



EMN FOCUSED STUDY 2014

Admitting third-country nationals for business purposes

The national contribution has been prepared by National Contact Point of Slovenia for European Migration Network and Institute for Ethnic Studies / Inštitut za narodnostna vprašanja (Romana Bešter, PhD and Janez Pirc, PhD) in co-operation with competent representatives from the Ministry of Interior, SPIRIT Slovenija agency, Ministry of Labour, Family, Social Affairs and Equal Affairs, Ministry of Foreign Affairs, Police and Ministry of Economic Development and Technology of the Republic of Slovenia.

European Migration Network was established due to the need to exchange information on all aspects of migrations and the establishment of a common asylum and migration policy. Council Decision 2008/381/EC which provides a legal basis for the establishment of the European Migration Network, was adopted on 14 May, 2008.

More information about the European Migration Network is available: www.emm.si

Disclaimer: The following responses have been provided primarily for the purpose of completing a Synthesis Report for the above-titled EMN Focussed Study. The contributing EMN NCPs have provided information that is, to the best of their knowledge, up-to-date, objective and reliable within the context and confines of this study. The information may thus not provide a complete description and may not represent the entirety of the official policy of an EMN NCPs' Member State.

Executive Summary (Synthesis Report)

Synthesis Report (up to three pages)

Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.

The study, titled "Admitting third-country nationals for business purposes" represents a survey of Slovene policies, programmes and legislation in the field (of promotion) of immigration of foreign investors, immigrant business owners and other business persons that are third-countries nationals. It is a snapshot of the current situation, but in some areas, the study also indicates the anticipated changes that are currently in preparation.

The methodology of gathering information for the study was based on the analysis of legislation and other relevant legal documents, on communication with representatives of relevant ministries and other state institutions, and on a review of various studies, audit reports, annual reports and media coverage.

Slovenia in its policies and legislation has no use of definitions and categories of immigrants as defined by this study (immigrant investors, immigrant business owners and other business persons). There are some other terms in use that may cover some of these categories (eg. foreign investor, foreign representative of the company). The policies of attracting of foreign direct investment (or foreign investors) and foreign business owners into Slovenia are not specifically focused upon third-country nationals. Promotion of foreign direct investment and internationalization of enterprises act recognizes the importance of foreign investment promotion for the state's economic development; however, the legal provisions and guidelines are very general. Slovenia does not have elaborate concrete, direct measures for attracting foreign investors and business owners like tax exemptions or guidance into certain economic branches, along with source or target geographic regions. Slovenia also does not have specifically formed policy for attracting/admitting other business visitors and does not register this category of immigrants.

Orientations of the existing policies, programmes and strategies in the field of foreign direct investment and immigrant business owners in Slovenia are very general, principled. Action plans for the implementation of policies are in many cases not regularly prepared (the last one was prepared for the year 2013) and are consequently not adapted to momentary internal and international economic situation. (Non)implementation of policies, programmes and strategies is to a considerable degree related to the availability of budget funds. On the basis of numerous consultations with ministries and officials participating in the study as well as practical experience in acquiring the necessary information for preparation of the national report, it is possible to ascertain that individual ministries and offices strive for a systemic and legal regulation of the policy of promotion of foreign direct investments in Slovenia as well as for shaping these policies in the direction of providing greater competitiveness of Slovenia as a location for foreign direct investment. However, in future more attention should be given to the strengthening of cooperation and better coordination amongst the competent institutions. The key thing would be to adopt as soon as possible a joint strategy and policies of operation of competent ministries and related institutions (especially Ministry of economic development and technology along with the related agency SPIRIT Slovenia, Ministry of labour, family, social affairs and equal opportunities, Ministry of foreign affairs and Ministry of finance).

Momentarily the only valid strategic document in this field is Strategy of economic migration for the period from 2010 to 2020, while Slovenia's development strategy 2014-2020 and Programme of development priorities and investments of the Republic of Slovenia for the period 2014-2017 are still in draft phase. Perhaps the most important and concrete document in preparation is the (new) Action plan for the year 2015 for the field of internationalization of Slovene economy. Slovenia has no defined specific geographic orientation as to the source countries like to the priority Slovene regions into which foreign investments are to be attracted. However, it has

concluded bilateral agreements on mutual promotion and protection of investments with 13 third countries and with 6 third countries regarding promotion of internationalization.

Through different strategic documents and programmes Slovenia gives greater emphasis to promotion of stronger Slovene economic presence abroad as the other way round – to attracting foreign investors and companies into Slovenia. Generally speaking it can be estimated that aims of the state in promotion of foreign direct investment are not enough clearly defined, and the same applies to the roles and duties of individual national actors/institutions and their cooperation. The Slovene policy of foreign investment promotion is more focused on attracting foreign capital and less on the conditions of foreign investors' entry and residence in Slovenia although the findings of recent studies are increasingly showing that apart from capital increase and strategic possibilities for investments the role of the so called quality of life is becoming ever more important (possibility of children's schooling, natural resources, developed infrastructure, openness to diversity and innovativeness, developed social networks, etc.), along with flexibility in acquiring different kinds of work and residence permits in the direction of the so called »economy tourism« promotion. All these factors may play a significant role in the decision of a potential foreign investor/business owner to invest and consequently also reside in a certain state.

A foreign investor can enter and/or reside in Slovenia in several ways, also in mitigating circumstances, i.e.:

1. A foreign investor whose residence in the Republic of Slovenia is in the interest of the Republic of Slovenia can enter into Slovenia on the basis of short-term residence visa (Article 19 of Aliens Act) or long-term residence (visa D). Conditions for the visa D authorization are defined by the Article 20 of the Aliens Act. The procedure is carried out on the basis of the Rules of criteria for the assessment of economic interest of the Republic of Slovenia for the authorization of long-term residence visa to a foreigner, which is rather lax and undefined.
2. A foreign investor can enter into Slovenia in the usual way by acquisition of a temporary residence permit in accordance with the Aliens act (Art. 33-35). If this is the first residence in Slovenia a foreigner has to first acquire permission for temporary residence (Art. 34). After the expiry of five years and if also fulfilling other conditions, defined by the Aliens Act (Art. 52), he can apply for a permanent residence permit.
3. A foreigner whose residence in the Republic of Slovenia is in the interest of the Republic of Slovenia can in conformity with the Article 51 of Aliens Act be granted a temporary residence permit with validity of up to five years, although this option is only applied in special cases in practice.
4. After one year of uninterrupted residence in Slovenia a foreign investor has the possibility of acquiring Slovene citizenship on the basis of special and mitigating circumstances (i.e. the proof of Slovene language command is not necessary) in conformity of Article 13 of the Citizenship Act of the Republic of Slovenia, provided there is economic and national interest of the state, respectively (so called exceptional naturalization). In case of exceptional naturalization Republic of Slovenia grants the status of double citizenship to a foreign investor.
5. A foreign investor can also apply for a residence permit for his family members on the basis of Article 47 of Aliens Act.

General goal of the Slovene policy concerning foreign direct investments is that these should be directed into »high and medium-high technologies bringing quality work posts« (according to the Slovenia's development strategy from 2005), however, no concrete economic branches to which this goal refers are foreseen. The same applies to expected impacts of these investments upon the Slovene economic/social surroundings, which are also just indirectly mentioned – like in the Decree on financial incentives for foreign direct investment from 2014.

Promotion of foreign direct investment and internationalization of enterprises act anticipates the following activities for the promotion of foreign direct investment: allocation of financial incentives for foreign direct investments, free offer of information, consulting and other services to foreign investors, promotion and marketing of Slovenia as a location for foreign direct investment and proposing of systemic measures for improvement and allocation of financial incentives to enterprises. Other activities in the field of promotion of foreign direct investment as foreseen in the action plan for 2013 also include: improvement of business surroundings in the Republic of Slovenia, investment projects, establishment of »one stop shop« agency, solving of the building plots and business zones

problems, activities aiming at improved recognisability of the Republic of Slovenia as a location for foreign direct investment, financial support to investments, as well as promotion of expansion of the existing foreign companies in Slovenia.

The decline in economic growth in the EU in recent years, and insufficiently defined and uncoordinated policy between resors in the field of foreign investment are also reflected in a very low share of these investments within gross domestic product in Slovenia, which is one of the lowest amongst the EU members. In the last years this share has been growing in Slovenia, but this is above all a consequence of decrease of the gross domestic product in the state.

Also in the field of attracting foreign business owners (including immigrant self-employed persons and employed majority business owners) Slovenia has no specific geographic orientations regarding source states and priority regions in the state. Ministry of economic development and technology along with the public agency SPIRIT Slovenia are in charge of this field with soft measures, which are: improved information giving to immigrants concerning business possibilities, measures for growth of business and supportive systems, along with monitoring of immigrants as a special target group in business policies; increased inclusion of unemployed immigrants into programmes of self-employment promotion, decrease of administrative obstacles.

A foreigner, who intends to set up a business in Slovenia and also to run the company or be employed in it, must obtain a work permit and residence permit in the Republic of Slovenia.

The possibilities of obtaining a residence permit in the Republic of Slovenia are defined in the Aliens Act. Currently, foreign business owners can acquire as the initial document a short-term residence visa (visa C, Art. 19, Aliens Act) or long-term residence visa due to the existence of an economic interest for the Republic of Slovenia, which the alien proves by submitting an opinion issued by the ministry responsible for the economy (visa D, Art. 20, Aliens Act). Criteria for long-term residence visa authorization to immigrant business owners include: vaguely proven specialized knowledge and skills, useful for Slovene economy, business plans, possibilities of increase of business ties of Slovene economy with foreign countries, or of introduction and use of new technologies, business models and knowledge or capital investment in Slovenia, along with required financial means (depending on the sort of enterprise). These are the criteria for assessment of economic interest of Slovenia on the basis of Rules on requirement for the assessment of economic interest of the Republic of Slovenia for authorization of long-term residence visa to a foreigner.

A foreign business owner can also acquire a temporary residence permit as a first residence permit in the Republic of Slovenia (Art. 33-35, Aliens Act). In accordance with the provisions of the new Aliens Act, which will come into force in September 2015,¹ however, the alien will in the future be able to obtain a single permit for residence and work (Art. 37, Aliens Act) or a single permit to perform work as a self-employed person (Art. 37.b, Aliens Act).

The possibilities of obtaining work permits for foreign business owners are defined in the Employment and Work of Aliens Act and are as follows:

1. If a foreigner wants to establish or co-found a limited liability company (LLC), which he intends to run or work as a representative of the company (director, procurator, etc.), he must obtain a work permit for a representative of the company. A work permit for a representative may be issued for a period of up to two years and may be renewed if the company proves the viability and the foreigner as a natural person has not

¹ The amendments to the Aliens Act (Aliens Act-2A), which were adopted in April 2014, already contain provisions of the possibility of issuing a single permit for residence and work of foreigners. But since the amendments to the Employment and Work of Aliens Act have not yet been adopted, which are necessary for the implementation of the provisions on a single permit, these provisions will enter into force on 1 September 2015 (in accordance with the Amendments to the Amendments to the Aliens Act (Aliens Act-2B, which was adopted in December 2014)).

been convicted of an offense under Employment and Work of Aliens Act. A company, which has not yet been registered for 6 months, may be granted permission for work of a representative, provided that it proves investment in Slovenia in the amount of at least EUR 30,000 for startup of the company. The foreigner must be registered as a representative of the company in the relevant register.

2. If a foreigner establishes or co-founds a limited liability company (LLC) and has a majority (at least 51%) of the equity share in the company he can be employed in this company on the basis of an employment permit without labour market control for the majority shareholder. The procedure for issuing permits for employment for majority shareholders is easier because the permit is issued without verifying the existence of appropriate national candidates and without verification of the prior 6-month business of the investor.
3. A foreigner who wants to set up a private commercial company and based on the founders' rights to represent or to register as a sole trader, must obtain a personal work permit valid for one year, or have a personal work permit valid for three years or free access to the labour market in accordance with the Employment and Work of Aliens Act. To obtain a personal work permit for self-employment valid for one year, the foreigner must meet the following conditions:
 - when applying for a personal work permit must be legally resident in the Republic of Slovenia,
 - prior to registration must at least one year of continuously lawfully reside in the Republic of Slovenia,
 - must demonstrate its own funds in the amount of \$ 10,000, and
 - in the case when certain activities may be carried out only in the business area, demonstrates ownership of the business premises or the relevant rental agreement, or in the case where an office is not a condition, to demonstrate ownership of the space or the relevant rental agreement for a place where it is situated.

Foreigners who are in accordance with the law entered in the register of the Republic of Slovenia as founders, partners or members of the supervisory boards of companies to perform work in that capacity, and at the same time not recorded in the register of companies as company representatives, do not require work permit (Art. 5, Employment and Work of Aliens Act).

As regards the collection of statistics on the various types of permits issued for entry and residence of each of the categories of aliens who are the subject of this study, we find that in Slovenia there is only partial information. Since the Aliens Act does not define the individual categories of aliens, as defined in this study (immigrant investors, immigrant business owners and other business persons), Slovenia also does not collect statistics on the number of applications filed and the number of granted and refused residence permits to those categories. However, statistics are collected on the applications, authorizations and denials of residence to foreigners on the basis of employment or work, and based on the interest of the Republic of Slovenia. In these categories are included also the residence permits granted by Slovenia to foreign investors or foreign business persons (see Table 3). Statistical data regarding long-term residence visas authorization to immigrant investors and business owners can only be used as reference for the years 2012 and 2013, as it is only after the 2011 legislation changes that they are consistently collected for these two categories of aliens (together). They show increased number of authorizations of visas D for these two categories, yet these are very small numbers – a few tens of individuals. As regards the granting of Slovenian citizenship in accordance with the so called extraordinary naturalization for economic reasons (Article 13 of the Law on Citizenship), Slovenia granted citizenship to a total of 16 persons since 2009, which means that this form of attracting foreign investors and foreign business owners in Slovenia is the exception rather than the rule.

Slovene legislation enables foreign investors and business owners the possibility of obtaining different types of permits that allow them and their family members short or long-term stay in Slovenia, depending on the needs and business plans of the foreign investor/business owner. At the same time it should be noted that the legislation and policy to attract foreign investors and foreign business owners in Slovenia in the long run work so that the foreign investor/business owner is expected - after a certain time - to acquire a residence permit and to move (possibly together with family members) to the Republic of Slovenia. The Slovene policy does not take into account that modern business environment and operation of international markets are very dynamic and work on flexible assumptions, resulting in Slovenia with its rigid system losing its competitiveness and attractiveness as a location

for foreign investments. Adjustment of Slovenian policy in terms of enabling greater flexibility in this field therefore remains one of the major challenges for Slovenia.

Top-line “Factsheet” (National Contribution)

National contribution (one page only)

Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.

The study represents a survey of Slovene policies, programmes and legislation in the field of (promotion of) immigration of foreign investors, business owners and other business persons, third-country nationals. Slovenia at the general level and at the level of principles perceives the need and directs its policy towards enhancing of attracting foreign investors and businessmen, although little was done at the practical level so far. All the policies and programmes existing in these fields refer to foreign citizens in general, not only to third-country nationals.

Immigrant investors

Definition: Slovene policy and legislation do not use the term “immigrant investor”. It is the term “foreign investor” that is in use.

Political framework for attracting immigrant investors:

Slovenia's development strategy 2014-2020 (draft, 2013); Programme of state developmental priorities and investments of the Republic of Slovenia for the period 2014-2017 (draft, 2013); Strategy of economic migration for the period 2010 to 2020 (2010);

Legal framework:

- Promotion of foreign direct investment and internationalization of enterprises act;
- Decree on financial incentives for foreign direct investment;
- Rules on requirement for the assessment of economic interest of the Republic of Slovenia for long-term residence visas authorizations to foreigners.

Main actors/institutions in charge of creation and implementation of policies and measures for promotion of foreign investments:

- Ministry of economic development and technology;
- Public agency for tourism, foreign investments, technological development, enterprise and internationalization (SPIRIT Slovenia);
- In wider sense also: Ministry of economy, Ministry of foreign affairs and within this framework economic diplomacy, Ministry of finance, Ministry of infrastructure and space, Ministry of agriculture, and if necessary administrative units and municipalities, regional developmental agencies, Chamber of commerce and industry of Slovenia, Chamber of craft and small business of Slovenia.

Specific measures for promotion of foreign investments:

- free offer of information, consulting and other services to foreign investors;
- marketing of Slovenia and its regions as investment locations;
- promotion of the image of Slovenia and its regions as investment locations;
- analysis of competitive status of Republic of Slovenia as investment location and proposals of systemic measures for its improvement;
- allocation of financial incentives for investments;
- performance of other tasks, contributing to promotion of Republic of Slovenia's competitive status regarding investments location.

Initial document, issued to immigrant investor:

- short-term residence visa,
- long-term residence visa (for the period of 1 year at the most),
- temporary residence permit.

Immigrant business owners

Definition: Slovene legislation does not use the term "immigrant business owner". However, it makes sense to include self-employed persons and (employed) majority business owners in the framework of "immigrant business owners".

Political framework for attracting immigrant business owners:

- Strategy of economic migration for the period from 2010 to 2020 (2010).

Legal framework:

- Aliens Act;
- Employment and work of aliens act;
- Companies act;
- Rules on requirement for the assessment of economic interest of the Republic of Slovenia for long-term residence visa to a foreigner.

Main actors/institutions in charge of formation and implementation of policies and measures for attracting immigrant business owners:

- Ministry of economic development and technology; Ministry of labour, family and social affairs, Ministry of the interior, other ministries within their competences;
- SPIRIT Slovenia (Public agency for promotion of enterprise, innovation, development, investments and tourism);
- SEF – Slovene enterprise fund;
- Employment service of Slovenia.

Specific measures for attracting foreign business owners:

- Improved information giving to immigrants on the possibilities of business making, on measures for business expansion and supportive systems, as well as monitoring of immigrants as a special target group in enterprise policies, possible implementation of info campaigns in source states;
- Increased inclusion of unemployed immigrants into programmes of self-employment promotion within active employment policy and measures of the European social fund;
- Establishment of info-points for better information and promotion of immigrants' enterprise;
- Elimination of administrative obstacles.

Initial document, issued to immigrant business owner:

- short-term residence visa,
- long-term residence visa (for the period of 1 year at the most),
- temporary residence permit.

Other business persons

Slovenia has no special policies for attracting and entry of other business persons. Categories of other business persons as defined in this study are not treated in Slovene policy and legislation as special categories of immigrants, subject to any particular provisions.

Statistics

Since the Aliens Act does not define the individual categories of aliens, as defined in this study (immigrant investors, immigrant business owners and other business persons), Slovenia does not collect statistics on the number of applications filed, and the number of granted and refused residence permits to those categories. However, statistics are collected on the applications, authorizations and denials of residence to foreigners on the basis of employment or work, and based on the interest of the Republic of Slovenia. In these categories are included also the residence permits granted by Slovenia to foreign investors or foreign business persons.

The number of applications for residence for the purpose of employment or work reduced significantly from 2009 (52,632 applications) to 2013 (18,717 applications). The number of granted residence permits for the purpose of employment or work decreased from 49 377 in the year 2009 to 17 786 in the year 2013. On the basis the interests of the Republic of Slovenia only two residence permits were granted in the year 2012. It is only after the year 2011 that Slovenia records statistics on authorized long-term residence visas. According to the data, collected by the Ministry of Foreign Affairs, in the year 2011 not a single long-term residence visa was granted to foreign immigrant investors and business owners, while in the year 2012 there were 18, and in 2013 43 visas of this kind. The data refer to sum totals for foreign investors and for foreign business owners, as the Ministry of Foreign affairs does not distinguish between these two categories. As regards the granting of Slovenian citizenship in accordance with the so called extraordinary naturalization for economic reasons (Article 13 of the Law on Citizenship), Slovenia granted citizenship to 16 persons since 2009, namely in 2009 to two persons, in 2010 to four persons, in 2011 to one person, and in 2014 to nine persons.²

Section 1: National frameworks for admitting third-country nationals for business purposes

For the national policies, the questionnaire asks first for information about the national policies in relation to **immigrant investors** (Sections 1.1 – 1.2), then for **immigrant business owners** (1.3 - 1.4) and finally for **other business persons** (Sections 1.5 – 1.6)

Section 1.1: Immigrant investors: overview of national policies (Maximum 1 page)

*This section asks for information on the national institutional framework and the main policy objectives in relation to **immigrant investors** from third-countries. It will provide a mapping of the national stakeholders involved in the design and implementation of the policies to attract such investors, and the incentives that apply.*

EMN NCPs are asked to answer the following questions, at times guided by a non-exhaustive list of prompts.

Q1. How does the national legislation of your Member State define immigrant investors?

Slovene legislation does not have a term, equivalent to the English »immigrant investor«. Promotion of foreign direct investment and internationalisation of enterprises act (Uradni list RS, no. 107/06 – officially revised text, 11/11 and 57/12) refers only to foreign investors (Art. 2): »'/F/foreign investor /.../' is a non-resident, who is, or intends to become, a bearer of immigrant foreign direct investment.« A foreign investor can be a citizen of any other EU member state or of a third state (non-EU member state).

Decree on financial incentives for foreign direct investment (Uradni list RS, no. 62/14, Art. 3) defines foreign investor as: »/F/foreign investor is a non-resident, who is or intends to become a bearer of investment.«

Q2a. Does your Member State have a specific policy, programme or scheme for immigrant investors?

Yes, in Slovenia there is a general policy of enhancing direct foreign investments. It does not only apply to citizens of third countries but to all foreign citizens. General aims of this policy are focused on marketing and promotion of Slovenia as an investment location, as well as on information and consulting services for potential foreign investors; it does not deal with creating attractive and flexible conditions for foreign investors' residence in Slovenia nor with conditions for simpler crossing of the

² Source: Ministry of the Interior, 19. January 2015.

Slovene border, related to the needs of international business making and harmonization of family life of foreign investors.

Q2b. If yes, please provide more information about the specific policy, programme or scheme, including a) the name of the policy / programme / scheme; b) its main policy objectives (Neutral, proactive); whether it targets c) specific investment types e.g. real estate, transfer of capital, national funds / bonds, business investments, endowment to public projects, mixed investments, joint ventures, etc. or d) economic sectors / geographical areas / strategic partners; and whether e) a quota / limitation system is in place to govern the number of entries or permits that can be issued to migrant investors?

a) Name of policy / programme and legal basis

Increase of foreign direct investment is stated as a goal in several documents:

- Slovenia's Development Strategy 2014-2020 (draft, 2013);
- Reform Programme for the Implementation of Lisbon Strategy in Slovenia (2005);
- Development Programme of the Republic of Slovenia for the period 2007–2013 (2008);
- Programme of development priorities and investments of the Republic of Slovenia for the period 2014-2017 (first draft, 2013);
- Strategy of economic migration for the period from 2010 to 2020 (2010);
- Action plan for the year 2013: "MI 2013 – International challenges 2013 – Partnership to promote international business of Slovene enterprises".

Legal bases:

- Promotion of foreign direct investment and internationalisation of enterprises act - ZSTNIIP (Uradni list RS, no. 107/06-UPB, officially revised text, 11/11 in 57/12);
- Decree on financial incentives for foreign direct investment (Uradni list RS, no. 62/14).

b) Main policy objectives

The aim of promotion of foreign direct investment (FDI), as defined in the Promotion of foreign direct investment and internationalisation of enterprises act (Art. 3) is to attract foreign investors with efficient use of public funds to making investments in the territory of the Republic of Slovenia so as to promote economic development of the Republic of Slovenia.

Decree on financial incentives for foreign direct investment states the following as the aim of these incentives (Art. 4):

»The aim of allocating incentives is attracting foreign investors to making investments in the Republic of Slovenia; their investments will:

- In conformity with labour market supply in the Republic of Slovenia provide new jobs, especially in branches with higher added value;
- Contribute to transfer of knowledge and technologies, and to cooperation of research companies and institutions in the R S Slovenia with foreign investors;
- Contribute to a more harmonious regional development;
- Contribute to increase of synergic effects of foreign investors' cooperation with Slovene companies, especially in supply to foreign investors and in knowledge/technologies exchange.

Promotion of foreign direct investment is also mentioned in the Strategy of economic migrations for the period from 2010 to 2020 in *Guideline 2* (of action plan): *Promotion of immigrants' enterprise* (p. 64-65). It includes the following orientation:

1. Promotion of immigration of migrants with financial capital or of investors for developmentally promising investments with the effect of creating new jobs or of technologies/innovative skills transfer;

/.../.

This guideline includes the following two measures:

- Study and preparation of mechanisms for the reception of migrants with financial capital / investors;
- Decrease of administrative obstacles.

c) Type of investment (e.g. real estate, transfer of capital, national funds / bonds, business investments, endowment to public projects, mixed investments, joint ventures, etc.)

The state promotes FDI into high and medium-high technology, as well as those bringing quality jobs (Promotion of foreign direct investment and internationalisation of enterprises act).

d) Priority national economic sectors / priority national geographical areas / countries of origin targeted / strategic partners required.

Momentarily Slovenia has no priorities as to the mentioned fields. In the year 2013 the action plan (International challenges 2013) stated the following third countries, in which Slovenia should specifically intensify its activities for the promotion of internationalization: Azerbaijan, India, Kazakhstan, People's Republic of China, Russian Federation and Turkey (MI-2013, p. 18).

e) Quotas in place

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Q3a. What is/are the main actor(s) and institution(s) involved in the development of policies to attract immigrant investors? If multiple authorities are involved, how are they coordinated? Is there an official mandate – e.g. an Action Plan - governing the involvement of these authorities?

Promotion of foreign direct investment and internationalisation of enterprises act (ZSTNIIP) states in the Article 5 that the government of the Republic of Slovenia upon the proposal of Ministry in charge of economy, adopts the programme of investment promotion for a five-year period, in which the manner of implementation of tasks from the previous article is defined, along with their priorities and goals, expected to be achieved through the implementation of these tasks.

Q3b. Which actor / institution is responsible for the promotion of the policy with the target group?

In conformity with ZSTNIIP (Art. 11) it is the public agency for the sphere of tourism, foreign investment, technological development, enterprise and internationalization (SPIRIT Slovenia) that is in charge of implementation of activities concerning promotion of foreign direct investment and internationalization of enterprises. In wider sense those competent for implementation of different measures of FDI are also: Ministry in charge of economy; Ministry of foreign affairs and pertaining commercial diplomacy, Ministry of finance, Ministry of infrastructure, Ministry of agriculture, forestry and food, if necessary administrative units and municipalities, regional developmental agencies, Chamber of commerce and industry of Slovenia, Chamber of craft and small business of Slovenia, etc. (MI 2013, 2013: 15).

Q4a. Does your Member State have specific measures in place to attract immigrant investors?

Slovenia in conformity with Promotion of foreign direct investment and internationalization of enterprises act carries out measures aimed at attracting foreign investments in general, not only by third-country nationals.

With the aim of attracting foreign direct investments Ministry of economic development and technology (MGRT) together with executive agency SPIRIT Slovenia leads active policy of direct promotion of FDI, comprising above all

the following activities: allocation of financial incentives for FDI, free offer of information, consulting and other services to foreign investors, promotion and marketing of Slovenia and its regions as a location for FDI, analyses of the competitive status of Slovenia as a location for FDI, and proposing of systemic measures for its improvement and performance of other tasks, contributing to promotion of competitiveness of Slovenia as an investment location. These activities are defined by Promotion of foreign direct investment and internationalization of enterprises act. Other activities in the field of promotion of foreign direct investments include (MI-2013, p. 11–15):

- improvement of business environment in the Republic of Slovenia,
- investment projects,
- establishment of »one stop shop« agency,
- solving of problems concerning building plots and business zones,
- activities for improvement of recognisability of the Republic of Slovenia as a location for foreign direct investments,
- financial support to investments, promotion of expansion of existing foreign enterprises in Slovenia.

Q4b. If yes, please complete the table below with regard to the (applicable) policy measures in place to attract immigrant investors in your Member State.

Measures	Brief description of the measure in the Member State
What do these specific measures entail? (active promotion / information dissemination / campaigns / events including in third countries, etc.)	<p>Promotion of foreign direct investment and internalization of enterprises act (Art. 4) entails measures for promotion of investments*, comprising the following activities:</p> <ul style="list-style-type: none"> - free offer of information, consulting and other services to foreign investors, - marketing of Slovenia and its regions as investment locations, - promotion of the image of Slovenia and its regions as investment locations, - analysing of the competitive status of the Republic of Slovenia as investment location and proposing of systemic measures for its improvement, - allocation of financial incentives for investments, - performance of other tasks, contributing to promotion of competitiveness of the Republic of Slovenia as investment location. <p>This is not only about encouraging investments of third-country nationals, but also of citizens of other EU member states.</p> <p>* Term »investment« means inward foreign direct investment, which the law (Art. 2) defines as »investment of non-resident into ownership capital of new or existing legal person, registered in the Republic of Slovenia, if the share of non-resident represents at least ten percents of ownership capital«.</p>
Does a list of specific procedural facilitations for admission exist? If yes, please explain what they entail (reduced costs, shortened processing time, reduced documentary requirements, minimum residence period required (per year), possibility of renewal, etc.)	<p>Immigrant investor can acquire visa for long-term residence for reasons of economic interest* for the Republic of Slovenia, which the foreigner proves with the opinion of the competent ministry (Aliens Act - 2, Art. 20).</p> <p>A foreign investor may obtain a temporary residence permit due to the existence of the interest of the Republic of Slovenia in accordance with Article 35 of the Aliens Act. A temporary residence permit can be issued for a period that is necessary to fulfil the purpose of the stay, but no longer than one year.</p> <p>A foreigner whose residence in the Republic of Slovenia is in the interest of the Republic of Slovenia can also acquire a temporary residence</p>

	<p>permit in conformity with the Article 51 of Aliens Act. This permit can be granted for the period of planned stay in the Republic of Slovenia, but must not exceed five years. Upon the proposal of the interested ministry or other state office of the Republic of Slovenia the government issues a decree claiming there is an interest on the part of the Republic of Slovenia for a temporary residence permit authorization to a foreigner. The interested ministry or other state office should substantiate the interest in the proposal, and enclose foreigner's consent for the start of residence permit authorization procedure along with all other required certificates.</p> <p>Following one year of uninterrupted residence in Slovenia a foreign investor has the option of acquisition of Slovene citizenship on the basis of special and mitigating circumstances (e.g. he is not obliged to prove Slovene language command) in conformity with Article 13 of the Citizenship of the Republic of Slovenia Act, if there is economic and national interest on the part of the state (exceptional naturalization). In case of exceptional naturalization a foreign investor is granted the status of double citizenship. Specific circumstances on the basis of which competent ministry, i.e. Ministry of Economy, expresses economic/national interest for a foreign investor are defined by Rules on requirement for the assessment of national interest in the Republic of Slovenia from 2010. The document precisely defines criteria and the ways the foreigner has to prove them; they are mostly focused on promotion of Slovene economy in international markets, introduction of new technologies, skills, capital, increase of the number of high-qualification jobs in the Republic of Slovenia, etc.</p> <p>* In conformity with the »Regulations on criteria for assessment of economic interest of the Republic of Slovenia for the issuing of long-term residence visa to a foreigner« (Art. 2) economic interest is proven if a foreigner:</p> <ul style="list-style-type: none"> - demonstrates specialized knowledge and special skills, useful for Slovene economy, - can enable increase of economic links of Slovene economy abroad or - can enable introduction and application of new technologies, business models or knowledge in the Republic of Slovenia, or capital investment in the Republic of Slovenia or expansion and opening of new markets for Slovene products.
Are there specific tax incentives? (benefits, exemptions, etc.)	No.
Does the possibility exist for immigrant investors to be accompanied by family members?	<p>If an immigrant investor acquires temporary residence permit in Slovenia, he is in conformity with the Art. 47 of the Aliens Act-2 granted the right of family reunification with family members who are foreigners.</p>
Are family members allowed to access the labour market?	<p>Family members of a foreigner (third-country national) with temporary residence permit in Slovenia have no access to labour market.</p>
Are immigrant investors granted access to social benefits?	<p>Yes, they have access to contributory financed social benefits if they pay the required contributions. They are only entitled to state-budget financed social benefits (family benefits, minimum resources and partly</p>

	long-term care benefits), if they have permanent residence permit in Slovenia and registered permanent residence. ³
Are immigrant investors granted access to citizenship?	Citizenship of the Republic of Slovenia Act (ZDRS) defines (Art. 13), that a grown-up person can acquire the citizenship of the Republic of Slovenia with naturalization, if this is useful for the state for scientific, economic, cultural, national and similar reasons, provided the person actually lives in Slovenia without interruption at least one year before the filing of application with a confirmed status of foreigner, fulfilling conditions from items 4, 6, 8, 9 and 10 of the first paragraph of Article 10 of this law. Immigrant investors can also acquire citizenship the usual way on the basis of Article 10, or if they are married to a Slovene citizen on the basis of Article 12, yet they have no special facilitations like in the case of so called exceptional naturalization on the basis of Article 13 of the Citizenship Act.
Other (please state)	/

Q5a Does your Member State have any bilateral or other agreements in place with Third Countries to attract immigrant investors?

Yes, Slovenia concluded bilateral agreements on mutual promotion and protection of investments with the following third countries: Albania, Bosnia and Herzegovina, Egypt, Israel, China, Kuwait, Macedonia, Moldavia, Switzerland, Thailand, Turkey, Ukraine, Uzbekistan.

Q5b. Does your Member State share information with other Member States? Does your Member State consult other Member States on the issuing of the documents listed in Q4.b to immigrant investors?

No.⁴

Section 1.2: Immigrant investors national policies: pre-arrival stage (admission criteria) and stay (renewal) (Maximum 3 pages)

Section 1.2 aims at providing an overview of the admission criteria applied by Member States in order admit immigrant investors from third-countries to the national territory. The section also examines whether Member States require investors to submit an investment plan and the specific procedures in place with regard to this. Finally, this section touches upon also criteria linked to the renewal / withdrawal of their residence permit / long-stay visa.

EMN NCPs are asked to provide their answers to the questions below.

Q6a. Please indicate which of the list act as criteria to admit immigrant investors in your Member State in the table below. All listed requirements imply a Yes/No answer: in affirmative cases, EMN NCPs are asked to describe the criteria. If possible, EMN NCPs should also explain whether the same criteria apply to third-country nationals admitted to the national territory under a different immigration channel (family reunification, study, etc.) but willing to change their status into immigrant investors.

³ More on this see in EMN FOCUSED STUDY 2013 (2014) - Migrant access to social security and healthcare: policies and practice. Slovene national contribution.

⁴ Source: e-mail communication with a Ministry of foreign affairs representative, 4 November 2014.

Admission criteria	Explanation	Do the same criteria apply to third-country nationals present in your Member State who have another status and are willing to change it into investor?
Minimum financial amount to invest (please indicate the financial amounts applied to each of the investment types identified above in Question 2b point c)	/	/
Investment plan <i>If Yes, please complete the table in Q6b</i>	/	/
Expected Impact of proposed investment in the Member State <i>(economy, public life etc.)</i>	<p>The aim of promotion of FDI as defined in the Promotion of foreign direct investment and internationalization of enterprises act (Art. 3) is to attract with efficient use of public means immigrant investors to invest in the territory of Republic of Slovenia, so as to promote economic development of the Republic of Slovenia.</p> <p>Decree on financial incentives for foreign direct investment states the following as the aim of incentives (Article 4.):</p> <p>»The aim of allocation of incentives is to attract immigrant investors to invest in the Republic of Slovenia; their investments will:</p> <ul style="list-style-type: none"> - in conformity with supply in the labour market in the Republic of Slovenia provide new jobs, especially in branches with higher added value, - contribute to transfer of knowledge and technologies and to cooperation of scientific research enterprises and institutions in the Republic of Slovenia with immigrant investors, - contribute to a more harmonious regional development, - contribute to increase of synergic effects of integration of immigrant investors with Slovene enterprises, especially in supplies to immigrant investors and in knowledge/technologies exchange. 	Yes.

	Slovenia's Development Strategy 2014 – 2020 (in draft form only; p. 10) mentions among priority fields of development competitive economy, within which the state wants to increase FDI.	
Minimum Education / Professional skills	/	/
Language knowledge (certification, pre-entry tests, mandatory courses, etc.)	/	/
Age requirement for applicants (minimum / maximum)	No.	/
Security / health / background checks in place (origin of investment, fraud checks, previous bogus activities, etc.)	<p>In financial transactions into the Republic of Slovenia it is necessary to consider <i>Prevention of money laundering and terrorist financing act</i> (ZPPDFT). According to Article 5/1. due to finding and preventing money laundering and terrorism financing, organizations should perform tasks within their activities, defined by this law and decrees, passed on its basis.</p> <p>In conformity with Art. 22.a organizations should pay special attention to unusual transactions:</p> <ul style="list-style-type: none"> (1) With regard to complicated and unusually high transactions or transactions with unusual structure or without clearly evident economic or legally grounded intention, or those which are not in conformity or proportion with usual or expected operation of client, organization should: <ul style="list-style-type: none"> - study the background and purpose of such transactions to such degree as possible, considering the circumstances, and - register and keep its findings. (2) In dealing with unusual transactions organization should pay special diligence to clients, business relations or transactions, related to states, in which adequate measures for prevention and discovering of money laundering and terrorist financing are not in use or are not sufficiently implemented. In such cases organization acts in accordance with the previous paragraph. Information on 	Yes.

	these states is published by the Office [Republic of Slovenia Office for prevention of money laundering] on its Website.	
Other (please state)	<p>Foreign citizen can submit at the Ministry of economic development and technology in conformity with <i>Regulations on criteria for assessment of economic interest of the Republic of Slovenia for the issuing of long-term residence visa to a foreigner</i> an application for the issuing of an opinion on the existence of economic interest of Republic of Slovenia for granting a long-term residence visa to a foreigner. He must thereby submit written evidence proving that one of the criteria in Art. 2 is fulfilled:</p> <p>Existence of economic interest is proved if a foreigner:</p> <ul style="list-style-type: none"> - demonstrates specialized knowledge and special experience, useful for Slovene economy, - can enable increase of business links of Slovene economy with foreign countries or - can enable introduction and use of new technologies, business models or knowledge in the Republic of Slovenia or capital investment in Republic of Slovenia or expansion and opening of new markets for Slovene products. <p>In the case of so called exceptional naturalization a foreigner is subject to criteria from the Guidelines on fulfilment of criteria from the Decree on criteria for assessment of national interest regarding authorization of the Republic of Slovenia citizenship on the basis of Article 13 of the Citizenship Act (Uradni list RS, no. 41/07) within the working field of the Ministry of economy from 2010. The document specifies the criteria and the manner in which they have to be proven by a foreigner; they are mostly aimed at promotion of competitiveness of Slovene economy in international markets, introduction of new technologies, knowledge, capital, increase of high-qualification jobs in the of Slovenia, etc.</p>	No.

Q6b. In case an *investment plan* is required, EMN NCPs are asked to complete the table below. All listed requirements imply a Yes/No answer: in affirmative cases, EMN NCPs are asked to describe the requirements with additional information.

Investment plan requirements	Explanation ⁵
Information required on legal aspects of the investment.	/
Information required on the commercial and financial aspects (nature of the investment, origin of the capital to invest, target groups, preliminary contracts, performance indicators, etc.)	/
National institution responsible for the assessment/ approval	/
Duration of examination / due diligence phase	/
Documentation required (If a list exists, please report it here)	/
Review period	/
Other	/

Q7. If the criteria for admission are satisfied what *initial document* is issued? Please provide any detail on:

- type of document issued (e.g. short-stay visa, authorisation to stay, long-stay visa, residence permit, etc.)
- its duration
- whether it is longer than the usual duration which applies to other categories of third-country nationals
- whether its validity differs (and how) from its renewal.

A foreign investor can be granted the following initial documents for entry and residence in the Republic of Slovenia:

1. A foreign investor whose residence in the Republic of Slovenia is in the interest of the Republic of Slovenia can be granted a short-term residence visa (Art. 19 of Aliens Act) or a long-term residence visa (visa D). Conditions for the granting of visa D are defined by Article 20 of the Aliens Act. The procedure is based on the Rules on requirements for the assessment of economic interest of the Republic of Slovenia for a long-term residence visa authorization to a foreigner. In conformity with the Aliens Act (Art. 19) a long-term residence visa is issued for the time of planned residence in the Republic of Slovenia exceeding 90 days but for one year at the most. A foreigner should as a rule acquire long-term residence visa before entering Republic of Slovenia. The visa enables a foreigner to enter and reside in the Republic of Slovenia

⁵ Investment or business plan is otherwise stated in the *Rules on requirement for the assessment of economic interes of the Republic of Slovenia* as a proof, although its content is not specified.

throughout its validity. The validity of long-term residence visa does not exceed the validity of temporary residence permit a third-country national wishing to reside in Slovenia has to acquire. The possibility of long-term residence visa renewal is not anticipated by law, but a foreigner residing in Republic of Slovenia on the basis of this visa can apply for a temporary residence permit if he fulfills the conditions for the authorization of this permit (Art. 30/1, Aliens Act).

2. A foreign investor can be granted temporary residence permit in conformity with the Aliens Act (Art. 33-35). If this is his first residence in Slovenia a foreigner has to acquire first temporary residence permit (Art. 34, Aliens Act). First temporary residence permit is issued with validity of up to one year. Temporary residence permit can be renewed under the same conditions as apply to its authorization, however, a foreigner can instead apply for authorization of a further residence permit with different purpose (Art. 36, Aliens Act).
3. A foreigner whose residence in the Republic of Slovenia is in the interest of the Republic of Slovenia can in conformity with art. 51 of Aliens Act be granted temporary residence permit with validity of up to five years, although such possibility is only used in special cases in practice.

Q8. Where and by which institution / organisation (internal or abroad) are the documents issued? (e.g. diplomatic mission in the third country; other responsible representative; intermediary agency, etc.)

Visas are issued by diplomatic missions and consulates of the Republic of Slovenia abroad and in cases, defined in the second paragraph of the Article 20 of Aliens Act, also the ministry in charge of foreign affairs (18/1 Art. Aliens Act-2). In the cases specified in the Visa Code, short-stay and airport transit visas may be issued by the border authorities of the Republic of Slovenia or a diplomatic or consular representation of another state party to the Convention implementing the Schengen Agreement of 14 June 1985 with which the ministry responsible for foreign affairs has concluded a representation agreement on visa processing (Art. 18, Aliens Act).

An application for the authorization of first temporary residence permit should be lodged at a diplomatic or consular representation of the Republic of Slovenia abroad or with a competent authority in the Republic of Slovenia, if so specified in Aliens Act (Art. 34). Application for the permit renewal should be lodged with competent authority in the Republic of Slovenia (Art. 36, Aliens Act).

Q9. EMN NCPs are asked to provide information on the criteria to be met in case of extension of the document issued for the stay of immigrant investors. Please provide details of the type of document issued and its duration.

Renewal criteria	Explanation
<p>What are the requirements related to the purpose of stay (investment) that need to be met in order to prolong/extend the initial authorisation of stay/ long-stay visa/residence permit?</p>	<p>Validity of short-term residence visa can – in cases and ways specified by the Visa Code – be extended by the ministry in charge of foreign affairs (Art. 18, Aliens Act).</p> <p>The possibility of long-term residence visa (visa D) renewal is not anticipated by law, but a foreigner, residing in the Republic of Slovenia on the basis of long-term residence visa, can apply for a temporary residence permit, if he fulfils conditions for the granting of this permit (Aliens Act-2, Art. 30/1). Temporary residence permit can only be renewed under the same conditions as apply to its issuing. Application for the permit renewal should be filed by a foreigner with the agency in charge in the Republic of Slovenia before the expiry of the validity date (Aliens Act-2, Art. 36/1). Foreigner having temporary residence permit in the Republic of Slovenia, can file an application with agency in charge in the Republic of Slovenia before the permit's validity date expiry for granting a further residence permit with different purpose (Aliens Act-2, Art. 36/3).</p>

Section 1.3: Immigrant business owners: overview of national policies (Maximum 1 page)

This section asks for information on the national institutional framework and the main policy objectives in relation to **immigrant business owners** from third-countries. It will provide a mapping of the national stakeholders involved in the design and implementation of the policies to attract business owners, and the incentives that apply.

EMN NCPs are asked to answer the following questions, at times guided by a non-exhaustive list of prompts.

Q9. How does the national legislation of your Member State define immigrant business owners?

Slovene legislation does not use the term "immigrant business owner".

Those classified within the frame of "immigrant business owner" are:

- a) **Self-employed persons.** According to the definition of the Employment and work of aliens act (ZZDT-1; Art. 4/11) a self-employed person is: a foreigner who earns his living with independent work, performed on the basis of business registration, is liable to pay contributions for social security, or joins insurance on his own.
- b) **(Employed) majority business owners.** This term refers to a foreigner who is either founder or co-founder of capital economic enterprise (d.o.o.), and in which he has as an investor majority (at least 51%) capital share, if he also decides to be employed in the company (according to the Rules on applications and evidence on employment and work of aliens and on employment of aliens which do not depend on the labour market, Art. 24/1 –item 1).
- c) **Foreign representatives of a company** (not majority owners). This term refers to foreigners who have co-founded a limited liability company (LLC), but do not have a majority stake, and they intend to keep or operate as representatives of the company (director, procurator, etc.). For this they must obtain a work permit for a representative of a company in accordance with Article 34 of the Employment and Work of Aliens Act.

Q10a. Does your Member State have a specific policy, programme or scheme for immigrant business owners?

Yes.

Q10b. If yes, please provide more information about the specific policy, programme or scheme, including a) the name of the policy / programme / scheme: b) its main policy objectives (Neutral, pro-active); whether it targets c) specific type of businesses and / or d) economic sectors / geographical areas / strategic partners; and whether d) a quota / limitation system is in place to govern the number of entries or permits that can be issued to immigrant business owners?

a) Name of policy / programme

Strategy of economic migration for the period 2010 to 2020 (2010)

b) Main policy objectives

Promotion of immigrant enterprise (Strategy of economic migration... 2010: 64).

c) Type of business (e.g. any specific sector, knowledge-based sector, start-up / spin-off, etc.)
/

d) Priority national economic sectors / priority national geographical areas / countries of origin targeted / strategic partners required.

Momentarily Slovenia has no priorities regarding these fields. In the year 2013 the action plan (International challenges 2013) listed the following states among the key third countries, in which Slovenia should especially intensify its activities for promotion of internationalization: Azerbaijan, India, Kazahstan, People's Republic of

China, Russian Federation and Turkey (MI-2013, p. 18).

e) Quotas in place

In conformity with *Employment and work of aliens act* the government can with respect to state and anticipated movements on labour market yearly define a quota of work permits to limit the number of foreigners on the labour market. In this way it can limit the granting of work permits for individual or all forms of employment and work of aliens, having no residence permit in the Republic of Slovenia, except for aliens, who are employed in the Republic of Slovenia or perform work on the basis of international agreements binding Republic of Slovenia. Apart from quota the government can also define limitations of the number of self-employed aliens, as well as limitations and prohibitions of employment and work of aliens by regions, spheres of activity, enterprises and professions, like it can also limit or prohibit influx of new foreign workers on the whole or from some regional territories, whenever this is grounded by public order, public security, public health, general economic interest or state and anticipated movements on labour market (Employment and Work of Aliens Act , Art. 54). Momentarily work permits quota is not set in Slovenia.

Q11a. What is/are the main actor(s) and institution(s) involved in the development of policies to attract immigrant business owners? If multiple authorities are involved, how are they coordinated? Is there an official mandate – e.g. an Action Plan – governing the involvement of these authorities?

Ministry of economic development and technology; Ministry of labour, family and social affairs (social enterprise), Ministry of the Interior, other ministries within their competences (Strategy of economic migration... 2010).

11b. Which actor / institution is responsible for the promotion of the policy with the target group?

- SPIRIT Slovenia (Public agency for promotion of enterprise, innovativeness, development, investments and tourism)
- SPS – Slovene enterprise fund
- Employment service of Slovenia

Q12a. Does your Member State have specific measures to attract immigrant business owners?

Yes, framework measures are foreseen in the Strategy of economic migrations. There is also a special programme Go:Global Slovenia, which is an integral national programme for the support of start-up companies in their breakthrough on the world market within Initiative Start:up Slovenia⁶, bringing together leading subjects of supportive setting for enterprise in Slovenia. The aim of the programme is a selection of modern services of support with the growth of start-up enterprises on the world market, along with providing adequate setting for foreign companies and ambitious individuals wishing to work and make business in Slovenia. Programme is partly financed by Ministry of economic development and technology and the Slovene enterprise fund.

Q12b. If yes, Please complete the table below with regard to the policy measures in place to attract immigrant business owners in your Member State.

Measures	Brief description of the measure in the Member State
What do these specific measures entail? (active promotion / information dissemination / campaigns / events including	Measures, foreseen in the Strategy of economic migration (p. 64-65), for promotion of immigrants' enterprise:

⁶ Initiative "Start: up Slovenia" is an open platform, which can be joined by a variety of organizations and individuals who wish to contribute to the vision of a dynamic, entrepreneurial-talents friendly country (<http://www.startup.si/sl-si/o-iniciativi/kdo-smo,-kaj-ponujamo>).

<i>in third countries, etc.)</i>	<ul style="list-style-type: none"> - Improved informing of immigrants on possibilities of enterprise, on measures for growth of enterprise and on supporting systems and following of immigrants as a special target group in policies of enterprise, possible implementation of information campaigns in states of origin; - Increase of integration of unemployed immigrants in programmes of self-employment promotion within active policy of employment and measures of the European social fund; - Establishment of info-points for better information and promotion of migrants' enterprise: it is necessary to identify existing supporting institutions and study possibilities of integration; - Elimination of administrative obstacles.
<i>Does a list of specific procedural facilitations for admission exist? If yes, please explain what they entail</i> (reduced costs, shortened processing time, reduced documentary requirements, minimum residence period required (per year), possibility of renewal, etc.)	<p>There are special requirements for foreign business owners for the field of self-employment (Employment and Work of Aliens Act , Art. 21/2, item 7) and for employment of majority enterprise owner (Rules on applications and evidence on employment and work of aliens and on employment of aliens which do not depend on the labour market, Art. 24/1 –item 1 –further: Rules on applications).</p> <p>According to Employment and Work of Aliens Act :</p> <p>21st. article (self-employment)</p> <p>(1) Under conditions, stipulated by the law, regulating economic companies a foreigner can establish or co-establish personal economic enterprise and on the basis of establishment rights can represent the enterprise or can be registered as an independent individual business owner, if prior to that he acquires personal work permit with the validity of one year, or if he has personal work permit with the validity of three years or free access to labour market in conformity with this law.</p> <p>(2) A foreigner can acquire personal work permit for self-employment with validity of one year, if the following conditions are fulfilled:</p> <ol style="list-style-type: none"> 1. legal residing in the Republic of Slovenia at the time of filing the application for the granting of personal work permit, 2. at least one-year of uninterrupted legal residence in the Republic of Slovenia before registration, 3. possessing own financial means in the amount of 10.000 euros, and 4. in case, a certain activity can only be performed in business premises, proof of ownership of business premises or adequate lease contract, or in case when business premises is not a condition, proof of ownership or adequate lease contract for premises of the company's headquarters. <p>/.../</p> <p>(7) Regardless of stipulations of the first and second paragraph of this article, an alien can acquire personal work permit with validity of one year for performance of autonomous professional activity if registered in business register.</p> <p>For an employed foreign majority business owner exemption is</p>

	valid with granting work permit, as he is not subject to labour market checks (existence of adequate national candidates) and prior 6-month business of investor (Rules on applications and evidence on employment and work of aliens and on employment of aliens which do not depend on the labour market, Art. 24/1).
Do specific support measures exist? <i>(financial / logistic, business support to applicants to establish a business plan, recognition of qualification etc.)</i>	No.
Are there specific tax incentives? <i>(benefits, exemptions, etc.)</i>	No.
Are immigrant business owners granted access to social benefits?	Yes, if they are employed in Slovenia and pay contributions on which social benefits are grounded.
Are immigrant business owners granted access to citizenship?	Yes, an immigrant business owner can obtain citizenship under regular conditions on the basis of Art. 10 and Art. 12 of the Citizenship Act of the Republic of Slovenia, and under extraordinary conditions stipulated by the Citizenship Act of the Republic of Slovenia in Art. 13 stating that a person of age can acquire citizenship of the Republic of Slovenia through naturalization, if this is of benefit for the state due to scientific, economic, cultural, national and similar reasons, under condition that such a person has actually resided in Slovenia without interruption at least one year before lodging application, has legally regulated status of alien and fulfils conditions from items 4, 6, 8, 9, 10 of the first paragraph of the Article 10 of this law.
Does the possibility exist for immigrant business owners to be accompanied by family members? Are family members allowed to access the labour market?	If a foreign business owner acquires temporary residence permit in Slovenia, then in conformity with Art. 47 of the Aliens Act-2 he is granted the right of reunification, retention and renewed acquisition of family union with family members who are aliens. Family members of an alien (third-country national) with temporary residence permit in Slovenia have no access to labour market.
Other (please state)	

Q13a Does your Member State have any bilateral or other agreements in place with Third Countries to attract immigrant business owners?

No.

Q13b. Does your Member State share information and coordinate its policies with other Member States? Does your Member State consult other Member States on the issuing of the documents listed in Q15 to immigrant business owners?

No.

Section 1.4: Immigrant business owners national policies: pre-arrival stage (admission criteria) and stay (renewal) (Maximum 3 pages)

Section 1.4 aims at providing an overview of the admission criteria applied by Member States in order to admit immigrant business owners from third-countries to the national territory. The section also examines whether Member States require business owners to submit a business plan and the specific procedures in place with regard to this. Finally, this section touches upon also criteria linked to the renewal / withdrawal of their residence permit / long-stay visa.

EMN NCPs are asked to provide their answers to the questions below.

Q14a. Please indicate the criteria to admit immigrant business owners in your Member State in the table below. All listed requirements imply a Yes/No answer: in affirmative cases, EMN NCPs are asked to describe the criteria. If possible, EMN NCPs should also explain whether the same criteria apply to third-country nationals admitted to the national territory under a different immigration channel (family reunification, study, etc.) but willing to change their status into immigrant business owners.

Admission criteria	Explanation	Do the same criteria apply to third-country nationals present in your Member State who have another status and are willing to change it into business owners?
Evidence of entrepreneurial skills (experience in running businesses, turnover of activities in the country of origin, etc.)	<p>Foreign citizen can – in conformity with Rules on criteria for the assessment of economic interest of the Republic of Slovenia for the long-term residence visa granting to an alien – submit an application for the issuing of an opinion on the existence of economic interest of Republic of Slovenia for the long-term visa granting to a foreigner. He must submit written evidence proving that one of the Art. 2 criteria is fulfilled:</p> <p>The existence of economic interest is proven if a foreigner:</p> <ul style="list-style-type: none"> - demonstrates specialized knowledge and special experience, useful for the Slovene economy. <p>/.../.</p> <p>In the case of so called exceptional naturalization an alien is subject to criteria from the Guidelines on fulfilment of criteria from the Decree on criteria for assessment of national interest regarding authorization of the Republic of Slovenia citizenship on the basis of Article 13 of the Citizenship Act (Uradni list RS, no. 41/07) within the working field of the Ministry of economy from 2010. The document</p>	No.

	<p>specifies the criteria and the manner in which they have to be proven by a foreigner; they are mostly aimed at promotion of competitiveness of Slovene economy in international markets, introduction of new technologies, knowledge, capital, increase of high-qualification jobs in the Republic of Slovenia, etc.</p>	
Minimum level of educational achievement / professional skills (please specify)	No.	Yes.
Evidence of capital (minimum sum required)	<p>According to Art. 21/2 (Employment and Work of Aliens Act) the following is valid for self-employed foreigners:</p> <p>(2) A foreigner can acquire personal work permit for self-employment with validity of one year if he fulfils the following conditions: /.../ 3. possesses his own financial means in the amount of 10.000 euros, /.../</p> <p>Employed majority business owners (in conformity with Art. 475/1 of Companies act - ZGD-1 and with Art. 24/1 of Rules on applications and evidence on employment and work of aliens and on employment of aliens which do not depend on the labour market), are obliged to possess basic capital of minimum 51% of sum total minimum 7.500 euros, if they wish to acquire work permit without labour market checking in Slovenia.</p>	<p>Yes (for self-employed).</p> <p>Yes (for employed majority business owners).</p>
Contribution to the economy / employment of the Member State (national interest, "jobs - created", contribution to specific sector, innovativeness of activity, introduction of new technologies, etc.)	<p>Foreign citizen can submit in conformity with <i>Rules on the requirement for the assessment of economic interest of the Republic of Slovenia for long-term residence visa granting to an alien</i> an application for an opinion on the existence of economic interest of the Republic of Slovenia for the issuing of long-term residence visa to a foreigner. He has to submit written evidence proving the fulfilment of one of the Article 2 criteria:</p> <p>Existence of economic interest is proven if a foreigner:</p> <ul style="list-style-type: none"> - /.../, - Can enable increase of business ties 	Ne.

	<p>of Slovene economy with foreign countries or</p> <ul style="list-style-type: none"> - Can enable introduction and use of new technologies, business models or knowledge in the Republic of Slovenia or capital investments in the Republic of Slovenia or expansion and opening of new markets for Slovene products. <p>In the case of so called exceptional naturalization an alien is subject to criteria from the Guidelines on fulfilment of criteria from the Decree on criteria for assessment of national interest regarding authorization of the Republic of Slovenia citizenship on the basis of Article 13 of the Citizenship Act (Uradni list RS, no. 41/07) within the working field of the Ministry of economy from 2010. The document specifies the criteria and the manner in which they have to be proven by a foreigner; they are mostly aimed at promotion of competitiveness of Slovene economy in international markets, introduction of new technologies, knowledge, capital, increase of high-qualification jobs in the Republic of Slovenia, etc.</p>	
Business plan If a business plan is required, please complete the table in Q14b	<p>According to Art. 3 of the <i>Rules on the requirement for the assessment of economic interest of the Republic of Slovenia for long-term residence visa granting to an alien</i> a foreign citizen applying for a long-term visa on the basis of economic interest must submit as evidence »above all certificates, business plans, opinions or recommendations /.../«.</p> <p>On the basis of guidelines on fulfillment of criteria from the Decree on criteria for assessment of national interest regarding authorization of the Republic of Slovenia citizenship on the basis of Article 13 of the Citizenship Act (Uradni list RS, no. 41/07) an alien lodging an application for the so called exceptional naturalization on the basis of economic interest has to submit different proofs, certificates, references, recommendations, business plans, etc.</p>	No.
Language knowledge (certification, pre-entry tests,	No.	Yes.

<i>mandatory courses, etc.)</i>		
Age requirement for applicants (minimum / maximum)	No.	Yes.
Insurance requirement (personal and/or for the investment)	No.	Yes.
Security / background checks in place (fraud checks, tax avoidance, previous bogus activities, money origin / money laundering, etc.)	<p>In financial transactions into the Republic of Slovenia it is necessary to consider <i>Prevention of money laundering and terrorist financing act</i> (ZPPDFT). According to Article 5/1 due to finding and preventing money laundering and terrorism financing, organizations should perform tasks within their activities, defined by this law and decrees, passed on its basis.</p> <p>In conformity with Art. 22.a organizations should pay special attention to unusual transactions:</p> <p>(1) With regard to complicated and unusually high transactions or transactions with unusual structure or without clearly evident economic or legally grounded intention, or those which are not in conformity or proportion with usual or expected operation of client, organization should:</p> <ul style="list-style-type: none"> - study the background and purpose of such transactions to such degree as possible, considering the circumstances, and - register and keep its findings. <p>(2) In dealing with unusual transactions organization should pay special diligence to clients, business relations or transactions, related to states, in which adequate measures for prevention and discovering of money laundering and terrorist financing are not in use or are not sufficiently implemented. In such cases organization acts in accordance with the previous paragraph. Information on these states is published by the Office [Republic of Slovenia Office for prevention of money laundering] on its Website.</p>	Yes.

Q14b. In case a business plan is required, EMN NCPs are asked to complete the table below. All listed requirements imply a Yes/No answer: in affirmative cases, EMN NCPs are asked to describe the requirements with additional information:

Business plan	Explanation
National institution responsible for the approval / Self-assessment	In case of assessment of economic interest of the Republic of Slovenia this is Ministry of economic development and technology.
Information required on legal aspects of the business (form of the business, principal activity, subsidiary of existing activity)	Yes.
Information required on the commercial and financial aspects (type of business / services, origin of the capital to invest, target groups, preliminary contracts, nature of the investment, performance indicators, feasibility analysis, etc.)	Yes.
Duration of examination of the business plan	Yes.
Documentation required (please provide a list of the documents required)	/
Review period	/
Other	/

Q15. If the criteria for admission are satisfied what initial document is issued? Please provide any detail on:

- type of document issued (e.g. short-stay visa, authorisation to stay, long-stay visa, residence permit, etc.),
- its duration
- whether it is longer than the usual duration which applies to other categories of third-country nationals
- whether its validity differs (and how) from its renewal.

An immigrant business person may be issued as initial document to enter and stay in Slovenia a short-term residence visa (Art. 18, Aliens Act) or long-term residence visa due to the existence of economic interest for the Republic of Slovenia, which the alien proves by submitting an opinion issued by the competent ministry (Art. 20, Aliens Act). Long-term residence visa is issued for the time of planned residence of an alien in the Republic of Slovenia, exceeding 90 days but not one year. Long-term residence visa should be acquired prior to entry into Republic of Slovenia, unless differently stipulated by this law. The possibility of long-term visa renewal is not anticipated, however, an alien residing in Republic of Slovenia on the basis of long-term visa can apply for a temporary residence permit, if fulfilling conditions for issuing of this permit (Art. 30/1, Aliens Act). Before issuing a residence permit an alien must also obtain a work permit on the basis of the Employment and Work of Aliens Act. From September 2015 onwards, however, the alien will be able to acquire a single license, which will include permission to reside and work. An alien wishing to establish a company in Slovenia can also be issued temporary residence permit under conditions stipulated by Aliens Act (Art. 33-35). Temporary residence permit is issued for the time necessary for the fulfillment of the purpose of residence not exceeding one year unless otherwise stipulated by the law. An alien that was granted temporary

residence permit for a certain purpose can only reside in the RS in accordance with the purpose for which the permit had been issued (Art. 35, Aliens Act). Temporary residence permit can be renewed under same conditions as apply to its authorization. A holder of temporary residence permit can lodge application for authorization of further residence permit with different purpose before the expiry of the respective permit (Art. 36, Aliens Act).

Q16. Where and by which institution / organisation (internal or abroad) are the documents issued? (e.g. diplomatic mission in the third country; other responsible representative; intermediary agency, etc.)

Visas are issued by diplomatic missions and consulates of the Republic of Slovenia abroad and in cases, defined in the second paragraph of the Article 20 of Aliens Act, also the ministry in charge of foreign affairs (Art. 18/1, Aliens Act). In the cases specified in the Visa Code, short-term and airport transit visas may be issued by the border authorities of the Republic of Slovenia or a diplomatic or consular representation of another state party to the Convention implementing the Schengen Agreement of 14 June 1985 with which the ministry responsible for foreign affairs has concluded a representation agreement on visa processing (Art. 18, Aliens Act). An application for the authorization of first temporary residence permit should be lodged at a diplomatic or consular representation of the Republic of Slovenia abroad or with a competent authority in the Republic of Slovenia, if so specified in Aliens Act (Art. 34). If an alien, due to unforeseen circumstances, is unable to obtain a first temporary residence permit of the Republic of Slovenia before entering the country, such a permit may be served on him by the competent issuing authority provided that the alien is a legal resident in the Republic of Slovenia and has lodged his application for a first temporary residence permit prior to his entry to the country, has been fingerprinted by the diplomatic or consular representation of the Republic of Slovenia prior to his entry to the country, and has, after entering the country, notified the competent issuing authority of his arrival, address and duration of intended stay and the reasons he was unable to obtain a temporary residence permit before entering the country (Art. 34, Aliens Act). An alien whose residence permit has expired may acquire a new first temporary residence permit of the Republic of Slovenia provided that he fulfils the conditions specified in this Act (Art. 34, Aliens Act). Application for the permit renewal should be lodged with competent authority in the Republic of Slovenia (Art. 36, Aliens Act).

Q17. EMN NCPs are asked to complete the information requested in the table below in relation to registration of businesses by immigrant business owners in your Member State:

Registration of businesses by immigrant business owners in your Member State	Explanation
National institution responsible for the registration of the business in the Member State	Points VEM (all in one place); their tasks are also performed by branches of the Agency of the Republic of Slovenia for public legal records and related services (AJPES), Chamber of commerce and industry of Slovenia (GZS), Chamber of craft and small business of Slovenia (OZS), Public agency for promotion of enterprise, innovativeness, development, investments and tourism (SPIRIT Slovenija), notaries. ⁷
Type of business (main business, subsidiary or branch. Please explain whether it is a transparent or non-transparent entity for tax reasons, i.e.	At the mentioned addresses free-lance businessmen and companies with limited responsibility can be registered. In Slovenia it is also possible for foreign companies and branches of foreign companies to register (acc. to ZGD-1, Art. 674-683).

⁷ Source: Ajpes – Točka VEM, http://www.ajpes.si/Registri/tocka_VEM/Splošno.

<i>determining if the business owners registers himself/herself as an individual or as a legal entity).</i>	
Place of registration of business (<i>in the Member State or in the country of origin / a third country. Is it mandatory for a third country national to be present in a country when registering a business or can this be done outside (using an agent / third party)?</i>)	In conformity with ZGD-1 manager can apply for a company's registration (Art. 478). Management means bodies or persons, entitled by ZGD-1 or by company acts to run its business. Management of company with unlimited responsibility means shareholders, and with transfer of management entitlement third persons, with commandite company complementaries and third persons with transfer of entitlement to run, with shareholding company management or board of managers, and with company with limited responsibility one or more managers (Art. 10, ZGD-1).
Main requirements for registration of business (<i>capital, employees. Please state whether the requirements is different from that applied to EU nationals)</i>	Basic capital: 7.500 EUR
Does your Member State impose restrictions to admit immigrant business owners based on the type of business, the specific sector or their country of origin?	No.
Other (<i>Health, etc.</i>)	/

Q18. EMN NCPs are asked to provide information on the criteria to be met in case of extension of the document issued for the stay of immigrant business owners. Please provide details of the type of document issued and its duration.

Renewal criteria	Explanation
What are the requirements related to the purpose of stay (business) that need to be met in order to prolong/extend the initial authorisation of stay/ long-stay visa/residence permit?	<p>Validity of short-term residence visa can – in cases and ways specified by the Visa Code – be extended by the ministry in charge of foreign affairs (Art. 18, Aliens Act). The possibility of long-term residence visa renewal is not anticipated by the law, however, a foreigner residing in the Republic of Slovenia on the basis of long-term residence visa, can apply for a temporary residence permit, if fulfilling conditions for its issuing (Art. 30/1, Aliens Act). Temporary residence permit can be renewed under the conditions applying to its granting (see below – Art. 33 and 35, Aliens Act). Application for its renewal should be filed by a foreigner with agency in charge in the Republic of Slovenia before the expiry of the date of its validity (Art. 36/1, Aliens Act). A foreigner with temporary residence permit in the Republic of Slovenia can file an application with office in charge before the expiry of the permit's validity for authorisation of a further residence permit with different purpose (Art. 36/3, Aliens Act).</p> <p>With regard to conditions for the issuance of a temporary residence permit, the Aliens Act provides inter alia for the following:</p> <p>An alien who wishes to reside in the Republic of Slovenia must</p>

	<p>possess a valid travel document with a validity at least three months longer than the intended residence in the Republic of Slovenia, appropriate health insurance and sufficient means of subsistence during his residence in the country or other guarantees that his livelihood will be provided, on a monthly basis, in an amount equal to at least the basic minimum income in the Republic of Slovenia. An alien can prove the fulfilment of the condition of sufficient means of subsistence with means provided by himself with work, the rights deriving from work or insurance, income from property or capital and other sources, or with the aid of those who are obliged to maintain the alien, a scholarship or means on an account open at a bank or savings bank in the Republic of Slovenia or abroad (Art. 33, Aliens Act).</p> <p>A temporary residence permit shall be issued to an alien who intends to reside in the Republic of Slovenia for the following purposes (Art. 35, Aliens Act):</p> <ul style="list-style-type: none">- employment or work;- family reunification;- study, education, advanced professional training or practical training, participation and attendance in international volunteer exchange programmes and;- other valid purposes and reasons on the basis of this Act, international Acts or international principles and customs, or in the interests of the Republic of Slovenia. <p>When the residence permit is linked to a work permit, the conditions for the renewal of the work permit must also be met in order to extend the residence permit. These conditions are defined by the Employment and Work of Aliens Act.</p> <p>The work permit for a foreign representative can be issued for a maximum of two years, and can be re-issued if the legal entity or individual entrepreneur meets the conditions that apply to first obtain this permit (item 8 and 9 of Art. 34, Employment and Work of Aliens Act).</p> <p>A work permit for foreign majority owners may be extended under the conditions that apply to the first issue of this permit (item 4 of Art. 29, Employment and Work of Aliens Act).</p> <p>Personal work permit (which must be acquired by a foreigner who wishes to establish or co-found in Slovenia a personal and commercial company and based on the founders' rights represent the company or to register as a sole trader) can be repeatedly extended for a period of up to one year if the foreigner is registered as the founder or a co-founder in the register and is a representative of the company or if he is registered in the commercial Register as a sole trader and has paid taxes and contributions. The application for renewal of a personal work permit with one-year validity can be submitted 60 days at the first and no later than 30 days before the expiry of a personal work permit (Art. 21, Employment and Work of Aliens Act).</p>
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Is there a requirement that a business is active during the extension of permits?	There are no specific indicators, against which to assess the activity of the company, but taxes and contributions must be paid (Art. 21, Employment and Work of Aliens Act).
If so, what indicators are used to assess this? (Volumes of turnover, amount of paid taxes, staff employed, compliance of immigrant investors and their investment, etc.)	
Who assesses this information?	

Section A1.5: Other business persons: overview of national policies (Maximum 1 page)

This section examines the conditions for the admission of **other third-country nationals who travel to the EU for business reasons** ("other business persons"). These categories include (but are not limited to) the temporary admission of third-country nationals under international trade agreements (i.e. the pre-defined six "Mode 4" categories tackled by the EU free-trade agreements listed in Annex 2). Other business persons may be admitted either on a short-stay visa or long-stay visa. EMN NCPs are asked to indicate if and how these categories are defined by the national legalisation of their Member State. They are required to indicate whether they are targeted by specific policies (programmes, schemes), whether they are admitted and registered as such in their administrative practices and/or separately from those entering via different migration channels.

EMN NCPs are also requested to provide information on current admission criteria, including the length of their stay, any other specific eligibility condition and collect available data.

Q19. How are the following categories (listed in Annex 2) defined under the national legislation of your Member State?

Categories of other business persons	Definitions
Business visitors for establishment purposes (BVEP)	/
Intra-corporate transferees (ICT) ⁸	/
Business sellers (BS)	/
Independent professionals (IP)	/
Contractual services suppliers (CSS)	/

⁸ For intra-corporate transferees, please indicate where the scope of current legislation and the definition used therein differ from Directive 2014/66/EU on intra-corporate transferees.

Graduate trainees (GT)	/
Other (please describe)	/

Q20. Does your Member State have a specific policy (programme, scheme) for other business persons as defined by the study template? EMN NCPs are asked to complete only the sections that are relevant to their national context.

Categories of other business persons	Is there a specific policy, for this categories of other business persons? Is it based on tailored multilateral/bilateral trade agreements with third countries?	Name of policy / programme	What are its main policy objectives (include info on priority national economic sectors / geographical areas / countries of origin if relevant)	Are there any quotas in place?
Business visitors for establishment purposes (BVEP)	/	/	/	/
Intra-corporate transferees (ICT)	/	/	/	/
Business sellers (BS)	/	/	/	/
Independent professionals (IP)	/	/	/	/
Contractual services suppliers (CSS)	/	/	/	/
Graduate trainees (GT)	/	/	/	/
Other (please describe)	/	/	/	/

Q21. Considering the specific policy (programme, scheme) in the previous question, what are the actor(s) and institution(s) involved in the development and implementation of policies on other business persons? If multiple authorities are involved, how are they coordinated? Is there an official mandate - e.g. an Action Plan - governing the involvement of these authorities? Which actor / institution is responsible for the promotion of such policy abroad?

Categories of other business persons	Actors/institutions involved in the development of these policies	Actors/institutions involved in the implementation of these policies	If multiple authorities are involved, how do they coordinate?	Is there an official mandate governing their roles?	Actors/institutions responsible for the promotion of such policy abroad
Business	/	/	/	/	/

<i>visitors for establishment purposes (BVEP)</i>					
<i>Intra-corporate transferees (ICT)</i>	/	/	/	/	/
<i>Business sellers (BS)</i>	/	/	/	/	/
<i>Independent professionals (IP)</i>	/	/	/	/	/
<i>Contractual services suppliers (CSS)</i>	/	/	/	/	/
<i>Graduate trainees (GT)</i>	/	/	/	/	/
<i>Other (please describe)</i>	/	/	/	/	/

Section 1.6: Other business persons national policies: pre-arrival stage (admission criteria) and stay (renewal) (Maximum 3 pages)

Section 1.6 aims at providing an overview of the admission criteria applied by Member States in order to admit subcategories within other business persons from third-countries to the national territory.

Q22. What are the criteria for the admission of other business persons to your Member State? Please answer by completing the table below entering in the last column also useful information on any pre-entry assessment which may be required (labour market test, proof of minimum period of employment, evidence of commitment to return after the temporary stay, minimum education / professional skills, language knowledge, qualifications/certifications, entry quotas, age requirement, insurance requirement, etc.).

Categories of other business persons	Are these categories admitted/endorsed in your systems (under a different name)? (Yes/No)	If yes, under which name are they registered in your systems?	What is the maximum duration of their stay?	What kind of document is issued when admitting other business person?	Is there a (exhaustive) list of admission criteria? If yes, please indicate the criteria.
<i>Business visitors for establishment purposes (BVEP)</i>	/	/	/	/	/

<i>Intra-corporate transferees (ICT)</i>	/	/	/	/	/
<i>Business sellers (BS)</i>	/	/	/	/	/
<i>Independent professionals (IP)</i>	/	/	/	/	/
<i>Contractual services suppliers (CSS)</i>	/	/	/	/	/
<i>Graduate trainees (GT)</i>	/	/	/	/	/
<i>Other (please describe)</i>	/	/	/	/	/

Q23. EMN NCPs are asked to provide information on the criteria to be met in case of extension of the document issued for the stay of other business persons. Please provide details of the type of document issued and its duration.

Categories of other business persons	What are the requirements related to the purpose of stay (business) that need to be met in order to prolong/extend the initial documents issued?
<i>Business visitors for establishment purposes (BVEP)</i>	/
<i>Intra-corporate transferees (ICT)</i>	/
<i>Business sellers (BS)</i>	/
<i>Independent professionals (IP)</i>	/
<i>Contractual services suppliers (CSS)</i>	/
<i>Graduate trainees (GT)</i>	/
<i>Other (please describe)</i>	/

Section 2: Measures to prevent misuse / abuse of immigration channels for business purposes

This section aims to provide an overview of the measures carried out by Member States for monitoring, detecting and preventing misuse of the migration channels in place for **immigrant investors, immigrant business owners and other business persons** and to explore and map the specific mechanisms in place. EMN NCPs are asked to describe the procedures involved and to provide information on the challenges associated to the detecting, monitoring and preventing misuses, and to distinguish where relevant between the different categories (if the mechanisms are different). This Sections aim to identify also the criteria for withdrawing

Q24. Please provide the following information with respect to the prevention and detection of misuse/abuse of immigration channels for immigrant investors, business owners and other business persons at admission stage and during stay. EMN NCPs are first asked to provide the definitions of misuse and abuse according to their national legislation and identify differences where possible.

Issue	Immigrant investors	Business owners	Other business persons
<p>Does your national legislation provide for a definition of misuse and/or abuse?</p> <p>If yes, do they differ? Please describe</p> <p>If no, how are they defined in practice?</p>	<p>Slovenian legislation does not explicitly define concepts such as abuse or misuse, but it provides for penalties for actions that can be included within the scope of misuse or abuse.</p> <p>Article 12 of the Aliens Act discusses illegal entry of an alien in the Republic of Slovenia. The entry of an alien to the Republic of Slovenia shall be illegal in the following circumstances:</p> <ul style="list-style-type: none"> - if they enter the Republic of Slovenia despite being refused entry on the basis of Article 10 of this Act; - if the alien evades border control; - if the alien uses the forged or modified travel or other documents of another person, or if he provides false information to border control authorities, including the use of a changed personal name during the validity of the prohibition to enter; - if they enter the Republic of Slovenia via the internal border in contravention of Articles 7 and 8 of this Act; 	<p>Slovenian legislation does not explicitly define concepts such as abuse or misuse, but it provides for penalties for actions that can be included within the scope of misuse or abuse.</p> <p>Article 12 of the Aliens Act discusses illegal entry of an alien in the Republic of Slovenia. The entry of an alien to the Republic of Slovenia shall be illegal in the following circumstances:</p> <ul style="list-style-type: none"> - if they enter the Republic of Slovenia despite being refused entry on the basis of Article 10 of this Act; - if the alien evades border control; - if the alien uses the forged or modified travel or other documents of another person, or if he provides false information to border control authorities, including the use of a changed personal name during the validity of the prohibition to enter; - if they enter the Republic of Slovenia via the internal border in contravention of Articles 7 and 8 of this Act; 	<p>Slovenian legislation does not explicitly define concepts such as abuse or misuse, but it provides for penalties for actions that can be included within the scope of misuse or abuse.</p> <p>Article 12 of the Aliens Act discusses illegal entry of an alien in the Republic of Slovenia. The entry of an alien to the Republic of Slovenia shall be illegal in the following circumstances:</p> <ul style="list-style-type: none"> - if they enter the Republic of Slovenia despite being refused entry on the basis of Article 10 of this Act; - if the alien evades border control; - if the alien uses the forged or modified travel or other documents of another person, or if he provides false information to border control authorities, including the use of a changed personal name during the validity of the prohibition to enter; - if they enter the Republic of Slovenia via the internal border in contravention of Articles 7 and 8 of this Act;

	<ul style="list-style-type: none"> - if they enter the Republic of Slovenia via an internal border although the period of prohibited entry to the country has not expired. <p>The Aliens Act in article 28 states reasons for annulment of long-term residence visa. A long-stay visa shall be annulled in the following circumstances:</p> <ul style="list-style-type: none"> - if it is determined that the alien does not fulfil the visa requirements, or the existence of the reasons stated in the first paragraph of Article 26 of this Act; - if the alien concerned intentionally submitted incorrect data on his identity or other inaccurate data, or if he intentionally concealed circumstances which have a bearing on the issuing of a visa; - the imposition on the alien of a secondary sentence of expulsion from the country. <p>A visa may be annulled by the police or the ministry responsible for foreign affairs. If the alien has not yet entered the Republic of Slovenia, his visa may also be annulled by the diplomatic or consular representation.</p> <p>An alien present in the Republic of Slovenia whose visa has been annulled must leave the country in the period as determined in the third paragraph of Article 60 of this Act.</p> <p>The Aliens Act (Art. 56) also defines conditions for alien's residence permit annulment. This is anticipated in cases when:</p> <ul style="list-style-type: none"> - if it has been determined 	<ul style="list-style-type: none"> - if they enter the Republic of Slovenia via an internal border although the period of prohibited entry to the country has not expired. <p>The Aliens Act in article 28 states reasons for annulment of long-term residence visa. A long-stay visa shall be annulled in the following circumstances:</p> <ul style="list-style-type: none"> - if it is determined that the alien does not fulfil the visa requirements, or the existence of the reasons stated in the first paragraph of Article 26 of this Act; - if the alien concerned intentionally submitted incorrect data on his identity or other inaccurate data, or if he intentionally concealed circumstances which have a bearing on the issuing of a visa; - the imposition on the alien of a secondary sentence of expulsion from the country. <p>A visa may be annulled by the police or the ministry responsible for foreign affairs. If the alien has not yet entered the Republic of Slovenia, his visa may also be annulled by the diplomatic or consular representation.</p> <p>An alien present in the Republic of Slovenia whose visa has been annulled must leave the country in the period as determined in the third paragraph of Article 60 of this Act.</p> <p>The Aliens Act (Art. 56) also defines conditions for alien's residence permit annulment. This is anticipated in cases when:</p> <ul style="list-style-type: none"> - if it has been determined 	<ul style="list-style-type: none"> - if they enter the Republic of Slovenia via an internal border although the period of prohibited entry to the country has not expired. <p>The Aliens Act in article 28 states reasons for annulment of long-term residence visa. A long-stay visa shall be annulled in the following circumstances:</p> <ul style="list-style-type: none"> - if it is determined that the alien does not fulfil the visa requirements, or the existence of the reasons stated in the first paragraph of Article 26 of this Act; - if the alien concerned intentionally submitted incorrect data on his identity or other inaccurate data, or if he intentionally concealed circumstances which have a bearing on the issuing of a visa; - the imposition on the alien of a secondary sentence of expulsion from the country. <p>A visa may be annulled by the police or the ministry responsible for foreign affairs. If the alien has not yet entered the Republic of Slovenia, his visa may also be annulled by the diplomatic or consular representation.</p> <p>An alien present in the Republic of Slovenia whose visa has been annulled must leave the country in the period as determined in the third paragraph of Article 60 of this Act.</p> <p>The Aliens Act (Art. 56) also defines conditions for alien's residence permit annulment. This is anticipated in cases when:</p> <ul style="list-style-type: none"> - if it has been determined
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	<p>subsequently that the alien no longer fulfils the conditions for granting a residence permit or if there are other reasons for refusing a permit;</p> <ul style="list-style-type: none"> - if the alien concerned intentionally submitted incorrect data on his identity or other inaccurate data, or if he intentionally concealed circumstances which have a bearing on the issuing of a permit; - if the authority which, according to the Act governing the employment and work of aliens, is competent to consent to the issuing of a single permit or an EU Blue Card withdraws the consent to issuing a single permit or an EU Blue Card. <p>Aliens Act (Art. 145) defines as offence and anticipates fine for alien's residence in the Republic of Slovenia contrary to the purpose for which the residence permit was issued.</p>	<p>subsequently that the alien no longer fulfils the conditions for granting a residence permit or if there are other reasons for refusing a permit;</p> <ul style="list-style-type: none"> - if the alien concerned intentionally submitted incorrect data on his identity or other inaccurate data, or if he intentionally concealed circumstances which have a bearing on the issuing of a permit; - if the authority which, according to the Act governing the employment and work of aliens, is competent to consent to the issuing of a single permit or an EU Blue Card withdraws the consent to issuing a single permit or an EU Blue Card. <p>Aliens Act (Art. 145) defines as offence and anticipates fine for alien's residence in the Republic of Slovenia contrary to the purpose for which the residence permit was issued.</p>	<p>subsequently that the alien no longer fulfils the conditions for granting a residence permit or if there are other reasons for refusing a permit;</p> <ul style="list-style-type: none"> - if the alien concerned intentionally submitted incorrect data on his identity or other inaccurate data, or if he intentionally concealed circumstances which have a bearing on the issuing of a permit; - if the authority which, according to the Act governing the employment and work of aliens, is competent to consent to the issuing of a single permit or an EU Blue Card withdraws the consent to issuing a single permit or an EU Blue Card. <p>Aliens Act (Art. 145) defines as offence and anticipates fine for alien's residence in the Republic of Slovenia contrary to the purpose for which the residence permit was issued.</p>
What are the specific measures in place in the Member States to monitor, detect and prevent misuse/abuse at admission stage? (in addition to the criteria to be satisfied as reported under Sections 1.2)	<p>Aliens Act (Art. 142-146) defines fines for offences related to entry or residence of aliens in Slovenia (i.e. residence of a foreigner in the Republic of Slovenia contrary to the purpose for which residence permit was issued).</p>	<p>Aliens Act (Art. 142-146) defines fines for offences related to entry or residence of aliens in Slovenia (i.e. residence of a foreigner in the Republic of Slovenia contrary to the purpose for which residence permit was issued).</p>	<p>Aliens Act (Art. 142-146) defines fines for offences related to entry or residence of aliens in Slovenia (i.e. residence of a foreigner in the Republic of Slovenia contrary to the purpose for which residence permit was issued).</p>
What are the entities responsible for the monitoring of compliance of	It is the Labour inspectorate of the Republic of Slovenia that is in charge of monitoring	It is the Labour inspectorate of the Republic of Slovenia that is in charge of monitoring	It is the Labour inspectorate of the Republic of Slovenia that is in charge of monitoring

<p>immigrant business owners and immigrant investors and what are their specific responsibilities? <i>(Labour Inspectorate, Labour Exchange office, Tax authorities, Ministry of Interior, Migration services)</i></p> <p>Does a national referral mechanism (or its equivalent) exist? (Yes/No).</p> <p>If yes, how is information shared between stakeholders involved?</p> <p>Is there an obligation to inform about misuse/abuse identified by other institution (migration services, police, tax authority, etc.)</p>	<p>implementation of the law regulating employment and work of aliens (Art. 59, Employment and Work of Aliens Act).</p>	<p>implementation of the law regulating employment and work of aliens (Art. 59, Employment and Work of Aliens Act).</p> <p>In work relations inspection is mostly about checks of internal acts and documents (employment contracts, salary payment papers, allowances, benefits etc.), on the basis of which rights and obligations violations of workers and employers are searched.</p> <p>Inspector's mandate:</p> <p>In performing tasks of inspection monitoring, inspector has the following rights with physical or legal person, subject of monitoring:</p> <ul style="list-style-type: none"> - to check premises, objects, line-ups, appliances, means of production, installations, objects, goods, substances, business books, contracts and documents, as well as operation and documentation of state agencies, economic enterprises, institutions, other organizations, communities and private persons. - To check business books, contracts, charters and other documents, as well as operation and documentation, when these are run and kept in electronic form, as well as demand them in written form, 	<p>implementation of the law regulating employment and work of aliens (Art. 59, Employment and Work of Aliens Act).</p> <p>From 18 August 2014 the monitoring of employment and illegal work was mostly taken over by the Financial Administration of the Republic of Slovenia.¹⁰</p>
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¹⁰ Inšpektorat Republike Slovenije za delo, http://www.id.gov.si/si/o_inspektoratu/.

	<p>authentically confirming electronic form.</p> <ul style="list-style-type: none"> - To question parties and witnesses in administrative procedure, - To check papers which help him assess identity of persons, - To acquire and use free of charge personal and other data from official evidences and other data collections, referring to person under obligation, which are necessary for the performance of inspection monitoring, - To freely take merchandise samples and carry out examination of these, - To freely take samples of materials and equipment for the purpose of examinations, - To photograph or record on another carrier of visual data persons, premises, objects, line-ups, installations and other objects, - To reproduce papers, audiovisual records and other documents, - To confiscate objects, documents and samples for protection of evidence, - To perform other activities in accordance with the purpose of inspection monitoring. <p>Measures of labour inspector:</p> <p>In cases when inspector finds during monitoring, that a law, rule or act under his monitoring has been violated, he has the right and duty to order measures for elimination of irregularities and deficiencies within time,</p>	
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		<p>set by himself, to carry out procedures in accordance with the Minor Offences Act, to make a complaint for criminal offence, prosecuted by official duty, to propose measures to agency in charge, to order other measures and to carry out activities, for which he is authorized by law or other decrees. If inspector finds, that the person under obligation acquired pecuniary advantage on the basis of criminal act or violation, he proposes its confiscation to agency in charge. If he finds violation of law or decree, implementation of which is monitored by another inspectorate, he assesses the actual state himself, draws up minutes, and passes it over to inspectorate in charge, together with proposal for action.</p> <p>From 18 August 2014 the monitoring of employment and illegal work was mostly taken over by the Financial administration of the Republic of Slovenia.⁹</p>	
What is the frequency of control?		<p>Inspectors carry out regular monitoring in accordance with yearly programme of regular supervisions or extra supervision when chief inspector orders extra monitoring on the basis of claim or initiative of the</p>	

⁹ Inšpektorat Republike Slovenije za delo, http://www.id.gov.si/si/o_inspektoratu/.

		<p>following persons:</p> <ul style="list-style-type: none"> - Demand of beneficiary for service or of his legal representative or another person, having the status of client in the procedure, - On grounded initiative of family member of the beneficiary or of users' association, - Founder of the performer of activity, - Management body of performer of activity, - On demand of representative trade union with employer (Art. 10 and 11 of Rules on carrying out inspections in the field of social assistance (Uradni list RS, no. 74/04). 	
<p>What are the main sectors where misuse/abuse occurs? <i>(real estate, transfer of capital, national funds / bonds, business investments, etc.)</i></p> <p><i>Please list the top three</i></p>		<p>In recent years, a number of immigrant business owners has been growing, since this is the easiest way for individuals from third countries to facilitate access to a work permit in Slovenia. It is a misuse of the instrument of immigrant business majority owners, when third-country nationals purchase a majority stake in the company for a symbolic sum in order to obtain a work permit in Slovenia. Such companies show a fictitious business because these individuals are then employed at some other employer in Slovenia or they use granted service permits as the entrance to residence in other EU countries. Such abuse is detected in the construction industry, bakery, and (among others) Shipping (Košak 2013; Galun 2014) (effective for those who</p>	

		<p>remain in the Slovenia).</p> <p>Recently, the police made a number of criminal charges in the courts having jurisdiction in respect of abuse of legal institutes to obtain work and residence permits. There have already been the first judgments of conviction and multi-custodial sentences for perpetrators of these crimes that were qualified as "illegal crossing of the state border or territory" under Art. 308 of Penal Code.</p>	
<p>If misuse/abuse is detected, what are the penalties imposed on the third-country national concerned <i>(withdrawal of long-stay visa/residence permit, loss of any other related right/benefit, loss of the certificate of establishment, legal proceedings, fines, removal order, confiscation of activities/revenues, etc.)</i></p>	<p>Aliens Act (Art. 142-146) defines fines for offences related to entry or residence of aliens in Slovenia (i.e. illegal entry of a foreigner, residence in the Republic of Slovenia contrary to the purpose for which residence permit was issued).</p>	<p>Aliens Act (Art. 142-146) defines fines for offences related to entry or residence of aliens in Slovenia (i.e. illegal entry of a foreigner, residence in the Republic of Slovenia contrary to the purpose for which residence permit was issued)</p> <p>If agency in charge detects with final decree or sentence, that employer, legal or natural person, registered for performance of activity, who concluded a contract on work with a foreigner, abused the purpose of authorisation of work permit, or residence permit, issued on its ground, employer, legal or natural person, registered for the activity, concluding work contract with foreigner, is forbidden to employ foreigners for ten years from the day of finality of decree or sentence (Employment and Work</p>	<p>Aliens Act (Art. 142-146) defines fines for offences related to entry or residence of aliens in Slovenia (i.e. illegal entry of a foreigner, residence in the Republic of Slovenia contrary to the purpose for which residence permit was issued)</p> <p>If agency in charge detects with final decree or sentence, that employer, legal or natural person, registered for performance of activity, who concluded a contract on work with a foreigner, abused the purpose of authorisation of work permit, or residence permit, issued on its ground, employer, legal or natural person, registered for the activity, concluding work contract with foreigner, is forbidden to employ foreigners for ten years from the day of finality of decree or sentence (Art. 55/9, Employment and</p>

	<p>of Aliens Act , Art. 55/9). If agency in charge detects with final decree or sentence, that a foreigner abused the purpose of authorization of work permit or residence permit, issued on its ground, the foreigner is forbidden employment and work in the Republic of Slovenia for five years following the date of finality of the decree or sentence (Art. 55/10, Employment and Work of Aliens Act). These prohibitions are also valid in case of application for the renewal of employment permit or work permit. Prohibitions of employment and work of foreigners from the tenth and eleventh paragraph of this article are also valid in case of application for authorization of personal work permit (Art. 55/2, Employment and Work of Aliens Act).</p> <p>The procedure of employment or work permit issuing is interrupted on the basis of notification of competent state authority (Art. 56, Employment and Work of Aliens Act):</p> <ol style="list-style-type: none"> 1. upon final indictment against employer, foreign employer, client, legal or natural person registered to perform an activity and concluding a work contract with an alien, on suspicion of criminal offences of prostitution abuse, of establishing slavery 	<p>Work of Aliens Act). If agency in charge detects with final decree or sentence, that a foreigner abused the purpose of authorization of work permit or residence permit, issued on its ground, the foreigner is forbidden employment and work in the Republic of Slovenia for five years following the date of finality of the decree or sentence (Art. 55/10, Employment and Work of Aliens Act). These prohibitions are also valid in case of application for the renewal of employment permit or work permit. Prohibitions of employment and work of foreigners from the tenth and eleventh paragraph of this article are also valid in case of application for authorization of personal work permit (Art. 55/2, Employment and Work of Aliens Act).</p> <p>The procedure of employment or work permit issuing is interrupted on the basis of notification of competent state authority (Art. 56, Employment and Work of Aliens Act):</p> <ol style="list-style-type: none"> 1. upon final indictment against employer, foreign employer, client, legal or natural person registered to perform an activity and concluding a work contract with an alien, on suspicion of criminal offences of
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	<p>relations, of trafficking in human beings, of infringement of fundamental rights of workers, of illegal employment or infringement of rights deriving from social insurance, namely until the final decision of the court;</p> <p>2. upon adjudicated fine for an offence because a legal or natural person under inspection, on request by an inspector for labour, did not give a written explanation, documentation or statements with regard to the subject of the inspection, namely, until the receipt of notification by the competent state authority that the inspected legal or natural person did, in fact, submit everything necessary for a successful inspection.</p>	<p>prostitution abuse, of establishing slavery relations, of trafficking in human beings, of infringement of fundamental rights of workers, of illegal employment or infringement of rights deriving from social insurance, namely until the final decision of the court;</p> <p>2. upon adjudicated fine for an offence because a legal or natural person under inspection, on request by an inspector for labour, did not give a written explanation, documentation or statements with regard to the subject of the inspection, namely, until the receipt of notification by the competent state authority that the inspected legal or natural person did, in fact, submit everything necessary for a successful inspection.</p>
<p>What other circumstances might result in the withdrawal / non-renewal of a long-stay visa / residence permit?</p>	<p>Long-term residence visa is annulled if (Art. 28, Aliens Act):</p> <ul style="list-style-type: none"> - if it is determined that the alien does not fulfil the visa requirements, or the existence of the reasons stated in the first paragraph of Article 26 of this Act; - if the alien concerned intentionally submitted incorrect data on his identity or other inaccurate data, or if he 	<p>Long-term residence visa is annulled if (Art. 28, Aliens Act):</p> <ul style="list-style-type: none"> - if it is determined that the alien does not fulfil the visa requirements, or the existence of the reasons stated in the first paragraph of Article 26 of this Act; - if the alien concerned intentionally submitted incorrect data on his identity or other inaccurate data, or if he

	<p>intentionally concealed circumstances which have a bearing on the issuing of a visa;</p> <ul style="list-style-type: none"> - the imposition on the alien of a secondary sentence of expulsion from the country. <p>Residence permit can be annulled if (Art. 56):</p> <ul style="list-style-type: none"> - if it has been determined subsequently that the alien no longer fulfils the conditions for granting a residence permit or if there are other reasons for refusing a permit; - If a foreigner deliberately gave wrong data on his identity or other inaccurate data, or if he deliberately concealed circumstances, important for authorization of permit (Art. 56, Aliens Act) - A foreigner legally residing in the Republic of Slovenia (yet having no permanent residence permit), can be subject to cancellation of residence if: <ul style="list-style-type: none"> • If a foreigner was finally sentenced for criminal act to non-conditional imprisonment, exceeding three years; • If he threatens the security of the state, public security or public order, • Resides contrary to the purpose of residence permit; • Rejects fulfilment of the decisions of state 	<p>intentionally concealed circumstances which have a bearing on the issuing of a visa;</p> <ul style="list-style-type: none"> - the imposition on the alien of a secondary sentence of expulsion from the country. <p>Residence permit can be annulled if (Art. 56):</p> <ul style="list-style-type: none"> - if it has been determined subsequently that the alien no longer fulfils the conditions for granting a residence permit or if there are other reasons for refusing a permit; - If a foreigner deliberately gave wrong data on his identity or other inaccurate data, or if he deliberately concealed circumstances, important for authorization of permit (Art. 56, Aliens Act) - A foreigner legally residing in the Republic of Slovenia (yet having no permanent residence permit), can be subject to cancellation of residence if: <ul style="list-style-type: none"> • If a foreigner was finally sentenced for criminal act to non-conditional imprisonment, exceeding three years; • If he threatens the security of the state, public security or public order, • Resides contrary to the purpose of residence permit; • Rejects fulfilment of the decisions of state 	<p>intentionally concealed circumstances which have a bearing on the issuing of a visa;</p> <ul style="list-style-type: none"> - the imposition on the alien of a secondary sentence of expulsion from the country. <p>Residence permit can be annulled if (Art. 56):</p> <ul style="list-style-type: none"> - if it has been determined subsequently that the alien no longer fulfils the conditions for granting a residence permit or if there are other reasons for refusing a permit; - If a foreigner deliberately gave wrong data on his identity or other inaccurate data, or if he deliberately concealed circumstances, important for authorization of permit (Art. 56, Aliens Act) - A foreigner legally residing in the Republic of Slovenia (yet having no permanent residence permit), can be subject to cancellation of residence if: <ul style="list-style-type: none"> • If a foreigner was finally sentenced for criminal act to non-conditional imprisonment, exceeding three years; • If he threatens the security of the state, public security or public order, • Resides contrary to the purpose of residence permit; • Rejects fulfilment of the decisions of state
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	<p>bodies;</p> <ul style="list-style-type: none"> • If he was finally sentenced for criminal act to non-conditional imprisonment, exceeding three months; • If he remains without sufficient funds for living and is not otherwise guaranteed sufficient means for living for the time of residing in the Republic of Slovenia (Art. 61, Aliens Act). 	<p>bodies;</p> <ul style="list-style-type: none"> • If he was finally sentenced for criminal act to non-conditional imprisonment, exceeding three months; • If he remains without sufficient funds for living and is not otherwise guaranteed sufficient means for living for the time of residing in the Republic of Slovenia (Art. 61, Aliens Act). <p>Residence permit can also be annulled if the foreigner's work permit expires or is revoked and therefore he does not qualify for a residence permit (the reasons for the revocation of the work permit are defined in Employment and Work of Aliens Act , Art. 58).</p>	<p>bodies;</p> <ul style="list-style-type: none"> • If he was finally sentenced for criminal act to non-conditional imprisonment, exceeding three months; • If he remains without sufficient funds for living and is not otherwise guaranteed sufficient means for living for the time of residing in the Republic of Slovenia (Art. 61, Aliens Act). <p>Residence permit can also be annulled if the foreigner's work permit expires or is revoked and therefore he does not qualify for a residence permit (the reasons for the revocation of the work permit are defined in Employment and Work of Aliens Act , Art. 58).</p>
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Q25a. Is there any evidence of the effectiveness of the measures used in your Member State to monitor, detect and prevent misuse / abuse and the problems/challenges faced (lack of instruments, lack of cross-analysis, access to data, etc.)?

Efficiency of monitoring is difficult to measure with credibility. In the field of migration policy monitoring is limited to mandates and work fields of individual monitoring authorities. For the improvement of monitoring function it would be necessary to create a system of automatic finding of abuse suspicions and of automatic checking with integration of different information systems into unified information system in the field of migrations. Authorities implementing tasks in the field of migration policy and above all monitoring authorities should have access to all relevant data bases. For efficient monitoring it is necessary to continue striving for good mutual cooperation of competent authorities.¹¹

Q25b. If yes, please indicate to which business persons the evidence refers to (investors, business owners, other business people) and please summarise the main findings here and include a reference to the source in an annex to your national report.

The Aliens Act does not distinguish between foreigners with regard to the above categories, but all of these categories are included under the category of foreigners.

¹¹ Information from the Police on 8 January 2015.

Section 3: Evaluation of policies to admit third-country nationals for business purposes, challenges and barriers

This section aims to explore the impact of policies to admit **immigrant investors** (Section 3.1), **business owners** (Section 3.2) and **other business people** (Section 3.3) on the economy / society of the Member States. In particular, the questions below aim to understand to what extent such policies (programmes or schemes) have been evaluated and what are the results achieved.

Section 3.1: Immigrant investors (Maximum 1.5 pages)

Q26a. Have any evaluations or studies in your Member State considered the effectiveness of national policies to attract immigrant investors?

Yes:

- Revision report – Efficiency of promotion of foreign direct investment (2013),
- the study *Efficiency of the programme of promotion of initial foreign direct investments in Slovenia* (Burger, Jaklič & Rojec, 2012)

Q26b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State in this regard (media reporting, media debates, assessment by experts etc.).

Summary of findings of the Revision report – Efficiency of promotion of foreign direct investment (2013)

Court of audit made revision of efficiency of promotion of inward foreign direct investment in the Republic of Slovenia in the period from 1 January 2010 to 20 December 2012. They checked whether Republic of Slovenia has clearly defined strategy and goals of enhancing of foreign direct investments, how tasks and responsibilities for promotion of foreign direct investments are distributed, and whether enhancement measures are efficient and being carried out. Revised were Ministry of economy (further: ministry), which with 10 February 2012 was changed into Ministry of economic development and technology, and Public agency of the Republic of Slovenia for enterprise and foreign investment (further: agency), the tasks of which are from 2 January 2013 carried out by Public agency of the Republic of Slovenia for promotion of enterprise, innovativeness, development, investments and tourism (SPIRIT Slovenia).

Developmental documents of the state prove that the Republic of Slovenia promotes foreign direct investments, orientations are formed as to the manner of promotion and kind of investments that are enhanced. In the year 2011, when the extent of foreign direct investment with regard to gross domestic product was 30,6 percent, the government of the Republic of Slovenia set the goal to increase the extent of foreign direct investment to 37 percent with regard to gross domestic product by the year 2014. However, other measurable goals referring to the quality of foreign direct investments to be enhanced were not defined, which is why the Court of Audit estimated the goals of the state in the field of promotion of foreign direct investments are not clearly defined. Promotion of foreign direct investment and internationalization of enterprises act defines the following measures for promotion of foreign direct investments: free offer of information and consulting services to foreign investors, marketing and promotion of Slovenia and its regions as location for foreign investments, analyses of the competitive status of Slovenia as a location for foreign investment and proposing of systemic measures for the improvement and allocation of financial incentives to companies.

The ministry and agency spent 36,2 million euros for implementation of measures from 2010 to 2012. The most important measure with regard to the extent of financial means was allocation of financial incentives, on which about 94,5 percent of means were spent. The measures were carried out since 2010 without the adoption of the five-year measures implementation programme. Most of the measures were carried out by the

agency, the ministry was only allocating direct financial incentives to enterprises for major industrial projects.

The Court of Audit found out that allocation of financial incentives for foreign direct investments was not conditioned with demonstration of contents, which would differentiate these projects significantly from projects of "Slovene" enterprises, thus justifying allocation of incentives to foreign investors. In estimation of applications and in following the projects' implementation ministry and agency namely gave no emphasis to contribution of foreign investor in the form of direct capital influx, knowledge and technology. One of the conditions was that foreign investor had only 10-percent direct share in economic enterprise, receiver of the incentive.

Receivers of means did not have to prove direct capital influx from abroad. The presence of foreign investor in project was not necessary either and general statements of investor about the planned transfer of knowledge, technologies and synergic effects were sufficient.

As to information giving and consulting the Court of Audit found out that the system of informing foreign investors was such that investor was able to quickly acquire basic information. With detailed questioning the agency's response time was longer, especially if the answer demanded cooperation of other institutions and referred to matters that were not completely settled.

In the field of promotion the agency with its promotion activities mostly supplied information on enterprise surroundings and on the possibilities of acquisition of financial incentives, to a lesser degree information on concrete investment opportunities. The manner of agency's cooperation with national representatives at their visits abroad or with those already active abroad was not defined.

Within the measure of analysing competitive status of Slovenia as location for foreign direct investment the agency mostly acquired and conveyed data of other institutions, and cooperated in preparation of information upon request. It did not present situation in the state concerning foreign direct investment in its reports.

Court of audit found out that promotion of input foreign investment in the referred period mostly comprised implementation of legally determined measures. Other measures, which according to foreign investors exert stronger impact upon the state's attractiveness for foreign direct investment, above all measures of the state aiming at improvement of business setting were not tied into the policy of enhancement of foreign direct investments.

As to the shaping up of the policy of promotion of foreign direct investment the competence was given to the ministry, yet the Court of Audit found it was not clearly defined to what degree the ministry was also responsible for coordination of policy measures of other ministries, affecting foreign direct investment. In the year 2012 the Ministry carried out some activities to improve coordination.

Court of Audit gave the opinion that for most of the period the revision refers to the Ministry failed to promote foreign direct investment in effective way and that the agency could be more effective in implementation of measures of promotion of foreign direct investment, defined by the law.

Court of audit gave a number of recommendations to the Ministry of economic development and technology and to Public agency of the Republic of Slovenia for promotion of enterprise, innovativeness, development, investments and tourism, referring so to the preparation of orientations and to the shaping up of the state's goals in the field of promotion of foreign direct investments, as well as to the preparation of long-term programme of promotion of foreign direct investments and to single measures of promotion of foreign direct investments as defined by the law.

Summary of the study *Efficiency of the programme of promotion of initial foreign direct investments in Slovenia* (Burger, Jaklič & Rojec, 2012)

The study brings a detailed analysis of effects of the incentives, which Slovenia has been assigning from 2000 to 2010 with the programme of allocation of irreversible means for initial investments through Public agency of the Republic of Slovenia for enterprise and foreign investments (JAPTI) to foreign direct investments (FDI) into Slovenia. In the analysis the efficiency of this programme and effects of support are estimated in two ways: first efficiency of enterprises with foreign capital, which in the mentioned period received non-return means for promotion of FDI is analysed with the help of annual accounts, and further on the basis of half-structured

questionnaire also analysed are different qualitative aspects of operation of these enterprises. Results show above-average success of the operation of these enterprises and good compliance with the qualitative criteria for allocation of funds, which means they justify allocation of means and selection of projects. Recipients of incentives efficiently trace implementation of goals in the field of employment and sale growth, while promotion of creation and transfer of knowledge, promotion of technology transfer and introduction of innovations is less efficient.

Q27a. Have any evaluations or studies in your Member State considered the effectiveness of the national policies to attract immigrant investors to the growth of the national economy and/or in competing with other larger economies, and have specific indicators been developed?

Ne, opravljene pa so bile določene analize stanja in učinkov TNI (npr. *Poročilo o razvoju 2014* (2014)).

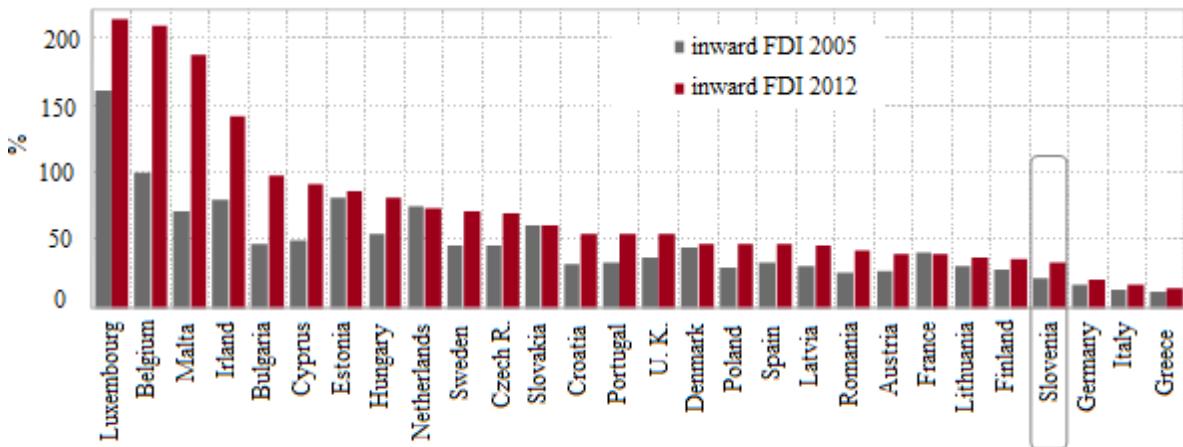
Q27b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State in this regard (media reporting, media debates, assessment by experts etc.).

After the fall in the year 2009 and increases in the years 2010 and above all 2011 the state of inward FDI in Slovenia in the year 2012 remained practically unchanged, and the state of outward FDI decreased for the third year in a row. The state of inward FDI in the year 2012 increased by 0,8 % and achieved the highest level so far. The state of outward FDI however decreased by 7,4 % and was for 11,5 % lower than in the record year 2009. These changes are also confirmed by data on the FDI trends in the year 2012. After rather high inflows of inward FDI in the year 2011 (717,7 mil. EUR) these were negative in the year 2012 (-46,3 mil. EUR). With outward FDI in the year 2012 inflows in the amount of 21,0 million EUR were achieved, which means disinvesting of Slovene investors abroad. In the year 2012 Slovenia thus had net inflow of FDI in the amount 165,7 mil. EUR, although not because of foreign investments into Slovenia, but because of the withdrawal of our investors from abroad. If we divide the change of FDI state into the one arising from the change of ownership capital and reinvested profits, and into changes of net claims or obligations from mutual crediting of capital related enterprises, we can see, that the small increase of the state of inward FDI resulted from increase of net claims of foreign parent companies to their Slovene subsidiaries (by 16,4 mil. EUR), while state of capital ownership slightly decreased (by 7,5 mil. EUR). With outward FDI the Slovene investors decreased so their ownership capital (by 184,8 mil. EUR) as the net claims to their foreign subsidiaries (by 261,0 mil. EUR). The share of inward FDI with regard to BDP in the year 2012 reached the highest level so far, but this is more a consequence of GDP decrease than consequence of increase of the state of inward FDI; it also remains much lower than in most EU states. The state of inward FDI as a share in GDP considerably increased in the period 2005–2008 (from 21,7 % to 30,4 % GDP). In the year 2009 the relative extent of FDI decreased to 30,0 %, in the years from 2010 to 2012 it was gradually increasing, reaching in the year 2012 the highest level, i.e. 33,2 % so far. The share of inward FDI with regard to GDP in Slovenia after 2007 increased more than in the EU (in Slovenia for 5 o. t., in EU-27 from 44,4 % to 46,6 % BDP), which was mostly result of higher nominal decrease of GDP in Slovenia than in EU. Slovenia remains among the EU states with the lowest state of inward FDI compared to GDP; only Greece, Italy and Germany have lower shares than Slovenia. Trends of FDI in the year 2013 show repeated considerable downward trend on the side of inward FDI and weak extra investing abroad, whereby ownership trends show a rather better picture. In the year 2013 on the side of input FDI there were 491,3 mil. EUR outflows. Although these almost entirely result from a single bookkeeping payment balance neutral operation¹², the fact remains, that even without this FDI, inflows in the year 2013 are very modest. Despite highly negative trends of inward FDI it seems that increase of

¹² This is an operation in which the leasing company in foreign ownership in Slovenia has transferred its inter-company loans to Slovenian branch directly to the final users of these loans. As inter-company loans between the main company and its subsidiaries are taken as FDI inflows, and loans to independent clients are not, the consequence of this accounting operation is, that the balance of payments led to outflows of FDI on the input side and the inflow of foreign loans of the same amount.

ownership capital of foreign investors nevertheless points to trust of foreign parent enterprises into Slovene subsidiaries. Similar picture is also shown by results of opinion polls amongst foreign branches in Slovenia. Although in the questionnaire for the year 2013 the number of foreign subsidiaries, expecting increased sale in the current year (54,4 %) and employment (30,5 %), is lower than in the past three years, there are many more branches expecting expansion, i.e. as many as 43,2 % (in 2011 34,8 % and in 2012 34,6 %). It is promising, that the frequency above average concerning expansion of activities in Slovenia is expected by product and mostly export oriented companies with foreign capital, but not big and medium companies with foreign capital. (Source: Development report, May 2014, UMAR, p. 126).



Despite low share of FDI in GDP compared to other European states, FDI play important role in the Slovene economy. Companies with FDI represented at the end of 2012 4,5 % of the entire population of Slovene companies, which is slightly less than in the year 2011 (4,7 %). Despite small share of companies with FDI these are very important for the Slovene enterprise sector. At the end of 2012 they had 19,8% of capital, 23,2 % of means and in 21,7 % of employed in the entire enterprise sector. With this capital and employees they created 28,2 % of all net income from sale and 25,4 % of all business profit, but they also had 21,1 % of the whole business loss. They were most successful in trade with foreign countries, where 40,0 % of export and 43,1 % of import of the Slovene enterprise sector were achieved.¹³

Q28a. Have any evaluations or studies in your Member State considered the impact of the national policies to attract immigrant investors on other social issues (employment, access to housing, discrimination, etc.) and have specific indicators been developed?

No.

Q28b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State in this regard (media reporting, media debates, assessment by experts etc.).

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¹³ Banka Slovenije (2013); *Informacija o stanju TNI*.

Q29. What evidence exists (policy documents, political discourses, media coverage, NGO campaigns, case law examples etc.) that immigrant investors are perceived as abusing national migration rules in your Member State?

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Section 3.2: Business owners (Maximum 1.5 pages)

Q30a. Have any evaluations or studies in your Member State considered the effectiveness of national policies to attract immigrant business owners?

No.

Q30b If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State and provide any examples of good practice in this regard.

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Q31a. Have any evaluations or studies in your Member State considered the effectiveness of the national policies to attract immigrant business owners to the growth of the national economy, and/or in competing with other larger economies, and have specific indicators been developed?

For this question please consider also the contribution of immigrant business owners who are already present on the territory of your Member State.

No.

Q31b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State and provide any examples of good practice in this regard.

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Q32a. Have any evaluations or studies in your Member State considered the impact of the national policies to attract immigrant business owners on other social issues (employment social security, discrimination, etc.) and have specific indicators been developed?

No.

Q32b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State in this regard (media reporting, media debates, assessment by experts etc.).

/

Q33. What evidence exists (policy documents, political discourses, media coverage, NGO campaigns, case law examples etc.) that immigrant business owners are perceived as abusing national migration rules in your Member State?

Labour Inspectorate of the Republic of Slovenia in its annual reports also registers the number of found

legislation violations relating to employment and work of aliens. Although the number of found violations in this field is decreasing from year to year, every year there are a few cases of aliens with acquired work permits for representatives or procurators of companies, working in bakeries, production or building sites with purpose of avoiding defined quotas for authorization of work permits for certain professions (IRSD 2010: 130). The quota of work permits is intended for foreigners without residence permit in the Republic of Slovenia, and to foreigners, who after completion of seasonal work employ on the basis of employment permit. Because such quota does not include work permits for representatives, concerning violations when workers perform the kind of work contrasting work, defined in the work permit, the most frequent violations are the ones concerning procurators, working in production, on building sites, etc. Due to rather mass violations of this kind the government of Republic of Slovenia in the years 2009 and 2010 regulated this field temporarily with Decree on restrictions and prohibition of employment and work of aliens. The mentioned decree prohibited authorization of work permits for representatives of companies and subsidiaries of economic enterprises, and for entrepreneurs with seat in the Republic of Slovenia, to aliens with residence in the territory of the Republic of Kosovo without residence permit in the Republic of Slovenia, except for representing medium and major economic enterprises and subsidiaries of medium and big economic enterprises. The Republic of Slovenia government with the same decree also imposed restrictions to authorization of employment permits for employment without control of labour market to majority owners of economic enterprises, to aliens with residence in the territory of the Republic of Kosovo without residence permit in the Republic of Slovenia, except to majority owners of medium and big economic companies. Likewise not allowed was authorization of work permits for representatives of subsidiaries of economic companies with headquarters in third countries, for foreigners with residence in the territory of the Republic of Kosovo without residence permit in the Republic of Slovenia (IRSD 2009: 120–121). With the Decree on restrictions and prohibition of employment and work of aliens the government managed in a very short period of time to significantly decrease the number of abuses of work permits, which foreigners residing in the territory of Kosovo acquired as representatives of micro and small economic enterprises (MDDSZ 2009: 3). Although in the last annual report of the Republic of Slovenia Labour Inspectorate (2013) abuses relating to foreign company representatives were not exposed, this report nevertheless includes among proposals for legislation changes the proposal for change of the Employment and Work of Aliens Act, focusing on adequate change of the fourth paragraph of the Article 6 of this act, so that the institute of representative will no longer be subject to abuse (IRSD 2013, 70).

Police notes massive abuse of residence permits for employment and labour for illegal residence in other EU Member States.¹⁴

Section 3.3: Other business persons (Maximum 1.5 pages)

Q34a. Have any evaluations or studies in your Member State considered the effectiveness of national policies to attract other business persons?

No.

Q34b If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State and provide any examples of good practice in this regard.

/

Q35a. Have any evaluations or studies in your Member State considered the effectiveness of the national policies to attract other business persons to the growth of the national economy, and/or in competing with other larger economies, and have specific indicators been developed?

No.

¹⁴ Information from the Police on 8 January 2015.

Q35b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State and provide any examples of good practice in this regard.

/

Q36. Does any evidence exist on the impact of other business persons on increased volume of trade, increased mobility, increased visibility, etc. for your Member State? EMN NCPs are asked to corroborate information provided with any available data or source.

/

Q37. What evidence exists (policy documents, political discourses, media coverage, NGO campaigns, case law examples etc.) that other business persons are perceived as abusing national migration rules in your Member State?

/

Section 3.4: Challenges and obstacles to admitting third country nationals for business purposes (Maximum 1.5 pages)

This Section examines the existing challenges and obstacles for the design and implementation of specific policies aiming to attract immigrant investors, immigrant business owners and other business persons and those challenges and barriers reported by the business community. EMN NCPs are asked to address any obstacle to their admission (eligibility criteria, investment plan, business plan, obtaining visa, etc.) or to other macro-level areas such as visa policy, education, trade, etc.).

EMN NCPs are asked to present the findings and analysis of any existing studies / evaluations or evidence collected in any other way and to provide any available statistics in the corresponding tables Annex 1.

Q38. What are the main challenges related to the admission of immigrant investors, immigrant business owner and other business persons in your Member State?

Categories of other business persons	Challenges for national stakeholders associated with the design and implementation of policies for other business persons. <i>If possible studies should be included (sourced as appropriate).</i>	Challenges for applicant at both admission (pre-arrival) and stay stages (e.g. documentation required, waiting times, restrictions, etc.) <i>If possible, the views of the business community, of the immigrant community and studies should be included (sourced as appropriate).</i>
Immigrant investors	Beside the legal bases it is essential not only to establish the criteria for priority treatment of investment projects and business plans in various sectors of the Slovene economy. On this basis, to facilitate The acquisition of business visas for third country nationals is facilitated on this basis, which would allow the inflow of foreign capital in the Slovene economy. The capital adequacy of the project is essential in assessing the suitability of an investment project. When dealing with	/

	potential investors in the issue of business visas, essential elements are: aspect of economic viability or the aspect of economic growth and reducing unemployment in Slovenia. All procedures for business persons should be maximally shortened, which would greatly contribute to the elimination of one of the main complaints from foreign direct investors in the analyzes, which are yearly being prepared by the agency SPIRIT Slovenia. ¹⁵	
<i>Immigrant business owners</i>	According to the estimation the process of enhancement of business surroundings would have to be given impetus, setting additional priorities. This is also foreseen by the National reform programme 2014 - 2015, which states, that »in future special attention will be dedicated to the most pressing measures, of which 50–100 will be selected and implemented (i.e. reduced number of days for authorization of building permit or simplification of input conditions for carrying out activities and professions).« (<i>Information on state of FDI</i> , p. 13).	/
<i>Business visitors for establishment purposes (BVEP)</i>	/	/
<i>Intra-corporate transferees (ICT)</i>	/	/
<i>Business sellers (BS)</i>	/	/
<i>Independent professionals (IP)</i>	/	/
<i>Contractual services suppliers (CSS)</i>	/	/

¹⁵ The opinion of the public agency SPIRIT Slovenia.

Graduate trainees (GT)	/	/
Other (please describe)		

Section A4: Good practices and lessons learned (Maximum 2 pages)

This Synthesis report will highlight any good practices of Member States that have successfully attracted and facilitated the arrival of immigrant investors, immigrant business owners and other business persons. This section will also tackle the extent to which these practices have favoured the (positive) contribution of third-country nationals to the national economy and their likelihood to be promoted and replicated in other Member States and also the extent to which has created monitoring mechanisms to detect misuse / abuse of these migration channels.

This section will include also lessons learned from the practical implementation of specific policies, programmes or schemes for the targeted categories of third-country nationals: lessons learned may address also assessments of the expected and/or unintended (positive and negative) consequences of specific policies, programmes or scheme (i.e. A so-called investor programme has facilitated the admission of wealthy third-country nationals to boost national economy in the real-estate sector. However, as consequence, admitted third-country nationals have invested their money but many properties remain empty due to inflated market rates).

If there are specific examples of good practices that you would like to highlight, please do so below:

/

Section 5: Conclusions (Maximum 2 pages)

The Synthesis Report will outline the key findings, main observations of the Study, present conclusions relevant for policymakers at national and EU level and identify policy pointers for future actions.

Specific conclusions drawn by Member States should be included in the Top Line Factsheet to prevent duplication of efforts.

Policies of the Republic of Slovenia in the field of attracting foreign direct investments (or immigrant investors) and immigrant business owners are not directed specifically to third-country nationals. Despite recognizing the importance of such investments, the field law on the promotion of foreign investment only has very general provisions and guidelines. Thus, Slovenia has no concrete, immediate measures to attract foreign investors and entrepreneurs such as tax relief or directing into concrete economic branches and source or target geographic regions. The country also does not have specially shaped policy either, nor does it register evidence on other business visitors.

Existing policies, programmes, strategies and action plans in the field of foreign direct investment and foreign business owners in Slovenia have mostly very general guidelines and are not prepared on a regular basis. The level of implementation of policies and the implementation of document guidelines in this area is largely dependent on the budget, but to a certain extent the efficiency could be improved by strengthening cooperation and the adoption of a common strategy operation of the competent ministries and related institutions (especially the Ministry of Economic Development and Technology together with related agency SPIRIT Slovenia, Ministry of Labour, Family, Social Affairs and Equal Opportunities, Ministry of Foreign Affairs and the Ministry of Finance). Only

the Strategy of Economic Migration for the Period 2010 to 2020 currently applies within the sectoral documents, while the three others are still in the draft phase or in preparation.

The overall objectives of Slovene policy of attracting foreign investments are focused on marketing and promotion of Slovenia as a location for investment and to provide information and consulting services to potential foreign investors. They do not engage in creating attractive and flexible conditions for the stay of foreign investors in Slovenia or in conditions for their easier crossing of Slovene border to meet the needs of international business and harmonization of family life of foreign investors. Slovene policy of attracting foreign investment in addition to unidentified geographical focus has also not identified priority sectors of the economy - only Slovenia's Development Strategy in 2005 broadly states that the foreign direct investment should be directed "in high and medium-high technology and those that bring quality jobs." The same is true with regard to the expected impact of such investments on the Slovene economic and social environment, which can also be found only indirectly mentioned for example in the Decree on Financial Incentives for Foreign Direct Investment in 2014.

In general, it can be estimated that the objectives of Slovenia in the promotion of foreign direct investment are not clearly defined, nor are the applications or responsibilities of individual national actors / institutions and cooperation between them. Various strategic documents and programs are showing a greater emphasis on promoting of stronger Slovene economic presence abroad, rather than vice versa - on attracting foreign investors and companies to Slovenia. Insufficiently defined and discordant policy in the field of foreign investment is thus evident also in very low share of such investments in the gross domestic product, which is among the lowest among the EU Member-States.

Similarly as for immigrant investors, it also applies in the field of immigrant business owners that Slovenia has no specific geographical focus both in terms of countries of origin and of priority regions in the state. The ministry in charge of economy together with related institutions provide for this field "soft measures" that are largely only informative. As the main specific policy measures for promotion of immigrant entrepreneurship and attracting immigrant business owners specific rules / benefits for employment of foreign majority owners of companies in Slovenia, as they are not subject to labour market and prior 6-month operation checking. Certain specific rules also apply to the area of self-employment of foreigners in Slovenia.

Among the criteria for authorization of long-term residence visa for immigrant business owners are vaguely proven specialized knowledge and special experience, useful for Slovene economy, business plans, possibility of increased business ties of Slovene economy abroad, as well as introduction and use of new technologies, business models and knowledge or capital investment in Slovenia and certain amount of financial means. The economic interest of Slovenia is assessed through these factors on the basis of sectoral regulation.

As regards the collection of statistics on the various types of permits issued for entry and residence of each of the categories of aliens who are the subject of this study, we find that in Slovenia there is only partial information. Since the legislation on aliens does not define the individual categories of aliens, as defined in this study, Slovenia also does not collect statistics on the number of applications filed and the number of granted and refused residence permits to those categories. However, statistics are collected on the applications, authorizations and denials of residence to foreigners on the basis of employment or work, and based on the interest of the Republic of Slovenia. These categories also include the residence permits granted by Slovenia to immigrant investors or immigrant business owners. Due to legislation changes in 2011, the statistics regarding long-term residence visas authorization to immigrant investors and business owners are of reference only to the years 2012 and 2013. They show an increase in the number of authorizations of visas D for these two categories, yet these are very small numbers – a few tens of individuals.

The policy of attracting foreign direct investment and foreign business owners is very complex, and in order to carry out a detailed study and analysis of such a policy, an in-depth multidimensional approach would be needed that would take into account all the different segments of this policy. The purpose of this study, however, was just to review and record a certain segment of this policy - the regulatory regime and incentives to attract foreign

investment in Slovenia. This does not reflect the entire situation in the area of attracting foreign direct investment and foreign business owners to Slovenia. Nevertheless, on the basis of the study we can conclude that the Slovene legislation and policy to attract foreign investors and foreign business owners, despite some positive systemic improvements, in the long run do not take into account the dynamics of modern business environment and the flexibility of its participants. Thus Slovenia with its rigid system is losing its competitiveness and attractiveness as a location for foreign investment. In the future, it may be a good thing - in addition to establishing a system of "one stop shop" and the introduction of a single permit for foreigners (including foreign investors, foreign business owners), which will in many ways facilitate administrative procedures for obtaining residence and work permits - to consider measures to facilitate the entry of potential foreign investors by providing friendlier forms of verification and issuance of immigrant business visas to immigrant investors, immigrant business owners and other business persons from third countries who are interested to live and work in Slovenia in the context of existing legislation. It remains, along with clearer guidelines and greater institutional coherence, one of the key challenges of the Slovene policy to attract foreign investors / business owners to Slovenia.

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Annex 1

Statistics from Member States will be used in the Synthesis Report to contextualise the statistics provided in this annex.

Table 1: Statistics on immigrant investors and immigrant business owners

Indicators	2009	2010	2011	2012	2013	Source / further information
Statistics on immigrant investors						
Number of visa applications (national D-type visas)	/ ¹⁶	/	1	19	44	E-communication with a representative of Ministry of Foreign Affairs (MFA), 4 November 2014. The data refer to the total sum of both foreign investors and foreign entrepreneurs, since MFA in visa procedures do not distinguish between these two categories.
Number of visa issued (national D-type visas)	/	/	0	18	43	(the same as above)
Number of visa refused (national D-type visas)	/	/	1	1	1	(the same as above)
Number of applications for residence permits (perhaps an estimate e.g. admissions) ¹⁷	/	/	/	/	/	
Number of residence permits issued (perhaps an estimate e.g. admissions)	/	/	/	/	/	
Number of residence permits refused / withdrawn (perhaps an estimate e.g. admissions)	/	/	/	/	/	
Average age of migrant investors who were granted residence permits (and national D-type visas?)	/	/	32	41	39	(the same as above)
Statistics on immigrant business owners						
Number of visa applications (national D-type visas)	/ ¹⁸	/	/	/	/	
Number of visa issued (national D-type visas)	/	/	/	/	/	
Number of visa refused (national D-type visas)	/	/	/	/	/	

¹⁶ The symbol / means that the Ministry of Foreign Affairs did not yet collect data on these variables for certain years (2009 and 2010).

¹⁷ Since the Aliens Act does not define the individual categories of foreigners, as defined in this study (immigrant investors, immigrant business owners and other business persons), Slovenia also does not collect statistics on the number of applications filed and the number of granted and refused residence permits to those categories. However, statistics are collected on the applications, authorizations and denials of residence to foreigners on the basis of employment or work, and based on the interest of the Republic of Slovenia. In these categories are included also the residence permits granted by Slovenia to foreign investors or foreign business persons.

¹⁸ The symbol / means that the Ministry of Foreign Affairs did not yet collect data on these variables for certain years (2009 and 2010).

Admitting third-country nationals for business purposes

Number of applications for residence permit ¹⁹	/	/	/	/	/
Number of residence permits issued (perhaps an estimate e.g. admissions)	/	/	/	/	/
Number of residence permits refused / withdrawn (perhaps an estimate e.g. admissions)	/	/	/	/	/
Number of residence permits reflecting a change of status into business owner (specifying, if possible, from which category – i.e. student, family member, beneficiary of international protection, etc.)	/	/	/	/	/
Average age of immigrant business owners	/	/	/	/	/
Statistics on other business persons corresponding to Annex 2 (EU Mode 4 categories) and other business persons as recognised by Member States					
Number of third-country nationals admitted under EU Mode 4 categories or equivalent categories indicated in Q22. If available data can be broken down according to the categories in Annex 2, please provide them in a separate spreadsheet.	/	/	/	/	/
Number of visa applications (national D-type visas)	/	/	/	/	/
Number of visa issued (national D-type visas)	/	/	/	/	/
Number of visa refused (national D-type visas)	/	/	/	/	/
Number of visa applications (Schengen C-type visas)	/	/	/	/	/
Number of visa issued (Schengen C-type visas)	/	/	/	/	/
Number of visa refused (Schengen C-type visas)	/	/	/	/	/

¹⁹ Since the Aliens Act does not define the individual categories of foreigners, as defined in this study (immigrant investors, immigrant business owners and other business persons), Slovenia also does not collect statistics on the number of applications filed and the number of granted and refused residence permits to those categories. However, statistics are collected on the applications, authorizations and denials of residence to foreigners on the basis of employment or work, and based on the interest of the Republic of Slovenia. In these categories are included also the residence permits granted by Slovenia to foreign investors or foreign business persons.

Average length of time expected (in days)	A few days	From a few days to a week	Up to two weeks	Up to a month	More than a month
Average time expected between lodging an application and the final decision for a visa application of an <u>immigrant investor</u> (national D-type visa)			x ²⁰		
Average time expected between lodging an application and the final decision for a visa application of an <u>immigrant business owner</u> (national D-type visa)			x ²¹		
Average time expected for registering a business (from application to establishment)	x ²²				
If possible to change status: the average time expected for third-country nationals already present in the Member State to change their status into <u>immigrant investor</u> (from family reasons, study reasons, asylum, etc.)				x ²³	
If possible to change status: the average time expected for third-country nationals already present in the Member State to change their status into <u>immigrant business owner</u> (from family reasons, study reasons, asylum, etc.)				x ²⁴	

Table 2: indications of the average length of time needed for each of the following indicators

The table below is not intended as having detailed, 'hard' statistics on the average length of time taken, but rather as approximate indications. In case you concrete statistics or data are available however, please provide them separately.

- Please indicate with 'X' the (approximate) average length of time needed for each of the indicators.

Please indicate if statistics are available on businesses established by immigrant business owners and by Business Visitors for Establishment Purposes (BVEP): (such as total number of businesses established by third-country nationals; number of FTEs created by migrant investors and business owners; number of survived / closed businesses; share of businesses per size (share of 1; 2-10, 11-19, 20-49, 50+ employees). If

²⁰ Source: E-communication with a representative of the Ministry of Foreign Affairs, 4 November 2014.

²¹ Source: E-communication with a representative of the Ministry of Foreign Affairs, 4 November 2014.

²² Source: AJPES Annual Report for 2012, 2013: 38; E-communication with representatives of the Ministry of Economic Development and Technology, 6 January 2015.

²³ Source: E-communication with a representative of the Ministry of Interior, 13 January 2015.

²⁴ Source: E-communication with a representative of the Ministry of Interior, 13 January 2015.

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possible, EMN NCPs are asked to indicate whether data refer to newly admitted business owners or they include also those third-country nationals already living in their Member States

- Please indicate if statistics are available on the economic effects of immigrant investments or businesses (such as the share of migrant investments out of total annual national investments; number of FTEs created/supported as a result of investments by third-country nationals; the tax contribution to the national revenue systems of immigrant business owners and investors; the increased economic ties / trade volumes with specific third countries as a result of immigrant business owners and investors).

Table 3: The number of applications filed, granted and refused to issue a residence permit for employment or work and in the interest of the Republic of Slovenia in the years 2009-2013²⁵

Employment or work			Interes RS
No. of applications	No. of residence permits granted	No. of applications refused ²⁶	No. of residence permits granted
2009			
52632	49377	2090	0
2010			
34100	33007	1453	0
2011			
28092	26054	489	0
2012			

²⁵ Source: Ministry of the Interior, 13 January 2015.

²⁶ The data about the refused applications for residence permits cover only actually rejected applications.

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23662	22446	437	2
2013			
18717	17786	602	0

Annex 2**Table 1: Temporary Movement of Natural Persons under international trade agreements – the EU “Mode 4” categories**

Category	Criteria	Length of stay
BVEP: Business visitors for establishment purposes'	<p>Natural persons</p> <ul style="list-style-type: none"> - working in a senior position who: - are responsible for setting up an enterprise, - do not offer or provide services or engage in any other economic activity than required for establishment purposes. - do not receive remuneration from a source located within the host Party. 	Up to 90 days in any twelve month period
ICT: 'Intra-corporate transferees'²⁷	<p>Natural persons who:</p> <ul style="list-style-type: none"> - have been employed by a juridical person or have been partners in it for at least one year - are temporarily transferred to an enterprise, the host entity, that may be a subsidiary, branch or head company of the juridical person in the territory of the other Party, - belong to one of the following categories: <ol style="list-style-type: none"> 1. Managers: Persons holding a senior position, who primarily direct the management of the host entity, receiving general supervision or guidance principally from the board of directors of the business or equivalent; that position shall include: <ul style="list-style-type: none"> - directing the host entity or a department or sub-division of the host entity - supervising and controlling the work of other supervisory, professional or managerial employees - having the authority to recommend hiring, dismissing or other personnel action;. 2. Specialists: Persons working within a juridical person who possess specialised knowledge essential to the host entity's areas 	Up to 3 years

²⁷ Definition as in Directive 2014/66/EU.

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	of activity, techniques or management. In assessing such knowledge, account shall be taken not only of knowledge specific to the host entity, but also of whether the person has a high level of qualification including adequate professional experience referring to a type of work or activity requiring specific technical knowledge, including possible membership of an accredited profession;	
GT: Graduate trainees / trainee employees²⁸	Natural persons with a university degree who are transferred to a host entity for career development purposes or in order to obtain training in business techniques or methods, and are paid during the transfer;	Up to 1 year
BS: Business sellers	Natural persons who: <ul style="list-style-type: none"> - are representatives of a services or goods supplier of one Party, - seeking entry and temporary stay in the territory of the other Party for the purpose of negotiating the sale of services or goods, or entering into agreements to sell services or goods for that supplier - do not engage in making direct sales to the general public - do not receive remuneration from a source located within the host Party - nor are they commission agents. 	Up to 90 days in any twelve month period
CSS: 'Contractual services suppliers'	Natural persons: <ul style="list-style-type: none"> - employed by a juridical person of one Party which itself is not an agency for placement and supply services of personnel nor acting through such an agency, has not established in the territory of the other Party and has concluded a bona fide contract to supply services with a final consumer in the latter Party, requiring the presence on a temporary basis of its employees in that Party, in order to fulfil the contract to provide services - must be engaged in the supply of a service on a temporary basis as employees of a juridical person, which has obtained a service contract not exceeding twelve months. - should be offering such services as employees of the juridical person supplying the services for at least the year immediately preceding the date of submission of an application for entry into the other Party. - must possess, at the date of submission of an application for entry into the other Party, at least three years 	A cumulative period of not more than 6 months or, in the case of Luxembourg, 25 weeks in any twelve month period or for the duration of the contract, whichever is less.

²⁸ Directive 2014/66/EU

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	<p>professional experience in the sector of activity which is the subject of the contract.</p> <ul style="list-style-type: none"> - must possess a university degree or a qualification demonstrating knowledge of an equivalent level -must possess professional qualifications where this is required to exercise an activity pursuant to the laws, regulations and legal requirements of the Party where the service is supplied. - shall not receive remuneration for the provision of services in the territory of the other Party other than the remuneration paid by the juridical person employing the natural person.. 	
IP: 'Independent professionals'	<p>Natural persons:</p> <ul style="list-style-type: none"> - engaged in the supply of a service -established as self-employed in the territory of a Party who have not established in the territory of the other Party - who have concluded a bona fide contract (other than through an agency for placement and supply services of personnel) to supply services with a final consumer in the latter Party, requiring their presence on a temporary basis in that Party in order to fulfil the contract to provide services - must be engaged in the supply of a service on a temporary basis as self-employed persons established in the other Party - must have obtained a service contract for a period not exceeding twelve months. - must possess, at the date of submission of an application for entry into the other Party, at least six years professional experience in the sector of activity which is the subject of the contract. - must possess a university degree or a qualification demonstrating knowledge of an equivalent - must possess professional qualifications where this is required to exercise an activity pursuant to the laws, regulations or legal requirements of the Party where the service is supplied. 	A cumulative period of not more than 6 months or, in the case of Luxembourg, 25 weeks in any twelve month period or for the duration of the contract, whichever is less.