

Subject-matter concerned	<input type="checkbox"/> 1) non-discrimination on grounds of nationality <input checked="" type="checkbox"/> 2) freedom of movement and residence - linked to article 7(2) and 7 (1)(b) of the Directive 2004/38 <input type="checkbox"/> 3) voting rights <input type="checkbox"/> 4) diplomatic protection <input type="checkbox"/> 5) the right to petition
Decision date	9 May 2012
Deciding body (in original language)	Upravno sodišče Republike Slovenije
Deciding body (in English)	Administrative Court of the Republic of Slovenia
Case number (also European Case Law Identifier (ECLI) where applicable)	I U 1842/2011 ECLI:SI:UPRS:2012:I.U.1842.2011
Parties	Claimant: anonymised; defendant: Ministry of Interior
Web link to the decision (if available)	http://www.sodnapraksa.si/?q=id:2012032113057428&database%5BSOVS%5D=SOVS&database%5BIESP%5D=IESP&database%5BVDSS%5D=VDSS&database%5BUPRS%5D=UPRS&_submit=i%C5%A1%C4%8Di&page=0&id=2012032113057428
Legal basis in national law of the rights under dispute	Article 93I of the Aliens Act ¹
Key facts of the case (max. 500 chars)	The claimant, a Slovenian citizen, applied for a temporary residence permit for his mother, 3rd state (non-EU) citizen. The application was rejected stating the applicant failed to establish some of the conditions set out under Art. 93I of the Aliens Act. The applicant, according to the competent bodies (Ljubljana Administrative Unit), failed to provide proof of health insurance in the host State and proof of having sufficient resources. The Ljubljana Administrative Unit, as the body of first instance, refused to extend the deadline for the applicant to submit the required documents (attesting to his mother's health insurance in Slovenia) and failed to account for some of the documents already presented (attesting to having sufficient resources not to burden the social services).
Main reasoning / argumentation (max. 500 chars)	The court found that the competent bodies (Ljubljana Administrative Unit) failed to provide reasons for refusing the (final) extension of the deadline to submit documents attesting to health insurance of applicant's mother, even though the request for extension was substantiated by the applicant. The court also found that the competent bodies failed to provide reasons for not taking into account the proof submitted by the applicant that his mother has sufficient resources.

Key issues (concepts, interpretations) clarified by the case (max. 500 chars)	The court clarified the standards of the right to be heard. It held that the challenged decision failed to provide adequate reasons and could not be adequately put to the test.
Results (e.g. sanctions) and consequences or implications of the case (max. 500 chars)	The court annulled the decision and ordered a fresh examination of the case.
Key quotations in original language and translated into English with reference details (max. 500 chars)	<p>Prvostopenjski organ se ni opredelil do dokazil, s katerimi je tožnik skušal dokazati, da ima dovolj sredstev za preživljanje. Organ ni navedel razlogov, ki so odločilni za presojo posameznih dokazov in se ni opredelil do zadnjega zahtevka tožnika za podaljšanje roka, zato odločba ne obsega vsega, kar bi morala po prvem odstavku 214. člena ZUP, zaradi česar je pomanjkljivo obrazložena in se je ne da preizkusiti.</p> <p>The first instance authority has not identified the evidence which the plaintiff sought to demonstrate that he has sufficient means of subsistence. The authority did not specify the reasons, which are crucial for the assessment of individual pieces of evidence and did not respond to the last claim for deadline extension. The decision fails to provide the elements required under the first paragraph of Article 214 of the Administrative Procedure Act and cannot be adequately put to the test.</p> <p>Reference: see the URL above.</p>
Has the deciding body referred to the Charter of Fundamental Rights. If yes, to which specific Article.	No.