

## Migration and legal family formats in Slovenia

by Neza Kogovsek Salamon <sup>1</sup>

*The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*

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Based on the [LawsAndFamilies questionnaire](#) on legal family formats for same-sex and/or different-sex couples (Section 4 – Migration)

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earlier version of the answers in this section of the database.

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# FamiliesAndSocieties

## Disclaimer

This paper and this database contain information with a scientific aim. Nothing in this paper and in this database should be seen as legal advice. Not all nuances and exceptions are included, and there may be errors and further legal developments. The experts, the authors, the editors, the Institut national d'études démographiques and Leiden University cannot be held liable for any inaccurate or incomplete information in this paper or in this database. More particularly, they cannot be held liable for any damage or consequences from the direct or indirect use of contents of this paper or database.

## The six sections of the questionnaire

The [interactive LawsAndFamilies Database](#) is based on the [LawsAndFamilies questionnaire](#), which consists of six sections:

- Section 1 – Formalisation
- Section 2 – Income and troubles
- Section 3 – Parenting
- Section 4 – Migration
- Section 5 – Splitting up
- Section 6 – Death

## Papers and an interactive database

For each jurisdiction there are therefore six papers like this one. And each of these papers contains the full answers, references and explanations (given by

a legal expert for the jurisdiction concerned) to the questions in one of these six sections. All these papers can be found in open access at [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu). There the user also has access to the [interactive part of the LawsAndFamilies Database](#), which can be used to search the whole database and to create comparative overviews for different questions, different years, different countries and/or different legal family formats.

This website also contains references to publications analysing the results of the project, and to some other legal, sociological and statistical publications about same-sex and different-sex families. And it gives information about the methodology used for this questionnaire and database.

## About the questionnaire

The [full text of the questionnaire](#) can be found in the paper: K. Waaldijk, J.M. Lorenzo Villaverde, N. Nikolina & G. Zago, 'The LawsAndFamilies questionnaire on legal family formats for same-sex and/or different-sex couples: Text of the questions and of the accompanying guidance document', *FamiliesAndSocieties Working Paper* 64(2016), [www.familiesandsocieties.eu](http://www.familiesandsocieties.eu).

The [Guidance document](#) contained in that paper, asked the experts answering the questionnaire to make several assumptions. These included the assumption that the partners have been living together as a couple already for at least two years. Plus the assumption (except for certain questions in Section 4 – Migration) that both partners have the citizenship of the country where they are now both lawfully and habitually residing, and that this is also the country where their relationship would have been formalised and where it would be dissolved.

## About the answers

This paper contains the answers, references and explanations – for one jurisdiction – to all questions in one of the six sections of the questionnaire. The answers are presented in columns. Each column is a coloured timeline, representing legal developments for one question for one legal family format.

The year at the top of each coloured timeline is the most recent year for which a question was answered by the author. In the timelines the years given above and below an answer indicate that the answer applied between a certain day in the lower year and a certain day in the higher year. The year "0000" means that the answer applied since an unknown year before 1965. See further the [Guidance document](#).

The following **answer codes and colours** have been used:

Yes	Yes, this is so in the law of this country/jurisdiction, although possibly with a qualifying period of 24 months or less.
Yes, but	Yes, but with exceptions or restrictions, for example a qualifying period of 25 months or more, or only in most parts of the country/jurisdiction, or this is mostly a “dead letter”.
No, but	No, but it may be so exceptionally, or in a very limited way, or in a few parts of the country/jurisdiction, or indirectly, or by using a different legal instrument, or legislation says no while some courts might say yes.
No	No, this is not so in the law of this country/jurisdiction.
Doubt	The law is unclear (the law does not “know” the answer).
?	No information was available.
N/A	Not applicable (for example because this family format is not available in this jurisdiction, or not for same-sex or different-sex couples).
X	This question was not asked for this legal family format.
Open question	Question without answer codes like Yes and No.
Empty cell	For this year the question was not asked or not answered.

### The six papers about Slovenia

The answers concerning Slovenia can be found in the [interactive database](#) and in the following six papers (all of which are published in open access in: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*, Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu)):

#### Formalisation of legal family formats in Slovenia

by Neza Kogovsek Salamon (Section 1)

#### Income, troubles and legal family formats in Slovenia

by Barbara Rajgelj (Section 2)

#### Parenting and legal family formats in Slovenia

by Barbara Rajgelj (Section 3)

#### Migration and legal family formats in Slovenia

by Neza Kogovsek Salamon (Section 4)

#### Splitting up and legal family formats in Slovenia

by Barbara Rajgelj (Section 5)

#### Death and legal family formats in Slovenia

by Neza Kogovsek Salamon (Section 6)

So this paper is based on **Section 4 (Migration)** of the [LawsAndFamilies questionnaire](#), which contains questions about the following topics:

#### 4.1 Partner of national citizen

#### 4.2 Partner of national citizen (foreign status)

#### 4.3 Partner of (non-EU) foreigner

#### 4.4 Partner of EU citizen (foreign status)

#### 4.5 Foreign status as impediment to marry

#### 4.6 Foreign status and inheritance

#### 4.7 Citizenship

#### 4.8 Recognition of joint adoption

#### 4.9 Recognition of second-parent adoption

#### 4.10 General background regarding migration

In the following pages of this paper, first the answer to question 4.10 is presented, followed by the answers to questions 4.1 to 4.9.

**4.10 - General background regarding migration (Open question)**

If you consider it useful to provide some general information or comments about (past, present or future) developments and trends in legal policy and case law in your country/jurisdiction, or information on other aspects (socio-legal, political, legal-cultural, etc.) that may be relevant for the understanding your answers above regarding migration, then please do so here.

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Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Migration and legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.01 - Partner of national citizen**

When one partner is a residing national citizen, while the other is a foreigner from another continent, will the foreign partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside. As to the meaning of 'residing', see section c of the [Guidance for experts answering questions in the questionnaire](#).)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2011	2015 N/A 0000	2015 N/A 0000	2015 Yes, but 2011	2015 Yes, but 2011	2015 Yes, but 2011
Yes, but 2005			No 2005	No 0000	No 0000
Yes 1991			N/A 0000		
? 0000					

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>            Art. 127(1) and 128(1) of Aliens Act (ZTuj-2, Official gazette RS, No. 50/11 of 27.6.2011).</p> <p>Art. 93.k and 93.1 of Aliens Act (ZTuj-1B, Official gazette RS, No. 93/2005 of 21.10.2005).</p> <p>Art. 13 of Aliens Act (ZTuj, Official gazette RS, No. 1/1991, of 25. 6. 1991).</p>		<p><b>References to legal sources:</b>            Art. 127(1) and 128(1) of Aliens Act (ZTuj-2, Official gazette RS, No. 50/11 of 27.6.2011).</p>		<p><b>References to legal sources:</b>            Art. 127(1) and 128(1) of Aliens Act (ZTuj-2, Official gazette RS, No. 50/11 of 27.6.2011).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      From 2011 to today ("yes but"): A spouse of a residing Slovenian citizen is eligible for a temporary residence permit under the following conditions:                      1) he/she possesses a valid I.D. or passport;                      2) he/she has sufficient means for subsistence, taking into account the personal situation of the spouses;                      3) he/she has relevant health insurance;                      4) he/she entered the country in accordance with the Law;                      5) it is not established that the marriage was entered into prevalently with the intention of acquiring a residence permit;                      6) none of the reasons for declining the permit as stated in the indents 2 to 5 of art. 124(1) of ZTuj-2 are fulfilled (* the wording of the 4th indent which talks about the situation when an individual comes from areas where there is danger of contagious diseases has changed in a limited manner through the years, but we will not explore it in depth as the issue is irrelevant for our focus).</p> <p>From 2005-2011 ("yes but"): The conditions are almost the same as the ones that are in force as of 2011, except for a small difference in the wording of the condition that prescribes the minimum funds necessary for subsistence: " (...) monthly at least in the amount of the minimal income in Slovenia (...)".</p> <p>From 1991-2005 ("Yes"): No conditions were listed in ZTuj.</p>		<p><b>Explanations and nuances:</b>                      "Yes but": A registered partner of a residing Slovenian citizen is eligible for a temporary residence permit under the following conditions:                      1) he/she possesses a valid I.D. or passport;                      2) he/she has sufficient means of subsistence;                      3) he/she has relevant health insurance;                      4) he/she entered the country in accordance with the Law;                      5) it is not established that the partnership was registered prevalently with the intention of acquiring a residence permit;                      6) none of the reasons for declining the permit as stated in the indents 2 to 5 of art. 124(1) of ZTuj-2 are fulfilled.</p>		<p><b>Explanations and nuances:</b>                      "Yes but": Like a spouse or a registered partner, other household members of an EU/ Slovenian citizen with whom they have been cohabitating in another EU member state as well as a partner with whom an EU/Slovenian citizen has been living for a longer period of time are also considered as family members. This provision does not exclude same-sex partners.</p> <p>Consequently the Law that applies to spouses and registered partners, applies to same-sex and different-sex cohabiting partners as well: A person cohabitating with a residing Slovenian citizen is eligible for a temporary residence permit under the following conditions:                      1) he/she possesses a valid I.D. or passport;                      2) he/she has sufficient means of subsistence;                      3) he/she has relevant health insurance;                      4) he/she entered the country in accordance with the Law;                      5) none of the reasons for declining the permit as stated in the indents 2 to 5 of art. 124(1) of ZTuj-2 are fulfilled.</p>	

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Migration and legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.02 - Partner of national citizen (foreign status)**

When one partner is a residing national citizen, while the other partner is a foreigner from another continent, and this couple married/registered in the country of the foreigner, will the foreign partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2011	2015 No 2001	2015 Yes, but 2011	2015 Yes, but 2011	X	X
Yes, but 2009	N/A 0000	No 1998	No 2005	X	X
Yes 1991		N/A 0000	No 1989	X	X
? 0000			N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>                      Art. 127(1) and 128(1) of Aliens Act (ZTuj-2, Official gazette RS, No. 50/11 of 27.6.2011).</p> <p>Art. 93.k and 93.1 of Aliens Act (ZTuj-1B, Official gazette RS, No. 93/2005 of 21.10.2005).</p> <p>Art. 13 of Aliens Act (ZTuj, Official gazette RS, No. 1/1991, of 25.6.1991).</p> <p>Art. 34 of Private International Law and Procedure Act (ZMZPP, Uradni list RS, No. 56/99 of 30 June 1999).</p>		<p><b>References to legal sources:</b>                      Art. 127(1) and 128(1) of Aliens Act (ZTuj-2, Official gazette RS, No. 50/11 of 27.6.2011).</p>			
<p><b>Explanations and nuances:</b>                      The Law does not distinguish between marriages/ partnerships entered into abroad as opposed to those entered into in Slovenia. The same Law therefore applies as in question 4.1 ("Partner of national citizen").</p> <p>There is no explicit provision on recognition of same-sex marriages concluded abroad. Foreign marriages are dealt with by the Private International Law and Procedure Act (ZMZPP). Article 34 of this act states that the conditions for validity of marriage are verified according to the law of nationality of the spouses. Since the legislation of Slovenia does not provide for same-sex marriage such marriage cannot be recognised in Slovenia.</p>		<p><b>Explanations and nuances:</b>                      The Law does not distinguish between marriages/ partnerships entered into abroad as opposed to those entered into in Slovenia. The same Law therefore applies as in question 4.1 ("Partner of national citizen").</p> <p>Before 2011 when an explicit provision was introduced on recognition of registered partnerships concluded abroad, registered partnerships could not be recognized in Slovenia. Namely, for recognition of civil status the Private International Law and Procedure Act (ZMZPP, Uradni list RS, No. 56/99 of 30 June 1999) is used, but this law does not mention registered partnerships.</p>			

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Migration and legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.03 - Partner of (non-EU) foreigner**

When both partners are foreigners from another continent, and one of them is residing in the country, will the other partner then have a residence entitlement/eligibility?

(Please assume that they married/registered/cohabited in the country where they now want to reside.)

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2002	2015 N/A 0000	2015 N/A 0000	2015 Yes, but 2011	2015 Yes, but 2011	2015 Yes, but 2011
Yes, but 1991			No 2005	No 0000	No 0000
? 0000			N/A 0000		

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>            Art. 47 of Aliens Act (ZTuj-2, Official gazette RS, No. 50/11 of 27.6.2011).</p> <p>Art. 17 of Aliens Act(ZTuj, Official gazette RS, No. 1/1991 of 25. 6. 1991).</p> <p>Slight changes occurred in:</p> <ul style="list-style-type: none"> <li>- Art. 36 of Aliens Act (ZTuj-1 Official gazette RS, No. 61/1999 of 30.7.1999).</li> <li>- Art. 36 of Aliens Act (ZTuj-1-UPB1, Official gazette RS, No. 108/2002 of 12.12.2002).</li> <li>- Art. 12 of Aliens Act (ZTuj-1B, Official gazette RS, No. 93/2005 of 21.10.2005).</li> </ul>		<p><b>References to legal sources:</b>            Art. 47 of Aliens Act (ZTuj-2, Official gazette RS, No. 50/11 of 27.6.2011).</p>		<p><b>References to legal sources:</b>            Art. 47 of Aliens Act (ZTuj-2, Official gazette RS, No. 50/11 of 27.6. 2011).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b> The spouse of a foreigner with a temporary or permanent residence permit has been able to obtain such a permit himself/herself since 1991, provided that they meet the conditions defined in law: 1) he/she possesses a valid I.D. or passport; 2) he/she has sufficient means for subsistence, taking into account the personal situation of the spouses; 3) he/she has relevant health insurance; 4) he/she entered the country in accordance with the Law; 5) it isn't established that the marriage was entered into prevalently with the intention of acquiring a residence permit; 6) none of the reasons for declining the permit as stated in the indents 2 to 5 of the Art. 124(1) of ZTuj-2 are fulfilled (* the wording of the 4th indent which talks about the situation when an individual comes from areas where there is danger of contagious diseases has changed in a limited manner through the years, but we will not explore it in depth as the issue is irrelevant for our focus).</p> <p>There have been slight changes in the kind of permit the spouse can obtain and whether they can obtain it depending on what kind of work they do (see legal sources listed above).</p> <p>In 1999 it was specified that a permit can be obtained by a foreigner whose spouse has a permit due to the fact that he is working, is self-employed, studying, doing a specialization, has a refugee status in Slovenia.</p> <p>In 2002 seasonal workers were excluded from those whose spouses have the right to obtain a temporary or permanent residence permit.</p> <p>Since 2005 the Law states that a foreigner who has a permanent residence permit in Slovenia or who has been living in Slovenia for the past year and has a temporary permit valid for at least one year, has the right to be reunited with their spouse (i.e. the spouse is eligible for a temporary or permanent residence permit).</p>	<p><b>Explanations and nuances:</b> Since 2011 a registered partner and a spouse are treated equally by the Law. The Law states that a foreigner that has a permanent residence permit in Slovenia or a temporary one and has been living in Slovenia for the past year and has a temporary permit valid for at least one year, has the right to be reunited with their partner (i.e. the partner is eligible for a temporary or permanent residence permit), provided that they meet the conditions defined in law: 1) he/she possesses a valid I.D. or passport; 2) he/she has sufficient means for subsistence, taking into account the personal situation of the spouses; 3) he/she has relevant health insurance; 4) he/she entered the country in accordance with the Law; 5) it is not established that the marriage was entered into prevalently with the intention of acquiring a residence permit; 6) none of the reasons for declining the permit as stated in the indents 2 to 5 of art. 124(1) of ZTuj-2 are fulfilled (* the wording of the 4th indent which talks about the situation when an individual comes from areas where there is danger of contagious diseases has changed in a limited manner through the years, but we will not explore it in depth as the issue is irrelevant for our focus).</p>	<p><b>Explanations and nuances:</b> Since 2011 a partner with whom the foreigner has been living for a longer period of time is treated by the Law as equal to a spouse. The Law states that a foreigner that has a permanent residence permit in Slovenia or a temporary one and has been living in Slovenia for the past year and has a temporary permit valid for at least one year, has the right to be reunited with their partner (i.e. the partner is eligible for a temporary or permanent residence permit).</p> <p>The legal provisions do not exclude same-sex cohabiting partners.</p>			

Jurisdiction: **Slovenia**

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Section: **4 - Migration**

Question: **4.04 - Partner of EU citizen (foreign status)**

When one partner is a foreign EU citizen who is residing in the country, while the other is a foreigner from another continent, and this couple married/registered/cohabited in the country of the EU citizen, will the non-EU partner then have a residence entitlement/eligibility?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 2011	2015 No 2001	2015 Yes, but 2011	2015 Yes, but 2011	2015 Yes, but 2011	2015 Yes, but 2011
Yes, but 1991	N/A 0000	No 1998	No 1989	No 0000	No 0000
? 0000		N/A 0000	N/A 0000		
<b>References to legal sources:</b> Art. 127(1) and 128(1) of Aliens Act (ZTuj-2, Official gazette RS, No. 50/2011 of 27.6.2011).  Art. 34 of Private International Law and Procedure Act (ZMZPP, Uradni list RS, No. 56/99 of 30 June 1999).		<b>References to legal sources:</b> Art. 127(1) and 128(1) of Aliens Act (ZTuj-2, Official gazette RS, No. 50/2011 of 27.6.2011).		<b>References to legal sources:</b> Art. 127(1) and 128(1) of Aliens Act (ZTuj-2, Official gazette RS, No. 50/2011 of 27.6.2011).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      "Yes but": Since 2011 the non-EU spouse is eligible for a temporary residence permit if the EU citizen is residing in Slovenia on the basis of a registration certificate or a permanent residence permit. The same conditions apply as in question 4.1 ("Partner of national citizen").</p> <p>The Law does not distinguish between marriages/ partnerships entered into abroad as opposed to those entered into in Slovenia.</p> <p>There is no explicit provision on recognition of same-sex marriages concluded abroad. Foreign marriages are dealt with by the Private International Law and Procedure Act (ZMZPP). Article 34 of this act states that the conditions for validity of marriage are verified according to the law of nationality of the spouses. Since the legislation of Slovenia does not provide for same-sex marriage such marriage cannot be recognised in Slovenia.</p>		<p><b>Explanations and nuances:</b>                      "Yes but": Since 2011 the non-EU registered partner is eligible for a temporary residence permit if his partner - the EU citizen - is residing in Slovenia on the basis of a registration certificate or a permanent residence permit. The same conditions apply as in question 4.1 ("Partner of national citizen").</p> <p>The Law does not distinguish between marriages/ partnerships entered into abroad as opposed to those entered into in Slovenia.</p> <p>Before 2011 when an explicit provision was introduced on recognition of registered partnerships concluded abroad, registered partnerships could not be recognized in Slovenia. Namely, for recognition of civil status the Private International Law and Procedure Act (ZMZPP, Uradni list RS, No. 56/99 of 30 June 1999) is used, but this law does not mention registered partnerships.</p>		<p><b>Explanations and nuances:</b>                      "Yes but": Since 2011 the non-EU partner is eligible for a temporary residence permit if his partner - the EU citizen - is residing in Slovenia on the basis of a registration certificate or a permanent residence permit. The same conditions apply as in question 4.1 ("Partner of national citizen").</p> <p>An individual cohabiting together for a longer period of time in another EU country with an EU citizen is considered a family member entitled to a temporary residence permit, just like a spouse or a registered partner (art. 128(1)).</p> <p>"Yes but" (same sex): The Law states that an individual who has been living together in the same household with the EU citizen in another EU country is likewise considered a family member and therefore eligible for a temporary residence permit. There seems to be no obstacle against this provision being used for a same-sex partner living in the same household.</p>	

Jurisdiction: **Slovenia**

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Section: **4 - Migration**

Question: **4.05 - Foreign status as impediment to marry**

When the couple got married or registered abroad, will this relationship then be recognised as an impediment to marry someone else?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1976	2015 Doubt 2001	2015 Doubt 2005	2015 Doubt 2005	X	X
Yes 0000	N/A 0000	No 1998	No 1989	X	X
		N/A 0000	N/A 0000	X	X
<b>References to legal sources:</b> Art. 20 and 32 of Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).		<b>References to legal sources:</b> Art. 3(1) and 5(1) of Registration of Same-Sex Partnership Act (ZRIPS, Uradni list RS, št. 65/2005 z dne 8.7.2005).  Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Nobody can enter into a new marriage until his earlier marriage has ceased or has not been repealed. When one of the two individuals has previously married someone else, marriage between the two of them would be invalid. Invalidity, however, does not arise by operation of Law itself. Annulment can occur only when an eligible person files a suit requesting the marriage to be annuled.</p> <p>There are no explicit provisions that same-sex marriage entered into abroad would constitute an impediment to marriage. On the other hand it is not recognised. Judicial interpretation would be required to clarify whether under the Marriage and Family Relations Act (ZZZDR) conclusion of same-sex marriage abroad would constitute an impediment to marriage.</p>		<p><b>Explanations and nuances:</b>                      There are no explicit provisions in the law that registration of a different-sex or same-sex partnership constitutes an impediment to marriage or same-sex partnership. Judicial interpretation would be required to clarify whether under the Marriage and Family Relations Act (ZZZDR) conclusion of registered same-sex partnership concluded abroad would constitute an impediment to marriage.</p>			

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Migration and legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.06 - Foreign status and inheritance**

When the couple got married or registered abroad, will this relationship then be recognised as regards inheritance in the absence of a testament?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes 1999	2015 Doubt 2001	2015 Doubt 2011	2015 Yes 2011	X	X
? 0000	N/A 0000	No 1998	No 2005	X	X
		N/A 0000	No 1989	X	X
			N/A 0000	X	X

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>References to legal sources:</b>                      Art. 32, 34, 35 and 36 of Private International Law and Procedure Act (ZMZPP, Official gazette RS, No. 56/1999 of 13.7.1999).</p> <p>Art. 16-24 of Marriage and Family Relations Act (ZZZDR, Official gazette SRS, No. 15/76 of 4.6.1976).</p>		<p><b>References to legal sources:</b>                      Private International Law and Procedure Act (ZMZPP, Uradni list RS, št. 56/1999 z dne 13.7.1999).</p> <p>Art. 2 Rules amending the Rules on the registration of same-sex partnerships (Pravilnik o spremembah in dopolnitvah Pravilnika o registraciji istospolnih partnerskih skupnosti, Stran 11867, Uradni list RS, št. 91/2011 z dne 14. 11. 2011).</p> <p>Art. 22 of Registration of Same-Sex Partnership Act (ZRIPS, Uradni list RS, št. 65/2005 z dne 8.7.2005).</p>			

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      For inheritance matters art. 32 of ZMZPP provides that the law of the country whose citizen the deceased was at the time of death must be used.</p> <p>If the deceased is a Slovenian citizen, according to ZMZPP and ZZZDR, a marriage entered into abroad is valid if relevant conditions are fulfilled and form has been respected.</p> <p>Art. 34 of ZMZPP provides that the conditions for marriage for each of the individuals are subject to the laws of the country of his/her nationality at the time of entering into marriage. Regarding the form of the marriage ceremony art. 35 of ZMZPP provides that the Law of the place where the marriage is concluded must be used. Marriage, entered into abroad will therefore be recognised in the Republic of Slovenia if the spouses fulfill all conditions for a valid marriage as listed by ZZZDR and if marriage was entered into in accordance with the form that is required at the place of conclusion.</p> <p>It has to be stressed though that same-sex marriages as such are not recognised in Slovenia. Judicial interpretation would be required to clarify whether foreign same-sex marriage would be recognised for the purposes of inheritance.</p>		<p><b>Explanations and nuances:</b>                      Since 2011, according to the Rules amending the rules on the registration of same-sex partnerships, a partnership registered or entered into abroad is entered into the registry on the basis of a foreign public document which confirms that the partnership has been registered/entered into. A same-sex partnership registered abroad is therefore just as valid as one concluded in Slovenia.</p> <p>There are no provisions in the law or the implementing legislation that would clarify whether different-sex registration would be recognised for the purposes of inheritance.</p>			

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Migration and legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.07 - Citizenship**

Does a relationship of this type make it easier for a foreign partner to obtain citizenship?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 1991	2015 No 2001	2015 No 1998	2015 No 2005	2015 No 0000	2015 No 0000
? 0000	N/A 0000	N/A 0000	No 1989		
			N/A 0000		
<b>References to legal sources:</b> Art. 12 of the Citizenship of the Republic of Slovenia Act (ZDRS, Official gazette RS, No. 1/91-I of 25.6.1991, as amended).		<b>References to legal sources:</b> The Citizenship of the Republic of Slovenia Act (ZDRS, Official gazette RS, No. 1/91-I of 25.6.1991).		<b>References to legal sources:</b> The Citizenship of the Republic of Slovenia Act (ZDRS, Official gazette RS, No. 1/91-I of 25.6.1991).	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      Ever since 1991 it has been easier for a spouse of a Slovenian citizen to acquire citizenship. The conditions have, however become a bit stricter over the years. While in 1991 the Law did not provide a minimum number of years an individual had to be married to a Slovenian citizen, in 1994 the minimum became 2 years and in 2006 it became 3 years. Today, an individual who has been married to a Slovenian citizen for at least 3 years, actually lives in Slovenia without interruptions for at least a year before filing for a citizenship request (minor exceptions exist to this condition), has a status of a foreigner and fulfills all other conditions required for obtaining citizenship via naturalization is eligible to apply for Slovenian citizenship. It is at the discretion of the relevant authority to grant or decline the application, taking into account 'the national interest' of Republic of Slovenia.</p>		<p><b>Explanations and nuances:</b>                      The Citizenship of the Republic of Slovenia Act does not have any provisions on the eligibility for citizenship of a registered partner of a Slovenian citizen.</p>		<p><b>Explanations and nuances:</b>                      The Citizenship of the Republic of Slovenia Act does not have any provisions on the eligibility for citizenship of an individual cohabitating with a Slovenian citizen.</p>	

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Migration and legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.08 - Recognition of joint adoption**

When the partners have jointly adopted a child while residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 1999	2015 N/A 0000	2015 N/A 0000	2015 Yes, but 2005	2015 Yes, but 1999	2015 Yes, but 1999
? 0000			N/A 0000	? 0000	? 0000
<p><b>References to legal sources:</b> Art. 47 of Private International Law and Procedure Act (ZMZPP, Official gazette RS, No. 56/1999 of 13.7.1999).</p> <p>Ministry of Labour, Family, Social Affairs and Equal Opportunities: <a href="http://www.mddsz.gov.si/si/delovna_podrocja/druzina/posvojitve/mednarodne_posvojitve/">www.mddsz.gov.si/si/delovna_podrocja/druzina/posvojitve/mednarodne_posvojitve/</a> (25 July 2016).</p>		<p><b>References to legal sources:</b> Art. 47 of Private International Law and Procedure Act (ZMZPP, Official gazette RS, No. 56/1999 of 13.7.1999).</p> <p>Ministry of Labour, Family, Social Affairs and Equal Opportunities: <a href="http://www.mddsz.gov.si/si/delovna_podrocja/druzina/posvojitve/mednarodne_posvojitve/">www.mddsz.gov.si/si/delovna_podrocja/druzina/posvojitve/mednarodne_posvojitve/</a> (25 July 2016).</p>		<p><b>References to legal sources:</b> Art. 47 of Private International Law and Procedure Act (ZMZPP, Official gazette RS, No. 56/1999 of 13.7.1999).</p> <p>Ministry of Labour, Family, Social Affairs and Equal Opportunities: <a href="http://www.mddsz.gov.si/si/delovna_podrocja/druzina/posvojitve/mednarodne_posvojitve/">www.mddsz.gov.si/si/delovna_podrocja/druzina/posvojitve/mednarodne_posvojitve/</a> (25 July 2016).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>                      An adoption abroad by two spouses can be recognised as legal parenthood in Slovenia.</p> <p>If joint adoption abroad was carried out with judicial decision, the recognition of this decision in Slovenia would have to be carried out in line with the Private International Law and Procedure Act. This law states that the decision may be recognised provided that the effects of the recognition would not violate public order.</p> <p>For determining the effect of the adoption (which should not breach public order), the Law of the country whose citizens the adopter and adoptee are at the conclusion of adoption is used. If they are citizens of different countries, the Law of their permanent residence is used. If they do not have a permanent residence in the same country the Law of the country whose citizen the adoptee is is used.</p> <p>The ministerial website mentioned above states: "As long as the adoption is legitimate according to the Law of the adopted child, no complications are to be expected in the Republic of Slovenia".</p>		<p><b>Explanations and nuances:</b>                      An adoption abroad by two registered partners can be recognised as legal parenthood in Slovenia.</p> <p>If joint adoption abroad was carried out with judicial decision, the recognition of this decision in Slovenia would have to be carried out in line with the Private International Law and Procedure Act. This law states that the decision may be recognised provided that the effects of the recognition would not violate public order.</p> <p>For determining the effect of the adoption (which should not breach public order), the Law of the country whose citizens the adopter and adoptee are at the conclusion of adoption is used. If they are citizens of different countries, the Law of their permanent residence is used. If they do not have a permanent residence in the same country the Law of the country whose citizen the adoptee is is used.</p> <p>The ministerial website mentioned above states: "As long as the adoption is legitimate according to the Law of the adopted child, no complications are to be expected in the Republic of Slovenia".</p>		<p><b>Explanations and nuances:</b>                      An adoption abroad by two cohabiting partners can be recognised as legal parenthood in Slovenia.</p> <p>If joint adoption abroad was carried out with judicial decision, the recognition of this decision in Slovenia would have to be carried out in line with the Private International Law and Procedure Act. This law states that the decision may be recognised provided that the effects of the recognition would not violate public order.</p> <p>For determining the effect of the adoption (which should not breach public order), the Law of the country whose citizens the adopter and adoptee are at the conclusion of adoption is used. If they are citizens of different countries, the Law of their permanent residence is used. If they do not have a permanent residence in the same country the Law of the country whose citizen the adoptee is is used.</p> <p>The ministerial website mentioned above states: "As long as the adoption is legitimate according to the Law of the adopted child, no complications are to be expected in the Republic of Slovenia".</p>	

Jurisdiction: **Slovenia**

Source: **N. Kogovsek Salamon**, "Migration and legal family formats in Slovenia". In: K. Waaldijk et al. (eds.), *The LawsAndFamilies Database – Aspects of legal family formats for same-sex and different-sex couples*. Paris: INED, 2017, [www.LawsAndFamilies.eu](http://www.LawsAndFamilies.eu), [LawsAndFamilies-SI-Section4.pdf](#) (please use this full citation when citing any information from this table).

Section: **4 - Migration**

Question: **4.09 - Recognition of second-parent adoption**

When one partner has become the second parent of a child of the other partner, by way of adoption while the partners were residing abroad, will that foreign adoption then be recognised as regards legal parenthood?

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
2015 Yes, but 1999	2015 N/A 0000	2015 N/A 0000	2015 Yes, but 2005	2015 Yes, but 1999	2015 Yes, but 1999
? 0000			N/A 0000	? 0000	? 0000
<p><b>References to legal sources:</b> Art. 47 of Private International Law and Procedure Act (ZMZPP, Official gazette RS, No. 56/1999 of 13.7.1999).</p> <p>Ministry of Labour, Family, Social Affairs and Equal Opportunities: <a href="http://www.mddsz.gov.si/si/delovna_podrocja/druzina/posvojitve/mednarodne_posvojitve/">www.mddsz.gov.si/si/delovna_podrocja/druzina/posvojitve/mednarodne_posvojitve/</a> (25 July 2016).</p>		<p><b>References to legal sources:</b> Art. 47 of Private International Law and Procedure Act (ZMZPP, Official gazette RS, No. 56/1999 of 13.7.1999).</p> <p>Ministry of Labour, Family, Social Affairs and Equal Opportunities: <a href="http://www.mddsz.gov.si/si/delovna_podrocja/druzina/posvojitve/mednarodne_posvojitve/">www.mddsz.gov.si/si/delovna_podrocja/druzina/posvojitve/mednarodne_posvojitve/</a> (25 July 2016).</p>		<p><b>References to legal sources:</b> Art. 47 of Private International Law and Procedure Act (ZMZPP, Official gazette RS, No. 56/1999 of 13.7.1999).</p> <p>Ministry of Labour, Family, Social Affairs and Equal Opportunities: <a href="http://www.mddsz.gov.si/si/delovna_podrocja/druzina/posvojitve/mednarodne_posvojitve/">www.mddsz.gov.si/si/delovna_podrocja/druzina/posvojitve/mednarodne_posvojitve/</a> (25 July 2016).</p>	

Marriage		Registered partnership		Cohabitation	
diff.-sex	same-sex	diff.-sex	same-sex	diff.-sex	same-sex
<p><b>Explanations and nuances:</b>            Adoption of his or her spouse's child by the second spouse while residing abroad can be recognised as legal parenthood in Slovenia.</p> <p>If the second-parent adoption abroad was carried out by judicial decision, the recognition of this decision in Slovenia would have to be carried out in line with the Private International Law and Procedure Act. This law states that the decision may be recognised provided that the effects of the recognition would not violate public order.</p> <p>For determining the effect of the adoption, according to art. 47 of the Private International Law and Procedure Act, the Law of the country whose citizens the adopter and adoptee are at the conclusion of adoption is used. If they are citizens of different countries, the Law of their permanent residence is used. If they do not have permanent residence in the same country the Law of the country whose citizen the adoptee is, is used.</p> <p>The website mentioned above states: "As long as the adoption is legitimate according to the Law of the adopted child there are no complications to be expected in the Republic of Slovenia".</p>		<p><b>Explanations and nuances:</b>            Adoption of his or her partner's child by the second partner while residing abroad can be recognised as legal parenthood in Slovenia.</p> <p>If the second-parent adoption abroad was carried out by judicial decision, the recognition of this decision in Slovenia would have to be carried out in line with the Private International Law and Procedure Act. This law states that the decision may be recognised provided that the effects of the recognition would not violate public order.</p> <p>In line with art. 47 of the Private International Law and Procedure Act, for determining the effect of the adoption, the Law of the country whose citizens the adoptive parent and adopted child are at the conclusion of adoption is used. If they are citizens of different countries, the Law of their permanent residence is used. If they do not have a permanent residence in the same country the Law of the country whose citizen the adopted child is, is used.</p> <p>The website mentioned above states: "As long as the adoption is legitimate according to the Law of the adopted child there are no complications to be expected in the Republic of Slovenia".</p>		<p><b>Explanations and nuances:</b>            Adoption of his or her partner's child by the second partner while residing abroad can be recognised as legal parenthood in Slovenia.</p> <p>If the second-parent adoption abroad was carried out by judicial decision, the recognition of this decision in Slovenia would have to be carried out in line with the Private International Law and Procedure Act. This law states that the decision may be recognised provided that the effects of the recognition would not violate public order.</p> <p>For determining the effect of the adoption, the Law of the country whose citizens the adoptive parent and adopted child are at the conclusion of adoption is used. If they are citizens of different countries, the Law of their permanent residence is used. If they do not have a permanent residence in the same country the Law of the country whose citizen the adopted child is, is used.</p> <p>The website mentioned above states: "As long as the adoption is legitimate according to the Law of the adopted child there are no complications to be expected in the Republic of Slovenia".</p>	