circumstances of the family members, as it can depend on those circumstances which documents they will have or will be able to obtain and within what timeframe.

FAMILY REUNIFICATION PROCEDURE

OVERVIEW OF LEGISLATION

1. Who is a sponsor and with whom can they reunify?

A sponsor is a family member who applies for family reunification - i.e. a person under international protection in the Republic of Slovenia who is reuniting with his or her family members.

The family members with whom the sponsor may be reunited are:

- A spouse or partner with whom the person under international protection is living in a long-term relationship;
- minor unmarried children of the person under international protection;
- minor unmarried children of the spouse or partner with whom the person under international protection is living in a long-term common-law relationship;
- adult unmarried children and parents of the person under international protection or of the spouse or partner with whom the person under international protection has a long-term living arrangement, if the person under international protection, the spouse or the partner with whom the person under international protection has a long-term living arrangement is obliged to maintain him or her under the law of the State of which he or she is a citizen;
- the parents of the person under international protection who is an unaccompanied minor.⁴

Exceptionally, the competent authority may also consider another relative of the person under international protection to be a family member if the special circumstances are in favour of family reunification in Slovenia. Special circumstances are given where there is a living community between other relatives which, due to specific factual circumstances, is substantially similar to the primary family or has the same function as the primary family, which means in particular genuine family ties between family members, physical care, protection, protection, emotional support and financial dependence.⁵

In the case of a polygamous marriage, the sponsor can only unite with one spouse.⁶

2. Obtaining the right to family reunification

People with refugee status acquire the right to be reunited with their family members as soon as their refugee status decision becomes final.⁷ For persons under subsidiary

⁴ Article 47a (2) and 47b (2) of the Aliens Act (ZTuj-2).

⁵ Article 47a (4), and Article 47b (4) of the ZTuj-2.

⁶ Article 47a (11) and Article 47b (11) of the Ztuj-2.

⁷ Article 47a (1) of the ZTuj-2.

protection, this applies only if they have been granted subsidiary protection for a period exceeding one year. If they have been granted protection for up to one year or for one year, they only acquire the right to family reunification when their subsidiary protection is extended.⁸

3. Conditions for family reunification

A sponsor is entitled to a family reunification procedure under the special conditions applicable to persons under international protection status if the family already existed before the person entered the Republic of Slovenia. The conditions for reunification under special conditions are that the family is not a family that was formed after the entry into the country and that the sponsor submits the application within 90 days from the final date of the decision granting refugee or subsidiary protection status.

If the family was formed after the person entered the Republic of Slovenia (e.g. birth of a child, marriage after the sponsor entered the Republic of Slovenia), the sponsor and the family members cannot be reunited under the special conditions applicable to persons under international protection, but are subject to the general conditions applicable to the rest of the foreigners⁹ obtaining a temporary residence permit.

4. Submission of the application (deadlines, forms, competent authority, supporting documents required)

If the sponsor wishes to be reunited with his or her family under the special conditions applicable to persons under international protection, he or she must apply for a residence permit for a family member **within 90 days** of the date on which the decision granting him/her refugee or subsidiary protection status becomes final.



If a person under international protection applies for a residence permit for a family member after the 90-day period, the same conditions apply as for other foreigners obtaining a temporary residence permit. The sponsor is then subject to additional obligations, as he or she must:

- Prove sufficient resources to support the family members with whom he or she wishes to associate. The monthly resources must not be less than the level set for entitlement to social assistance;
- take out health insurance for the family members, covering at least emergency medical services in the territory of the Republic of Slovenia;
- a certificate of the family members' lack of criminal record must be obtained in the country of origin and attached to the application.

All supporting documents must be certified by the diplomatic mission or consulate of the issuing country and authenticated by the Ministry of Foreign and European Affairs.

The above conditions for the issue of a residence permit also apply to those members of the sponsor's family who became family members only after the sponsor entered the Republic of Slovenia.

⁸ Article 47b (1) Ztuj-2.

⁹ Article 47 Ztuj-2.

The sponsor must submit a separate application for each family member with whom he or she wishes to reunite. Applications for family reunification are available from the Ministry of the Interior or on the website of the Government Office for Refugee Integration: www.infotujci.si.

If the sponsor has refugee status, he or she must submit the APPLICATION FOR A PERMANENT RESIDENCE PERMIT FOR A REFUGEE FAMILY MEMBER, which is available at link: <https://infotujci.si/wp-content/uploads/2023/09/21-1.pdf>

If the person reuniting with family members has subsidiary protection status, he or she must print and fill in the application FORM APPLICATION FOR A TEMPORARY RESIDENCE AUTHORISATION FOR A FAMILY MEMBER OF THE PERSON UNDER SUBSIDIARY PROTECTION, available at: <https://infotujci.si/wp-content/uploads/2022/04/Prosnja-za-izdajo-dovoljenja-za-zacasno-prebivanje-za-druzinskega-clana-osebe-s-subsidiarno-zascito-47.b-clen-Zakona-o-tujcih-2.pdf>

The application must be accompanied by the following documents:

- certified copies or originals of proof of family ties (e.g. birth certificate, marriage certificate);
- certified copies or originals of identification documents with a photograph of the family member with whom the person wishes to be reunited (e.g. passport, identity card, driving licence); a photograph of the family member (4.5 x 3.5 cm);
- written consent to send information on family members to international organisations.

The signed application should be sent to the **Ministry of the Interior, Legal Migration Procedures Division, Štefanova ulica 2, 1000 Ljubljana**.

The sponsor may be represented by a proxy in the proceedings, except in actions where the sponsor is required to make declarations. The proxy shall need a power of attorney to represent the sponsor. Representation in family reunification proceedings is provided to persons under international protection by PIC - Legal Centre for the Protection of Human Rights and the Environment. In the context of representation, the mandate of the representative is to inform the sponsor about the family reunification procedure, assist him/her in submitting the family reunification application, obtaining relevant evidence, receiving documents and responding to the summons of the Ministry of the Interior, represent him/her during any hearing and assist him/her in accessing a remedy in case of a refusal.

5. Proof

In the course of the family reunification procedure, the person under international protection must provide proof of:

- the identity of the family members
- the existence of a family link with the persons with whom he or she wishes to be reunited.

This means that he or she must obtain documentary evidence proving the existence of the family link and the identity of his or her family members and submit it in the proceedings.

COLLECTION AND SUBMISSION OF EVIDENCE

1. Identity and family ties

During the family reunification procedure, the person under international protection must prove the identity of the family members and the existence of a family link with the persons with whom he or she wishes to be reunited.

This means that the sponsor must provide documentary evidence in the course of the procedure to prove the existence of the family link and the identity of his or her family members. The sponsor must submit the original documents or certified copies thereof.

The sponsor can prove the identity of the family member with an official identity document issued by the country of origin/country of habitual residence. The identity document used to prove identity must contain a photograph. In practice, the sponsor shall prove the identity of the family member by means of a passport or an identity card. In such cases where the sponsor or the family member is unable to obtain an identity document issued by an official authority of the country of origin/country of habitual residence, the sponsor or the family member may also use a document issued by an international organisation to prove his or her identity. In practice, this is most often a document issued by the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross and Red Crescent Movement (ICRC) or the International Organisation for Migration (IOM).

The document the sponsor will use to prove the existence of a family link depends on the nature of the family link. In practice, the sponsor will prove the existence of a family link with the children by means of birth certificates, and the existence of a marriage by means of a marriage certificate. The existence of a family link may also be proved by other documentary evidence, depending on the country of origin/country of habitual residence as to what kind of documents are issued (e.g. family books, baptismal certificates, etc.).

The Ministry of the Interior will forward the submitted documents to the National Forensic Laboratory for verification. In the event that the analysis of the documents reveals that they are forged or tampered with, the Ministry shall inform the Police. As it is a criminal offence to submit forged/falsified documents in the family reunification process, the Police may initiate criminal proceedings against the sponsor. The forged/tampered documents will not be returned to the sponsor.



If the sponsor does not have documentary evidence to prove the family ties or the identity of his or her family members and is unable to obtain it, the sponsor must state in the application all the facts about the family members with whom he or she wishes to be reunited, in particular their personal names, dates and places of birth, address of residence and where they are living at the time of the application. He or she must also state the reason why documentary evidence to prove the family ties or the identity of the family members cannot be obtained. The application must also be accompanied by a written consent authorising the Ministry of the Interior to provide information on the family members to international organisations working in the field of migration (UNHCR, IOM) for the purpose of verifying the family ties and identity of the family members. The international organisation will then verify the sponsor's statements regarding the family member with whom the sponsor intends to reunite, based on a request from the Ministry of the Interior in the country of residence of the family member. In practice, the assistance of international organisations is used to prove the existence of family ties in cases where the sponsor is unable to obtain adequate documentary evidence to this effect.

2. Forwarding of documents to the Republic of Slovenia

For the purposes of the procedure, family members must provide the sponsor with the original documents or a certified copy of the documents. It is of utmost importance that the personal data of the person under international protection and the fact that he or she is in Slovenia are protected from the authorities of the country of origin/country of habitual residence. The disclosure of such information may endanger the security or status of the person under international protection in Slovenia. It is therefore advisable that family members do not send the documents directly to the sponsor's address in Slovenia, but rather forward the documents (by agreement) to an NGO working in the field of migration, which will then deliver the documents to the sponsor. The documents must be submitted to the Ministry of the Interior together with a translation into Slovenian, unless the translation was previously submitted together with copies of the documents. If a translation of the documents has already been provided, the original documents may be forwarded to the Ministry of the Interior, together with an explanation of what the documents prove and to whom they refer.



When sending, please make sure that the sponsor's personal details are not on the outside of the envelope. This could reveal the sponsor's personal details and location in Slovenia. To make it clear to whom the forwarded documents are addressed, the sender should clearly write the sponsor's details on a note attached to the forwarded documents.

It is advisable to use one of the international postal service providers to send the documents, noting the important details of the consignment, in particular the tracking number.

If the family member's original identification documents have been attached to the family reunification application as proof, it is important that the sponsor sends the documents back as soon as they are no longer needed in the procedure, as the family member will need them for identification at the Slovenian diplomatic mission or consulate and/or later for the journey to Slovenia.

3. Translation of supporting documents

When applying, the sponsor must submit original documents or a certified copy of documents proving family ties or the identity of family members, and all documents must be translated into Slovenian. The translation of the documents will be provided by the sponsor, who will also cover the translation costs. A list of court interpreters is available at <https://www.gov.si/podrocja/pravna-drzava-in-pravosodje/pravosodni-sistem/im-enik-sodnih-tolmacev/#sodnitolma%C4%8Di>

If a court interpreter is not available for a particular language, an interpreter who translates for the Ministry of the Interior can also translate the document. For information on interpreters who can translate documents for the competent authority, please contact the Ministry of the Interior, Directorate for Migration, Litostrojska cesta 54, 1501 Ljubljana, 01 528 53 33 or dunzmn.mnz@gov.si.

4. Hearing

The Ministry of the Interior will make a decision in the family reunification procedure on the basis of the application and documentary evidence. If it is not able to make a decision on the basis of the evidence submitted and further clarification is needed on certain circumstances, it will also conduct a personal interview.

In this case, the sponsor will receive an invitation to a hearing or personal interview. In practice, a personal interview is most often carried out when the family reunification is based on special circumstances which allow the sponsor to be reunited with other relatives than those considered by the law to be family members. An interview is also carried out when it is established that the evidence provided is fabricated or falsified. Translation during the hearing shall be provided by the Ministry of the Interior.

THE DECISION

1. Receiving the decision and next steps

After examining the application, the Ministry of the Interior decides on the family reunification application on the basis of the supporting documents provided and, if necessary, after hearing the sponsor and carrying out a security check on the family members.

If the application for family reunification is granted, it does not issue a decision in the procedure, but simply issues the family member with a residence permit. The duration of the family member's permit is linked to the duration of the sponsor's residence permit. If the sponsor is a person with refugee status, the Ministry of the Interior will issue the family member with a permanent residence permit. If the sponsor is a person with subsidiary protection status, the Ministry of the Interior shall issue the family member

with a temporary residence permit valid until the expiry of the sponsor's temporary residence permit.



The family member of the person under subsidiary protection obtains a temporary residence permit valid until the expiry of the sponsor's residence permit. When the sponsor applies for an extension of subsidiary protection, the sponsor must also apply for an extension of the residence permit for family members.

If the family reunification application is successful, the sponsor informs his or her integration advisor, with whom the sponsor consults about all further steps needed for the arrival of the family members in Slovenia.

The Ministry of the Interior issues the sponsor's family member a residence permit, which is linked to the sponsor's permit, but does not grant the family member the international protection status that is granted to the sponsor. The family member therefore does not have refugee or subsidiary protection status, but is issued a residence permit as a family member of a person enjoying international protection.

If the Ministry of the Interior does not approve the reunification with the family member, the sponsor will receive a decision refusing to issue a permanent or temporary residence permit to the family member. The sponsor may lodge an administrative appeal against the decision within 30 days. The costs of legal representation, court fees and a translator in the event of a court hearing are to be borne by the sponsor. If the sponsor fulfils the conditions, he or she shall be entitled to free legal aid, which he or she shall apply for in court.

The form and instructions for completing the application for free legal aid can be found here: <https://e-uprava.gov.si/podrocja/vloge/vloga.html?id=1225>.

ARRIVAL OF THE FAMILY IN THE REPUBLIC OF SLOVENIA

1. Required documents

For entry to Slovenia, the family member needs a passport from the country of origin/ country of habitual residence and a biometric residence permit issued by the Republic of Slovenia. If the sponsor has submitted the family member's original identification documents with the application, they must be returned to the family member as soon as possible, as the family member will need them to travel to Slovenia.

The sponsor's family member, who is over 8 years of age, must also submit his or her fingerprints to the diplomatic mission or consulate of Slovenia in the country where he or she resides. He or she must have his or her identification documents with him/ her when giving his or her fingerprints. If there is no diplomatic mission or consulate of Slovenia in the country where he or she is staying, he or she will be fingerprinted upon arrival in Slovenia.

If the family member does not have and cannot obtain a passport from the country of origin, the sponsor can obtain a temporary passport for the family member from the Ministry of the Interior in Slovenia, which is then delivered to the family member at the same time as the residence permit, either through a diplomatic mission or consulate of Slovenia, or through one of the following international organisations: the United Nations High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross and the Red Crescent (ICRC) or the International Organisation for Migration (IOM). The cost of the temporary passport is covered by the sponsor.

The possibility of issuing a temporary passport for family members is only available if the person under international protection has applied for reunification with a family member within 90 days of the final date of his or her decision granting refugee or subsidiary protection status and provided proof that he or she is unable to obtain a national passport. Where the procedure is initiated after the expiry of the 90-day period, the issue of a temporary passport is not possible.

2. Submitting the required documents

If the sponsor's family member does not yet reside in Slovenia, the permanent or temporary residence permit is delivered to the family member by the diplomatic mission or consulate of the Republic of Slovenia in the country he or she resides. If the Ministry of the Interior has also issued a temporary passport to the family member, this will also be served through the diplomatic mission or consulate. If the family member is already residing in Slovenia, the permit will be served by the Ministry of the Interior.



If an unaccompanied minor has reached the age of majority during the international protection procedure, he or she is considered a minor for the purposes of the family reunification procedure. This means that a person who has applied for international protection before the age of 18 is subject to the conditions of reunification for minors, regardless of whether he or she has reached the age of majority at the start of or during the family reunification procedure.

If the family member is residing in a country where there is no diplomatic mission or consulate of the Republic of Slovenia, the residence permit and any temporary passport may be issued by an international organisation: e.g. the UN High Commissioner for Refugees (UNHCR), the International Committee of the Red Cross and the Red Crescent (ICRC) or the International Organisation for Migration (IOM). Service through an international organisation is initiated by the Ministry of the Interior, and the cost of service by the international organisation is borne by the sponsor.

3. Route organisation

To enter Slovenia, a family member needs a passport and a biometric residence permit. If the family member will be travelling to Slovenia via another country, he or she must

obtain a visa in time to enter that country, if required. It is also important to obtain an exit visa from the country of residence in good time, if required.

The costs of bringing the family member to Slovenia must be covered by the sponsor or the family member with whom he or she is reuniting. He or she must also organize the travel arrangements to Slovenia. He or she must inform his or her integration adviser of the date of arrival of the family member, who will inform the border police of his or her arrival.

The sponsor can ask an international organisation (e.g. IOM) to help organise the family member's travel to Slovenia by informing the Ministry of the Interior, which will inform the international organisation of the request for assistance. In addition to organising the travel and purchasing airplane tickets, IOM will carry out an assessment of potential needs, provide information, arrange exit visa or mandatory vaccinations and other forms of medical care in case of health problems, if necessary, and provide an escort on the way or assistance at the airport, if necessary. The cost of IOM assistance is covered by the sponsor.

4. Rights of family members in Slovenia.

Family members are treated on an equal footing with citizens of the Republic of Slovenia in the areas of health care, social protection, education and employment. Family members of persons under international protection in Slovenia are entitled to the same rights as the sponsor. If the sponsor does not have the financial means to support the family members, they are entitled to financial social assistance.

UNACCOMPANIED MINORS AND THE FAMILY REUNIFICATION PROCEDURE

Who can an unaccompanied minor be reunited with?

Unaccompanied minors who have been granted refugee or subsidiary protection status for a period of more than one year have the right to be reunited with their family members.

Unaccompanied minors can be reunited with their parents,¹⁰ siblings or other relatives. If the unaccompanied minor is reunited with his or her parents and has siblings in the country of origin, an application for family reunification must also be submitted for them. In this case, reunification is possible with both minors and adult siblings. If the minor wishes to be reunited with his or her adult siblings in addition to his or her parents, special conditions must be met for reunification with the adult siblings. The Ministry of the Interior shall determine whether the conditions for reunification exist.

Exceptionally, an unaccompanied minor may also be reunited with another relative if there are special circumstances in favour of reunification. Special circumstances exist

¹⁰ Article 47a (2) and Article 47b ZTuj-2.

where there is a living community between the unaccompanied minor and other relatives which, due to specific factual circumstances, is substantially similar to the primary family or has the same function as that of the primary family, which means, in particular, genuine family ties between family members, physical care, protection, protection, emotional support and financial dependence.¹¹ In practice, this means that an unaccompanied minor can be reunited with, for example, siblings, uncles or aunts, grandparents or other persons, provided that the conditions are met. The Ministry of the Interior assesses whether the conditions for reunification are met.

Assessment of the best interests of the child

Unaccompanied minors are a particularly vulnerable group who need special care, attention and treatment in the proceedings. According to the Convention on the Rights of the Child, the principle of the best interests of the child is the guiding principle to be observed in all activities relating to children, whether they are carried out by public or private social welfare institutions, courts, administrative authorities or legislative bodies.¹² The best interests of the child is therefore the standard to be taken into account in all actions affecting children. The responsibility for implementing the principle of the best interests of the child lies primarily with the State. It is a legal standard that is substantively fulfilled in each specific case. The assessment of the best interests of the child is carried out as a continuous and comprehensive process, in which an assessment of the best interests of the child must be carried out before any administrative decision is taken.

The assessment of the child's best interests should already be carried out during the international protection procedure. During the international protection procedure, several different professionals work with the unaccompanied minor - the legal representative, the staff of the Office for Integration and Care, representatives of NGOs carrying out various activities. All of these persons have information that can contribute to the assessment of the child's best interests in the course of the family reunification procedure. If the search for the unaccompanied minor's family members has not already started during the international protection procedure, the search should start as soon as the international protection status has been granted.¹³ The authority conducting the search for family members must protect the data of persons under international protection from the authorities of their country of origin and must take care not to obtain any information from alleged persecutors or perpetrators of serious harm.¹⁴ In the course of the search for the minor's family members, the authority must protect the best interests of the minor. The Authority shall carry out the search for the parents whenever appropriate. If the search could endanger the life or physical integrity of the minor and his or her close relatives, in particular if they have remained in the country of origin, care must be taken to ensure that the collection, processing and circulation of information on these persons is carried out confidentially.¹⁵

The best interests of the child must be assessed in each individual case, taking into account the individual circumstances of the unaccompanied minor. In the family reunifica-

¹¹ Article 47a (4) and Article 47b (4) of the ZTuj-2.

¹² Article 3 (1) of the Convention on the Rights of the Child.

¹³ Article 100(4) of the International Protection Act.

¹⁴ Article 119(1) ZMZ-1.

¹⁵ Article 100(4), of the ZMZ-1.

tion procedure, an assessment must be made in particular of whether reunification is in the best interests of the unaccompanied minor. In case of doubt as to whether reunification of the unaccompanied minor with a family member is in his or her best interests, the Ministry of the Interior shall obtain the opinion of the competent social work centre. If, in the course of the procedure, it is established that the reunification is not in the minor's best interests, the Ministry shall not issue a residence permit to the family member.¹⁶

As the right to family and private life is a fundamental human right, in practice, cases where reunification would not be in the best interests of the child are rare. In practice, this is mainly the case where the child has been persecuted or threatened by family members in the country of origin/country of habitual residence and has consequently obtained international protection in Slovenia.

In cases where there are indications that reunification is not in the best interests of the child, the assessment of the child's best interests must be carried out with the utmost care. If family reunification under the special conditions applicable to persons under international protection does not take place, it is likely that reunification will not take place, as the child is unlikely to be able to fulfil the conditions applicable in the family reunification procedure for other foreigners.

¹⁶ Article 47a(6) and Article 47b(6) of the ZTuj-2.

GUIDE TO THE FAMILY REUNIFICATION PROCEDURE FOR PERSONS UNDER INTERNATIONAL PROTECTION

2. COMPLETING THE APPLICATION

- Fill in an application form for each family member:
 - If you have recognised refugee status, please print and fill in the APPLICATION FOR A PERMANENT RESIDENCE PERMIT FOR A REFUGEE FAMILY MEMBER form: <https://infotujci.si/wp-content/uploads/2023/09/21-1.pdf>
 - If you have subsidiary protection status, please print and complete the APPLICATION FOR A TEMPORARY RESIDENCE AUTHORISATION FOR A FAMILY MEMBER OF A PERSON WITH SUBSIDIARY PROTECTION: <https://infotujci.si/wp-content/uploads/2023/09/22-1.pdf>
- You must enclose with your application:
 - certified copies or originals of proof of family ties (e.g. birth certificate, marriage certificate);
 - certified copies or original photo identification of the family member you want to be reunited with;
 - a photograph of the family member (4.5 x 3.5 cm);
 - written consent to send information on family members to international organisations.
- Sign the application and send it to the Ministry of the Interior.
- You can get help with your application from the PIC - Legal Centre for the Protection of Human Rights and the Environment (pic@pic.si, 051 681 181).



1. COLLECTION OF EVIDENCE

- During the family reunification procedure, you will need to show:
 - The existence of a family tie; and
 - the identity of the family members with whom you want to be reunited.
- Family members must send you the original documents or a certified copy of the documents.
- If you are reuniting family members who are granted reunification under special conditions (extended family), you must prove that you are obliged to take care of them under the law of the country of origin.



3. SUBMISSION OF DOCUMENTS FOR THE PROCEDURE



When you apply, you must submit original documents or a certified copy of documents concerning your family ties and the identity of your family members. All documents must be translated into Slovenian. You must bear the cost of translation. If you have submitted the original identification documents of a family member as proof of your application, you must send them back to him/her as soon as possible, as he or she will need them for identification at a Slovenian diplomatic mission or consulate and for travel to Slovenia.



4. ISSUING A RESIDENCE PERMIT

- The family member you are reuniting with must submit their fingerprints at a Slovenian diplomatic mission or consulate. You must carry your identification documents. If there is no diplomatic mission or consulate of Slovenia in his or her country, he or she will be fingerprinted upon arrival in Slovenia.
- Once the Ministry of the Interior has approved the reunification, it will issue the family member with a residence permit. Your family member will then collect his or her biometric residence permit from the Slovenian diplomatic mission or consulate.
- If there is no diplomatic mission of Slovenia in the country where your family member is located, one of the international organisations - IOM, UNHCR or the International Committee of the Red Cross - will deliver the documents to your family member.



5. ARRIVAL IN SLOVENIA

A family member can enter Slovenia with his or her passport and biometric residence permit. If the family member does not have and cannot obtain a passport from the country of origin, you can obtain a temporary passport for him or her from the Ministry of the Interior in Slovenia.

You will have to pay the costs of the procedure (service, passport) and the arrival of the family members yourself.

You can also ask an international organisation (e.g. IOM) to help you organise your family member's travel to Slovenia by informing the Ministry of the Interior, which will inform the international organisation of your request for assistance. In addition to organising travel and purchasing air tickets, the IOM will assess the family member's needs, provide information, arrange exit visas or compulsory vaccinations and other forms of medical care in case of health problems, and arrange for an escort on the way or assistance at the airport, if necessary. You are responsible for the cost of IOM assistance.

The sponsor must prepare adequately for the arrival of the family. It is sensible to inform your Integration Adviser of the expected arrival and to have a discussion with him/her about the family's arrival. Upon arrival, the sponsor's family members will need assistance with social integration and various integration activities. It is therefore important for the sponsor, who will need to support them in this respect, to be adequately informed before arrival about their rights and obligations, the integration programmes available, etc. The sponsor should ensure that adequate accommodation is provided for the family members before their arrival.

The sponsor can be supported after the arrival of the family members by an integration advisor and NGOs.



WHO CAN HELP ME WITH THE FAMILY REUNIFICATION PROCESS?

PIC - LEGAL CENTRE FOR HUMAN RIGHTS AND THE ENVIRONMENT

The PIC is available to help people under international protection to fill in and submit their application. The PIC can also provide free legal advice and representation during the procedure.

Contact: e-mail pic@pic.si or telephone 051 681 181.

UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES (UNHCR)

Assistance in obtaining and serving the necessary documents from the country of origin.

Contact: hunbu@unhcr.org

INTERNATIONAL ORGANISATION FOR MIGRATION (IOM)

Assistance in serving documents, organising and implementing the travel of family members from their country of origin to the RS.

Contact: iomljubljana@iom.int or telephone number: +386 1 434 73 51

RED CROSS OF SLOVENIA

Assistance in obtaining the necessary documents from the country of origin, assistance in organising and realising family members' travel from their country of origin and integration in the RS.

Contact: rdec.kriz@rks.si or phone number: +386 1 24 14 300

Person under international protection - is a person with refugee or subsidiary protection status.

Country of origin - is the country of nationality of the third-country national or the country where the stateless person had his or her habitual residence.

State of habitual residence - is the place where a person has lived for at least one year, has the centre of his or her interests in life, spends most of his or her nights resting and has his or her personal belongings stored.

Sponsor - a third-country national who is legally resident in an EU Member State and who applies for family reunification.

Unaccompanied minor - a child who is on the territory of the Republic of Slovenia without parents or legal representatives.

