

Peter Drozd

MIGRANT ACCESS TO SOCIAL
SECURITY AND HEALTHCARE
IN THE SLOVAK REPUBLIC:
POLICIES AND PRACTICE

Migrant Access to Social Security and Healthcare in the Slovak Republic: Policies and Practice

Study of the National Contact Point
of the European Migration Network in the Slovak Republic

October 2013
Bratislava



Co-funded by the
European Union



The compilation of this study has been co-funded by the European Union and the Ministry of Interior of the Slovak Republic.

This study was prepared under the European Migration Network (EMN) which provides up-to-date, objective, reliable and comparable information on migration and asylum in EU Member States and in Norway for the purposes of creating national policies and EU policies.

The European Migration Network is financially supported by the European Commission. This publication provides exclusively the author's opinion, and the European Commission is not liable for any use of information presented herein. The opinions presented herein do not necessarily represent the opinions of the Government of the Slovak Republic or of the International Organization for Migration (IOM).

Author: Peter Drozd

National Contact Point of the European Migration Network in the
Slovak Republic
International Organization for Migration (IOM)
Grösslingová 4
811 09 Bratislava
Slovak Republic

E-mail: ncpslovakia@iom.int
Tel.: +421 2 52 62 33 35
www.emn.sk, www.emn.europa.eu

ISBN: 978-80-89506-43-9

Preface

This EMN study has been compiled by the International Organization for Migration (IOM) Bratislava which is the coordinator of the National Contact Point of the European Migration Network (EMN) in the Slovak Republic (SR). The EMN National Contact Point in the SR consists of the Ministry of Interior of the SR (Bureau of the Border and Aliens Police of the Police Force Presidium, Migration Office, Department of International Law and European Affairs of the Office of the Minister of Interior), the Ministry of Labour, Social Affairs and Family of the SR, the Statistical Office of the SR, and the IOM.

This study forms part of the EMN Synthesis Report with the same focus prepared at EU level, summarising the results of national studies compiled by EU Member States and Norway on the basis of common specifications.

The Synthesis Report and the individual studies of EU Member States and Norway are available in English on the website www.emn.europa.eu.

The study of the Slovak Republic has been published in Slovak and English. Both versions are available on the website of the Slovak EMN National Contact Point www.emn.sk.

Table of Contents

Abbreviations	9	3.2 Minimum Residence Period as a Condition for Entitlement to Social Security Benefits	61
Executive Summary	10	3.3 Exportability of Social Security Benefits to Other Countries	62
01. Introduction	13	3.4 Minimum Employment Period/Minimum Contribution Period as a Condition for Receipt of Social Security Benefits	62
1.1 Main Objectives	13	3.5 Migrant-Specific Conditions Attached to Social Security Benefits	63
1.2 Terms and Definitions	16	04. Administrative Practices that Affect Third-Country Nationals Access to Social Security Benefits	64
1.3 Methodology	20	4.1 The Effect of Applications for Social Security Benefit on the Migrants' Legal Status	65
02. The Social Security System in the Slovak Republic	22	4.2 Services Provided to Third-Country Applicants for Social Security Benefits	67
2.1 Overview of Social Security and Healthcare Benefits in the Slovak Republic and their Financing Mechanisms	26	05. External Dimension of Social Security	69
2.2 The Relation Between Social Security Policies and Migration	36	5.1 Bilateral Agreements on Social Security	70
2.3 Planned Changes in the Social Security System with an Impact on Third-Country Nationals	37	5.2 Contents of Bilateral Social Security Agreements	71
03. National Legislation on Access of Third-Country Nationals to Social Security Benefits	39	5.2.1 The Possibility for the Worker to Remain Subject to the Social Security Legislation of the Sending State	71
3.1 Social Security and Healthcare Benefits in the Slovak Republic	40	5.2.2 Equal Treatment	72
3.1.1 Healthcare	40	5.2.3 Export of Social Security Benefits	74
3.1.2 Sickness Cash Benefits	42	5.2.4 Other Provisions of Relevance to the Coordination of Social Security Systems with Third Countries	76
3.1.3 Maternity and Paternity Benefits	45	5.3 Extent of Practical Application of Bilateral Social Security Agreements	76
3.1.4 Old-Age Pensions and Benefits	46	5.4 Export of Social Security Benefits in the Event of Nonexistence of a Bilateral Social Security Agreement	77
3.1.5 Family Benefits	49		
3.1.6 Unemployment	56		
3.1.7 Guaranteed Minimum Resources	59		

Table of Contents

06. Case Studies	80
Case Study 1: Tho and Lien	81
Case Study 2: Jasmine	83
Case Study 3: Senghor	86
07. Statistics	89
08. Conclusion	94
Bibliography	98
Annexes	101

Abbreviations

APD PF – Aliens Police Department of the Police Force
BBAP PFP – Bureau of the Border and Aliens Police of the Police Force Presidium
Coll. – Collection of Laws
COLSAF – Central Office of Labour, Social Affairs and Family
EC – European Commission/European Community
EEA – European Economic Area
EMN – European Migration Network
EU – European Union
IOM –International Organization for Migration (IOM)
MISSOC – Mutual Information System of the European Union on Social Protection
MoFEA SR – Ministry of Foreign and European Affairs of the Slovak Republic
MoF SR – Ministry of Finance of the Slovak Republic
MoH SR – Ministry of Healthcare of the Slovak Republic
MoI SR – Ministry of Interior of the Slovak Republic
MoLSAF SR – Ministry of Labour, Social Affairs and Family of the Slovak Republic
SR – Slovak Republic

Executive Summary

Social security is one of the most powerful tools leading to the reduction of poverty and inequality and to the promotion of social inclusion and dignity of individuals in the event of loss of finance due to social risks, such as illness, loss of a breadwinner, unemployment, old age, disability or maternity. If such risks occur, the guarantees of an individual's social welfare ultimately support employment, increased labour productivity, and sustainable development.

Although all EU Member States committed themselves in EU programme documents¹ to ensure the well-being of their citizens through effective social security systems, access to social security and health care is divergent in the Member States.

Today, European countries are facing more than ever before pressures to make changes in their social security systems, partly due to unfavourable demographic trends, as well as due to the instability of labour markets resulting from cyclically recurring economic crises.

In general, labour migration of third-country nationals is considered to be a partial solution to these two problems, though it is migrants who are most likely victims of restrictive measures of employers during economic crises, which is enhanced by social security systems that were not prepared for these groups of workers.

Policy-makers in Member States thus face double pressure. On one hand, they must ensure a sufficient number of employees in the domestic labour market which faces increased demands for workers as a result of population aging and in times of economic growth. However, if they want to satisfy the labour market demands through labour migration from third countries, the social security schemes must be attractive enough for this group of workers. Third-country migrants face a double risk. Their access to social security benefits in the new country is limited, and by leaving the country they lose social security also in their home country. On the other hand, policy-makers are under constant pressure to reduce budget expenditures. The influence of the public which often sees migrants as persons primarily dependent on the use of the social security system can significantly complicate the extension of the social security system to new groups of workers.

¹ Europe 2020 strategy [http://ec.europa.eu/europe2020/index_sk.htm]

Based on available statistics, the total number of third-country nationals staying in the Slovak Republic is very small compared to other EU Member States. As of 30 June 2013, a total of 68,405 aliens staying in Slovakia were registered, of which only 25,529 were third-country nationals, representing 0.47% of the total population of Slovakia.² The causes for this small number of aliens in Slovakia may be various. From linguistic and cultural barriers through complicated administrative procedures concerning residence permits and work permits to unattractiveness of the labour market and of the social security system due to low wages and related social security benefits.

Despite the fact that the social security topics are often analysed in various expert publications, no comprehensive research on third-country nationals' access to social security benefits and health insurance has been conducted in the SR so far. This study can therefore provide a basis for elaborating this theme and its various aspects in future researches. At the same time, it can become the basis for a wider public discussion on this topic.

The study deals in its individual chapters with the political and legislative framework regulating the participation of third-country nationals in Slovakia's social security system, their access to various social security benefits and healthcare, and related administrative procedures. It also provides an overview of bilateral contracts that Slovakia has concluded with third countries in the field of social security, and a statistical overview of the number of employed, unemployed, and economically inactive third-country nationals.

Chapter 1 is an introduction to the topic, provides information on the main objectives and methodology of the study, and presents the main definitions.

Chapter 2 provides a basic overview of the social security system in the SR and on its financing mechanisms. The social security areas are divided according to the MISSOC methodology³. In a table, each of the eleven social security areas analysed in this report is assigned respective benefits and related financing mechanism. Third-country nationals' access to each of these benefits is then described depending on the type of residence (temporary/permanent) in Slovakia, or purpose of temporary residence (employment, including highly-qualified employment, seasonal work, workers in bordering regions, researchers and other workers/business/family reunification).

² Source: BBAP PFP, Statistical Office of the SR.

³ The Union's common information system on social protection (MISSOC) provides detailed, comparable and regularly updated information on the system of social security benefits in all EU/EEA Member States and in the Swiss Confederation.

This chapter also provides an overview of the policies on social security and healthcare in the SR and of the planned changes in this field that could have a direct impact on third-country nationals' access to social benefits.

Chapter 3 studies in detail the legal framework of migrant access to social security benefits with regard to healthcare, cash sickness benefits, maternity and paternity benefits, family benefits, old-age pensions, unemployment benefits, and minimum resources. Access to each of these benefits and related limitations are analysed in detail, placing emphasis on the differences in the conditions of access to benefits for Slovak nationals and aliens, and the exportability of benefits to other countries is also assessed.

Since no discretionary criteria apply to the administrative procedure for granting social security benefits, the core theme of Chapter 4 is how the applying for a benefit affects the legal status of third-country nationals when renewing residence permits and assessing their application for citizenship.

Chapter 5 presents an overview of bilateral cooperation in the social security area. This chapter analyses in detail the bilateral agreements with third countries in this field, and describes the extent of their application.

For a better understanding of the social security system in the SR, Chapter 6 contains three case studies the approach to which will provide the reader with an overview of the way of applying for the respective types of benefits and of the administrative procedures and decision-making of state authorities related to the granting of the benefits. The case studies also highlight the possible risks related to applying for specific benefits and their potential effects on applicants' legal status in respect of their residence in the SR.

Chapter 7 presents statistics on numbers of third-country nationals who are employed or registered as job-seekers in the SR or economically inactive persons by nationality.



Introduction

1.1 Main Objectives

The Steering Board of the European Migration Network approved under its Work Programme 2013 the preparation of the study *Policies and Practices of EU Member State with Regard to Social Security, Healthcare and Housing*. The topic concerning housing was subsequently removed from the focus of the study in order to assess access of third-country nationals to social security and healthcare in a more comprehensive way.

The study entitled *Migrant Access to Social Security and Healthcare in the Slovak Republic: Policies and Practice* forms part of the Synthesis Report with the same focus at EU level, summarising the results of national studies compiled by EU Member States. The contents focus of the individual chapters is based on the common specifications identical for all EU Member States.

In line with the EMN specifications, this study examines exclusively the rules and administrative procedures affecting access to social security and healthcare for third-country nationals, and specifically deals with two groups of third-country nationals – holders of permanent residence permits, and holders of temporary residence permits.

With regard to third-country nationals with permanent residence, the study focuses on two sub-categories. The first one is migrants with permanent residence acquired under Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents. The second sub-category is migrants with permanent residence acquired under national rules of the SR.

In respect of the category of third-country nationals with temporary residence, the study focuses on the assessment of differences in the access to social security benefits and healthcare in the sub-categories of employees (including seasonal workers, highly-qualified workers, researchers, workers working in bordering regions, and other employees), self-employed people, job-seekers, and family members.

On the other hand, the assessment does not concern third-country nationals subject to Regulation (EC) No. 883/2004 of the European Parliament and of the Council on the coordination of social security systems, i.e. employees, their family members and survivors who have found themselves in a cross-border situation, and the application of the coordination regulation to this category of persons has been extended by Regulation No. 1231/2010 of the European Parliament and of the Council extending Regulation (EC) No. 883/2004 and Regulation (EC) No. 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality.

The study does not focus on international students either, since the access of this category of persons to the social security system was described in a separate study⁴.

Other groups of third-country nationals who are not subject to assessment are applicants for asylum and persons granted other form of international protection, tourists and other persons who visited the country for a short period of time, as well as irregular migrants.

Access to social security benefits by the nationals of EU/EEA and the Swiss Confederation and their family members is not the subject of this study either.

The main objective of this study is to map the policies and administrative procedures influencing third-country nationals' access to social security and healthcare.

⁴ Drozd, P., Frkáňová, A., Kubovičová, K.: Migration of International Students to the Slovak Republic. Bratislava: IOM 2012, 149 p., ISBN 978-80-89506-22-4

The study describes the national rules ensuring access of third-country nationals to social security benefits and healthcare, thus enabling a comparison of the Slovak approach with the approach of other EU Member States to this topic in the Synthesis Report.

Another objective of this study is to explain the rules of decision-making on the granting of social security benefits in situations where a high level of correct consideration by the responsible staff is possible, and to compare them with other EU Member States.

Last but not least, the study aims to describe the rights of third-country nationals under bilateral treaties concluded by the SR and their home countries.

In order to make the findings comparable with other Member States, the study is based on the reference documents of the EU Mutual Information System on Social Protection (MISSOC), which describes the access of Member States' nationals to social security benefits and healthcare in other Member States. For the purposes of this study, the MISSOC classification of social security with eleven areas of protection is used: healthcare, sickness cash benefits; maternity and paternity benefits; invalidity benefits; old-age pensions and benefits; survivors' benefits; benefits in respect of accidents at work and occupational diseases; family benefits; unemployment benefits; guaranteed minimum resources; and long-term care benefits. The individual areas are assigned social security benefits. The study also describes the access of target groups of third-country nationals to these benefits.

The study is primarily designed for policy-makers at national and EU levels and for experts working in the field of migration and social security, as well as the general public interested in this theme and the mass media.

Even though the study does not aim to evaluate the national legislation on social security and the administrative procedures for the making of decisions on the granting of social security benefits, or to make recommendations in this field, the comparison of the legislation and procedures of Member States in the Synthesis Report can provide policy-makers with an overview of this topic from a wider perspective and to launch a discussion on the challenges faced by almost all EU Member States in the field of social security.

1.2 Terms and Definitions

This chapter presents the definitions of the main terms which are in line with the study specifications and concern access of third-country nationals to social security benefits and healthcare. The definitions are primarily based on Slovak legislation⁵, and the terms not defined by Slovak legislation correspond to the ones in the EMN Glossary⁶ and to the specifications of the study, or are defined by the author.

Cross-border worker⁷ – a third-country national who is employed in one Member State but is domiciled in another where he/she returns at least once a week.

Alien/foreign national⁸ – anybody who is not the national of the SR.

Discretionary conditions⁹ – in this study refers to eligibility rules for particular social security benefits which cannot be easily defined. Eligibility rules that have a discretionary element require the deciding officer in charge of scrutinising individual applications to make a judgement – usually by means of an interview – about whether the applicant has met the conditions, taking into account the applicant's particular circumstances.

Long-term care benefits¹⁰ – are cash benefits and in-kind benefits, which enable the standard of living of persons in the need of care to be improved as a whole, so as to compensate for the additional expense brought about by their condition. They cover additional costs for people who frequently need the help of another person due to their old-age or disability.

Blue Card holder¹¹ – third-country national who was issued a Blue Card¹² for the purpose of highly-qualified employment.

⁵ The specific piece of legislation is referred to in the footnote.

⁶ Source: Asylum and Migration Glossary 2.0, available at http://www.emn.sk/phocadownload/glossary/emn_glossary_v-jan2012.pdf (consulted on 30 April 2013).

⁷ Term defined in the specifications for the study according to Eurofound.

⁸ Act No. 404/2011 Coll. on Residence of Aliens and on Changes and Amendments to Some Acts as Amended (hereinafter referred to as the "Act on Residence of Aliens").

⁹ Term defined in the study specifications.

¹⁰ Term defined in the study specifications according to the ESSPROS Manual (2008) and extended to the Slovak circumstances.

¹¹ Term defined by the author of the study.

¹² Under the Act on Residence of Aliens, the Blue Card is defined as a special type of temporary residence permit which entitles the third-country national to enter, stay, and work in the territory of the SR, depart from and re-enter to the territory of the SR during the period for which it was issued by the police department.

Invalidity/disability insurance¹³ – insurance against reduced ability to perform earning activities as a result of long-term adverse health condition of the insured person and against death.

Migrant – see **Third-country national**

Guaranteed minimum resources¹⁴ – benefits provided to people with insufficient resources. It includes support for destitute and vulnerable persons to help alleviate poverty or assist in difficult situations.¹⁵

Sickness insurance¹⁶ – insurance against the loss or reduction of income from gainful activities and to ensure income as a result of temporary incapacity for work, pregnancy, and maternity.

Non-contributory benefits¹⁷ – social security benefits financed from the state budget.

Person with long-term residence¹⁸ – a third-country national who was granted long-term residence by a Member State under Council Directive 2003/109/EC.

Unemployment insurance¹⁹ – insurance against the loss of income from employee's activities as a result of unemployment and for the purpose of ensuring income due to unemployment.

Frontier worker²⁰ – a third-country national who is employed in the frontier zone of the SR but who returns each day or at least once a week to the frontier zone of a neighbouring country of the SR in which they reside; frontier zone of the SR means the district territory adjacent to the state borders.

Contributory benefits²¹ – social security benefits financed from contributions by employees and employers.

¹³ Act No. 461/2003 Coll. on Social Insurance, as amended (hereinafter referred to as the "Act on Social Insurance").

¹⁴ Term defined in the study specifications according to the ESSPROS Manual (2008).

¹⁵ In the SR, it is mainly benefit in material need and supplements to the benefit in material need.

¹⁶ Act on Social Insurance.

¹⁷ Term defined in the study specifications.

¹⁸ Act on Residence of Aliens.

¹⁹ Act on Social Insurance.

²⁰ Act No. 5/2004 Coll. on Employment Services and on changes and amendments to some acts as amended (hereinafter referred to as the "Act on Employment Services").

²¹ Term defined in the study specifications.

Family member of a third-country national (hereinafter referred to as “family member”)²² – spouse if the spouses are at least 18 years old; single child younger than 18 years of age or dependent child older than 18 years of age who is not able to take care of himself/herself due to an adverse health condition of the third-country national, their spouse or common child, and the parent dependent on the care by a third-country national or their spouse who does not enjoy due family care in his/her country of origin.

Self-employed person²³ – a physical person who completed 18 years of age and is registered under Art. 67 of Act No. 563/2009 Coll. on Tax Administration (Tax Order) and on changes and amendments to some acts, as amended, in respect of gainful activities which are activities arising from a legal relationship establishing the production of income from business activity and from other independent gainful activity pursuant to the Income Tax Act, including income which is not subject to the income tax under the rules to prevent double taxation, or if the natural person performing such gainful activity is subject, under legal relationships related to social insurance, to legislation of the SR or an international treaty which takes precedence over the laws of the SR, with the exception of natural persons who are due to provide personal assistance to a natural person with severe disabilities under an agreement on the provision of personal assistance.

Seasonal worker²⁴ – a third-country national who has been granted temporary residence for the purpose of seasonal work.²⁵

Old-age pension insurance²⁶ – insurance aimed to ensure income in old age and in the event of death.

Third-country national²⁷ – anybody who is not the national of the SR or of any EU/EEA Member State or of the Swiss Confederation; a third-country national is also a stateless person. For the purposes of this study, this term is identical to the term **Migrant**.

Job-seeker²⁸ – a physical person who can work and is willing to work, seeks employment, and is registered in the list of job seekers of the Office of Labour, Social Affairs and Family, and is not employed under a labour or other

²² Act on Residence of Aliens.

²³ Act on Social Insurance.

²⁴ Term defined by the author of the study.

²⁵ Act No. 311/2001 Coll. Labour Code, as amended (hereinafter referred to as the “Labour Code”) defines seasonal work as work dependent on the succession of the seasons, recurs every year, and does not exceed 8 months per calendar year.

²⁶ Act on Social Insurance.

²⁷ Act on Residence of Aliens.

²⁸ Act on Employment Services.

similar legal relationship or their income from employment does not attain the statutory amount, does not run or perform independent gainful activities, and does not perform gainful activities abroad.

Accident insurance²⁹ – insurance against health-related harm or death as a result of a work accident or occupational disease.

Posted employee³⁰ – a third-country national posted by the employer with its seat in another European Union Member State to the Slovak Republic in the framework of providing of services by such employer.

International student³¹ – a third-country national who has acquired any of the available types of temporary residence permits issued by the SR to applicants whose primary objective in the territory of the SR is study.

Researcher³² – a third-country national who performs research or development in the SR under a hosting agreement³³ for which a temporary residence permit has been granted by the police department.

Employee³⁴ – a physical person over 15 years of age who performs dependent work for their employer under a labour relationship or other similar relationship.

Employer³⁵ – a legal entity or a physical person employing at least one physical person under a labour relationship or other similar relationships.

Healthcare³⁶ – a set of work activities performed by healthcare workers, including provision of medicines, medical tools, and dietetic food with the aim to extend the life of a physical person, improve the quality of their life and healthy development of future generations; healthcare includes prevention, dispensarisation, diagnostics, treatment, biomedical research, nursing, and midwifery.

²⁹ Act on Social Insurance.

³⁰ Act on Employment Services.

³¹ Drozd, P., Frkáňová, A., Kubovičová, K.: Migration of International Students to the Slovak Republic. Bratislava: IOM 2012, p. 17

³² Term defined by the author of the study.

³³ The conclusion of hosting agreements is laid down in Act No. 172/2005 Coll. on the organisation of state support of research and development and on amendments to Act No. 575/2001 Coll. on the organisation of government. activities and on the organisation of central state administration as amended transposing to the legislation of the Slovak Republic Council Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purposes of scientific research.

³⁴ Labour Code.

³⁵ Labour Code.

³⁶ Act No. 576/2004 Coll. on healthcare, healthcare related services, and on changes and amendments of some acts as amended.

1.3 Methodology

With regard to methodology, the study is based on available documents and analyses on this topic, expert consultations, questionnaire surveys, and available statistics gathered from relevant state administration bodies in the period September–October 2013.

The primary source of information for the compilation of this study was the legislation of the SR and of the EU governing social security and healthcare. Another source of information were MISSOC comparative tables on social protection and available publications on social security of foreigners and on migration in general prepared by relevant institutions and experts in this field.

The key strategic documents of the SR on migration, statistical databases, and websites of competent state administration authorities, such as the MoI SR, MoLSAF SR, COLSAF, MoH SR, MoFEA SR, as well as the Social Insurance Agency, Statistical Office of the SR, and Institute for the Research of Work and Family also represent a unique source of information.

The relevant chapters of previous EMN studies constitute another source of necessary information.

Since no comprehensive research on third-country nationals' access to social security benefits and healthcare has been conducted in the SR so far, secondary research, as suggested by the study specifications, is insufficient. For this reason, the author of this study was forced to conduct primary research. In line with the study specifications, a questionnaire was prepared and distributed to all relevant state administration authorities. The responses to the questions asked in the questionnaire survey represent an important source of information about practical solutions of some administrative procedures by state administration authorities. A lot of information was obtained on the basis of personal meetings with the representatives of the MoLSAF SR, COLSAF, BBAP PFP, and the Social Insurance Agency.

Statistics on the numbers of employed, unemployed (job-seekers) and inactive third-country nationals in the SR could only be provided to a limited extent. First of all, it was not possible to classify the data by ethnic groups, as the competent authorities do not monitor aliens' nationality. State citizenship is a comparable indicator in this regard and is used for the arrangement of statistical data in Chapter 7.

Another obstacle in the presentation of statistical data was the fact that the SR does not regard self-employed persons as employees, as a result of which this group of aliens is not included in the statistics.

Statistics on the numbers of inactive third-country nationals are not available at all.

In spite of these obstacles that can result in the impossibility to compare statistical data on the number of employed, unemployed and inactive third-country nationals in the SR with other EU Member States, the study represents, in the framework of the given specifications, the most comprehensive overview of third-country nationals' access to social security and healthcare in the SR.



The Social Security System in the Slovak Republic

The social protection system in Slovakia can be divided into two main categories. The first category represents the healthcare system, and the second category is the social security system which can be further split to social insurance, state social support, and social assistance.

Healthcare in the SR is provided by healthcare professionals in state and private healthcare facilities on the basis of public health insurance. In case a physical person participating in the public health insurance system fails to pay their health insurance, s/he is only provided with emergency healthcare.³⁷ This shall not apply in respect of employees for whom health insurance has not been paid by their employer.

In general, health care covered by public health insurance is provided free of charge. Patient contribution to payment for health care is, however, required for most dental procedures, cosmetic surgery, abortion and some other treatments not related to health reasons (e.g. laser eye surgery). Also, health

³⁷ Emergency healthcare is defined as healthcare provided to a person upon sudden change of their health condition which poses direct threat to their life or any of their basic life functions, can seriously threaten their health without providing emergency medical assistance, causes sudden and unbearable pain or sudden changes of behaviour and conduct under the influence of which the person directly endangers themselves or their environment. Emergency healthcare is also healthcare provided upon childbirth.

insurance does not cover the costs of clinical tests. The patient also pays a part of the costs of some medicines, medical devices, and dietetic foods, as well as spa treatment and some paid services related to health care, such as transport to a medical facility.

Public health insurance is mandatory for all individuals that have permanent residence in Slovakia, as well as for those who have no permanent residence, but carry out gainful activities in the SR, i.e. they are employed or conduct business, with the exception of persons who have health insurance in another Member State. Persons with public health insurance also include persons who do not have permanent residence in the SR and do not perform any gainful activity, but fall under any of the following categories: persons granted asylum; students from other Member States or international students studying at a Slovak school on the basis of an international treaty by which the SR is bound; or pupils or students who are Slovaks living abroad and study at a Slovak university; minor aliens staying in the territory of the SR without a legal representative or a natural person responsible for their education and are provided care in a facility on the basis of a court decision; aliens detained in Slovakia; dependent family members born to an insured person in another Member State, and persons in custody or serving a sentence of imprisonment. Other individuals who reside in the territory of the SR and fail to meet the conditions for entry in the public health insurance system are required to have commercial health insurance guaranteeing reimbursement of medical expenses while staying in Slovakia.

The public health insurance system is run by health insurance companies which reimburse health care costs within the extent specified by law under contracts with health care providers.

The activities of health insurance companies and the entire public health insurance system are overseen by the Healthcare Surveillance Authority.

Health care is financed from insurance premiums payable by employees, employers, self-employed persons, self-payers (e.g. voluntarily unemployed persons resident in Slovakia) and the state. The state pays insurance premiums³⁸ for a large group of people, such as persons registered as jobseekers, beneficiaries of old-age and disability pensions, beneficiaries of parental benefits, dependent children, recipients of cash benefits for care, etc.

³⁸ Art. 11 of Act No. 580/2004 Coll. on Health Insurance and on changes and amendments to Act No. 95/2002 Coll. on Insurance and on changes and amendments to some acts.

The social insurance system ensures income substitution to insured during periods when a situation envisaged in law deprives them from the opportunity to participate in economic activities. The system is merit based, i.e. benefits can only be granted to those who have been involved in the system or who derive their right from such persons, and the amount of benefits depends directly on the amount of contributions to the system.

The Slovak social security scheme includes:

- sickness insurance as insurance against loss or reduction of income from gainful activity and providing income in situations due to temporary incapacity for work, pregnancy or maternity;
- pension insurance:
 - old-age insurance to provide income in old age and to survivors in the event of death;
 - disability insurance against reduced capacity to perform gainful activity due to a long-term adverse health condition and providing income to survivors in the event of death;
- accident insurance as insurance against injury or death resulting from an accident at work or occupational disease;
- guarantee insurance as insurance in the case of employer's insolvency to meet employee's claims and to pay contributions to the employee's old-age pension savings;
- unemployment insurance against loss of income from employee's work as a result of unemployment, and to ensure income in the event of unemployment.

Social insurance schemes fall under the competency of the MoLSAF SR. The ministry ensures the implementation of these schemes through a public institution – the Social Insurance Agency. Through its head office and its branches, the Social Insurance Agency decides, in particular, on the granting of social security benefits, collects and recovers insurance premiums, performs assessment activity, pays social insurance benefits, and exercises control, consulting and advisory services in matters concerning social insurance.

Organisations involved in the administration of the social insurance system also include private pension fund management companies that manage pension funds and individual pension accounts of savers within the 2nd pension insurance pillar, and supplementary pension insurance companies that create and manage supplementary pension funds of savers under the 3rd pension insurance pillar.

The social insurance system (sickness, pension and unemployment insurance) is in principle open to all individuals with permanent or temporary residence in Slovakia who are over 16 years of age. Mandatory insurance covers most employees and self-employed persons whose income from business activities exceeds the statutory amount.³⁹ The nature of accident and guarantee insurance suggests that the entity insured under this form of insurance is the employer. Entry in the social insurance system will be further discussed in Chapter 3.

The social insurance benefits are paid from social insurance funds set up and managed by the Social Insurance Agency. In the event of insolvency of any of the basic social insurance funds, the payment of benefits is guaranteed by the state through the provision of financial assistance to the Social Insurance Agency.

Social insurance benefits are financed from insurance premiums paid, in the case of sickness insurance, by employees, employers, self-employed persons with mandatory sickness insurance, and persons with voluntary sickness insurance; in the case of old-age pension insurance, by employees, employers, self-employed persons with mandatory old-age pension insurance, persons with voluntary pension insurance, the state, and the Social Insurance Agency; in the case of disability insurance, by employees, employers, persons with mandatory pension insurance, persons with voluntary pension insurance, and the state; in the case of unemployment insurance, by employees, employers, and persons with voluntary unemployment insurance; and in case of accident and guarantee insurance, by employers.

The state pays pension and disability insurance premiums for mandatorily insured persons in some special cases (e.g. personal assistants of severely disabled persons), and for employees and self-employed persons during periods while they receive maternity benefits. The Social Insurance Agency contributes to old-age pension insurance on behalf of the beneficiaries of the injury annuity until they reach the retirement age or until they have been granted early retirement.

A special social insurance scheme applies to members of the Armed Forces, the Police Force, Fire and Rescue Corps, the Mountain Rescue Service, the Slovak Intelligence Service, the National Security Office, the Court Guards and Prison Wardens Corps, the Railway Police, and customs officers. Since access to these occupations is limited by Slovak citizenship, given the thematic scope of this study this scheme will not be discussed in this study. The spe-

³⁹ Unemployment insurance is voluntary for self-employed persons.

cific elements of the social insurance of certain groups of workers (judges, prosecutors) are not detailed either, since third-country nationals have no access to these professions.

State social assistance is a support scheme through which the state provides one-time or recurrent financial contributions to its residents to solve certain life situations, especially financial support to families with children.

Benefits are financed from the state budget, and the payment thereof is ensured by the MoLSAF through its offices of labour, social affairs and family or through employers. The tax bonus is an exception in this regard, as it is paid by the MoF through its tax offices or employers, and the Christmas supplement is paid by the Social Insurance Agency.

Unlike social insurance benefits, state social benefits are not dependent on participation in the insurance scheme. They are paid irrespective of the amount of income and are granted in the same amount for all eligible persons (except for the Christmas supplement the amount of which depends on the pension amount of the eligible person). In some cases, the payment of benefits is conditioned by permanent residence in Slovakia.

Social assistance is provided to the most vulnerable groups of people (persons in material need and persons with severe disabilities) in the form of financial compensation or in kind benefits (social services). Benefits are financed from the state budget and self-governments' budgets. The payment of these benefits is ensured by the MoLSAF through its offices of labour, social affairs and family. A part of such benefits is provided by municipalities and higher territorial units. Non-profit organisations are playing an increasingly important role, mainly in the provision of in-kind social assistance benefits.

2.1 Overview of Social Security and Healthcare Benefits in the Slovak Republic and their Financing Mechanisms

This chapter summarises the access of third-country nationals who are the subject of this study to social security and healthcare benefits in the form of a table (Table 1) containing information on the branch of social security, social security benefits provided within the respective branch, their financing mechanism, and the access of third-country nationals to such benefits depending on the type of their residence (temporary/permanent) in Slovakia or

the purpose of temporary residence (employment including highly qualified employment, seasonal employment, workers in bordering areas, researchers and other workers/business/family reunification). The structure of the table is based on the MISSOC social security classification system.

Further to the specifications of the study and its thematic scope, some specific elements of the Slovak legal system concerning right of residence should be mentioned first. The SR does not allow third-country nationals to enter the territory of the SR for the purpose of seeking a job. Hence, the Act on Residence of Aliens does not allow granting temporary residence to third-country nationals for the purpose "job search". The Slovak legislation does not recognise this type of temporary residence.

This does not mean, however, that a third-country national may not become a job-seeker. It is possible for third-country nationals with permanent residence, as well as temporary residence granted for certain purposes (family reunification, employment). Even if a third-country national is registered as a job-seeker, the initially granted type of residence (permanent or temporary) or the purpose of temporary residence is retained.

Another specific feature of the Slovak legislation is that the rights related to social security and healthcare arising from permanent residence are identical regardless of the reason for which such residence has been granted. It is therefore irrelevant to distinguish between permanent residence granted under Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents and permanent residence granted under national legislation.

The specifications of this study suggest that social insurance and healthcare benefits are funded exclusively in a contributory manner, from the state budget or in a mixed way. What is particular in the SR is that part of the benefits is also financed from the budgets of local governments (municipalities and higher territorial units). Income substitution during employee's temporary incapacity for work as a kind of sickness cash benefit is funded exclusively by the employer of the employee eligible to receive such benefit.

With regard to health insurance, it should be noted that the entry in the public health insurance scheme does not depend in respect of some third-country nationals primarily on the type of residence or the purpose of residence, but on the performance of gainful activities. This only applies with regard to third-country nationals with temporary residence for the purpose of family reunification who fall under the public health insurance scheme only if they

are employed or conduct business in the territory of the SR, which is possible under the current legislation for this kind of temporary residence. The other groups of third-country nationals who are analysed in this study fall always under the public health insurance scheme.

Everybody has access to healthcare in Slovakia. Differences occur with regard to payment for healthcare: it is either paid from public health insurance, commercial insurance, or is paid for directly by the patient.⁴⁰

As far as social insurance is concerned (sickness, pension and disability insurance), it is necessary to distinguish between the right to enter the system as such, and the right to individual benefits. Although the system can be entered, in principle, by all third-country nationals irrespective of their type of residence, certain benefits (given their nature) cannot be granted to entrepreneurs. Third-country nationals with temporary residence for the purpose of conducting business are always excluded from the possibility to receive such benefits, since they are not entitled to perform other activities in Slovakia. The situation is more complicated in the case of third-country nationals with permanent residence, and third-country nationals with temporary residence for the purpose of family reunification, since these two kinds of residence entitle them to perform any gainful activity. They are not eligible to benefits if they conduct business, but are eligible in the case of employment. This issue will be further discussed in Chapter 3.

Accident insurance as employer's insurance is by definition not available to self-employed persons either with permanent or temporary residence in Slovakia.

As for benefits arising from unemployment insurance, not the type or purpose of residence is important, but participation in the system, which is, in principle, open to all aliens. The second condition is the factual state of unemployment conditioned by registration in the database of job-seekers.

With regard to state social benefits (family benefits, funeral allowances, Christmas supplements), by contrast, emphasis is placed on the residence of the applicant for benefit, as well as in the case of tax bonuses which constitute indirect support for families within Slovakia's tax system. In most cases, benefits are accessible to all third-country nationals; in certain cases, however, permanent residence in Slovakia is required.

⁴⁰ The persons included in the public health insurance system are specified in Act No. 580/2004 Coll. (see Chapter 3).

Minimum resources are designed for everyone, including aliens regardless of the type of residence in the SR. A self-employed person (with temporary and permanent residence), however, can never be regarded a person in material need.

Long-term care benefits are almost exclusively paid to only third-country nationals with permanent residence in the SR who meet the condition that they are family members of a citizen of the Slovak Republic with permanent residence.

Further to these facts, the part of the Table 1 concerning access of third-country nationals to healthcare and social security benefits is filled in as follows:

If all third-country nationals subject to this study are eligible to the benefit, the respective cell of the table is filled with "yes".

If certain groups of third-country nationals have limited access to some benefits, the table lists the groups of third-country nationals by the type of residence or purpose of residence entitled to the benefit (regardless of the fact that in specific cases they would have no access to such benefit).

Table 1: Overview of the national social security system presented in the MISSOC national guide as it applies to third-country nationals

'Branch' of social security	Social security benefits	Financing mechanisms (contributory/non-contributory/mixed)	Accessibility by third-country nationals
I. Healthcare			
	Outpatient care	contributory	yes
	Inpatient care	contributory	yes
	Pharmaceutical care	contributory	yes
	Medical devices/aids	contributory	yes
	Dietetic food	contributory	yes
	Spa treatment	contributory	yes
II. Sickness cash benefits			
	income compensation during employee's temporary incapacity for work	provided by employer	permanent residence employees family members
	sickness benefits	contributory	yes
	nursing benefits	contributory	yes
III. Maternity and paternity benefits			
	compensatory allowance	contributory	permanent residence employees family members
	maternity benefit	contributory	yes
IV. Invalidity benefits			
	invalidity pension	contributory	yes

'Branch' of social security	Social security benefits	Financing mechanisms (contributory/non-contributory/mixed)	Accessibility by third-country nationals
V. Old-age pensions and benefits			
	old-age pension	contributory	yes
	early retirement pension	contributory	yes
	Christmas supplement	non-contributory	yes
VI. Survivors' benefits			
	widow's/widower's pension	contributory	yes
	orphan's pension	contributory	yes
	funeral allowance	non-contributory	yes
VII. Benefits in respect of accidents at work and occupational diseases			
	injury allowance	contributory	permanent residence employees family members
	injury annuity	contributory	permanent residence employees family members
	one-time compensation	contributory	permanent residence employees family members
	survivor's injury annuity	contributory	permanent residence employees family members
	one-time compensation	contributory	permanent residence employees family members
	rehabilitation allowance	contributory	permanent residence employees family members

Table 1: continued

'Branch' of social security	Social security benefits	Financing mechanisms (contributory/non-contributory/mixed)	Accessibility by third-country nationals
	retraining allowance	contributory	permanent residence employees family members
	pain compensation	contributory	permanent residence employees family members
	compensation for difficulties with social integration	contributory	permanent residence employees family members
	compensation for medical expenses	contributory	permanent residence employees family members
	compensation of funeral-related expenses	contributory	permanent residence employees family members
VIII. Family benefits			
	childbirth allowance	non-contributory	permanent residence
	supplement to childbirth allowance	non-contributory	permanent residence
	parental allowance	non-contributory	permanent residence
	child allowance	non-contributory	yes
	supplement to child allowance	non-contributory	yes
	parental benefit	non-contributory	yes
	child-care allowance	non-contributory	yes
	tax bonus	non-contributory	yes
	maintenance payments	non-contributory	permanent residence
	repeated substitute parent allowance	non-contributory	permanent residence
	special repeated substitute parent allowance	non-contributory	permanent residence

'Branch' of social security	Social security benefits	Financing mechanisms (contributory/non-contributory/mixed)	Accessibility by third-country nationals
IX. Unemployment benefits			
	unemployment benefit	contributory	yes
	contribution to self-employment	non-contributory	yes
	contribution to on-the-job training	non-contributory	yes
	contribution to activation work through voluntary services	non-contributory	yes
X. Guaranteed minimum resources			
	benefit in material need (emergency benefit)	non-contributory	permanent residence employees family members
	increased benefits for pregnant women from 4th month of pregnancy	non-contributory	permanent residence employees family members
	increased benefits for parents of a child up to one year of age	non-contributory	permanent residence employees family members
	allowance for children complying with compulsory school attendance obligation	non-contributory	permanent residence employees family members
	healthcare allowance	non-contributory	permanent residence employees family members
	activation allowance	non-contributory	permanent residence employees family members
	housing allowance	non-contributory	permanent residence employees family members
	protection allowance	non-contributory	permanent residence employees family members

Table 1: continued

'Branch' of social security	Social security benefits	Financing mechanisms (contributory/non-contributory/mixed)	Accessibility by third-country nationals
	one-time allowance in material need	municipality budget	permanent residence employees family members
	social scholarship	non-contributory	yes
XI. Long-term care benefits			
	personal assistance	non-contributory	family members with permanent residence
	cash allowance for personal assistance	non-contributory	family members with permanent residence
	cash allowance for purchase of aid	non-contributory	family members with permanent residence
	cash allowance for practicing the use of aid	non-contributory	family members with permanent residence
	cash allowance for aid adjustment	non-contributory	family members with permanent residence
	cash allowance for aid repair	non-contributory	family members with permanent residence
	cash allowance for purchase of a lifting device	non-contributory	family members with permanent residence
	cash allowance for purchase of a passenger motor vehicle	non-contributory	family members with permanent residence
	cash allowance for adjustment of a passenger motor vehicle	non-contributory	family members with permanent residence
	cash allowance for transport	non-contributory	family members with permanent residence
	cash allowance for flat adjustments	non-contributory	family members with permanent residence
	cash allowance for family house adjustments	non-contributory	family members with permanent residence

'Branch' of social security	Social security benefits	Financing mechanisms (contributory/non-contributory/mixed)	Accessibility by third-country nationals
	cash allowance for garage adjustments	non-contributory	family members with permanent residence
	cash allowance to compensate for increased expenses on dietetic food	non-contributory	family members with permanent residence
	cash allowance to compensate for increased costs related to hygiene or wear-out of clothes, underclothes, footwear and furnishings	non-contributory	family members with permanent residence
	cash allowance to compensate for increased costs related to the operation of passenger motor vehicle	non-contributory	family members with permanent residence
	cash allowance to compensate for increased costs of care for a dog with special training	non-contributory	family members with permanent residence
	care	non-contributory	family members with permanent residence
	cash allowance for care	non-contributory	family members with permanent residence
	social services to assist in adverse social situation due to severe disability	budget of a municipality or higher territorial unit	yes
	contribution to self-employment of a disabled person	non-contributory	yes

2.2 The Relation Between Social Security Policies and Migration

Access of third-country nationals to social security (including health care) is one of the pillars of the Concept of Foreigners' Integration in Slovakia – the key programme document for the integration of foreigners, approved by the Government of the SR on 6 May 2009.

“The objective of the integration policy of the Slovak Republic is to propose interlinked, efficient and feasible tools and integration measures to guarantee access of foreigners to the labour market, education, learning of Slovak, as well as civil participation, and to allow them access to health care and social security.”⁴¹

This concept places emphasis on foreigners having guaranteed access to all forms of social security – social insurance, social assistance (social services) and social support. As for the provision of healthcare, the main objective is to constantly improve the conditions of aliens' access to healthcare.

The proposed pro-integration measures in the field of social security and healthcare for the purposes of this study include:

- 1) To carefully consider the needs of foreigners and their family members in the preparation of legislation on social security so that the position of the target group of foreigners legally living in Slovakia is gradually harmonised with the position of the citizens of the Slovak Republic;
- 2) To develop and promote additional measures to support individuals and families of foreigners, especially in respect of their access to social services and state social benefits, with particular emphasis on vulnerable categories of foreigners (old people, handicapped foreigners, migrant women, unaccompanied minors);
- 3) In order to mitigate and eliminate poverty and prevent social exclusion, to continuously implement measures to improve the lives of foreigners in Slovakia and to continue keeping the categories of foreigners among groups potentially threatened by exclusion and poverty;
- 4) In the area of international contractual relations, to continue concluding bilateral social security agreements and to continue the process of accession to multilateral coordination instruments that can guarantee the preservation of social security rights;

⁴¹ Concept of Foreigners' Integration in the Slovak Republic, p. 47 [<http://www.employment.gov.sk/integracia-cudzincov-dokumenty.html>] (consulted on 01/10/2013).

- 5) To create and continuously improve the conditions for the provision of social services to foreigners, including amending the conditions of providing care in social service facilities;
- 6) To create conditions for better access to health care for foreigners living in Slovakia, and to systematically improve the level and quality of provided healthcare;
- 7) To promote the self-sufficiency of migrants and ensure their access to and success in the labour market, thus ensuring their health insurance.⁴²

The implementation of the proposed measures by the competent ministries is controlled by the Government of the Slovak Republic which approves summary reports on the implementation of measures resulting from the Concept of Foreigners' Integration in Slovakia on a yearly basis. The last summary report of 2012 was approved by the Government at its meeting held on 20 February 2013.⁴³

At present, preparations on a new programme document under the competence of the MoLSAF are under way aiming to replace the Concept of Foreigners' Integration in the Slovak Republic since 2014. At the time of writing of this study, the document was at the stage of preparation within the Ministry. According to available information, no substantial changes are envisaged in the field of social security and healthcare of foreigners compared to the present situation.

2.3 Planned Changes in the Social Security System with an Impact on Third-Country Nationals

At present, Slovakia has no plans to change its national legislation in the field of social security and healthcare having an impact on the access of third-country nationals to social security benefits and health insurance as referred to in Table 1.

Pursuant to Art 16, par. 1 of Directive 2011/98/EU of the European Parliament and of the Council on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State

⁴² Points 1–5 refer to measures proposed with regard to social security no. 1, 2, 4, 5 and 8, and the proposed measures under points 6 and 7 relate to healthcare no. 1 and 3 of the Concept of Foreigners' Integration in the Slovak Republic.

⁴³ The summary reports on the implementation of measures arising from the Concept of Foreigners' Integration 2010–2012 approved by the Government are available at <http://www.employment.gov.sk/integracia-cudzincov-dokumenty.html>.

and on a common set of rights for third-country workers legally residing in a Member State (hereinafter referred to as “Single Permit Directive”), a draft law on changing and amending Act. 480/2002 Coll. on Asylum and on changes and amendments to some acts as amended⁴⁴ is currently under the legislative process aiming to transpose the Single Permit Directive in the Slovak legislation.

The right to equal treatment in the field of social security, as defined in Regulation (EC) No. 883/2004 of the European Parliament and of the Council on the coordination of social security systems, guaranteed by the Single Permit Directive to third-country workers, is guaranteed by the Slovak national legislation already today. The transposition of the Single Permit Directive will therefore have no impact on the access of third-country nationals to social security benefits and healthcare.

⁴⁴ The draft act was approved by the Government of the SR at its meeting on 18 September 2013, and delivered it to the National Council of the Slovak Republic for approval.

03

National Legislation on Access of Third-Country Nationals to Social Security Benefits

While the previous chapter described the possibilities of access of third-country nationals to social security benefits in all eleven areas defined by the MISSOC, this chapter provides a detailed analysis of the conditions of access to benefits related to healthcare, sickness cash benefits, maternity and paternity benefits, family benefits, old-age pensions and pension benefits, unemployment benefits, and the minimum resources.

Besides the description of the conditions of access to the different benefits, we also describe the differences in the access to benefits by Slovak citizens and aliens, as well as the differences in the access to benefits among the target groups of third-country nationals. We focus in particular on the fact whether the Slovak legislation assumes the fulfilment of certain specific conditions for access to social security benefits in case that the benefit is requested by a foreign national. The exportability of social security benefits from Slovakia to other countries is also tackled with regard to cases where a third-country national – social security beneficiary – decides to permanently return to their country of origin.

3.1 Social Security and Healthcare Benefits in the Slovak Republic

3.1.1 Healthcare

Access to healthcare on the basis of public health insurance in Slovakia is governed by Act. 580/2004 Coll. of on health insurance and on changes and amendments to Act No. 95/2002 Coll. on insurance and changes and amendments to some acts, as amended. The law defines public health insurance and the legal relationships arising under health insurance.

If a third-country national does not fall under the public health insurance system, s/he is obliged to have commercial insurance to cover medical expenses for the entire duration of their stay in Slovakia.

The difference between these types of insurance lies in the fact that while the extent of healthcare in the case of public health insurance is guaranteed by legal regulations⁴⁵, healthcare in the case of commercial health insurance is provided pursuant to the contract between a commercial insurance company and the insured person.

Every natural person with permanent residence in the SR is mandatorily involved in the public health insurance system. Persons who work or conduct business in another country where they are, at the same time, health insured, or persons staying abroad for a longer period of time (longer than 6 consecutive months) represent an exception from this rule. Hence, every third-country national with permanent residence in Slovakia must be mandatorily insured under the public health insurance scheme, irrespective of the type of activity they perform in the SR.

With regard to third-country nationals who have not been granted permanent residence, the SR ties participation in the public health insurance scheme to the performance of gainful activity. Besides persons with permanent residence, also third-country nationals who are employed by an employer established in the Slovak Republic, or persons entitled to self-employment in the SR are mandatorily insured under the public health insurance scheme. This

category also includes third-country nationals with temporary residence for the purpose of employment (including seasonal workers and cross-border workers), or with temporary residence for the purpose of highly-qualified employment (EU Blue Card), or with temporary residence for the purpose of conducting business and for the purpose of research and development (researchers). Third-country nationals with temporary residence for the purpose of family reunification (family members) are mandatorily health insured only in case they are employed or conduct business in the SR. Health insurance also refers to dependent family members of an insured person born to that person in another EU/EEA Member State or in the Swiss Confederation.

Health insurance in the SR arises with the occurrence of the fact establishing such insurance, e.g. on the day of acquiring permanent residence in the SR, or on the day of commencement of business, etc. Third-country nationals are subject to the same conditions as Slovak citizens. They are not required to prove any minimum period of residence in the Slovak Republic, and their participation in the system is not conditioned in any manner.

The granting of healthcare benefits is regulated by several laws, namely: Act No. 576/2004 Coll. on healthcare, healthcare related services and on changes and amendments to some acts, as amended; Act No. 577/2004 Coll. on the scope of healthcare covered by public health insurance and on the reimbursement of healthcare-related services, as amended; Act No. 363/2011 Coll. on the scope and conditions of the payments for drugs, medical tools and dietetic supplements based on public health insurance and on changes and amendments to some acts, as amended; and Government Regulation No. 722/2004 Coll. on the amounts paid by insured persons for services related to healthcare, as amended.

Public health insurance in Slovakia serves solely for providing in-kind benefits, medical care, including dental care, hospitalisation, medicines, medical aids and dietetic food, spa treatment, and healthcare-related services, such as transportation, hospital food, medical opinions, etc. Healthcare benefits are provided free of charge or for partial payment limited by law to all insured persons under public health insurance, regardless of their nationality.

⁴⁵ Act No. 577/2004 Coll. on the scope of healthcare covered by public health insurance and on the reimbursement of healthcare-related services, as amended; Act No. 576/2004 Coll. on healthcare, healthcare related services and on changes and amendments to some acts, as amended; and Act No. 363/2011 Coll. on the scope and conditions of the payments for drugs, medical tools and dietetic supplements based on public health insurance and on changes and amendments to some acts as amended.

3.1.2 Sickness Cash Benefits

Access to sickness benefits and the granting of benefits in Slovakia is regulated by Act No. 461/2003 Coll. on social insurance, as amended, and by Act No. 462/2003 Coll. on compensation of earnings during an employee's temporary incapacity for work and on changes and amendments to some acts, as amended.⁴⁶

There are two types of sickness insurance in Slovakia: mandatory sickness insurance, and voluntary sickness insurance.

The system of mandatory sickness insurance includes all employees⁴⁷ and self-employed persons whose income has exceeded the statutory limit.

A person with voluntary sickness insurance in the SR can be any natural person over 16 years old who has permanent or temporary residence in Slovakia, does not receive old-age pension benefits, early retirement benefits, or invalidity pension benefits due to reduced earning capacity by more than 70%, does not receive disability pension benefits after reaching the retirement age, and contributes to the voluntary pension insurance scheme.

Subject to the legal conditions, sickness insured persons are entitled to *income compensation during temporary incapacity for work, sickness benefits and nursing benefits*.

Income compensation during worker's temporary incapacity for work is not a sickness insurance benefit in the strict sense of the term. This benefit is paid by the employer to its employee who becomes temporarily incapacitated due to illness or injury for a maximum of 10 days. In case the incapacity for work lasts longer than 10 days, the employee enters the sickness insurance benefits scheme.

Income compensation is provided to every employee who has mandatory sickness insurance regardless of their nationality. Such person is not entitled to income compensation only in case if s/he receives sickness insurance benefits (sickness or maternity benefits) or parental benefits (except where the employee performs employee work while receiving parental benefits) dur-

⁴⁶ Some other legal regulations regulate workers' sickness insurance benefits in special cases (judges, prosecutors, the police, firemen, etc.). Foreign nationals have no access to the performance of such employments.

⁴⁷ Some categories of workers who do not perform work under an employment relationship, but on the basis of contracts for work performed outside of employment, such as students performing work on the basis of a contract on seasonal work, and beneficiaries of old-age and disability pensions working under contracts on work activity or contracts on performance of work.

ing their incapacity for work, or has become unable to work for having committed a wilful offence for which s/he was sentenced to imprisonment, or has violated the rules of medical treatment, or fails to stay at the designated place during their incapacity for work.

Third-country nationals are entitled to income compensation irrespective of their type of residence or purpose of permanent residence, provided that they are employed in a job establishing mandatory sickness insurance at the time of occurrence of the incapacity for work.

Sickness benefit is granted to all sickness insured persons (compulsorily and voluntarily) who meet the legal conditions for receiving such benefit, regardless of their nationality.

The general condition for acquiring the sickness benefit is occurrence of incapacity for work throughout the duration of sickness insurance or during the protective period.⁴⁸

With regard to employees, the prerequisite is that, during incapacity for work, such insured person has no income that is regarded as income for the purposes of sickness insurance. As for self-employed and voluntarily insured persons, the conditions is that they have fulfilled all their obligations arising from sickness insurance, i.e. have no debts on sickness insurance exceeding EUR 5.00.

A person with voluntary sickness insurance is entitled to sickness benefits only in case s/he was insured for a minimum of 270 days throughout the last two years before occurrence of temporary incapacity for work.

An employee is entitled to the sickness benefit from the 11th day of temporary incapacity for work. During the first 10 days, such employee is entitled to income compensation (see above) paid by the employer. A mandatorily insured self-employed person and voluntarily insured person are entitled to a sickness benefit from the first day of temporary incapacity for work. Sickness benefit is paid for a maximum of 52 weeks. If incapacity for work lasts longer than one year and the reduction of the ability to perform work is over 40%, the insured person enters the pension insurance scheme, and the sickness

⁴⁸ The protective period is the period during which an applicant is entitled to sickness insurance benefits even after termination of the sickness insurance. In general, the protective period is 7 days. If the insured person was insured for sickness purposes for less than 7 days, the protective period corresponds to the duration of insurance. The protective period of a female whose sickness insurance terminated during her pregnancy lasts 8 months.

benefit is replaced by the disability pension⁴⁹. The sickness benefit cannot be combined with any other sickness insurance allowance – maternity allowance, which is further discussed in the next chapter.

Eligibility to the **nursing** benefit as another kind of sickness insurance benefit is subject to similar conditions as eligibility to the sickness benefit. During the drawing of the benefit, employees are required not to have any income that is considered income for the purposes of sickness insurance, and self-employed persons and voluntarily insured persons are also required to have no arrears in sickness insurance. At the same time, the applicant for the benefit must have sickness insurance or be under the protective period at the time the respective entitlement arises.

The nursing benefit is provided to persons with mandatory sickness insurance, as well as persons with voluntary sickness insurance in the two cases. In the first case, the insured person attends, personally and full-time, to a sick child, a sick spouse, a sick parent or a sick parent's spouse whose health condition, according to a medical opinion, requires care by another individual. In the second case, the insured person cares for a child under 10 years of age if that child has been ordered quarantine, or if the pre-school or social service facility providing child care, or the school the child attends have been closed and ordered quarantine by decision of competent authorities, or if the person otherwise caring for the child has become sick, has been ordered quarantine or has been admitted to inpatient care, as a result of which s/he cannot take care for the child.

A person with voluntary sickness insurance is eligible for the nursing benefit only if s/he has been sickness insured for at least 270 days throughout the last 2 years before the occurrence of the need to nurse a family member or to personally attend a child under the age of 10.

The nursing benefit is provided from the date the need to attend to family members or the need to provide personal care for a child occurred, and no longer than for 10 days.

The nursing benefit cannot be combined with other sickness insurance benefits – sickness benefit and maternity benefit, or income compensation.

Like other sickness insurance benefits, the nursing benefit is also paid under the same conditions, irrespective of the nationality of the eligible persons.

⁴⁹ The entitlement to disability pension is not automatic. The applicant must meet the legal conditions; in particular, s/he must have a long enough period of insurance (depending on the applicant's age). Disability or the extent of reduced ability to perform gainful activity is assessed by a medical officer.

3.1.3 Maternity and Paternity Benefits

Maternity and paternity benefits in Slovakia are governed by Act No. 461/2003 Coll. on social insurance, as amended.

These benefits are included in the sickness insurance system of the SR. Entry to the mandatory or voluntary sickness insurance system is subject to the same conditions as the ones described in the previous chapter.

Provided that the conditions have been met, the persons with sickness insurance are entitled to receive a *compensatory allowance* and *maternity benefit*.

Entitlement to the **compensatory allowance** solely pertains to a female employee who is transferred during her pregnancy to another work position because the work previously carried out is prohibited to pregnant women under Slovak legislation or threatens her pregnancy according to a medical opinion, and her income at the new work position is, without her fault, lower than at the work positions held before the transfer.

The female employee has the same entitlement in case she is transferred to another work position during her maternity until the end of the 9th month after childbirth because the work previously carried out is, under Slovak legislation, prohibited to mothers until 9 months after childbirth or if it threatens her health or maternity according to a medical opinion, and her income at the new work position is, without her fault, lower than at the work position held before the transfer.

The very nature of this benefit excludes self-employed persons and unemployed from being eligible to this benefit, as transfer to another work position cannot occur in these cases.

The compensatory allowance is provided for each month of transfer to less paid work, and maximum until commencement of the maternity leave and until the end of the 9th month following childbirth after termination of the maternity leave.

The general condition for entitlement to the **maternity benefit** is the meeting of the legal requirements throughout the duration of sickness insurance or under the protective period. The duration of the protective period is subject to the same provisions as described in the previous chapter.

Entitlement to the maternity benefit pertains to an insured woman who is pregnant or takes care for a new-born child, or another insured person who took over care for the child under 3 years of age. In both cases, the person is eligible for such benefit only in case the beneficiary has contributed to sickness insurance for at least 270 days during the last 2 years before childbirth or before taking over the child into care.

Entitlement to maternity arises 6 weeks before the expected date of childbirth at the latest, but not earlier than 8 weeks, and depending on the fulfilment of legal conditions it is paid during a period of 14 to 43 weeks.⁵⁰ The maternity benefit is only paid under the condition that the insured person takes care for the child.

Other insured person who took the child into care is the child's father if the mother died, or cannot or is not allowed take care for the child for health reasons, or the child's father if agreed with the child's mother (after 6 weeks from the date of birth at the earliest), the husband of the child's mother if the mother cannot or is not allowed to take care for the child for health reasons, the wife of the father of the child if she takes care for a child whose mother died, or any other person taking care for a child by a decision of the competent authority.

Such person is entitled to the maternity benefit from the day s/he takes over the child into care and not later than until the child reaches 3 years of age. In general, the benefit is granted for a period of 28 weeks.⁵¹

Foreign nationals are also entitled to the maternity and paternity benefits irrespective of the type of residence or purpose of temporary residence and under the same conditions as those applying to the nationals of the Slovak Republic.

3.1.4 Old-Age Pensions and Benefits

The conditions of entry to the pension insurance system of the SR and access to pension insurance benefits are laid down in the following laws: Act No. 461/2003 Coll. on social insurance as amended; Act No. 43/2004 Coll. on old-age pension savings and on changes and amendments to some acts as

⁵⁰ In general, the maternity benefit is paid during a period of 34 weeks. This period is extended in the case of single persons (37 weeks) or in case the insured person gave birth to two and more children (43 weeks) and takes care for at least two of them. The period is reduced (14 weeks) in the case of women who gave birth to a dead child.

⁵¹ This period is extended in the case of single persons (31 weeks) or in case the insured person took into care two or more children and takes care for at least two of them (37 weeks).

amended; Act No. 650/2004 Coll. on supplementary pension saving and on changes and amendments to some acts as amended; and Act No. 592/2006 Coll. on the provision of Christmas supplement to some pension beneficiaries and on changes and amendments to some acts as amended.

The Slovak pension insurance scheme is based on a three-pillar structure. The 1st pillar (pension insurance in the strict sense of the term) is a pay-as-you-go pension scheme run by the public Social Insurance Agency which finances the old-age pensions of present pensioners from the pension contributions of insured persons. The 2nd pillar (old-age pension saving) is a capitalisation (saving) pension scheme represented by private pension fund management companies on the accounts of which each insured person saves money for their own pension. The 3rd pillar is voluntary supplementary pension insurance represented by private supplementary pension companies run on a similar basis as life insurance schemes.

There are two types of pension insurance in Slovakia: mandatory pension insurance, and voluntary pension insurance.

Mandatory pension insurance (1st pillar) concerns all employees (except for students performing work under contracts on temporary student job who do not reach the statutory minimum income); self-employed persons whose income exceeds the statutory amount; all natural persons with permanent residence in Slovakia who take proper care for a child under 6 years with permanent residence in Slovakia or until 18 years of age in the case of children with long-term adverse health condition; natural persons with permanent residence in the territory of the Slovak Republic receiving cash benefits for care or providing personal assistance to a person with severe disability during at least 140 hours per month, and natural persons receiving injury annuity.

Voluntary pension insurance (1st pillar) may refer to natural persons after reaching the age of 16 who have permanent or temporary residence in Slovakia and are not granted early retirement pension.

The conditions for entry into the system are identical for nationals of the Slovak Republic, EU/EEA and the Swiss Federation, as well as for third-country nationals.

Entry to the 2nd pillar of the pension saving scheme is voluntary. The condition of entry is to have pension insurance in the 1st pillar and age of the insured person under 35 years.

While the first two pillars are interlinked (entry in the 2nd pillar is conditional on participation in the 1st pillar), the 3rd pillar is fully independent and is open to any individual over 18 years.

Upon meeting the legal conditions, the insured person is entitled to an *old-age pension* and *early retirement pension*.

Entitlement to the **old-age pension under the 1st pillar** pertains to all insured persons upon fulfilment of two conditions –reaching the retirement age and long enough period of participation in the pension insurance scheme.

The retirement age is 62 years for both men and women, while the upbringing of children is not taken into account in the case of women who reach the retirement age after 2014.⁵²

The second condition is to reach a long enough period of pension insurance, which is 15 years at present. The periods of mandatory pension insurance and periods of voluntary pension saving are equivalent.

A saver (who entered the 2nd pillar) is entitled to the **old-age pension under the 2nd pillar**, provided that s/he has reached the retirement age and has participated in this system for at least 10 years.

An insured person is entitled to the **early retirement pension under the 1st pillar** if their pension insurance lasted for at least 15 years, has maximum 2 years to reach the retirement age, and the early retirement pension amount is more than 1.2 times the subsistence minimum per adult person.⁵³

An insured person is entitled to the **early retirement pension under the 2nd pillar** if s/he has been granted early retirement pension under the 1st pillar, reached at least 5 years of participation in the scheme, and the amount of their early retirement pension is more than 0.6 times the subsistence minimum per adult person.

Christmas supplement is a state social benefit (financed from the state budget) designed for certain pension beneficiaries.

⁵² The retirement age for women has been gradually extended since 2004 depending on the number of raised children. In 2014, the retirement age will be identical for men and women regardless of the number of raised children.

⁵³ The subsistence minimum amounts are defined in Act No. 601/2003 Coll. on subsistence minimum and on changes and amendments to some acts as amended. The subsistence minimum amounts are subject to change on an annual basis.

The condition for granting the Christmas supplement is the drawing of the old-age pension or early retirement pension,⁵⁴ domicile in the territory of the Slovak Republic, and the fact that the amount of the pension payable in December of the calendar year does not exceed 60% of the average monthly wage in the national economy reported by the Statistical Office of the Slovak Republic for the calendar year preceding the calendar year in which the Christmas supplement is paid.

The Christmas supplement is paid exclusively to pensioners domiciled in Slovakia, including foreign nationals, regardless of the type of residence, provided that they actually reside the territory of the SR.

3.1.5 Family Benefits

The granting of family benefits in the SR is governed by several legal regulations. The first one is Act No. 235/1998 Coll. on the child birth allowance and on allowances for parents who have three or more children born at the same time or twins more than once in 2 years, as amended. This act regulates three types of family benefits – *childbirth allowance*, *supplement to childbirth allowance*, and *allowance to families who have three or more children born at the same time or twins or more children at the same time more than once in 2 years*.

The childbirth allowance (“allowance”) is a one-time state social benefit (financed from the state budget) which serves as a contribution to cover the costs related to ensuring the basic needs of a new-born child.

This allowance can be claimed by a mother who gave birth to a child, the child’s father if the mother of the child died or if an alert has been issued for such mother, or if the child has been entrusted to his care; by another person who took the child into their care substituting parental care on the basis of a decision of the competent authority.

The condition for receiving this kind of allowance is child birth and permanent residence of the eligible person in the SR. Hence, Slovakia also provides this kind of allowance to foreign nationals with permanent residence in Slovakia, irrespective of the activity performed in the SR with regard to the given type of residence (employees, job seekers, self-employed).

⁵⁴ Besides beneficiaries of old-age pensions and early retirement pensions, the Christmas supplement is also designed for beneficiaries of disability pensions, social pensions, widow’s /widower’s pensions, and orphan’s pensions.

The entitled person shall not be eligible to the benefit if that person, before claiming the benefit, gave permission for adoption of the child, the child has been entrusted to substitute parental care, or the child has been ordered institutional care. The mother of the child is not entitled to such benefit also in case she leaves the medical facility after giving birth without the child and without the consent of the attending physician.

If the entitled person has contributed to mandatory or voluntary public health insurance in the SR for at least 12 consecutive months, she is eligible to the allowance also in case the child is born in the territory of a third country. This entitlement is excluded if the contribution or an equivalent benefit has been paid by the competent institution abroad.

The supplement to the childbirth allowance (“supplement”) is a one-time state social benefit which serves as a contribution to cover the increased costs of ensuring the basic needs of a child born as the first, the second or the third child.

The conditions for acquiring the supplement are identical to the conditions applying to the allowance; the difference is that the supplement can be paid only with the birth of the first, second or third child and under the conditions that the child has lived at least 28 days.

Ineligible to this supplement is a minor mother who has not been granted parental rights, or a mother who did not attend regular medical examinations during her pregnancy, and a mother upon the birth of her second or third child if at least one of her previously born children is ordered institutional care or protective custody by a court decision, or is entrusted into the care of a person different than parents or into foster care, or has been adopted or is in the care of their future adoptive parents, or is entrusted into the care of a natural person or legal entity appointed by the court ordering provisional measure, or is in personal care of a guardian.

The allowance to families who have three or more children born at the same time or twins or more children at the same time more than once in 2 years (“allowance to families”) is a recurrent state social benefit through which the state contributes to entitled persons once per year to increased costs arising in connection with the care for three or more children born at the same time or twins or more children born more than once in 2 years.

This allowance to families can be claimed either by one of the parents of the children (unless an agreement is made between the parents, it is claimed by

the mother), or by the person that took the children into care substituting parents’ care on the basis of a final court decision.

The condition for claiming this benefit is that at least three of the children for whom the allowance to parents is claimed are aged under 15 years, the fact that the beneficiary takes care for the children, and permanent residence of the entitled person and children in Slovakia. Like in the previous cases, this benefit can also be granted to third-country nationals, but only to those with permanent residence in Slovakia.

Entitlement to the allowance to parents does not arise in the case of care for a child that has been ordered institutional care or protective custody.

Another legal regulation governing family benefits is Act No. 600/2003 Act No. 600/2003 Coll. on child allowance and on changes and amendments to Act No. 461/2003 Coll. on social insurance, as amended. This act governs the granting of two family benefits – *child allowance and supplement to child allowance*.

The **child allowance** is a repeated state social benefit (financed from the state budget) by means of which the state contributes to the entitled person for the upbringing and maintenance of a dependent child on a monthly basis.⁵⁵

Eligible to this benefit is the parent of a dependent child, the person whose dependent child is entrusted into a care replacing parental care by a final court decision, or a full-aged dependent child without parents or under parents’ maintenance obligation, or a full-aged dependent child that got married or whose marriage has been dissolved.

The condition for granting the child allowance is primarily the provision of care by the entitled person for a dependent child (does not apply if the entitled person is a child). The entitlement to the benefit would therefore not arise if the dependent child is taken care for in a foster home, in a foster home for unaccompanied minors, in a crisis centre, re-socialisation centre for drug addicts and other addicts, etc., and the reason for such care is execution of a court decision on ordering institutional care, provisional measures or a decision on imposing protective custody or educational actions.

⁵⁵ Dependent child is any child until the end of compulsory school attendance which is 10 years and lasts maximum until the end of the school year in which the child turns 16 years. A dependent child is also a child under 25 of age if studying full-time at a secondary school or college, or if they cannot study or perform gainful activity due to illness or injury.

The second condition is permanent or temporary residence of the entitled person and of the dependent children in Slovakia. The allowance can be granted to third-country nationals with permanent or temporary residence, regardless of the activity they perform in Slovakia. This allowance cannot be claimed only in case the entitled person and the dependent child (in spite of permanent or temporary residence in Slovakia) stay outside the EU/EEA Member States or the Swiss Confederation and if during their stay in that country the entitled person does not contribute to public health insurance in Slovakia.

The supplement to the child allowance is a recurring state social benefit (financed from the state budget) by means which the state contributes on a monthly basis to the upbringing and maintenance of a dependent child to which the tax bonus is not applicable.

Entitled to this supplement are the parents of a dependent child or other person to whom the dependent child has been entrusted into care replacing parental care by a final court decision.

In order to be eligible to the supplement to child benefit, the entitled person must meet, in addition to the conditions for granting the child allowance (care for a dependent child, temporary or permanent residence of the entitled person and of the dependent children in Slovakia), the condition that it must be recipient of the old-age or disability pension and may not perform any gainful activity and may not be granted tax bonus for the dependent child in respect of which that person has claimed a supplement to the child allowance.

The next family benefit is the **parental benefit** granted under Act No. 571/2009 Coll. on parental benefit and on changes and amendments to some acts as amended.

The parental benefit is a recurring state social benefit (financed from the state budget) by means of which the state contributes to the entitled person on a monthly basis to ensure proper care for a child under 3 or 6 years of age⁵⁶.

Entitled to this benefit is the parent of a child or other person to whom the child has been entrusted to care replacing parental care, or the spouse of the parent of the child if the spouse lives with the parent under the same roof.

⁵⁶ The parental benefit is paid until 6 years of the child in the case of a child with a long-term adverse health condition. The limit of the child's age is also extended to 6 years if the benefit is received by a person to which the child was entrusted to care substituting parental care. The benefit is paid for a maximum of 3 years after the first decision on entrusting a child into care becomes final.

The condition for being granted this benefit is proper (not necessarily personal) care for the child and permanent or temporary residence of the entitled person in the SR. The benefits are also granted to third-country nationals with permanent or temporary residence, regardless of the activity they perform in Slovakia. Eligibility to this benefit cannot arise only in case the entitled person and the dependent child (in spite of permanent or temporary residence in Slovakia) stay outside the EU/EEA Member States or the Swiss Confederation and during their stay in that country the entitled person does not contribute to public health insurance in Slovakia.

The parental benefit cannot be combined with sickness insurance benefits – maternity benefit, including where the maternity benefit or an equivalent benefit is paid to an entitled person from abroad. Also, the entitled person cannot be granted parental benefit if they receive a benefit equivalent to the parental benefit from a third country. With regard to recipients of unemployment benefits, the payment of unemployment benefits is suspended while they receive parental benefits.

Act No. 561/2008 Coll. on child care benefit and on changes and amendments to some acts as amended specifies the conditions of access to another family benefit – **the childcare allowance**.

The childcare allowance is a recurring state social benefit (financed from the state budget) by means of which the state contributes to the parent or to another natural person into the care of which a child has been entrusted, replacing parental care, on a monthly basis to cover the costs of care for children up to 3 or 6 years of age with a long-term adverse health condition.

The contribution serves to ensure care for the child at a time when the parent or the person to the care of which the child has been entrusted performs gainful activity or studies at secondary school or college.

To receive the childcare allowance, the entitled person must perform gainful activity or study full time at a secondary school or college. Another condition is that the child is provided care within the Slovak Republic. Care for the child can be provided by the employed or studying parent, or by other natural person or legal entity, such as kindergarten, nursery, etc. The last condition is permanent or temporary residence of the child and of the entitled person within the SR.

This suggests that also third-country nationals with permanent or temporary residence in Slovakia are entitled to this benefit, provided that they also meet the other conditions (they are employed or self-employed).

This allowance is paid monthly on the basis of proven childcare expenses (in cases where the childcare is provided by designated facilities), while the law specifies the maximum amount of the allowance or a lump sum if childcare is provided by a working parent or other natural person.

This allowance cannot be combined with maternity benefits or parental benefits, or with equivalent exported benefits.

Other way of providing support to families with children is the *tax bonus* under Act No. 595/2003 Coll. on income tax as amended.

The **tax bonus** is a lump sum by which each taxpayer with taxable income of at least 6 times the minimum wage within the taxation period can reduce their tax base. The condition for applying this bonus is that such taxpayer maintains a child living with them under the same roof. The tax bonus can be claimed in respect of own child, adopted child, child admitted into a care replacing parental care by a decision of the competent authority, or the child of the other parent. However, only one entitled person can claim this bonus each month. If no agreement is reached, the tax bonus can be claimed in respect of all maintained children in the following order: mother, father, other entitled person.

All taxpayers are eligible to the tax bonus irrespective of their nationality. The difference in claiming such bonus occurs depending on whether it is persons with unlimited or limited tax liability. While taxpayers with unlimited tax liability⁵⁷ are always entitled to the tax bonus upon meeting all legal requirements, the requirement for taxpayers with limited tax liability⁵⁸ is that the share of their taxed income from the SR in their total income is at least 90%.

Act No. 627/2005 Coll. on allowances to support substitute childcare as amended governs a complex of social benefits by means of which the state contributes to the care of a child that has been entrusted by a court decision

⁵⁷ Taxpayer with unlimited tax liability is a natural person who has permanent residence in the territory of the SR or stays in the SR for at least 183 days in the respective calendar year. The subject of tax is income arising from Slovak or worldwide sources.

⁵⁸ Taxpayer with limited tax liability is a natural person who fails to meet the conditions for being classified as taxpayer with unlimited tax liability, or a natural person does meet these conditions, but usually stays in Slovakia only for the purpose of study or medical treatment, or a person who crosses the Slovak borders on a daily basis or within agreed time periods only for the purposes of performing paid jobs the source of which is in the SR. The subject of tax is only income arising from Slovak sources.

or a decision of other competent authority into the personal care of a person other than the parent. These allowances include a *one-time allowance for a child when placed into foster care or upon termination of foster care*, *recurrent allowance for a child entrusted into foster care*, *recurrent allowance to the foster parent*, and *special recurrent allowance to the foster parent*. As the names of the first three allowances suggest, these allowances are intended for children entrusted into foster care, and will therefore not be discussed further.

Recurrent allowance to a substitute parent serves to support the execution of personal care for a child placed into the substitute care of a substitute parent.

The conditions for granting this benefit is that a child has been entrusted by a court decision or a decision of other competent authority into the substitute care of a substitute parent, and that the substitute parent started to take care for the entrusted child, has permanent residence in the SR, and does not execute substitute care in a foster care facility. Hence, this benefit can also be claimed by foreign nationals with permanent residence in the SR.

There is no entitlement to this allowance where the entitled person receives a maternity or parental benefit for the entrusted child or other equivalent benefit from abroad. Also, the allowance cannot be claimed in the case of guardianship or foster care for a child who is a relative of the entitled person in direct line.

The special recurrent allowance to a substitute parent is intended to support the execution of personal care for a child suffering from severe disabilities and entrusted into substitute care.

Eligible to this benefit are substitute parents to whom a child with severe disabilities has been entrusted into substitute care by a court decision or a decision of other competent authority, who started to take care for the child and have permanent residence in the SR. This suggests that this benefit can also be claimed by foreign nationals with permanent residence in the SR.

The benefit cannot be claimed if the substitute parent receives cash benefits for caring for the child, or if the substitute parent provides care services to the child, or if the child receives a cash benefit for personal assistance (long-term care allowances).

The granting of **substitute maintenance payments** is a special way of providing support to families, as stipulated in Act No. 201/2008 Coll. on substi-

tute maintenance payments and on changes and amendments to Act No. 36/2005 Coll. on Family and on changes and amendments of some acts in the wording of the finding of the Constitutional Court of the Slovak Republic No. 615/2006 Coll. as amended by Act No. 554/2008 Coll. and Act No. 468/2011 Coll.

Substitute maintenance payments serve to contribute to the maintenance of a dependent child if the child's parent or other person that has been ordered to pay maintenance contributions fails to fulfil the maintenance obligation in full extent within the set periods and in the manner specified by a decision during at least 3 consecutive months from the due date of the last maintenance payment, and if the enforcement proceedings lasts at least 3 months from the delivery of the proposal for enforcement to the executor and the due person failed to start paying the maintenance contribution, or if the child is not entitled to the orphan's benefit or if the amount of the orphan's benefit is smaller than the minimum maintenance payment.

The condition for maintenance payments is that the entitled person has permanent residence in the SR and actually stays in the SR (except for study abroad when the condition of residence in the SR is deemed to be met), since maintenance payments are not exported. The second condition is that the income of the entitled person does not exceed the statutory limit which is 2.2 times the subsistence minimum.

Maintenance payments can also be claimed by third-country nationals, provided that they have permanent residence in the SR.

3.1.6 Unemployment

Unemployment insurance as a tool to provide income due to unemployment is governed by Act 461/2003 Coll. on social insurance, as amended.

The law distinguishes between two types of unemployment insurance – mandatory insurance and voluntary insurance.

In principle, mandatory unemployment insurance refers to every worker, regardless of the type of employment, except for individuals who also receive old-age pensions, early retirement pensions, invalidity pensions, if their work capacity is reduced by more than 70%, or recipients of disability pensions who have reached the retirement age.

Voluntary unemployment refers to any natural person older than 16 years who registers for voluntary insurance, has permanent or temporary residence in the SR, and does not receive an old-age, early retirement or disability pension. The second condition is that every person voluntarily insured against unemployment must also have voluntary sickness and pension insurance.

Persons voluntarily insured against unemployment can also be any self-employed person with permanent or temporary residence in the SR, provided that they also have mandatory sickness and pension insurance, or if their mandatory sickness insurance and pension have been suspended.

An insured person can claim the **unemployment benefit** if they have been insured against unemployment for at least 2 years during the last 3 years before registering as job-seeker. The same applies to persons who have lost their jobs (mandatorily insured), as well as to persons with voluntary insurance (e.g. entrepreneurs who registered as job-seekers after termination of business activities). In this case, the unemployment benefit is paid throughout the support period which is maximum 6 months.

The unemployment benefit can also be claimed by a worker who registered as a job-seeker after termination of work performed on the basis of a labour contract for a fixed period of time, provided that s/he was insured against unemployment under the labour contract during the last 4 years before registering as a job-seeker, or had voluntary unemployment insurance for at least 2 years and was not mandatorily insured against unemployment under other employment relationship. In such case, the unemployment benefit is paid throughout the support period of 4 months.

The insured are not entitled to receive unemployment benefits for the days during which they are entitled to sickness, nursing or maternity benefits, and for the days during which they receive parental benefits.

The conditions of unemployment insurance and the conditions for granting unemployment benefits for third-country nationals are the same as the ones applying to Slovak citizens. In practical terms, however, the unemployment insurance⁵⁹ of third-country nationals with temporary residence for the purpose of business (self-employed persons) is irrelevant, since the receipt of unemployment benefits is contingent upon termination of business activities, which normally results in the cancellation of temporary residence and the obligation to leave the territory of the Slovak Republic. The same applies to researchers with temporary residence for the purpose of research and de-

⁵⁹ Voluntary insurance in the case of self-employed persons.

velopment and workers performing specific activities (lecturing, art, sports, accredited journalist activities, etc.). The termination of employment means cessation of the purpose of temporary residence which is subsequently cancelled by the ADP.

The same applies to third-country nationals with temporary residence for the purpose of employment. Although they can be registered as job-seekers and can be granted unemployment benefits, if they fail to find a new job within 30 days their temporary residence would be cancelled and they would have to leave the territory of the SR. Unlike Slovak nationals and aliens with permanent residence, they can receive unemployment benefits not for more than one month, since unemployment benefits are not exported. This also applies to highly-qualified workers – EU Blue Card holders, with the exception that the protective period for such workers is 3 months.

In addition to the unemployment benefit, an unemployed person can also be granted certain allowances, in particular if they pertain to the group of disadvantaged job-seekers.⁶⁰ Such allowances to unemployed are financed from the state budget and are considered, together with the support of certain categories of employees and employers, as well as municipalities and higher territorial units as active labour market measures the implementation of which is governed by Act No. 5/2004 Coll. on employment services and on changing and amending certain acts, as amended (hereinafter referred to as the “Act on Employment Services”).

The **contribution to self-employment** serves to partly cover the costs of a job-seeker related to the launch of self-employment. The condition for granting this kind of contribution is that the applicant has been registered as a job-seeker for at least 3 months, has filed a written application, and commits themselves to run self-employment activities continuously during at least 3 years.

The **contribution to on-the-job training** is intended to cover the necessary personal expenses of a job-seeker related to on-the-job training.⁶¹ This contribution is paid monthly throughout the duration of on-the-job training (3–6 months). The contribution is granted to applicants who are under

⁶⁰ Disadvantaged job-seekers is a job-seeker who is long-term unemployed, has a low qualification, is a school graduate, is older than 50 years, is a third-country national under international protection provided by the SR, lives as a single adult with one or more persons dependent on their care or takes care for at least one child before completion of compulsory school attendance, or is a disabled job-seeker.

⁶¹ Under Art. 51, par. 1 of the Act on Employment Services, on-the-job training enables to acquire professional skills and practical experience at an employer corresponding to the attained level of education of the school graduate in the respective category of education or study fields.

26 years of age, have successfully completed their studies (full-time students) less than 2 years ago, had not paid job before registering as job-seekers for more than 6 consecutive months, and have been registered as job seekers for at least one month.

Contribution to activation work in the form of voluntary service is provided to job-seekers to cover the necessary costs of meals, accommodation and travel from the place of permanent or temporary residence to the place of performing voluntary service. The contribution is paid on a monthly basis throughout the duration of the voluntary service and not more than during 6 months. The only requirement for receiving this contribution is performance of voluntary service in a non-profit organisation working in areas specified by the Act on Employment Services. Provided that the statutory conditions have been met, all job-seekers are entitled to this contribution regardless of their nationality and type of residence in the SR.

3.1.7 Guaranteed Minimum Resources

Minimum income for persons who are unable to ensure their basic living conditions on their own, such as one hot meal per day, necessary clothing and shelter, is provided in Slovakia by means of a *benefit in material need (emergency benefit)* and *supplements to the benefit in material need*. Assistance in material need is governed by Act No. 599/2003 Coll. on assistance in material need and on changing and amending some acts, as amended.

Material need means a situation where the income of a natural person and persons who are assessed jointly with that person is lower than the subsistence minimum⁶² and the applicant is not able to ensure or increase their income on their own or together with persons who are assessed jointly with them (spouse and children living with them in a household).

Assistance in material need is guaranteed to Slovak nationals, nationals of the EU/EEA and the Swiss Confederation, as well as to third-country nationals under the same conditions. Nevertheless, it is quite complicated for third countries to obtain benefits in material need, since the granting of such benefit can result in the cancellation of their temporary or permanent residence. This issue is further discussed in Chapter 4.

⁶² The minimum subsistence amount is defined in Act No. 601/2003 Coll. on subsistence minimum and on changes and amendments to some acts as amended. The subsistence minimum amounts are subject to change on an annual basis. As of 01 July 2013, the subsistence minimum amount per adult person was EUR 198.09.

Before granting the **benefit in material need**, the competent Office of Labour, Social Affairs and Family assesses the applicant in respect of their income, as well as whether the applicant is unable to provide for their basic living conditions on their own, especially by work (the office assesses why the applicant does not work), by their assets (the office examines the financial circumstances of the applicant), and whether the applicant has claimed all benefits that s/he is entitled to and which could influence their life situation (such as maintenance payments, sickness benefits, pension insurance benefits, etc.). In case the applicant is assessed jointly with other persons (spouse, children, parents) such persons must undergo the same test. If the applicant is recognised as a person in material need, s/he is entitled to receive the benefit in material need, provided in cash, in-kind, or combined. A natural person – entrepreneur is not considered a person in material need while conducting business activity. Such persons can be granted the benefit only after they suspend the performance of business activity.

The basic benefit in material need would increase by the amount specified in law in the case of pregnant women from the 4th month of pregnancy. The benefit is also increased in respect of parents of a child under one year old, if they prove with a document confirmed by a paediatrician that the child attends preventive check-ups under a special regulation. Under the Act on Assistance in Material Need, the benefit is also provided to a child on a monthly basis to ensure the child's basic living conditions, provided that the child complies with their compulsory school attendance obligation.

In addition to the benefit in material need, a person in material need is also entitled to the following **supplements to the benefit in material need**:

- a) healthcare allowance;
- b) activation allowance (only provided to a person in personal need who increases their qualification during the state of material need, attends programmes aimed to prepare for the labour market, or performs minor municipal services on their own);
- c) housing allowance (only provided to a person in material need who regularly pays the costs of housing);
- d) protection allowance (only provided to a person in material need who are particularly vulnerable due to their social position, e.g. due to disability or due to reaching the retirement age, etc.).

The benefit, as well as the supplement to the benefit in material need are financed from the state budget.

A person in material need may also receive a **one-time allowance in material need** to cover extraordinary costs of, for example, medical care, school aids, etc. Unlike the benefit and the supplement to the benefit in material need, the one-time allowance cannot be claimed on the grounds of entitlement. It is provided by the municipality in which the applicant has their domicile, and is financed from the municipality budget.

A special form of supporting families from weaker social environments is the provision of **social scholarships** to full-time students of secondary schools (including 8-year grammar schools), vocational schools, and practical schools.

The provision of social scholarship is governed by Act 245/2008 Coll. on upbringing and education (School Act) and on changes and amendments to some acts, as amended.

The condition for acquiring social scholarship is that the student comes from a family which has been granted the benefit in material need and supplements to the benefit in material need, or whose one twelfth of income for the calendar year preceding the calendar year in which scholarship is requested is maximum the amount of the subsistence minimum. Another condition is the student's school achievements which cannot be under 3.5 (marks).

The granting of social scholarship is decided by school director. It is paid on a monthly basis, and its amount depends on the applicant's school achievements.

Social scholarships are granted irrespective of nationality.

3.2 Minimum Residence Period as a Condition for Entitlement to Social Security Benefits

The SR does not make entitlement to health care benefits, social insurance benefits, state support benefits and social assistance benefits conditional on the minimum duration of residence in the country. Subject to the legal conditions, third-country nationals are entitled to social security benefits from the date of their temporary or permanent residence permit in Slovakia. An exception applies to certain social insurance benefits the claiming of which depends on the duration of insurance specified in law, which can only be reached after obtaining the residence permit in the SR. These kinds of benefits are discussed in Chapter 3.4.

3.3 Exportability of Social Security Benefits to Other Countries

Social insurance benefits, i.e. sickness benefits, nursing benefits, compensatory allowances, maternity benefits, old-age pensions, early retirement pensions, and widow's/widower's pensions can also be paid to third countries, including countries with which Slovakia has not concluded bilateral social security agreements.

The only social insurance benefit which cannot be exported is unemployment benefit.

State social benefits (family benefits, Christmas supplements, and funeral allowances) are not exportable.

Social assistance benefits (benefit in material need and supplements to the benefit in material need) are not exportable either.

3.4 Minimum Employment Period/Minimum Contribution Period as a Condition for Receipt of Social Security Benefits

With regard to sickness insurance benefits (sickness benefits, nursing benefits, maternity benefits), persons with voluntary sickness insurance are required to have been insured for at least 270 days during a period of 2 years before they claim such benefit. This contribution period must be met by all applicants for benefits, irrespective of their nationality.

The condition for the drawing of an old-age pension and early retirement pension is participation in the pension insurance scheme for at least 15 years.

The condition for receiving old-age pension from pension savings (2nd pillar) is a minimum of 10 years of participation in the pension saving scheme. For drawing an early retirement pension from the 2nd pillar, the applicant is required have cumulatively contributed for at least 15 years to the pension insurance scheme (1st pillar), and for at least 5 years to the pension saving scheme (2nd pillar).

For pension benefits, the same period of contribution is required from all applicants, regardless of their nationality.

The drawing of unemployment benefits is conditional on a minimum of 2 years of participation in the unemployment insurance system during the last 3 years prior to being registered as job-seekers. With regard to employees who have been registered as job-seekers after expiry of their work contract concluded for a fixed period of time, a minimum 2-year period of participation in the unemployment insurance system during the last 4 years is required.

The required period of contribution to the unemployment insurance system is the same for all applicants for unemployment benefit, regardless of their nationality.

3.5 Migrant-Specific Conditions Attached to Social Security Benefits

The only specific condition imposed by Slovak legislation on applicants in respect of certain family benefits is permanent residence in the Slovak Republic. It cannot be affirmed that this is a migrant-specific condition. This condition must be met not only by third-country nationals, but also by nationals of the Slovak Republic. Entitlement to benefits is therefore not conditional on citizenship, but on permanent residence in Slovakia. This specifically refers to the childbirth allowance, supplement to the childbirth allowance, parent's allowance, maintenance payments, recurrent substitute parent allowance, and special recurrent substitute parent's allowance.

The SR does not apply any other conditions for granting social security benefits specifically meant for third country nationals.

04

Administrative Practices that Affect Third-Country Nationals Access to Social Security Benefits

According to the study specifications, this chapter is expected to deal with discretionary criteria that affect the third-country nationals' access to social security benefits. Discretionary criteria mean the application of special conditions for migrants which enable the acting officer to consider, while deciding whether or not to grant benefits, whether such applicant meets the condition for being granted the benefit in their particular situation. An example for discretionary criteria is a test of habitual residence under which the acting officer examines the applicant's relationship to the country in which s/he claims the benefit.

The Slovak social security legislation is rather rigid, and excludes the possibility of correct discretion in deciding on social security benefits. All applicants are entitled to social security benefits, provided that they meet the exhaustive list of conditions that are specific enough (for example, the applicant must have temporary residence in the SR, or may not receive maternity benefits or other equivalent benefits from abroad; or the applicant must have

unemployment insurance for at least 2 years, etc.), as a result of which the competent authority or specific officer does not have the possibility to modify or amend these conditions in any manner.

The only exceptions are *one-time allowances in material need and contributions to self-employment*. The one-time allowance in material need cannot be claimed on the grounds of eligibility, and its granting is subject exclusively to the assessment by the municipality which grants this benefit. It usually depends on the financial situation of the municipality (whether it has allocated funds for the provision of this kind of benefit) and on the particular social situation of the applicant. The contribution to self-employment depends on the assessment of the effectiveness, feasibility and purpose of the applicant's business plan. The assessment criteria are laid down in the COLSAF's internal regulation.

None of these cases refers to assessment of migrant-specific conditions or conditions related to the applicant's relationship to the SR.

This chapter therefore focuses on the impact of applying for social security benefits on migrants' legal status, and describes the services provided by the competent authorities to migrants applying for social security benefits.

4.1 The Effect of Applications for Social Security Benefit on the Migrants' Legal Status

Economic self-sufficiency of third-country nationals is one of the conditions for the granting of temporary and permanent residence permits in Slovakia.

Third-country nationals are obliged to meet all the conditions of residence throughout the duration of their temporary or permanent residence. Failure to do so shall result in revocation of the alien's residence permit by the local aliens police department.

Hence, if a third-country national with temporary residence (for the purpose of business, employment, special activities, research and development, family reunification, or with the status of long-term resident in another Member State) applies for a benefit in material need, their temporary residence permit would be cancelled. Nevertheless, the APD PFP is obliged to examine in such cases the effects of revocation of temporary residence in particular with respect to the private and family life of the third-country national.

Temporary residence of an EU Blue Card holder is subject to special legislation which explicitly obliges the aliens police department to instruct the applicant for the Blue Card of the fact that the filing of the application for a benefit in material need would result in the cancellation of temporary residence. It is otherwise not possible to cancel temporary residence for this purpose.

Third-country nationals with permanent residence are subject to similar rules as those applying to temporary residence. If a third-country national with permanent residence applies for a benefit in material need, their permanent residence can be withdrawn only if the consequences of the cancellation of residence were inadequate to the reason for the cancellation of residence, with particular regard to their private and family life. Long-term residence (granted under Council Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents) as one of the types of permanent residence granted in the SR is an exception in this context, as it cannot be cancelled solely because the third-country national has ceased to meet the condition of economic self-sufficiency.

Also, permanent residence may not be cancelled in respect of certain groups of persons. The first group includes aliens who have been granted permanent residence on the grounds that they are protected witnesses in court procedures, or are stateless persons, or hold a permanent residence permit for reasons recognised as valid, or at the request of the Slovak Intelligence Service due to the security interests of the Slovak Republic. The second group are third-country nationals who have been granted permanent residence for a period of 5 years on the ground that they were either single children under 18 years of age entrusted into the personal care of a third-country national who is the spouse of a citizen of the Slovak Republic with permanent residence in Slovakia, or single children under 18 years of age of a third-country national with permanent residence for a period of 5 years, or children under 18 years of age entrusted into the care of a third-country national with permanent residence for 5 years, and who, after reaching the age of 18 years, run business, are employed, study, conduct research or development, or perform any of the specific activities (arts, sports, lecturing, etc.) in the SR.

The applying for other social security benefits has no negative impacts on the legal status of third-country nationals. The situation is different in cases which produce the need to apply for a benefit. Although the application for unemployment benefit as such does not result in the cancellation of residence, like in the case of the benefit in material need, the actual state of unemployment may result in a situation where the third-country national's temporary residence is revoked due to cessation of the purpose of this type of residence (refer to Chapter 3.1.6).

The situation concerning invalidity and, in exceptional cases, retirement is similar to unemployment. The state of invalidity or old age can lead to the inability to continue fulfilling the purpose of temporary residence (work, run business), as a result of which the temporary residence may be cancelled. Unlike unemployment benefits, invalidity benefits, accident benefits and old-age pension benefits are exportable. In such case, third-country nationals would not lose their entitlement to receive such benefits in spite of the fact that they would have to leave Slovakia.

4.2 Services Provided to Third-Country Applicants for Social Security Benefits

The Slovak authorities responsible for receiving applications for social security benefits and for the payment of benefits communicate with clients in the state language. The bilateral agreements described in Chapter 5 contain more favourable provisions which oblige state authorities to also accept applications for social security benefits filed in the language of the contracting state or in other language agreed in the bilateral agreement.

Depending on the particular state authority, information on the conditions of entry in the social security system and on the conditions of receiving social security benefits is also provided to customers in foreign languages.

The Social Insurance Agency provides basic information on social security benefits also in English and German. This information is available on the website of the Social Insurance Agency www.socpoist.sk. The Social Insurance Agency also has e-mail addresses which can be contacted with client questions in English or in German, as well as a phone line on which it is possible to communicate with the staff of the Social Insurance Agency in English or in German.

The Social Insurance Agency does not provide interpreting and translation services.

On its website www.upsvar.sk, the COLSAF provides basic information in English related to the provision of basic social security benefits the payment of which falls under the competence of the offices of labour, social affairs and family.

According to the information from COLSAF, situations when the institution is contacted by clients with requests in foreign languages are rare and are handled on an ad-hoc basis in cooperation with the employer of the alien or non-governmental organisations providing assistance to foreigners in Slovakia.

Information in English on health insurance can be found on the website of health insurance companies www.vszp.sk, www.union.sk and www.dovera.sk.

An important role in informing third-country nationals of their rights and obligations with regard to social security is played by non-governmental and international organisations. The IOM under the Migration Information Centre project regularly organises One-Stop-Shop consulting days, providing third-country nationals with comprehensive information free of charge in cooperation with the BBAP PFP, the COLSAF, and health insurance companies.

05

External Dimension of Social Security

This chapter deals with bilateral agreements on social security and healthcare that the SR concluded with third countries, with primary focus on the following aspects:

- a) whether the agreement enables the third-country national to remain subject to social security law in their home country throughout the duration of employment in the SR;
- b) whether the agreements guarantee equal treatment to applicants for social security benefits, and with regard to which types of benefits; and
- c) whether the agreements guarantee the possibility to export social security benefits to the territory of the other contracting country.

We will also focus on the extent of application of individual bilateral agreements on social insurance in practice, and will describe the way the SR pays cash social security benefits to its own citizens staying in countries with which it has no bilateral agreements concluded.

5.1 Bilateral Agreements on Social Security

- 1) Agreement between the SR and Australia on social security, signed on 21 September 2010. The agreement came into force on 01 January 2012.
- 2) Agreement between the SR and the State of Israel on social security, signed on 15 June 2010. The agreement came into force on 01 January 2012.
- 3) Agreement between the Czechoslovak Republic and the Federative Republic of Yugoslavia on social security, signed on 22 June 1957. The agreement came into force on 01 December 1957.
- 4) Agreement between the SR and Canada on social security, signed on 21 May 2001. The agreement came into force on 01 January 2003.
- 5) Agreement between the SR and the Republic of Korea on social security, signed on 09 February 2009. The agreement came into force on 01 March 2010.
- 6) Agreement between the Czechoslovak Republic and the Union of Soviet Socialist Republics on social security, signed on 02 December 1959. The agreement came into force on 01 July 1960.
- 7) Agreement between the SR and the Republic of Serbia on social security, signed on 02 March 2012. The agreement came into force on 01 March 2013.
- 8) Agreement between the SR and Ukraine on social security, signed on 05 December 2000. The agreement came into force on 01 January 2002 (as amended by Amending Agreement of 11 October 2007, which came into force on 01 July 2009).
- 9) Agreement between the SR and the Republic of Turkey on social security, signed on 25 January 2007. The agreement came into force on 01 March 2013.
- 10) Agreement between the Government of the SR and the Government of Quebec on social security, signed on 25 February 2003. The agreement came into force on 01 August 2005.
- 11) Agreement between the SR and the United States of America on social security, signed on 10 December 2012. The agreement has not come into force yet.⁶³

The MoLSAF SR conducts negotiations on conclusion of other bilateral agreements on social security with Japan, Montenegro and the Former Yugoslav Republic of Macedonia.

⁶³ As of October 2013.

5.2 Contents of Bilateral Social Security Agreements

5.2.1 The Possibility for the Worker to Remain Subject to the Social Security Legislation of the Sending State

Bilateral social security agreements concluded between Slovakia and third countries rarely allow certain categories of employees to be subject to the social security system of their country of origin while working in the SR.

This mainly refers to diplomatic staff under the Vienna Convention on Diplomatic Relations of 18 April 1961 or the Vienna Convention on Consular Relations of 24 April 1963.

Another group consists of civil servants who, if temporarily posted to another contracting state, may remain subject to the social security legislation of their country of origin.

The third group is specific categories of employees whose status is governed by international law, i.e. workers in international traffic, ship crews and aircrews.

Posted workers also remain subject to the social security legislation of their home country while posted to Slovakia. Some bilateral agreements, especially the more recent, limit the right to remain subject to the national social security legislation by the maximum posting period (24–60 months). However, since this category of expatriates is not the subject of this study, it will not be discussed further.

Most bilateral agreements allow self-employed persons conducting business activities in the territories of both contracting states to remain, under certain conditions, subject to the national social security legislation of their country of origin. They should therefore be subject to the legislation of both states.

The agreement with the State of Israel conditions the remaining subject to the national social security system by the fact that the self-employed person has their domicile in the territory of the other state while conducting business in the SR.

The agreements with Canada and the Province of Quebec make the remaining in the national social security system conditional on the fact that the self-employed person subject to the bilateral agreement is not permanently resident in Slovakia.

The agreements with the Republic of Korea, the Republic of Serbia, the Republic of Turkey, and the United States limit the period of conducting business in the SR during which a self-employed person must not be subject to the social security system of the Slovak Republic: 60 months for the Republic of Korea and the U.S., and 24 months for the Republic of Serbia and the Republic of Turkey.

The agreements also contain a clause whereby it is possible to extend in writing the categories of workers who would remain subject to the social security legislation in their home country while working in the territory of the other state.

5.2.2 Equal Treatment

The agreement with Australia guarantees foreign nationals (regardless of their citizenship) domiciled in Australia, as well as persons whose right is derived from the rights of such foreign nationals, the right to equal treatment with regard to old-age pensions, invalidity pensions, and survivors' pensions.

The agreement with the State of Israel guarantees the nationals of one contracting state domiciled in the territory of the other state, as well as survivors of such persons the same rights and obligations under the legislation of the contracting state as the nationals of that state have with regard to pension benefits (retirement and disability pension), accident benefits (accidents at work and occupational diseases), and state social benefits (child allowance and funeral allowance).

The agreement with the former Federal Republic of Yugoslavia guarantees Slovak nationals and the nationals of the successor states⁶⁴ of the former Federal Republic of Yugoslavia equal treatment in the field of sickness benefits, maternity benefits, old-age pension benefits, disability benefits, survivor's benefits, benefits resulting from accidents at work and occupational diseases, and child benefits.

The agreement with Canada guarantees all individuals (regardless of their nationality) who are subject to the social security legislation of either party, as well as survivors of such persons the same rights and obligations related to retirement, disability and survivors' benefits as the citizens of that state.

⁶⁴ This agreement is not exercised against the nationals of Slovenia and Croatia who are subject to the Regulation (EC) No. 883/2004 of the European Parliament and of the Council on the coordination of social security systems, and against the nationals of the Republic of Serbia which Slovakia concluded a separate bilateral social security agreement.

The agreement with the Republic of Korea guarantees all individuals (regardless of their nationality) who are subject to the social security legislation of either party, as well as survivors of such persons the same rights and obligations related to retirement, disability and survivors' benefits as the citizens of that state.

The agreement with the former Union of Soviet Socialist Republics (USSR) guarantees Slovak nationals and the nationals of some successor states of the former USSR⁶⁵ with permanent residence in the territory of the other contracting state the same rights and obligations in all areas of social security, including healthcare, as the citizens of that state.

The agreement with the Republic of Serbia guarantees all persons who are or were subject to the legislation of one contracting state, as well as persons whose right is derived from the right of such persons, the same rights and obligations in the area of health insurance and healthcare, old-age pension insurance, health insurance, accident insurance, unemployment insurance and child benefit.

The agreement with Ukraine guarantees all persons subject to the legislation of one contracting state and persons whose right is derived from the right of such persons equal treatment under the legislation concerning old-age pensions, disability pensions, survivor's benefits, sickness benefits, cash maternity benefits, assistance in nursing a family member, compensatory allowances during pregnancy and maternity, and funeral allowances.

The agreement with Turkey guarantees all persons (regardless of their nationality), who are or were subject to the social security legislation of one contracting state and have their habitual residence in the territory of one of the contracting states, as well as persons whose right is derived from the right of such persons, the right to equal treatment in the area of pension insurance (old-age, invalidity and survivors' pensions), accident insurance (insurance against accidents at work and occupational diseases), unemployment insurance, funeral allowances, and family benefits.

The Agreement with the Province of Quebec guarantees all persons covered by the social insurance legislation of the contracting states, as well as persons whose right is derived from such persons, the same rights and obligations in the area of old-age pensions, invalidity pensions, and survivors' pensions.

⁶⁵ This agreement is exercised against the nationals of the Russia, Belarus, Kazakhstan, Kyrgyzstan, Uzbekistan, Tajikistan, Turkmenistan, Armenia and Azerbaijan.

The agreement with the United States guarantees to all persons who are or have previously been subject to the social security legislation of one of the contracting states and persons whose right is derived from the right of such persons, and who reside in the territory of the other contracting state the same status with regard to the legislation of the other contracting state in respect of entitlements to benefits or entitlements to being granted such benefits as the citizens of the other contracting state. The agreement covers exclusively the area of pension benefits, disability benefits and survivors' benefits.

5.2.3 Export of Social Security Benefits

The agreement with Australia ensures that benefits to be paid by one contracting state under the agreement shall also be paid to persons residing or staying in the territory of the other contracting state.

The agreement with the State of Israel contains a provision under which the competent authority of one contracting state pays benefits under the agreement directly to the beneficiary residing or staying in the territory of the other state (in euro currency). Exceptions are made by social benefits the export of which is not allowed under the Slovak legislation.

Under the agreement with the former Federal Republic of Yugoslavia, where one of the contracting states makes the acquisition, preservation, renewal or enjoyment of social security benefits conditional on residing in its territory, this condition shall not apply to the nationals of the contracting states if the beneficiary stays in the territory of the other contracting state. The social security benefits of one contracting party shall also be paid to the nationals of the other party residing in the territory of a third party under the same conditions as those applying to its own nationals staying in the third country. Child allowances are an exception here, as their export is not allowed by the Slovak legislation.

The agreement with Canada guarantees the payment of benefits to eligible persons both to the other contracting state and to a third country on behalf of the state paying the benefits.

The agreement with Korea guarantees the payment of benefits directly to eligible persons to the territory of the other contracting state in freely convertible currency. In the event that a citizen of one of the parties is domiciled outside of the territory of the contracting states, the respective contracting state shall pay the benefits under the same conditions as those applying to its citizen residing outside the territory of the contracting states.

The agreement with the former USSR does not allow exporting social security benefits to the territory of the other party. This relates to the specific social security system in respect of the citizens of the contracting parties specified in the agreement, under which all benefits are paid to entitled persons by the authority of the contracting state in the territory of which such entitled persons have permanent residence.

The agreement with the Republic of Serbia guarantees the export of benefits (except for unemployment benefits) to the territory of the other contracting state. Outside of the territories of the contracting states, the contracting state pays benefits to entitled persons under the same conditions as to its own citizens. Benefits are paid directly to the beneficiary in freely convertible currency.

The agreement with Ukraine guarantees payment of benefits to the territory of the other party in freely convertible currency. In the event that a citizen of one of the contracting states is resident outside the territory of the contracting states, the contracting state shall pay benefits under the same conditions as those applying to its own citizens residing outside the territories of the contracting states. The payment of funeral allowances is governed by the legislation of the contracting states, while the Slovak legislation does not allow the export of this benefit.

The agreement with the Republic of Turkey guarantees the export of benefits to the territory of the other contracting party, as well as to the territory of any third state, provided that the entitled person is domiciled in that state, and the benefits are paid on behalf of the state whose competent institution executes the payment. The payment of family benefits, funeral allowances and unemployment benefits is governed by the laws of the state which pays the benefits. The Slovak legislation does not allow exporting family benefits, funeral allowances or unemployment benefits.

The agreement with the Province of Quebec guarantees the payment of the benefits of one contracting state to the territory of the other contracting state, as well as to a third country in the territory of which the entitled person resides, in a freely convertible currency.

The agreement with the United States guarantees payment of benefits to persons subject to the provisions of the agreement under the same conditions as those applying to the contracting state's own nationals. Benefits are paid on behalf of the other contracting state.

5.2.4 Other Provisions of Relevance to the Coordination of Social Security Systems with Third Countries

All agreements listed above contain provisions on the possibility to take into account the insurance periods acquired in the other contracting state in case the applicant fails to qualify for the benefit under the legislation of the former contracting state due to the fact that s/he failed to reach the required insurance period in the former contracting state.

The agreements also contain provisions on the minimum period of insurance in the contracting state needed for the granting of benefit under the agreement, as well as provisions on the method of calculation of the amounts of benefits.

Equally important for the coordination of social security systems are provisions on mutual provision of assistance between the authorities of the parties exercising the relevant provisions of the agreement, on the language of communication, and on the ways of resolving potential disputes arising from the agreements.

These agreements considerably facilitate the exercise of the right to social security benefits for eligible persons in the different contracting states, since they enable to submit applications for benefits payable from another contracting state through a competent authority in their home country and in the local language, and the applications are exempt from any fees (on the basis of the principle of reciprocity) and without the need for further certification of the authenticity of documents whose authenticity and validity has been certified by the competent authority in the contracting state.

5.3 Extent of Practical Application of Bilateral Social Security Agreements

The Social Insurance Agency which is responsible for the payment of social insurance benefits in the SR on the basis of bilateral social security agreements does not keep records on pensioners who have claimed any of the available types of pensions under these agreements. The extent of applications of bilateral social security agreements can only be estimated on the basis of payments made into third countries with which such agreements have been concluded (Table 2).

The export of benefits does not mean that a pension is paid on the basis of a bilateral social security agreement. In principle, the SR does not restrict the export of social insurance benefits, including in respect of third countries with which it concluded bilateral social security agreements (see Chapter 5.4). Table 2 presents, besides persons benefitting from social security agreements, all other beneficiaries of old-age, invalidity and survivor's pensions who reside in the territory of a contracting state.

The bilateral agreement with the former Union of Soviet Socialist Republics constitutes a specific case and currently applies to the successor countries (the Russian Federation, Republic of Belarus, Republic of Kazakhstan, the Kyrgyz Republic, the Republic of Uzbekistan, the Republic of Tajikistan, the Republic of Turkmenistan, the Republic of Armenia, the Republic of Azerbaijan). Under this agreement, social security benefits are paid by the contracting state in the territory of which the eligible person has permanent residence. For this reason, benefits are not exported to these countries.

5.4 Export of Social Security Benefits in the Event of Nonexistence of a Bilateral Social Security Agreement

With regard to export of social insurance benefits to other countries, the SR applies the rule of equal treatment. Where the law allows export of particular benefits, the competent authority would pay, at the request of the eligible person, the benefit abroad, irrespective of the nationality of that person.

Sickness insurance benefits, including maternity and paternity benefits (under the social security system of the SR, these benefits are treated as sickness insurance benefits), can be paid abroad to a natural person who has sickness insurance under the legislation of the Slovak Republic regardless of whether or not the SR has concluded a bilateral social security agreement with that state.

The payment of benefits abroad is executed either by means of bank cheques or by bank transfer to the insured person's bank account abroad.

Pension insurance benefits (old-age, invalidity and survivor's pensions) can also be exported to third countries with which the SR has not concluded bilateral social security agreements. The benefits are paid in arrears within 3 months after prior confirmation that the pensioner is alive. The benefit can

be transferred to the beneficiary's bank account or can be paid by means of a bank cheque. State social benefits falling under this category (Christmas supplement and funeral allowance) are not exportable.

Accident benefits can also be paid to countries with which the Slovak Republic has not concluded a bilateral social security agreement in the same manner as accident benefits are paid in the Slovak Republic or to the EU/EEA and Switzerland, i.e. by bank transfer or by postal order to the address of the injured person.

Unemployment benefits, family benefits, long-term care benefits, and benefits in material need are not exportable.

Table 2: Export of old-age, disability and survivor's pensions to countries with which the SR concluded bilateral agreements

Country	Paid abroad		Paid to a Slovak account		Total	
	Number of pensioners	Number of pensions	Number of pensioners	Number of pensions	Number of pensioners	Number of pensions
Australia	481	496	92	98	573	594
Israel	24	29	15	16	39	45
Bosnia and Herzegovina	15	16	1	1	16	17
Former Yugoslav Republic of Macedonia	7	7	0	0	7	7
Montenegro	5	5	1	1	6	6
Canada*	736	785	211	219	947	1004
Korea	0	0	0	0	0	0
Serbia	46	47	3	3	49	50
Ukraine	26	30	4	5	30	35
Turkey	1	1	0	0	1	1
USA**	453	480	394	404	847	884

* Including the Province of Quebec.

** The Agreement between the SR and the USA on social security has not come into force yet (October 2013).

Source: Social Insurance Agency.



Case Studies

The case studies of the couples Tho and Lien, Jasmine, and Senghor presented in this chapter help to describe the administrative procedures that third-country nationals need to undergo in case they decide to apply for social security benefits in the SR as a result of their particular life situation. For each of the three case studies, we present the conditions for acquiring the benefits, assess the possibilities of succeeding for the applicant applying for the benefit, and draw attention to potential risks that the applying for the benefit can bring in relation to the applicant's legal status.

Case Study 1: Tho and Lien

Tho (28) and Lien (30), a married couple holding Vietnamese citizenship, aged 28 and 30, moved to the Slovak Republic 10 years ago. They hold long-term residence permits. Tho has worked in a car manufacturing company for the last 8 years, paying obligatory insurance contributions throughout this time. Lien has worked as a chef in the restaurant of a large hotel, also paying obligatory insurance contributions, for the last 2 years. Tho and Lien are expecting the birth of their first child in 6 weeks' time. Last week, the car manufacturing company where Tho works announced that they were making him redundant. Faced with the loss of Tho's income at a time when Lien would need to take time off work, following the birth of their child, Tho decided to apply for unemployment benefits while Lien applied for maternity benefits.

After expiry of the notice period, Tho can contact the local Office of Labour, Social Affairs and Family according to the place of his permanent residence in the SR and ask for registration as a job seeker. The application must be submitted in writing by completing the prescribed form. Together with the application, Tho must submit a document proving termination of employment (notice of termination of employment by the employer, or agreement on termination of employment), a photocopy of the records of previous jobs, photocopy of the attained level of education, and his identity document.

If Tho requests to be included in the register of job-seekers within 7 days after termination of his employment, he will be registered from the day following the date of termination of employment. If he requests registration after expiry of that period, he will be registered from the date of filing the application.

The Office of Labour, Social Affairs and Family would issue to Tho a document certifying that he has been registered as a job-seeker. This document serves as a basis for making a decision on the granting of unemployment benefit. The office would instruct him on how to apply for the unemployment benefit.

Tho can apply for the *unemployment benefits* at the local office of the Social Insurance Agency according to his place of residence in the Slovak Republic. In this office, Tho would fill in the application for unemployment benefit and present the document of registration as a job-seeker. His application must be decided by the branch office of the Social Insurance Agency within 60 days; he becomes eligible to the benefit on the day of registration as a job-seeker.

Whereas Tho meets the basic condition for being granted unemployment benefit by having contributed to unemployment insurance for 2 years (i.e. 730 days) during the period of 3 years before registering as a job-seeker, the decision on the benefit would be positive.

Unemployment benefits would be paid during the support period (assuming that he has not entered any employment) of 6 months, and the amount of the benefit would be 50% of the daily assessment base over the previous 2 years. Lien can apply for the *maternity benefit* at the local branch office of the Social Insurance Agency according to the place of her residence in Slovakia. The application form is provided by the attending physician usually 8-6 weeks before the expected date of birth. The request must be confirmed by the employer and delivered to the competent branch office of the Social Insurance Agency.

The application shall be decided by the Social Insurance Agency branch office within 60 days from the day of its delivery.

Since Lien meets the conditions for being eligible to receive benefits, i.e. pregnancy, entitlement to the benefit during the period of insurance, the period of sickness insurance is at least 270 days during the last 2 years before giving birth, has no other income that could be considered as income for the purposes of sickness insurance, the decision on the application will be positive.

The maternity benefit would be paid to Lien from the beginning of the 6th week before the expected date of birth during 34 weeks, and would represent 65% of her average earnings in the previous year.

After childbirth, Tho and Lien can also apply for family benefits: *childbirth allowance, supplement to childbirth allowance, and child benefit*. After the elapse of the support period related to the payment of the maternity benefit, Lien is also entitled to the *parental benefit or childcare allowance*. One of the parents could also claim a *tax bonus* for the child.

Case Study 2: Jasmine

Jasmine is a single parent, aged 29, holding Filipino citizenship, who moved to Slovakia 2 and a half years ago. She has a 2-year old child (also holding Filipino citizenship) that lives with her in Slovakia and another child aged 5 that lives in the Philippines with Jasmine's mother. She holds a temporary/salaried worker residence permit that has been renewed once. Jasmine has worked as a nurse in a residential day-care unit for 2 and a half years. She sends a small amount of money every month to the Philippines to help support her daughter. Last month, Jasmine's employer announced significant cuts in staff salaries in response to budget reductions. Faced with a significantly reduced income, Jasmine has moved into a hostel as she can no longer afford to rent private accommodation. She has also been forced to halve the amount of money she sends to her family in the Philippines every month. She has decided to apply for family benefits and guaranteed minimum resources.

Jasmine can apply for *parental benefit or childcare allowance and child allowance* at the Office of Labour, Social Affairs and Family according to the place of her temporary residence.

The application for *parental benefit* is submitted on prescribed form, and must be accompanied by the child's birth certificate, residence document, and passport.

The application shall be decided by the Office of Labour, Social Affairs and Family within 30 days from the submission of the application.

With a 2-year-old child Jasmine would be successful, since the precondition for granting the benefit is care for a child under 3 years old and permanent or temporary residence in Slovakia. The OLSAF would therefore pay to Jasmine a parental benefit of EUR 199.60 until her child reaches 3 years.

The childcare allowance would be an alternative to the parental benefit, provided that Jasmine does not take care for the child on her own, but entrusts the child into the care of a specialised natural person or legal entity (e.g. nursery) and performs gainful activity.

This application should also be submitted to the local Office of Labour, Social Affairs and Family on prescribed form, and must be accompanied by residence documents, the child's birth certificate, confirmation of the facility on

providing care for the child, and confirmation of employment. The application shall be decided by the Office of Labour, Social Affairs and Family within 30 days from the submission of the application. In this case, Jasmine would be entitled to a childcare allowance in the amount of more than EUR 230 per month, depending on the actual costs incurred in respect of the childcare (e.g. receipts from the provider of care). This allowance would also be paid until the child reaches 3 years of age at the longest.

Jasmine can also apply for *child allowance*. The application should be again lodged at the local Office of Labour, Social Affairs and Family on prescribed form, and needs to be accompanied by passports, residence document, and the child's birth certificate.

The application shall be decided by the Office of Labour, Social Affairs and Family within 30 days from the submission of the application.

Although child allowance may be requested for each child, Jasmine would only be successful with her 2-year-old child, as the condition for acquiring this benefit is that the entitled person and their child must stay in the territory of the SR. Jasmine would thus be entitled to a monthly amount of EUR 23.10 until completion of compulsory school attendance of the child and maximum until the age of 25 years of the child.

Jasmine may also claim the *tax bonus* for her 2-year old child (she meets the condition of living under the same roof only with regard to this child), either with her employer by presenting the child's birth certificate, or as a deductible item in her tax return. The condition is that her annual income is at least 6 times the minimum wage in the Slovak Republic. At present, the tax bonus is provided in the amount of EUR 21.41.

Jasmine could also apply for *benefit in material need and supplements to the benefit in material need* at the local Office of Labour, Social Affairs and Family according to her place of residence in the SR. The application must be submitted in the prescribed form and must be accompanied by documents certifying her income (employment contract, payslips, decision on granting parental benefit, etc.), as well as documents certifying her financial circumstances (in particular, her potential ownership of a real estate, a car, etc.). When assessing her entitlement to this benefit, the office would also examine whether Jasmine has applied for all benefits under the law to provide for income, such as parental benefit or maintenance payments for a child assessed jointly with her.

In order to meet the condition of maximum income, her income from employment and income from parental benefit, including potential income from other sources (maintenance payments) may not exceed the amount of EUR 279.51 (subsistence minimum amount for an adult person assessed jointly with a child).

The granting of the benefit in material need and supplements to the benefit in material need shall be decided by the competent Office of Labour, Social Affairs and Family within 30 days from the submission of the application. In the case of a positive decision, Jasmine would be entitled to a benefit in the amount corresponding to the difference between her entitlement and her income. The benefit would be paid throughout the period during which the applicable conditions are met.

If, however, Jasmine applied for the *benefit in material need* at the competent aliens police department, it would probably cancel her temporary residence and the temporary residence of her child, and they would have to leave the territory of the Slovak Republic.

Case Study 3: Senghor

Senghor is a high-skilled worker from Senegal. He arrived in Slovakia 6 years ago with a temporary residence permit arranged through the IT company that employed him. Senghor is single and does not have children, but has recently succeeded in bringing his elderly mother to the country on the basis of family reunification. Aged 80, his mother is entirely dependent on Senghor's income. Last week, Senghor suffered an accident at work that left him incapable of carrying out the work for which he was employed for a period of 3 years. He decided to apply for invalidity benefits, sickness benefits and family benefits and benefits in respect of accidents at work and occupational diseases.

Senghor would apply for a sickness insurance benefit – *sickness benefit* – at the local branch office of the Social Insurance Agency through his employer. The attending doctor would issue a document confirming his temporary incapacity for work which serves as an application for *income compensation during temporary incapacity for work of the employee* (benefits paid by the employer during the first 10 days of his incapacity for work), *sickness benefit*, and also accident benefit – *injury allowance*, since Senghor's incapacity for work was caused by an accident at work.

Since Senghor's incapacity for work occurred during the period of his sickness insurance and Senghor has no other income that could be considered as income for the purposes of sickness insurance, he would be paid income compensation for temporary incapacity for work corresponding to 25% of his average salary in the previous calendar year during the first 3 days of temporary incapacity and 55% of his average salary in the previous calendar year from the 4th day of temporary incapacity, followed by a sickness benefit from the 11th day of temporary incapacity for work in the amount of 55% of his average salary in the previous calendar year. Since Senghor's incapacity resulted from an accident at work and he has also claimed the accident allowance, this benefit would increase to 80% of his average salary in the previous calendar year from the first day of his incapacity for work.

The sickness benefit, including accident allowance, is paid during the support period which is a maximum of 52 weeks.

As a result of his accident at work, Senghor can also claim at the local branch office of the Social Insurance Agency one-time sickness insurance benefits – *pain compensation and compensation for difficulties with social integration*.

The applications must be accompanied by a medical opinion with the assessment of pain and suffering under the relevant legislation. If in doubt, the accuracy of the medical opinions is reviewed by the medical office of the Social Insurance Agency. The amount of benefits depends on the number of points assigned to the pain and loss of social position stated in the medical opinion.

In the event that during the process of treatment of his injury Senghor underwent, on specialist's recommendation, treatment the costs of which are not covered by health insurance, he is entitled to *reimbursement of such costs associated with treatment*.

Senghor can apply for reimbursement of the cost of treatment at the competent branch office of the Social Insurance Agency, which would, upon receiving the medical officer's opinion on a reasonable use of the costs of treatment, reimburse the costs at a maximum amount of EUR 25,187.50⁶⁶. This amount is adjusted each year.

Depending on the degree of reduced incapacity for work, Senghor can also apply for *one-time compensation or injury annuity* at the branch office of the Social Insurance Agency.

Senghor would be entitled to the one-time compensation in the event that the reduction of his work capacity (reduced capacity to perform employee's work that he carried out until the occurrence of the accident at work), according to the opinion of the Social Insurance Agency's medical treatment, is 10-40%. The application must be submitted at the competent branch office of the Social Insurance Agency. The medical treatment of the Social Insurance Agency would subsequently issue a document with assessing the extent of reduction of Senghor's work capacity.

The amount of the one-time compensation is calculated by multiplying 365-times the daily assessment base (in general, his average daily salary in the previous calendar year) with the coefficient defined as the proportion of the number corresponding to percentage reduction of work capacity to 100.

The procedure related to the claiming of the injury annuity is similar to one-time compensation. Senghor would be entitled to the injury annuity if the reduction of his work capacity as a result of the accident at work according to the medical treatment's opinion is more than 40%, provided that he has not reached the retirement age or has not been granted early retirement pension. The injury annuity shall not be paid in case he is still entitled to the injury allowance (it is not possible to pay both benefits in parallel).

⁶⁶ This amount applies to the year 2013.

The amount of the injury annuity is calculated by multiplying 30.4167 times the amount corresponding to 80% of the daily assessment basis (in general, the average daily salary in 2012) with the coefficient defined as the proportion of the number corresponding to percentage reduction of work capacity to 100.

If Senghor was granted disability pension, the injury annuity would be reduced by the amount of the disability pension.

The injury annuity would be paid (provided that his health conditions remains unchanged) until he reaches the retirement age or is granted early retirement pension.

Senghor can apply for the *early retirement pension* at the branch office of the Social Insurance Agency according to his place of residence in the SR. The application must be accompanied by an identification document, document certifying completion of education, proof of medical examination, and documents from the employer confirming the duration of employment. Following the filing of the application, Senghor would be examined by the medical treatment who would assess the extent of reduction of his work capacity. If it is reduced by more than 40 and this condition lasts for more than one year, Senghor would be regarded as disabled and would meet the basic requirement for being granted disability pension. The other requirement – sufficient period of insurance – would not be examined in Senghor’s case, as he has become disabled as a result of an accident at work. The last condition for granting the disability pension is that he has not reached the retirement age at the time occurrence of disability or has not been granted early retirement pension.

The amount of the disability pension determined by the Social Insurance Agency in its decision on the granting of the benefit depends on the duration of pension insurance, average personal wage score, and current pension value.

Senghor would not qualify for family benefits in the given situation, since the SR does not provide support to relatives other than applicant’s children.

In addition to his finances, Senghor should also deal with his residence issues, as disability would not allow him to continue his work or highly-qualified employment, and his temporary residence may be cancelled. His 6-year stay in Slovakia entitles him to apply for a long term residence, which will enable him to remain in Slovakia further on.



Statistics

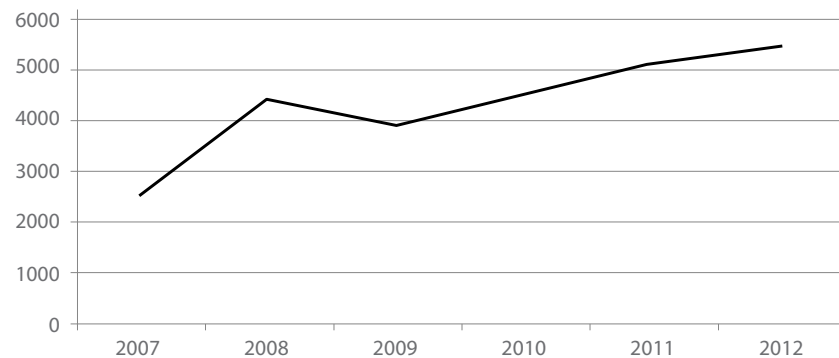
The next chapter provides a small analysis of available statistics on the numbers of employed and unemployed (registered job-seekers) third-country nationals in Slovakia in the period 2007–2012. Statistics on the numbers of inactive third-country nationals are not available in the SR.

The data on the numbers of employees does not include self-employed persons, since self-employed persons are not considered employees, but entrepreneurs in Slovakia. The competent authorities therefore keep records on self-employed persons within the same group with company executives, and it is not possible to extract these groups from available databases. For illustration, data on the numbers of third-country nationals who conducted business activity in Slovakia in the period 2007–2012 (self-employed persons and company executives) on the basis of temporary residence for the purpose of business is presented in the annex (Table B).

Since Slovak state authorities do not keep statistics within the extent and in the form required for compiling this study, the data provided herein have been arranged and adjusted to meet the specifications.

The number of third-country nationals in the Slovak labour market is relatively low. Despite the fact that their number more than doubled in the reference period, having increased from 2,581 workers in 2007 to 5,474 in 2012, third-country nationals constituted only 0.36% of the total number of 1,503,293 employees in 2012. The increase in the number of third-country nationals in the Slovak labour market in the period 2007–2012 is shown in Chart 1 below.

Chart 1: Development in foreigners' employment 2007–2012



Note: The data of 2007–2011 are as of December, and the data of 2012 are as of May 2013.
Source: COLSAF.

As Table 3 suggests, most workers come from Ukraine, Vietnam, Korea, Serbia, China, Russia and the United States. The nationality of workers is listed in alphabetic order. Comprehensive statistics on the number of employed third-country nationals in Slovakia in the period 2007–2012 are presented in the annex (Table A).

Table 3: Number of employed aliens in the SR (Top 10)

Citizenship	2007	2008	2009	2010	2011	2012
China	67	81	122	212	281	345
Croatia	61	0	60	92	127	150
India	35	77	59	120	143	192
Korea	525	620	557	751	885	790
Russia	123	164	192	225	255	257
Serbia	226	221	273	281	284	236
Thailand	110	249	282	345	505	523
Ukraine	44	71	90	122	159	203
USA	628	1159	944	967	998	969
Vietnam	158	948	386	322	294	345

Note: The data of 2007–2011 are as of December, and the data of 2012 are as of May 2013.
Source: COLSAF.

The citizens of Ukraine, Russia, China and Vietnam represent the highest share of holders of temporary residence permits for the purpose of conducting business in the SR (Table 4). Comprehensive statistics on the period 2007–2012 are provided in Table B in the annex.

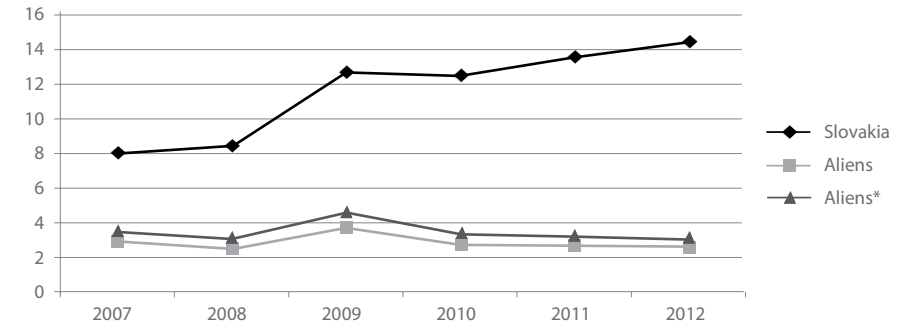
Table 4: Number of holders of temporary residence permits for the purpose of conducting business in the SR (Top 10)

Citizenship	2007	2008	2009	2010	2011	2012
China	648	778	781	756	519	329
Iran	5	4	30	27	29	33
Korea	63	64	53	67	61	50
Former Yugoslav Republic of Macedonia	43	37	39	51	53	62
Russia	185	225	327	381	432	426
United States of America	26	30	37	30	35	28
Syria	3	5	4	4	7	26
Turkey	28	29	32	31	38	43
Ukraine	252	291	676	719	690	711
Vietnam	464	563	679	689	507	416

Source: BBAP PFP.

The development of the unemployment of third-country nationals does not reflect the unemployment trends in Slovakia. As Chart 2 suggests, while the total registered unemployment rate in Slovakia sharply increased during the reference period and reached 14.44% in December 2012, the unemployment rate of third-country nationals, on the contrary, slightly decreased. In December 2012, the registered unemployment rate of third-country nationals was 2.67%.

If from the total number of third-country nationals we take out the categories of persons who cannot actually be registered as unemployed (aliens with temporary residence for business purposes and for the purpose of performing special activities), the registered unemployment rate is only 3.10% as of December 2012.

Chart 2: Development of unemployment in Slovakia 2007–2012

* Only third-country nationals who can be registered as job-seekers in the SR.

Note: Data as of December of the respective year.

Source: COLSAF

The data on the citizenship of job-seekers is quite difficult to analyse, since the citizenship of applicants is not stated in almost one third of all cases. Nevertheless, it can be concluded that the largest proportion of registered unemployed are nationals of the Russian Federation the unemployment rate of which reached 6.26% in December 2012, which is more than twice the registered unemployment rate of third-country nationals. On the other hand, this figure is less than half of the national average. Comprehensive statistics on the number of registered job-seekers from third countries in the period 2007–2012 are provided in Table C in the annex.



Conclusion

One of the main objectives of the Concept of Foreigners' Integration – to allow migrant access to healthcare and social security and to ensure that the legal status of foreigners living in Slovakia is gradually harmonised with the legal status of Slovak citizens in these areas – is being achieved step by step. This, however, only applies to health insurance, social insurance, and partly to state social support. Third-country nationals' access to social assistance benefits is only guaranteed *de iure*, and is largely limited by the effects that the claiming of such benefits could cause.

Access to in-kind healthcare benefits in Slovakia is guaranteed for everyone regardless of their nationality. This does not mean, however, that health care is guaranteed to everybody in full extent and free of charge. There are differences in the payment for healthcare which can be either through public health insurance, commercial insurance, or made directly by patients.

Participation in the public health insurance system is mandatory for all persons with permanent residence in the territory of the SR and for all persons with temporary residence in the SR who are employed or run business and are not health insured in another Member State. Excluded from this system are third-country nationals with temporary residence for the purpose of family reunification who are not employed and do not conduct business. Such

persons are not even allowed to have voluntary insurance (at present, the Slovak legislation does not recognise the term "voluntary participation in the system" with regard to public health insurance), and since health insurance or insurance of medical expenses is compulsory for all foreign nationals in Slovakia, they must refer to commercial insurance of medical expenses, which is much more expensive for the same scope of healthcare. Persons who do not pay health insurance are only provided with free emergency healthcare.

With regard to the Slovak social insurance system that gives rise to cash sickness benefits, maternity and paternity benefits, invalidity benefits, old-age pensions, survivors' benefits, benefits relating to accidents at work and occupational disease, and unemployment benefits, Slovakia applies the principle of equal treatment. The conditions for participation in the system are identical for Slovak citizens, the citizens of EU/EEA Member States and Switzerland, as well as for third-country nationals. In most cases, the same conditions also apply to the entitlement to draw benefits from the system.

Unemployment benefits are an exception in this regard, as the drawing of such benefits is in fact excluded for third-country nationals with temporary residence, as the state of unemployment results in the cancellation of their temporary residence, and under the Slovak legislation such benefits are not exportable to other countries. This also applies to third countries with which Slovakia has concluded bilateral social security agreements. Such employees therefore become net payers of contributions to unemployment insurance without the possibility to draw benefits, or with the possibility to draw the benefit to a limited amount (one month for employees, and 3 months for EU Blue Card holders).

As a whole, the Slovak social insurance system is not adjusted to the needs of workers from third countries. For old-age pensions, an up to 15-year period of participation in the insurance scheme is required for being entitled to benefits without the possibility to be granted partial benefits in the event of failure to reach the required period of insurance. The duration of the contribution to the system in the case of disability pensions depends on the applicant's age, which considerably affects the possibility to receive a disability pension for third-country nationals entering the Slovak labour market in older age.

The SR seeks to resolve such situations by concluding bilateral social security agreements which contain provisions on the possibility to take account of the periods of insurance accumulated in other contracting state. Ten such agreements are in force at present, and only half of them have been con-

cluded with countries the nationals of which are in the Top 10 countries with the highest share in the Slovak labour market.

The drawing of state social support benefits, including, in particular, family benefits, is not conditional on participation in the insurance scheme. Benefits are paid to all eligible persons at identical amounts, irrespective of the income and financial conditions of the applicant. Benefits are also available to third-country nationals, although in some cases their payment is conditional on permanent residence in Slovakia.

The payment of state social support benefits and social insurance benefits in Slovakia is subject to relatively strict rules that do not allow discretion in decision-making. The SR does not apply discretionary criteria when deciding on social insurance benefits, nor imposes special conditions on third-country nationals for acquiring benefits.

Third-country nationals' access to social assistance benefits is very limited. Most long-term care benefits are only intended for persons with permanent residence in the SR, while it must be persons who are family members of a citizen of the Slovak Republic.

Benefits in material need (guaranteed minimum resources) in the SR are intended for everyone irrespective of nationality. The applicant's income and financial condition is a limiting factor in this regard. Basically, this kind of benefit cannot be drawn by third-country nationals, as adequate financial coverage is one of the conditions for granting residence (permanent or temporary) in Slovakia to be met by third-country nationals throughout the duration of their stay.

Hence, third-country nationals find themselves in a relatively confusing situation. On one hand, one piece of legislation (Act on Assistance in Material Need) guarantees to them access to benefits, but, on the other hand, the competent state authority can cancel their residence permit under another piece of legislation (Act on Residence of Aliens) in case they apply for such benefit. The issue of particular concern relates to the fact that the Act on Residence of Aliens fails to explicitly define the applying for assistance in material need as a reason for cancelling residence. In this case, the reason for the revocation of residence is the fact that the state authority has additionally found out that the third-country fails to meet the conditions of residence.

An exception in this regard is legislation on temporary residence for the purpose of highly-qualified employment which contains much more transpar-

ent provisions. On one hand, it explicitly defines the applying for assistance in material need as a reason for withdrawal of the EU Blue Card, on the other hand, it conditions the exercise of this procedure by instructing the Blue Card holder thereof.

The development of legislation in the field of social security in the SR is characterised by efforts to extend the possibilities for the drawing of different social security benefits also to groups of migrant workers from third countries, as well as by efforts to harmonise the conditions for the claiming of benefits with the conditions applying to Slovak nationals. This process, however, does not represent the best solution for these groups in all cases, as it fails to reflect the specific features of migration characteristic to them. Nevertheless, the number of such workers in the Slovak labour market is very low and does not exert pressure on policy-makers to adjust the social security and healthcare systems according to their needs.

Bibliography

Legislation

Act No. 576/2004 Coll. on healthcare, healthcare related services and on changes and amendments to some acts, as amended

Act No. 577/2004 Coll. on the scope of healthcare covered by public health insurance and on the reimbursement of healthcare-related services, as amended

Act No. 580/2004 Coll. on health insurance and on changing and amending Act No. 95/2002 Coll. on the insurance industry and on changes and amendments to some acts as amended

Act No. 363/2011 Coll. on the scope and conditions of the payments for drugs, medical tools and dietetic supplements based on public health insurance and on changes and amendments to some acts, as amended

Government Regulation No. 722/2004 Coll. on the amounts paid by insured persons for services related to healthcare, as amended

Act No. 599/2003 Coll. on assistance provided to those in need and on changes and amendments to some acts, as amended

Act No. 601/2003 Coll. on subsistence minimum and on changes and amendments to some acts, as amended

Act No. 461/2003 Coll. on social insurance, as amended

Act No. 462/2003 Coll. on compensation of earnings during an employee's temporary incapacity for work and on changes and amendments to some acts, as amended

Act No. 311/2001 Coll. Labour Code, as amended

Act No. 235/1998 Coll. on the childbirth allowance and on allowances to parents who have 3 or more children born at the same time or twins more than once in 2 years, as amended

Act No. 600/2003 Coll. on child allowance and on changes and amendments to Act No. 461/2003 Coll. on social insurance, as amended

Act No. 571/2009 Coll. on parental benefit and on changes and amendments to some acts, as amended

Act No. 43/2004 Coll. on old-age pension savings and on changes and amendments to some acts, as amended

Act No. 627/2005 Coll. on allowances to support substitute child care, as amended

Act No. 561/2008 Coll. on child care allowance and on changes and amendments to some acts, as amended

Act No. 201/2008 Coll. on substitute maintenance payments and on changes and amendments to Act No. 36/2005 Coll. on Family and on changes and amendments of some acts in the wording of the finding of the Constitutional Court of the Slovak Republic No. 615/2006 Coll. as amended by Act No. 554/2008 Coll. and Act No. 468/2011 Coll.

Act No. 595/2003 Coll. on income tax, as amended

Act No. 563/2009 Coll. on tax administration (Tax Order) and on changes and amendments to some acts, as amended

Act No. 650/2004 Coll. on supplementary pension saving and on changes and amendments to some acts, as amended

Act No. 592/2006 Coll. on the provision of Christmas supplement to some pension recipients and on changes and amendments to some acts, as amended

Act No. 238/1998 Coll. on the funeral allowance as amended

Act No. 437/2004 Coll. on compensation for pain and suffering and for loss of enjoyment of life as amended by Act No. 581/2004 Coll. and Act No. 461/2008 Coll.

Act No. 447/2008 Coll. on cash benefits for compensation of severe disability as amended

Act No. 448/2008 Coll. on social services and on changes and amendments to Act No. 455/1991 Coll. on trade licensing (Trade Licensing Act), as amended

Act No. 5/2004 Coll. on employment services and on changes and amendments to some acts, as amended

Act No. 245/2008 Coll. on upbringing and education (School Act) and on changes and amendments to some acts, as amended

Act No. 404/2011 Coll. on residence of aliens and on changes and amendments to some acts, as amended

Regulation (EC) No 883/2004 of the European Parliament and of the Council of 29 April 2004 on the coordination of social security systems

Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for

third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State

Council Directive 2003/109/EC of 25 November 2003 concerning the status of third-country nationals who are long-term residents Regulation (EU) No. 1231/2010 of the European Parliament and of the Council extending Regulation (EC) No. 883/2004 and Regulation (EC) No. 987/2009 to nationals of third countries who are not already covered by these Regulations solely on the ground of their nationality

Publications

Bednárik, R.: Stav sociálnej ochrany na Slovenku (situácia k 1. júlu 2013). Bratislava: Institute for Labour and Family Research 2013, 61 p.

Concept of Foreigners' Integration in the Slovak Republic

Drozd, P., Frkáňová, A., Kubovičová, K.: Migration of International Students to the Slovak Republic. Bratislava: IOM 2012, 149 p., ISBN 978-80-89506-22-4

Synthesis Report on the Fulfilment of Measures Arising from the Concept of Foreigners' Integration in the Slovak Republic in 2012

Your Social Security Rights in the Slovak Republic. European Union 2012, 36 p.

Websites

www.emn.sk

www.iom.sk

www.minv.sk

www.employment.gov.sk

www.upsvar.sk

www.vszp.sk

www.union.sk

www.dovera.sk

www.socpoist.sk

www.ec.europa.eu

Annexes

Table A: Table with numbers of employees by nationality

Table B: Table with numbers of holders of temporary residence permits for the purpose of conducting business by nationality

Table C: Table with numbers of job-seekers by nationality

Table A: Number of employees by nationality

Nationality	2007	2008	2009	2010	2011	2012*
Stateless persons	0	0	0	0	0	0
Islamic Republic of Afghanistan	2	15	26	30	53	25
Republic of Albania	3	6	11	9	11	10
Democratic Republic of Algeria	3	6	3	1	1	4
American Virgin Islands	0	0	0	0	0	0
Andorra	1	0	0	0	0	0
Republic of Angola	2	3	3	4	3	2
Argentine Republic	4	10	4	6	7	5
Republic of Armenia	7	7	10	25	26	35
Commonwealth of Australia	14	22	23	25	22	19
Republic of Azerbaijan	1	0	2	2	5	6
Commonwealth of the Bahamas	0	0	0	0	0	0
Kingdom of Bahrain	0	0	0	0	0	0
People's Republic of Bangladesh	0	6	7	2	3	12
Belize	0	0	0	0	0	0
Republic of Benin	0	2	1	4	5	2

Table A: continued

Nationality	2007	2008	2009	2010	2011	2012*
Republic of Belarus	21	31	32	38	62	54
State of Bolivia	0	0	0	0	0	1
Bosnia and Herzegovina	22	28	16	12	14	62
Republic of Botswana	0	0	0	1	1	1
Federative Republic of Brazil	13	25	29	28	30	37
British Virgin Islands	0	0	0	1	1	0
Republic of Chad	0	0	0	0	0	0
Republic of Montenegro	1	3	3	3	5	2
Republic of Chile	5	5	2	4	3	8
People's Republic of China	67	81	122	212	281	345
Republic of China - Taiwan	0	4	4	8	17	25
Commonwealth of Dominica	0	0	0	0	0	0
Dominican Republic	0	1	1	1	1	3
Arab Republic of Egypt	13	16	25	32	34	32
Republic of Ecuador	1	2	1	6	12	14
State of Eritrea	0	0	0	0	0	0
Federal Democratic Republic of Ethiopia	1	1	1	1	0	1
Federation of Saint Kitts and Nevis	0	0	0	0	0	0
Republic of the Philippines	21	16	19	13	27	24
Republic of the Gambia	0	0	0	0	0	0
Republic of Ghana	1	1	2	4	4	2

Nationality	2007	2008	2009	2010	2011	2012*
Grenada	0	0	0	0	0	0
Georgia	9	4	15	20	18	15
Republic of Guatemala	1	0	0	3	3	6
Guernsey	0	0	0	0	0	0
Republic of Guinea	1	0	0	0	1	1
Republic of Guinea-Bissau	0	0	0	0	0	0
Republic of Haiti	0	0	0	0	0	0
Republic of Honduras	0	0	0	0	0	1
Hong Kong	0	0	0	0	0	0
Republic of Croatia	61	0	60	92	127	150
Republic of India	35	77	59	120	143	192
Republic of Indonesia	27	79	68	52	50	40
Republic of Iraq	3	15	12	13	14	7
Islamic Republic of Iran	8	12	9	11	14	12
State of Israel	5	4	9	18	12	19
Jamaica	0	0	0	0	1	0
Japan	61	85	130	137	99	74
Yemeni Republic	1	2	2	1	2	2
Jersey, C.I.	1	1	1	1	0	0
Hashemite Kingdom of Jordan	3	2	4	6	8	8
Republic of South Africa	12	10	15	14	16	20
Kingdom of Cambodia	0	0	0	0	0	0

Table A: continued

Nationality	2007	2008	2009	2010	2011	2012*
Republic of Cameroon	1	7	4	3	3	3
Canada	25	15	31	47	39	29
Republic of Cape Verde	0	0	0	1	1	2
Republic of Kazakhstan	5	6	9	11	8	8
Republic of Kenya	1	1	2	1	2	2
Kyrgyz Republic	1	3	5	7	10	6
Republic of Kiribati	0	0	0	0	0	0
Republic of Colombia	5	7	11	9	11	8
Democratic Republic of the Congo	0	0	1	2	0	2
Republic of the Congo	1	3	3	1	3	0
Democratic People's Republic of Korea	9	17	18	10	4	3
Republic of Korea	525	620	557	751	885	790
Republic of Costa Rica	2	1	1	2	2	1
Republic of Cuba	12	13	23	21	20	8
State of Kuwait	2	4	7	6	6	5
Lao People's Democratic Republic	8	6	11	11	9	10
Kingdom of Lesotho	0	0	1	1	1	0
Lebanese Republic	5	8	10	9	8	4
Republic of Liberia	0	0	0	0	0	0
State of Libya	1	2	2	5	4	2
Republic of Macedonia	41	69	70	72	104	119

Nationality	2007	2008	2009	2010	2011	2012*
Republic of Madagascar	1	1	1	1	1	0
Malaysia	12	22	21	11	12	11
Republic of Malawi	0	1	1	3	4	1
Kingdom of Morocco	1	3	1	6	8	5
Republic of the Marshall Islands	0	0	0	0	0	0
Republic of Mauritius	1	1	1	2	1	1
Republic of Moldova	37	76	43	33	29	21
Principality of Monaco	0	0	0	0	0	0
Mongolia	6	8	8	6	5	1
Republic of Mozambique	0	0	0	0	0	0
Republic of Namibia	1	1	1	1	1	0
Republic of Nauru	0	0	0	1	1	0
Federal Democratic Republic of Nepal	2	1	2	2	3	2
Not specified	0	0	0	0	0	293
Federal Republic of Nigeria	6	12	14	12	13	10
Republic of Niger	2	0	0	0	0	0
Republic of Nicaragua	1	1	1	1	1	0
New Zealand	5	4	6	8	8	8
OST	0	0	0	0	0	0
Turks and Caicos Islands	0	0	0	0	0	0
Islamic Republic of Pakistan	8	16	17	18	17	10
State of Palestine	1	4	5	9	14	15

Table A: continued

Nationality	2007	2008	2009	2010	2011	2012*
Republic of Panama	0	0	0	0	0	1
Republic of Paraguay	1	1	1	1	2	2
Republic of Peru	1	1	7	10	13	11
Commonwealth of Puerto Rico	0	0	0	1	1	0
Republic of Côte d'Ivoire	1	2	2	3	3	0
Republic of Trinidad and Tobago	0	0	0	0	1	4
Republic of Equatorial Guinea	0	0	0	1	0	0
Russian Federation	123	164	192	225	255	257
Republic of Rwanda	0	0	0	0	0	0
Republic of El Salvador	0	0	0	0	0	0
Kingdom of Saudi Arabia	1	1	1	1	4	5
Republic of Senegal	0	2	2	1	3	1
Republic of Seychelles	0	1	0	0	0	0
Republic of Singapore	0	0	0	1	3	1
Federal Republic of Somalia	2	5	8	6	14	15
United Arab Emirates	6	3	4	4	6	3
United States of America	226	221	273	281	284	236
United Mexican States	5	7	19	61	60	94
Republic of Serbia	110	249	282	345	505	523
Serbia – Kosovo	0	0	0	0	0	0
Serbia and Montenegro	14	4	5	10	11	4
Democratic Socialist Republic of Sri Lanka	1	0	1	6	6	5

Nationality	2007	2008	2009	2010	2011	2012*
Republic of the Sudan	7	7	7	11	8	3
Republic of Suriname	0	0	0	1	0	0
Syrian Arab Republic	9	11	12	18	20	16
Republic of Tajikistan	1	6	0	0	0	1
United Republic of Tanzania	1	1	0	0	0	0
Kingdom of Thailand	44	71	90	122	159	203
Tunisian Republic	7	7	11	14	21	18
Republic of Turkey	26	44	48	63	80	84
Turkmenistan	0	0	0	0	0	0
Republic of Uganda	0	0	1	1	0	0
Ukraine	628	1159	944	967	998	969
Oriental Republic of Uruguay	1	1	2	2	2	1
Republic of Uzbekistan	2	5	8	11	14	7
Republic of Vanuatu	0	0	0	0	0	0
Bolivarian Republic of Venezuela	0	1	0	1	1	2
Socialist Republic of Vietnam	158	948	386	322	294	345
YUH	45	14	12	11	10	0
Republic of Zambia	1	1	1	1	1	1
Republic of Zimbabwe	1	1	2	4	4	4
Total	2581	4453	3940	4550	5157	5474

* for reasons of changes in the information system the data are available as of May 2013
 Note: Data as of December of the particular year
 Source: COLSAF

Table B: Number of holders of temporary residence permits for the purpose of conducting business by nationality

Nationality	2007	2008	2009	2010	2011	2012
Stateless persons	2	1	1	1	1	0
Islamic Republic of Afghanistan	2	2	4	2	1	5
Republic of Albania	1	1	0	0	1	1
Democratic Republic of Algeria	8	9	8	5	1	1
American Virgin Islands	0	1	1	1	0	0
Andorra	0	0	0	0	0	0
Republic of Angola	0	0	0	0	0	0
Argentine Republic	0	0	0	1	1	0
Republic of Armenia	3	3	3	5	8	9
Commonwealth of Australia	9	9	8	10	6	6
Republic of Azerbaijan	2	5	5	5	5	5
Commonwealth of the Bahamas	0	0	0	0	0	0
Kingdom of Bahrain	0	0	0	0	0	0
People's Republic of Bangladesh	0	0	0	0	0	0
Belize	0	0	0	0	0	0
Republic of Benin	0	0	0	0	0	0
Republic of Belarus	5	12	18	30	15	12
State of Bolivia	0	0	0	0	0	0
Bosnia and Herzegovina	5	5	13	1	2	2
Republic of Botswana	0	0	0	0	0	0

Nationality	2007	2008	2009	2010	2011	2012
Federative Republic of Brazil	4	6	7	5	2	2
British Virgin Islands	0	0	0	0	0	0
Republic of Chad	0	0	0	0	0	0
Republic of Montenegro	0	1	0	0	0	0
Republic of Chile	0	0	0	0	0	0
People's Republic of China	648	778	781	756	519	329
Republic of China - Taiwan	0	0	0	1	1	1
Commonwealth of Dominica	0	0	0	0	0	0
Dominican Republic	0	0	1	2	0	0
Arab Republic of Egypt	5	4	1	3	10	8
Republic of Ecuador	1	1	1	0	0	0
State of Eritrea	0	0	0	0	0	0
Federal Democratic Republic of Ethiopia	0	0	0	0	0	0
Federation of Saint Kitts and Nevis	0	0	0	0	0	2
Republic of the Philippines	0	0	0	4	1	1
Republic of the Gambia	0	0	0	0	0	0
Republic of Ghana	0	0	0	0	0	0
Grenada	0	0	0	0	0	0
Georgia	0	0	0	1	3	3
Republic of Guatemala	0	2	0	0	0	0
Guernsey	0	0	0	0	0	0
Republic of Guinea	0	0	0	0	0	0

Table B: continued

Nationality	2007	2008	2009	2010	2011	2012
Republic of Guinea-Bissau	0	0	0	0	0	0
Republic of Haiti	0	0	0	0	0	0
Republic of Honduras	1	0	0	0	0	0
Hong Kong	0	0	0	0	0	0
Republic of Croatia	23	19	20	19	19	22
Republic of India	13	7	3	2	1	7
Republic of Indonesia	0	2	0	0	0	0
Republic of Iraq	0	0	0	0	0	3
Islamic Republic of Iran	5	4	30	27	29	33
State of Israel	16	13	19	11	8	13
Jamaica	0	1	1	1	1	1
Japan	6	9	9	10	11	9
Yemeni Republic	0	0	0	1	0	0
Jersey, C.I.	0	0	0	0	0	0
Hashemite Kingdom of Jordan	3	5	3	3	3	3
Republic of South Africa	2	5	3	3	2	3
Kingdom of Cambodia	0	0	0	0	0	0
Republic of Cameroon	0	0	0	0	0	0
Canada	5	4	7	2	2	3
Republic of Cape Verde	0	0	0	0	0	0
Republic of Kazakhstan	1	2	4	13	32	22

Nationality	2007	2008	2009	2010	2011	2012
Republic of Kenya	0	0	0	0	0	0
Kyrgyz Republic	0	2	2	2	1	3
Republic of Kiribati	0	0	0	0	0	0
Republic of Colombia	0	0	1	1	1	0
Democratic Republic of the Congo	0	0	0	0	0	0
Republic of the Congo	0	0	0	0	0	0
Democratic People's Republic of Korea	0	0	0	0	0	0
Republic of Korea	63	64	53	67	61	50
Republic of Costa Rica	0	0	0	2	2	1
Republic of Cuba	1	1	1	1	1	0
State of Kuwait	1	1	3	2	1	3
Lao People's Democratic Republic	0	0	0	0	0	0
Kingdom of Lesotho	0	0	0	0	0	0
Lebanese Republic	17	21	26	16	11	16
Republic of Liberia	0	0	0	0	0	0
State of Libya	5	1	2	3	5	10
Republic of Macedonia	43	37	39	51	53	62
Republic of Madagascar	0	0	0	0	0	0
Malaysia	2	2	2	1	0	0
Republic of Malawi	0	0	0	0	0	0
Kingdom of Morocco	2	2	0	2	1	2
Republic of the Marshall Islands	0	0	0	0	0	0

Table B: continued

Nationality	2007	2008	2009	2010	2011	2012
Republic of Mauritius	0	0	0	0	0	0
Republic of Moldova	5	4	3	3	3	0
Principality of Monaco	0	0	0	0	0	0
Mongolia	2	3	1	2	0	0
Republic of Mozambique	0	0	0	0	0	0
Republic of Namibia	0	0	0	0	0	0
Republic of Nauru	0	0	0	0	0	0
Federal Democratic Republic of Nepal	0	0	0	0	0	0
Not specified	0	0	0	0	0	0
Federal Republic of Nigeria	0	0	0	0	0	0
Republic of Niger	0	0	0	0	0	0
Republic of Nicaragua	0	0	0	0	0	0
New Zealand	1	1	2	2	0	1
OST	1	1	0	0	0	0
Turks and Caicos Islands	0	0	0	0	0	0
Islamic Republic of Pakistan	2	0	0	1	4	1
State of Palestine	0	0	0	0	0	0
Republic of Panama	0	0	0	0	0	0
Republic of Paraguay	0	0	0	0	0	0
Republic of Peru	0	0	0	0	0	0
Commonwealth of Puerto Rico	0	0	0	0	0	0

Nationality	2007	2008	2009	2010	2011	2012
Republic of Côte d'Ivoire	0	0	0	0	0	0
Republic of Trinidad and Tobago	0	0	1	1	1	1
Republic of Equatorial Guinea	0	0	0	0	0	0
Russian Federation	185	225	327	381	432	426
Republic of Rwanda	0	0	0	0	0	0
Republic of El Salvador	0	0	0	0	0	0
Kingdom of Saudi Arabia	0	0	0	0	0	1
Republic of Senegal	0	0	0	0	0	0
Republic of Seychelles	0	0	0	0	0	0
Republic of Singapore	1	1	1	1	1	1
Federal Republic of Somalia	0	0	0	0	0	0
United Arab Emirates	0	0	0	0	0	0
United States of America	26	30	37	30	35	28
United Mexican States	2	2	1	2	2	2
Republic of Serbia	1	13	20	16	22	21
Serbia – Kosovo	0	0	0	0	0	0
Serbia and Montenegro	19	10	8	3	1	0
Democratic Socialist Republic of Sri Lanka	0	0	0	0	0	0
Republic of the Sudan	0	1	1	1	1	0
Republic of Suriname	0	0	0	0	0	0
Syrian Arab Republic	3	5	4	4	7	26
Republic of Tajikistan	0	0	0	0	0	0

Table B: continued

Nationality	2007	2008	2009	2010	2011	2012
United Republic of Tanzania	0	0	0	0	0	0
Kingdom of Thailand	2	2	1	4	2	5
Tunisian Republic	2	1	0	0	1	1
Republic of Turkey	28	29	32	31	38	43
Turkmenistan	1	1	1	0	0	0
Republic of Uganda	0	0	0	0	1	0
Ukraine	252	291	676	719	690	711
Oriental Republic of Uruguay	0	0	0	0	1	0
Republic of Uzbekistan	0	0	0	2	2	2
Republic of Vanuatu	0	0	0	1	0	0
Bolivarian Republic of Venezuela	0	0	0	1	0	0
Socialist Republic of Vietnam	464	563	679	689	507	416
YUH	13	0	0	1	1	0
Republic of Zambia	0	0	0	0	0	0
Republic of Zimbabwe	0	0	0	0	0	0
Total	1914	2225	2875	2968	2574	2339

Source: BBAP PFP

Table C: Number of job-seekers by nationality

Nationality	2007	2008	2009	2010	2011	2012
Stateless persons	0	0	0	0	0	0
Islamic Republic of Afghanistan	0	0	0	1	1	7
Republic of Albania	5	2	3	7	9	8
Democratic Republic of Algeria	0	0	0	0	0	1
American Virgin Islands	0	0	0	0	0	0
Andorra	0	0	0	0	0	0
Republic of Angola	0	0	0	0	0	0
Argentine Republic	0	0	0	0	1	0
Republic of Armenia	0	0	1	0	0	1
Commonwealth of Australia	0	0	0	0	0	0
Republic of Azerbaijan	0	0	0	0	0	1
Commonwealth of the Bahamas	0	0	0	0	0	0
Kingdom of Bahrain	0	0	0	0	0	0
People's Republic of Bangladesh	0	0	0	1	2	2
Belize	0	0	0	0	0	0
Republic of Benin	0	0	0	0	0	0
Republic of Belarus	0	0	0	0	1	4
State of Bolivia	0	0	0	0	0	0
Bosnia and Herzegovina	0	0	0	1	1	2
Republic of Botswana	0	0	0	0	0	0

Table C: continued

Nationality	2007	2008	2009	2010	2011	2012
Federative Republic of Brazil	0	0	0	0	0	1
British Virgin Islands	0	0	0	0	0	0
Republic of Chad	0	0	0	0	0	0
Republic of Montenegro	1	0	0	1	0	0
Republic of Chile	0	0	0	0	0	0
People's Republic of China	0	0	0	0	0	0
Republic of China - Taiwan	0	0	0	0	0	1
Commonwealth of Dominica	0	0	0	0	0	1
Dominican Republic	0	0	0	0	2	0
Arab Republic of Egypt	1	2	4	3	6	16
Republic of Ecuador	0	1	0	0	1	0
State of Eritrea	0	0	0	0	0	0
Federal Democratic Republic of Ethiopia	0	0	0	0	0	0
Federation of Saint Kitts and Nevis	0	0	0	0	0	0
Republic of the Philippines	0	0	0	1	1	1
Republic of the Gambia	0	0	0	0	0	0
Republic of Ghana	0	0	0	0	0	1
Grenada	0	0	0	0	0	0
Georgia	0	0	0	0	0	0
Republic of Guatemala	0	0	0	0	0	0
Guernsey	0	0	0	0	0	0

Nationality	2007	2008	2009	2010	2011	2012
Republic of Guinea	0	0	0	1	0	0
Republic of Guinea-Bissau	0	0	0	0	0	0
Republic of Haiti	0	0	0	0	0	0
Republic of Honduras	0	0	0	0	0	0
Hong Kong	0	0	0	0	0	0
Republic of Croatia	1	2	2	3	6	11
Republic of India	0	0	0	0	1	1
Republic of Indonesia	0	0	0	0	0	0
Republic of Iraq	0	0	0	0	0	0
Islamic Republic of Iran	0	1	0	1	0	2
State of Israel	0	1	0	0	1	0
Jamaica	0	0	0	0	0	1
Japan	0	0	0	0	0	0
Yemeni Republic	0	0	0	0	0	0
Jersey, C.I.	0	0	0	0	0	0
Hashemite Kingdom of Jordan	0	0	1	2	1	2
Republic of South Africa	0	0	0	0	0	2
Kingdom of Cambodia	0	0	0	0	0	0
Republic of Cameroon	0	0	0	0	0	0
Canada	0	0	0	0	1	0
Republic of Cape Verde	0	0	0	0	0	0
Republic of Kazakhstan	0	0	0	0	1	1

Table C: continued

Nationality	2007	2008	2009	2010	2011	2012
Republic of Kenya	0	0	0	1	0	0
Kyrgyz Republic	0	0	1	0	0	0
Republic of Kiribati	0	0	0	0	0	0
Republic of Colombia	0	0	0	0	0	0
Democratic Republic of the Congo	0	0	0	0	0	0
Republic of the Congo	0	0	0	0	0	0
Democratic People's Republic of Korea	0	0	0	0	0	0
Republic of Korea	0	0	0	0	0	1
Republic of Costa Rica	0	0	0	0	0	0
Republic of Cuba	0	0	1	0	4	5
State of Kuwait	0	0	0	0	0	1
Lao People's Democratic Republic	0	0	0	0	0	0
Kingdom of Lesotho	0	0	0	0	0	0
Lebanese Republic	0	0	0	0	0	0
Republic of Liberia	0	0	0	0	0	0
State of Libya	0	2	0	0	1	1
Republic of Macedonia	0	1	0	1	3	8
Republic of Madagascar	0	0	0	0	0	0
Malaysia	0	0	0	0	0	0
Republic of Malawi	0	0	0	0	0	0
Kingdom of Morocco	0	0	0	0	0	1

Nationality	2007	2008	2009	2010	2011	2012
Republic of the Marshall Islands	0	0	0	0	0	0
Republic of Mauritius	0	0	0	0	0	0
Republic of Moldova	1	0	0	1	5	1
Principality of Monaco	0	0	0	1	0	1
Mongolia	0	0	1	0	1	1
Republic of Mozambique	0	0	0	0	0	0
Republic of Namibia	0	0	0	0	0	0
Republic of Nauru	0	0	0	0	0	0
Federal Democratic Republic of Nepal	0	0	0	0	0	0
Not specified	122	135	269	175	107	71
Federal Republic of Nigeria	0	0	0	0	1	0
Republic of Niger	0	0	0	0	0	0
Republic of Nicaragua	0	0	0	0	1	1
New Zealand	0	0	0	0	0	0
OST	0	1	1	0	2	1
Turks and Caicos Islands	0	0	0	0	0	0
Islamic Republic of Pakistan	0	1	0	1	2	2
State of Palestine	0	0	1	2	1	1
Republic of Panama	0	0	0	0	0	0
Republic of Paraguay	0	0	0	0	0	0
Republic of Peru	0	0	0	1	2	2
Commonwealth of Puerto Rico	0	0	0	0	0	0

Table C: continued

Nationality	2007	2008	2009	2010	2011	2012
Republic of Côte d'Ivoire	0	0	0	0	0	0
Republic of Trinidad and Tobago	0	0	0	0	0	0
Republic of Equatorial Guinea	0	0	0	0	0	0
Russian Federation	183	195	259	200	148	144
Republic of Rwanda	0	0	0	0	0	0
Republic of El Salvador	0	0	0	0	0	0
Kingdom of Saudi Arabia	0	0	0	0	0	0
Republic of Senegal	0	0	0	1	1	1
Republic of Seychelles	0	0	0	0	0	0
Republic of Singapore	0	0	0	0	0	2
Federal Republic of Somalia	0	0	0	0	4	2
United Arab Emirates	0	0	0	0	0	2
United States of America	2	0	1	1	4	5
United Mexican States	0	0	0	0	0	0
Republic of Serbia	3	1	2	7	2	17
Serbia – Kosovo	0	0	0	0	0	0
Serbia and Montenegro	2	5	5	6	22	12
Democratic Socialist Republic of Sri Lanka	0	0	0	0	0	0
Republic of the Sudan	0	0	0	0	0	1
Republic of Suriname	0	0	0	0	0	0
Syrian Arab Republic	0	0	2	0	1	2

Nationality	2007	2008	2009	2010	2011	2012
Republic of Tajikistan	0	0	0	0	0	0
United Republic of Tanzania	0	0	0	0	0	0
Kingdom of Thailand	0	0	0	0	0	2
Tunisian Republic	3	2	5	4	5	16
Republic of Turkey	0	1	0	0	8	8
Turkmenistan	0	0	0	0	0	0
Republic of Uganda	0	0	0	0	0	0
Ukraine	15	29	28	33	113	104
Oriental Republic of Uruguay	0	0	0	0	0	0
Republic of Uzbekistan	0	0	0	0	0	0
Republic of Vanuatu	0	0	0	0	0	0
Bolivarian Republic of Venezuela	0	0	0	0	0	0
Socialist Republic of Vietnam	2	0	2	4	1	14
YUH	0	0	0	0	0	0
Republic of Zambia	0	0	0	0	0	0
Republic of Zimbabwe	0	0	0	0	0	0
Total	341	382	589	461	475	497

Note: Data as of December of the particular year
Source: COLSAF



**National Contact Point of the European Migration Network in the SR
International Organization for Migration (IOM)
Office in the Slovak Republic**

Grösslingová 4, 811 09 Bratislava, Slovak Republic
www.iom.sk, www.emn.sk



International Organization for Migration (IOM)
Medzinárodná organizácia pre migráciu (IOM)

ISBN 978-80-89506-43-9