



European Migration Network (EMN)

Good Practices in the return and reintegration of irregular migrants: Member States' entry bans policy & use of readmission agreements between Member States and third countries

Contribution of the Slovak Republic

Top-line 'factsheet'/Executive summary

National contribution (one page only)

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

Entry bans, readmission agreements and reintegration assistance are measures applied by EU Member States (MS) in the return procedure or after the return of third-country nationals who fail or ceased to meet the conditions of entry, stay, or residence in the territory of a MS. Such measures have different purposes. An entry ban is usually accompanied by a return decision¹, and the purpose of the entry ban is to prohibit a third-country national from entering the territory of the respective MS or all EU Member States for a certain period of time. Under the Return Directive, if there is no reason to assume that the voluntary return decision would weaken the purpose of the return procedures, MS are expected to prefer voluntary returns of third-country nationals to forced returns. In this regard, the Slovak Republic prefers voluntary returns to forced returns. A MS may refrain from imposing, withdraw or temporarily suspend an entry ban under certain conditions laid down in law. Non-imposition of an entry ban can motivate third-country nationals to opt for voluntary return within a set deadline. If, however, a third-country national fails to leave within the set deadline or if there is a risk of absconding in case his/her application for legal stay was rejected as manifestly unfounded or fraudulent, or if the person concerned poses a risk to public order, public security or national security, MS are expected to take all necessary measures to ensure his/her forced return.

Readmission agreements, whether concluded with third countries at EU level or on a bilateral basis,

¹ A decision on return in the Slovak Republic can be either a decision on administrative expulsion (issued by the public authority) which can include either a period for the departure (voluntary departure) or an entry ban (not issuing a period for the departure means a forced return); or it can be a decision issued by the court with sentence of expulsion (the Bureau of Border and Alien Police carry out execution of the sentence of expulsion according to the Act No. 404/2011 Coll. on Residence of Aliens). For further details see the chapter Definitions.

represent a measure facilitating the implementation of an effective return of third-country nationals. Such agreements are applied reciprocally, in the spirit of cooperation and irrespective of the individual's will to return.

Reintegration assistance aims to ensure a sustainable return of a third-country national by providing assistance to support his/her self-sufficiency, for example, in the form of re-training or training courses, support in job-seeking etc. This process of reintegration assistance can start in a MS or in the destination country of return. These measures contribute to the implementation of an effective return on one hand (entry ban, readmission), and to its sustainability on the other hand (reintegration assistance).

The practical implementation of these measures, an evaluation of their effectiveness in the return process, and last but not least, the mutual synergies are described in the focussed study of the European Migration Network (EMN) under the title "*Good practices in the return and reintegration of irregular migrants: Member States' entry bans policy & use of readmission agreements between Member States and third countries*" which was approved by the EMN Steering Board in the framework of its Work Programme 2014. The focussed study is compiled by MS and Norway on the basis of common specifications.² The European Commission (EC) will prepare a Synthesis Report on the basis of the Member States' national contributions. This report will inform about and analyse the thematic areas of the study specifications.

The aim of the Synthesis Report will be to analyse to what extent MS use the entry ban instrument and readmission agreements to improve their return policy. Specifically, the Synthesis Report will focus on the practical aspects of this matter: in what way entry bans and readmission agreements are applied by MS in practice, to what extent are these two instruments effective from the point of view of returnees and MS, and what their synergies are with reintegration assistance. The report will, among other things, contain an analysis of available statistics on the relevant measures.

The Slovak Republic (SR) compiled the focussed study under the title *Good practices in the return and reintegration of irregular migrants in the Slovak Republic: entry bans policy & use of readmission agreements*. From the point of view of methodology, the study is based on the texts and analyses of documents and publications concerning this topic. The primary source of information is the Slovak legislation, relevant EU legal acts, as well as a related internal regulation of the Bureau of the Border and Aliens Police of the Police Force Presidium (BBAP PFP). Since no comprehensive research has so far been conducted in the SR analysing measures concerning entry bans, readmissions or reintegration assistance, this study could be based only on available secondary sources. In order to obtain the most up-to-date information from practice, a questionnaire for collecting information and statistics was used and interviews with the BBAP PFP staff were conducted for the purposes of this study. The replies to the questions asked in the questionnaire or during interviews represent a very important source of information, and the authors of this study would like to thank the BBAP PFP for its cooperation and willingness to provide information.

Section 3 of the focussed study describes the legislation governing the imposition/non-imposition of the entry bans, including reasons for its imposition, criteria/indicators under which the entry ban is assessed, as well as categories of third-country nationals who can be imposed the entry ban. This section also provides information on the territorial scope of entry bans and on the authorities deciding on entry bans,

² Source: Good practices in the return and reintegration of irregular migrants: Members States' entry bans policy and use of readmission agreements between Member States and third countries. Common Template of EMN Focussed Study 2014, final version from 05 March 2014.

and describes the practical implementation upon their imposition, withdrawal or suspension.

The entry ban of third-country nationals in the SR is regulated by the Act No. 404/2011 Coll. of 21 October 2011 on Residence of Aliens and on changes and amendments to some acts, as amended (hereinafter referred to as the “Act on Residence of Aliens”). The relevant provisions on the entry ban form part of Chapter 1 of the Act on Residence of Aliens referring to administrative expulsion (AE). Under the current legislation, the imposition of entry bans is optional in almost all cases of AE, and the police department may impose entry bans under the decision on administrative expulsion. An exception in this regard is cases where the decision on AE sets no deadline for departure, or if the third-country national failed to meet the deadline for departure, or if several reasons exist for AE. In such cases, the third-country national is always imposed an entry ban.

The act specifically mentions the possibility of not imposing entry bans only in case the police department issues a decision on AE due to unauthorised stay of a third-country national in the territory of the SR who voluntarily comes to the police department and requests return to his/her country of origin under the assisted voluntary return programme. Humanitarian reasons, right to family life or health reasons do not constitute explicit grounds under the Act on Residence of Aliens for not imposing entry bans, yet the competent police department deciding on the matter may reduce the entry ban period or decide not to expel the third-country national upon individual assessment of his/her situation.

The Slovak legislation does not provide for explicit grounds for the imposition of the entry ban. According to the legislation, such grounds are tied to the reasons related to administrative expulsion. The assessment of grounds for AE and the ones for imposing entry bans is individual, and the competent police department mainly considers the severity of the breach of laws and regulation, duration of the infringement, as well as the circumstances under which the law was violated. These facts form the basis also for determining the entry ban periods and territorial scope. An entry ban in the SR may be imposed, depending on the severity of the case, for a minimum period of one year and a maximum of ten years. The territorial scope of the entry ban (whether within the territory of the SR or the territory of all MS) is decided by the police department in almost all cases.

The Act on Residence of Aliens allows withdrawing an entry ban only in case the third-country national proves that s/he departed within the deadline set by the police department in its decision on AE, or if s/he departed under the assisted voluntary return programme. In certain cases, such as due to humanitarian reasons, death, or visit of a seriously ill person who is a close person of the third-country national, or if it is in the interest of the SR, etc., the entry ban of the third-country national may be temporarily suspended, or entry is permitted for the specific purpose.

The final part of Section 3 describes the cooperation in sharing information on the entry ban imposition with other Member States, and provides an evaluation of the effectiveness and good practice related to this instrument. The SR regularly cooperates with other Member States in information exchange. The form and the content of information exchange with other MS depend on the specific case and on the need to verify the person, as well as the extent of cooperation by the third-country national with the authority acting in his/her return. Only a limited analysis of the effectiveness of the entry ban imposition could be made with regard to reaching a sustainable return, as the SR does not dispose of all statistical data required by the study specifications. According to the BBAP PFP, Slovakia faces mainly two practical problems/challenges upon the imposition of entry bans which can influence the efficiency of entry bans as a tool contributing to an effective return. The first one is the ensuring of compliance with the entry ban on the part of the third-country national concerned, and the second one is the ensuring of cooperation with the country of origin of the third-country national upon the execution of the entry ban.

Section 4 provides information on the practical implementation of valid EU Readmission Agreements and bilateral readmission agreements reached between the SR and third countries. This section also describes the frequency of execution of such agreements, and the problems faced by the SR while executing returns of third-country nationals.

At present, the SR is a party to 15 readmission agreements concluded with third countries at EU level, and five implementing bilateral protocols. Since the SR only disposes of data on executed readmissions (readmission applications that received a positive reply) and does not dispose of data on the total number of readmission applications filed under readmission agreements between the EU and third countries, the application and effectiveness of readmission agreements could only be analysed to a limited extent. The available data (such as on implementing protocols or countries to which third-country nationals are mostly expelled) suggests that the geographical focus of the Slovak Republic is the Balkans and the Commonwealth of Independent States (CIS), and that the most important EU Readmission Agreement is from the point of view of the SR the agreement with Ukraine with which Slovakia shares the external Schengen border. With regard to cooperation between the competent authorities and the effectiveness of returns, the SR perceives this agreement as a positive instrument. The SR has not registered yet any practical difficulties/obstacles in the implementation of EU Readmission Agreements, though their practical application is minimal.

As for bilateral agreements, Slovakia is currently a party to three readmission agreements. However, only the readmission agreement with Vietnam is being implemented, as with respect to Ukraine and the FYR Macedonia EU Readmission Agreements are in place. Statistics concerning bilateral agreements, as required by the study specifications, are not available either. Given the lack of the statistical data and the period that elapsed from the commencement of the bilateral readmission agreements, it was not possible to assess their added value in the execution of effective returns compared to the period before the conclusion thereof. In general, the SR considers it positive that the person concerned is physically extradited to the competent authorities of the other contracting party, which ensures the departure of that person from the Slovak territory and reduces the risk of his/her repeated unauthorised return to the territory of the SR, in particular if it is the transit country of irregular migration. The provision on accelerated procedure can be also considered an added value of the readmission agreement with Ukraine (either the bilateral one or EU agreement), which enables the extradition of a third-country national to the admitting country without unnecessary formalities, provided that the time from the illegal crossing of the common state border did not exceed 48 hours. It is a so-called informal readmission of a person conducted under an accelerated procedure, and the SR uses it very often with respect to Ukraine.

Section 3 analyses the possible dependence/links between entry bans and readmission agreements on one hand, and reintegration assistance on the other hand. This section also describes the extent of cooperation between responsible institutions.

Migrants returning to their country of origin are entitled to be provided reintegration assistance in the SR only in case they return under the Assisted voluntary return and reintegration programme (AVRR) implemented by the International Organization for Migration (IOM). Third-country nationals whose return is executed in the form of a forced return or by BBAP PFP police departments and PDFAs on the basis of readmission agreements do not have the right to be granted reintegration assistance. The condition of access to reintegration assistance is registration in the AVRR programme and execution of voluntary return by the IOM. The imposition or non-imposition of the entry ban does not have an impact on the granting of reintegration assistance. No regular consultations are held on these issues at the level of institutions which are in charge of the imposition of entry bans (BBAP PFP) or for the provision of reintegration assistance (IOM), and each institution acts independently, without consulting the other

party. As previously mentioned, the provision of reintegration assistance is not possible in the case of readmission agreements. No formal mechanisms or procedures therefore exist to coordinate the provision of reintegration assistance depending on the execution of return through readmission agreements.

The study also contains an annex with statistics which provides available data that is relevant to the focus of the study on irregular migration.

Section 3 Entry bans (maximum 10 pages)

This section reviews the national legal framework for imposing entry bans, in particular the grounds for issuing an entry ban (including criteria/indicators for assessing whether the grounds apply in individual cases), the categories of third-country national who can be issued such a ban, and the territorial scope of the entry ban. It also provides an overview of the authorities responsible for the imposition and decision-making of entry bans. The practical implementation of entry bans is explored by reviewing the extent to which Member States use a graduated approach, where entry bans are withdrawn or suspended depending on individual circumstances and the category of third-country national. Cooperation between Member States when implementing entry bans is addressed by reviewing whether Member States enter an alert into the SIS following imposition of an entry ban and by reviewing the information exchange/consultation processes including existing information sharing mechanisms between Member States. The section finally also includes questions about the perceived or actual effectiveness of entry bans, the main challenges associated with entry bans and any evidence of good practice.

SECTION 3.1 NATIONAL LEGAL FRAMEWORK ON ENTRY BANS: GROUNDS FOR IMPOSITION OF ENTRY BANS AND CATEGORIES OF THIRD-COUNTRY NATIONAL SUBJECT TO ENTRY BANS

Q1. IN YOUR MEMBER STATE, WHICH SCENARIO APPLIES TO THE IMPOSITION OF ENTRY BANS?

- a) Entry bans are automatically imposed in case the return obligation has not been complied with OR no period of voluntary departure has been granted **YES**
(Yes/No)
- b) Entry-bans are automatically imposed on all return decisions other than under a) **NO**
(Yes/No)
- c) Entry bans are issued on a case by case basis on all return decisions other than a) **YES**
(Yes / No)

The legal framework for imposing entry bans for third-country nationals in the Slovak Republic is provided by the Act No. 404/2011 Coll. of 21 October 2011 on Residence of Aliens and on changes and amendments to some acts (hereinafter referred to as the “Act on Residence of Aliens”). The relevant provisions on entry bans form part of the provisions of the Act on Residence of Aliens concerning administrative expulsion³ (AE) of third-country nationals, and specify the grounds for issuing entry bans, the conditions for setting the period for entry bans, the territorial scope and manner, and the scope of data on entry bans to be entered in information systems. These provisions also lay down the conditions of non-imposition of entry bans, reduced periods of entry bans, full withdrawal or permission of entry in cases where an entry ban has been imposed (suspension of entry bans).

If required to ensure the safety of persons or property or other public interest, the court may, pursuant to the Penal Act, impose an entry ban on a third-country national who has not been granted asylum or subsidiary protection by imposing expulsion (JE) from the territory of the SR for a period of one to fifteen years. The sentence of expulsion may be imposed by the court in connection with criminal offence committed by a person in the territory of the Slovak Republic.

³ Art. 77 to Art. 86 of Act on Residence of Aliens. Art. 87 of Act on Residence of Aliens specifies the conditions of AE and entry bans in the case of EU citizens and family members of EU citizens. These provisions are not analysed in this study, as it not the subject of the study specifications.

Under the current legislation, the entry ban imposition is optional in nature almost in all AE cases, and the police department may impose such ban in the decision on AE. There are three exceptions from this rule. The first one is a situation arising directly from the Return Directive⁴, when the police department does not set a deadline for departure in its decision on AE. In such case, an entry ban is automatically imposed. The second situation, also arising from the Return Directive⁵, occurs when the police department finds out that the apprehended third-country national was administratively expelled in the past without being imposed an entry ban, but failed to depart within the deadline set in the decision on his/her AE. In such case, the police department may decide to impose a ban on entry to the territory of the SR or all Member States.⁶ If there are several reasons for AE, the police department shall also impose an entry ban in its administrative expulsion decision – this is the third kind of situation giving rise to the entry ban imposition.⁷

An entry ban may also be imposed under the AE procedure, or it can be an independent entry ban procedure. An independent entry ban procedure is conducted in the event that it is found out that the apprehended third-country national was administratively expelled in the past with no entry ban imposed, but failed to depart within the deadline set in the decision on AE.

A situation where it is necessary to take an additional separate entry ban decision is, for example, when it is found out that the apprehended third-country national was administratively expelled in the past with no entry ban imposed, but failed to depart within the deadline set in the decision on AE, or in case the alien is allowed to use the assisted voluntary return programme and is set a deadline for departure, but it is suddenly discovered that s/he refuses to cooperate. A separate entry ban procedure is conducted in particular when the alien presents a falsified or counterfeited document or a document of another person during border control. In this case, it is not necessary to expel such person, as s/he is not yet in the Slovak territory, but the need to impose an entry ban on that person arises, as s/he met the statutory grounds for its imposition.

Q2a. What are according to national legislation in your Member State the grounds for imposing entry bans? Please answer this question by indicating whether the grounds defined in national law include the following listed in the table 3.1 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:

The legislation of the SR does not list explicit grounds for imposing entry bans. According to the current legislation, such grounds are tied to the grounds related to AE.

Under Art. 82, par. 1 of the Act on Residence of Aliens, the police department shall **administratively expel** a third-country national, if:

- a) s/he has illegally crossed the external border or intentionally avoided or refused to undergo a border check when crossing the external border,
- b) his/her residence in the territory of the Slovak Republic is illegal.

Under Art. 82, par. 2 of the Act on Residence of Aliens, the police department shall **administratively expel** a third-country national, if:

⁴ Art. 11 (1a) of Art. 3(3) Directive No. 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

⁵ Art. 11 (1b) of Art. 3(3) Directive No. 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

⁶ Art. 82 par. 6 Act on Residence of Aliens.

⁷ Art. 82 par. 8 Act on Residence of Aliens.

- a) s/he represents a serious threat to the national security or public order;
- b) s/he threatens the national security, public order or public health;
- c) s/he was lawfully sentenced for a pre-mediated criminal act and was not imposed the punishment of expulsion;
- d) s/he violated the regulations on narcotic drugs and psychotropic substances;
- e) s/he presented a falsified or counterfeited document or a document of another person when checked;
- f) s/he entered into a marriage of convenience;
- g) s/he interferes with a decision of a public authority;
- h) s/he has his/her visa annulled or revoked by the police department;⁸
- i) s/he provided false, incomplete or misleading data or presented falsified or counterfeited documents or a document of another person during the proceedings
- j) s/he performs activities other than those for which the temporary residence or visa was granted to him/her;
- k) s/he resides within the territory of the Slovak Republic on the grounds of an international treaty or a decision of the government of the Slovak Republic and acts in conflict with such an international treaty or decision of the government of the Slovak Republic;
- l) s/he refuses to prove his/her identity in a trustworthy way;
- m) it is discovered that the purpose for which a third-country national was granted temporary residence has expired and that the third-country national failed to report this fact to the police department;
- n) s/he failed to depart as per the relevant provision of the Act on Residence of Aliens⁹; or
- o) s/he has otherwise seriously or repeatedly violated generally binding legal regulations.

The police department may issue an entry ban with respect to all above-mentioned grounds for administrative expulsion. In case the police department does not set a deadline for departure in its decision on administrative expulsion, it shall impose an entry ban on the third-country national. The grounds for AE and for imposing an entry ban are assessed on a case-by-case basis, and the procedure is governed by the provisions of the Act No. 71/1967 Coll. on Administrative Procedure (Administrative Order).¹⁰ The decision on administrative expulsion and on imposing an entry ban must contain, in addition to other formalities, a justification of the police department on the basis of what evidence/indicators the entry ban was imposed with respect to the AE, the entry ban period, territorial scope, as well as relevant provisions on the basis of which the department took the decision. The police department must also state the reason which influenced the specific entry ban period in the operative part of the decision, whether it dealt with the

⁸ Under Art. 34 of Regulation (EC) No. 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code).

⁹ Under Art. 111, par. 1, letter p) of Act on Residence of Aliens, if the third-country national failed to depart within the last day of the legal residence; if his/her application for the temporary residence permit was rejected due to a change in the purpose, the application for the temporary residence permit renewal was rejected, the temporary residence permit was withdrawn, the application for a permanent residence permit for unlimited period of time was rejected, a permanent residence permit was withdrawn, the application for tolerated stay was rejected, the application for extension of the tolerated stay was rejected or the tolerated stay was withdrawn, the third-country national is obliged to leave the country within 30 days of the date of enforceability of the decision, unless s/he is authorised to reside in the territory of the Slovak Republic on other grounds.

¹⁰ The Administrative Order lays down the general procedural rules for administrative procedures which apply to all state (or administrative) bodies deciding in administrative procedures. The Act on Residence of Aliens stipulates that all kinds of special administrative procedures under this act are subject to the provisions of the Administrative Order, unless the Act on Residence of Aliens explicitly excludes the application of the Administrative Order provisions.

possible family ties of the third-country national, and why the security risk was considered to a larger extent, i.e. preferring expulsion to private and family life.¹¹

In general, the police department, upon assessing the grounds for AE and for imposing an entry ban on a third-country national, takes into consideration the breach of laws and regulations, the duration of the infringement, and the circumstances under which the law was violated. Particular consideration is given to facts whether the third-country national has already been subject to more than one decision on AE and whether s/he entered in the territory of the SR throughout the duration of his/her entry ban¹². This suggests that the evidence, facts or indicators leading to the decision to impose an entry ban are assessed on a case-by-case basis, and the imposition of an entry ban is linked and related to grounds for AE.

In line with the study specifications, Table below presents examples of evidence, facts or indicators on the basis of which the grounds for imposing entry bans or AE are assessed:

Table 3.1: Grounds for imposing entry bans

Grounds for imposing entry bans	Yes/No	Please provide information on the criteria/indicators used to decide whether particular grounds apply in individual cases
Risk of absconding ¹³	Yes	<p><i>Example: The risk of absconding may be measured in your (Member) State on the basis of an attempt to escape from detention, a statement about the person's reluctance to return to their home country, lack of a valid passport, lack of address or residence, previous declaration of false identity, previous violation of voluntary departure or entry ban, etc.</i></p> <p>The risk of absconding is defined in the Act on Residence of Aliens¹⁴ as the condition when there is a justified reason to believe or a direct threat that the third-country national will escape or hide, especially if it is impossible to identify him/her immediately, if s/he has not been granted a residence permit pursuant to the Act on Residence of Aliens, or if it is imminent that s/he would be banned entry for a period of more than three years.</p> <p>The risk of absconding is one of the reasons for automatically imposing an entry ban. Under the Act on Residence</p>

¹¹ Art. 8, par. 5 Guidelines for procedures concerning administrative expulsion of aliens, detention of third-country nationals, and voluntary return of third-country nationals from the territory of the Slovak Republic. BBAP PFP (hereinafter referred to as „BBAP PFP Guidelines“).

¹² Art. 82 par. 4 Act on Residence of Aliens.

¹³ As stipulated in the Return Directive Article 11 (1) (a) in combination with Article 7(4).

¹⁴ Art. 88, par. 2 of Act on Residence of Aliens.

		<p>of Aliens, a police department shall not determine the period for the leaving of the country in the decision on administrative expulsion, if it can be assumed that the third-country national would escape.¹⁵ Non-determination of a period for departure in the decision on AE constitutes a legal ground for imposing an entry ban automatically.</p> <p>Other evidence/indicators of the risk of absconding that are not mentioned explicitly in the act but are based on the practice¹⁶ include: the third-country national escaped or attempted to escape from detention in the past, or declares that s/he is not willing to return to his/her country of origin, or proved false identity, etc.</p>
<p>The third-country national concerned poses a risk to public policy, public security or national security¹⁷.</p>	<p>Yes</p>	<p><i>Examples of indicators may include the following:</i></p> <p><i>A third-country national who is convicted of an offence carrying a penalty involving deprivation of liberty of at least one year; a third-country national in respect of whom there are serious grounds to believe that s/he committed serious criminal offences or in respect of whom there is clear evidence of the intention to commit such offences; the third-country national has been subject to measures involving deportation, refusal of entry or removal, prohibition of residence, etc.¹⁸.</i></p> <p>Threat to state security is defined in the Act on Residence of Aliens¹⁹ as the action of a person who threatens democratic order, sovereignty, territorial cohesion or inviolability of state borders; or the action of a person who violates the fundamental rights and freedoms which protect the lives and health of persons, property and environment. Threat to public order is</p>

¹⁵ Art. 83, par. 2, letter a) of Act on Residence of Aliens.

¹⁶ Interview with BBAP PFP staff.

¹⁷ As stipulated in the Return Directive Article 11 (1) (a) in combination with Article 7(4).

¹⁸ Based on Article 96 of the Schengen Implementing Agreement (SIA).

¹⁹ Art. 2, par.1, letter i) of Act on Residence of Aliens.

		<p>defined in the Act on Residence of Aliens²⁰ as the violation or threat to the interest protected by law regarding fundamental human rights and freedoms, protection of minors and other vulnerable persons, or repeated violation of an interest protected by law regarding due exercise of public administration, environment, public order or citizen coexistence.</p> <p>Threat to state security or public order also constitutes a ground for automatically imposing entry bans. Pursuant to the Act on Residence of Aliens, the police department shall not determine the period for the leaving of the country in the decision on administrative expulsion, if it can be assumed that the third-country national threatens the state security, public order...²¹ Non-determination of a period for departure in the decision on AE constitutes a legal ground for automatically imposing an entry ban.</p>
The application for legal stay was dismissed as manifestly unfounded or fraudulent ²²	Yes	If the third-country national provided under the procedure pursuant to the Act on Residence of Aliens (i.e. in procedure on his/her residence application) false, incomplete or misleading data or presented falsified or counterfeited documents or a document of another person, the police department may impose an entry ban in the decision on AE. ²³
The obligation to return has not been complied with ²⁴	Yes	The very fact that the third-country national failed to depart within the deadline determined in the decision on AE constitutes a ground for the police department to decide to impose an entry

²⁰ Art. 2, par. 1, letter j) of Act on Residence of Aliens.

²¹ Art. 83, par. 2, letter c) Act on Residence of Aliens.

²² As stipulated in the Return Directive in Article 11(1)(a) in combination with Article 7(4).

²³ Art. 82, par. 2, letter i) of Act on Residence of Aliens.

²⁴ As stipulated in the Return Directive Article 11(1)(b).

		ban (unless the entry ban was imposed in the decision on AE).
Other (e.g. please indicate and add rows as appropriate)	Yes	The following facts can also be taken into account in the case of illegal stay in the territory of the SR: <ul style="list-style-type: none"> - the third-country national consciously maintained the infringement; - did not make any effort to remedy infringement while staying illegally in the country; - duration of illegal stay, etc.

If the police department decides to impose an entry ban in its administrative expulsion decision, it is obliged to assess the severity of the infringement or threat to the obligations laid down in the Act on Residence of Aliens, and determine the period of the entry ban accordingly.²⁵ The following legal periods of entry ban relate to the grounds for administrative expulsion referred to above:

In the case of an AE of a third-country national on the ground that s/he constitutes a serious threat to state security and public order, the period of entry ban is ten years.²⁶

In cases under letters b) to i) of Art. 82, par. 2 of the Act on Residence of Aliens²⁷, the period of the entry ban can be one to five years; under letters j), k), and o) (of the same paragraph)²⁸ it can be one to three years; and under letters l) to n) (of the same paragraph)²⁹ for a period of one year. If there are several reasons for administrative expulsion, the police department shall impose time period for the entry ban according to the strictest provision.³⁰

Besides the cases listed above, the act specifically regulates the period for the entry ban which can be three to five years in case the third-country national who submitted a falsified or counterfeited document or a document of another person at the entry during border check.³¹ Another case specifically regulated in the act is that the police department may impose an entry ban for a period of five years on a third-country national who was granted a long-term residence permit and seriously threatens the state security or public order.³²

²⁵ Art. 7, par. 2 of BBAP PFP Guidelines.

²⁶ Art. 82, par. 3, letter a) of Act on Residence of Aliens.

²⁷ The third-country national: b) threatens the national security, public order or public health; c) was lawfully sentenced for a pre-mediated criminal act and was not imposed the punishment of expulsion; d) violated the regulations on narcotic drugs and psychotropic substances; e) presented a falsified or counterfeited document or a document of another person when checked as per this Act; f) contracted a marriage of convenience g) interferes with a decision of a public authority; h) has his/her visa annulled or revoked by the police department; i) provided false, incomplete or misleading data or presented falsified or counterfeited documents or a document of another person during the proceedings as per this Act.

²⁸ The third-country national: j) performs activities other than those for which the temporary residence or visa was granted to him/her; k) resides within the territory of the Slovak Republic on the grounds of an international treaty or a decision of the Government of the Slovak Republic and acts contrary to such international treaty or decision of the Government of the Slovak Republic; o) has otherwise seriously or repeatedly violated generally binding legal regulations.

²⁹ l) The third-country national refuses to prove his/her identity in a trustworthy way; m) the police department discovered that the purpose for which the third-country national was granted temporary residence has expired and that the third-country national failed to report this fact to the police department; n) the third-country national failed to depart within the deadline as per the respective provision of the Act on Residence of Aliens.

³⁰ Art. 82 par. 8 of the Act on Residence of Aliens.

³¹ Art. 82 par. 7 of the Act on Residence of Aliens.

³² Art. 83 par. 6 of the Act on Residence of Aliens.

Q2b. What are the national grounds based upon which your Member State can decide **not** to issue an entry ban? Please answer this question by indicating whether the grounds defined in national law include the following listed in the table 3.2 below. In the final column, please add more detailed information on the criteria/indicators used to decide whether particular grounds apply in individual cases:

As previously mentioned, the imposition of an entry ban is optional. It is up to the competent police department to decide on imposing/non-imposing of an entry ban under the administrative expulsion procedure (with the exception of cases listed in the introduction to section 3 when entry bans are imposed automatically).

The act specifically regulates the non-imposition of an entry ban only in case the police department issues a decision on AE on the grounds of an illegal stay of a third-country national in the territory of the SR³³ who voluntarily comes to the police department and asks for a return to his/her home country by means of an assisted voluntary return.³⁴

The Act on Residence of Aliens does not list humanitarian reasons, right to family life³⁵ or health reasons as explicit circumstances for non-imposition of entry bans. The competent police department, however, may decide, upon individual assessment of the third-country national's situation, to reduce the period of the entry ban or not to expel such person, if it is a vulnerable person³⁶ or has legal residence in the SR, provided that the consequences of the administrative expulsion³⁷ are unreasonable given his/her private and family life, duration of his/her stay, health condition, age or ties to the country of origin. In such case, the police department assesses each case on an individual basis, including all circumstances of the case. Examples of evidence, facts or indicators for a police department to decide on non-expulsion and, hence, non-imposition of an entry ban on a third-country national are provided in Table ³⁸ below:

Table 3.2: Grounds for not imposing entry bans

Grounds for not imposing entry bans	Yes/No	Please provide information on the criteria/indicators used to decide whether particular grounds apply in individual cases
Humanitarian reasons	No.	N.A.
Right to family life (Article 8 ECHR)	Yes, upon individual assessment of the situation it can be a reason for non-expulsion and, hence, non-imposition of entry bans	The third-country national has family ties to Slovakia (spouse, child)
Health reasons	Yes, upon individual assessment of the situation it can be a reason for non-expulsion and, hence, non-imposition of entry bans	The third-country national suffers from serious illness.

³³ Art. 82 par. 1, letter b) of the Act on Residence of Aliens.

³⁴ Art. 82 par. 9 of the Act on Residence of Aliens.

³⁵ Pursuant to Art. 8 of the European Convention on Human Rights (1950).

³⁶ Under Art. 2, par. 7 of the Act on Residence of Aliens, a vulnerable person is especially a minor, a disabled person, a victim of trafficking in human beings, a person older than 65 years, a pregnant woman, a single parent with an underage child and a person subjected to torture, rape or other serious forms of psychological, physical or sexual violence; in justified cases even a person younger than 65 years may be considered to be an "older person".

³⁷ Under Art. 82 par. 1 and 2 of the Act on Residence of Aliens.

³⁸ See also sub-section 1.4, Table 3.4.

Q3. Please provide a short overview of the categories of third-country national that can be issued an entry ban by completing the table 3.3 below:

The Slovak legislation does not provide for a possibility to take into account, upon imposition of entry bans, cooperation or non-cooperation in the process of execution of return decision, and decisions are only made considering legal grounds. A certain form of cooperation can be considered the above-mentioned situation which occurs before the execution of a return decision – if an illegally staying third-country national comes to the police department voluntarily and requests return to his/her country of origin within the assisted voluntary return programme. In such case, the police department issues a decision on AE on the grounds of unauthorised stay in the territory of the SR³⁹ without imposing an entry ban.

Table 3.3: Categories of third-country national who can be issued an entry ban

Categories of third-country national who can be issued an entry ban⁴⁰	Who comply voluntarily with return decision (Y/N)	Who do not cooperate with return decision (Y/N)
Third-country nationals staying illegally on the territory of a Member State (including residence/visa over-stayers, rejected applicants for international protection, third-country nationals who entered the territory illegally)	Yes	Yes
Third-country nationals who are subject to a refusal of entry in accordance with Article 13 of the Schengen Borders Code	Yes	Yes
Third-country nationals who are apprehended or intercepted by the competent authorities in connection with the irregular crossing by land, sea or air of the external border of a Member State and who have not subsequently obtained an authorisation or a right to stay in that Member State	Yes	Yes
Third-country nationals who are subject to return as a criminal law sanction or as a consequence of a criminal law sanction	Yes	Yes
Other (please indicate and add rows as appropriate)	-	-

Q4. Specify the territorial scope of entry bans that are imposed by your Member State, i.e. do they apply to the entire EU territory or do they only cover the national territory of the Member State? If both types of entry bans can be imposed, please indicate that this is the case.

Entry bans may be imposed either for the territory of the SR or for the territory of all EU Member States (MS). In general, entry bans usually refer to the entire Schengen Area.

³⁹ Art. 82, par. 1, letter b) of the Act on Residence of Aliens.

⁴⁰ Based on Article 2 Return Directive. SR has not transposed this article.

Q5. Which institution(s) in your Member State decides whether or not to issue an entry ban on third-country nationals who are the subject of a return decision? Please specify whether this concerns for example the police, border police, immigration service, asylum agency etc.

The imposition of entry bans, the period of entry bans and territorial scope (either under the AE procedure or in specific cases under entry ban procedures) is decided, in first-instance proceedings, by the police department which discovered the reasons for administrative expulsion or entry ban, i.e. it can be the local aliens police department (APD) or the border control department (BCD). In second-instance proceedings, under procedures of appeal against a decision on AE or entry ban, an entry ban may be imposed, withdrawn, reduced or extended also by the BBAP PFP Directorate, but only in case the alien appeals against the decision on AE or entry ban. In such case, the Directorate issues a decision on appeal in which it either upholds the alien's appeal or denies it, and may also change the verdict of the first-instance authority.

SECTION 3.2 PRACTICAL APPLICATION OF ENTRY BANS

Q6. Who informs third-country nationals of the imposition of the entry ban and what procedure is used to convey this information? Please specify

A third-country national who is issued an entry ban for the territory of the SR or of the Schengen Area is informed thereof by the police department that issued the decision on AE and on imposing the entry ban. The third-country national is informed by the acting police of the competent BCD or APD through an appointed interpreter, if needed.⁴¹ At the request of the third-country national, the police department shall also provide him/her with a written translation (made by the appointed interpreter) of the reason for AE and for the entry ban, on the obligation to leave the country, on the entry ban period, and instructions concerning the possibility of appeal.⁴²

Q7. Do third-country nationals who have been imposed an entry ban have the possibility to appeal the decision? (Yes/No) Specify whether this is laid down in national law (make reference to the national legislation and the provision) and specify the concerned court of appeal **Yes**

Third-country nationals have the right to appeal against the decision on administrative expulsion or the decision on entry ban. In case they waive the appeal in writing or orally in the report on the procedure, their appeal would not be upheld once this fact has been discovered. In case the police department excludes in its decision on entry ban or in a decision on administrative expulsion a suspensive effect of the appeal against such decision, the lodged appeal will not affect the execution of the decision on administrative expulsion. Enforcement of a decision starts by the day when a decision is handled by a third country national. An appeal may be lodged by a third-country national who is a party to the procedure, or by a person authorised by such third-country national. The appeal is lodged at the administrative body which issued the appealed decision, i.e. at the competent police department within 15 days from the date of notification of the decision to the party to the procedure or to an authorised person. After its delivery, the police department examines whether the appeal meets all formalities; if not, it would help the third-country national to remedy any shortcomings, or may ask the third-country national to do so within a set period of time. Having examined the case, the police department may

⁴¹ BBAP PFP questionnaire.

⁴² BBAP PFP Guidelines.

uphold the appeal in full extent (auto-remedy); otherwise, it would submit the appeal of the party to the procedure and the ARM, in compliance with the Administrative Code, to a second-instance authority – the respective BBAP PFP Directorate, which is competent to decide on the appeal, within 30 days from the delivery of the appeal to the police department or in justified cases the period can be extended by further 30 days. After all ordinary means of appeal have been used and the party to the procedure did not succeed in appealing his/her rights, s/he can file an action at the competent court in accordance with the instruction attached to the decision on appeal (second-instance decision), as the decision on appeal is subject to review by the competent regional court.

Q8. Please indicate whether entry bans can be withdrawn or suspended in your Member State, specifying the categories of third country national who may be withdrawn/suspended from an entry ban, and explain the circumstances or reasons for this by filling out the table 3.4 below:

The Act on Residence of Aliens⁴³ allows withdrawing the entry ban on a third-country national who was expelled only in case such third-country national proves that s/he left the country within the deadline set by the police department in its decision, or if s/he left the country under an assisted voluntary return.

In certain cases, the Ministry of Interior of the SR (MoI SR) may allow entry to a third-country national who was imposed an entry ban. Such temporary suspension of the entry ban⁴⁴ or permission of entry to a third-country national who was imposed the entry ban under the decision on AE or the decision on entry ban may be granted by the MoI SR if the purpose of stay are humanitarian reasons, in particular death or visit of a seriously ill person who is a close person of the third-country national, or of the stay of the third-country national is in the interest of the SR and the issue cannot be dealt with abroad.⁴⁵ The Act on Residence of Aliens does not state explicitly whether the vulnerability of the person can influence the withdrawal or suspension of the entry ban. In the case of vulnerable persons – third-country nationals or persons with a permanent residence in the SR, the police department may reduce the entry ban period or not to expel them administratively if the consequences of the AE and entry ban are unreasonable given their private and family life, duration of their stay, health condition, age or ties to the country of origin.⁴⁶ In such cases, the police department assesses the individual circumstances on a case-by-case basis (for more details see also section 1).

The Slovak legislation does not regulate the withdrawal or suspension of entry bans with respect to the category of third-country nationals. In line with the study specifications, Table below presents criteria or indicators on the basis of which certain categories of third-country nationals may have their entry ban withdrawn or suspended, or who may be permitted entry.

Table 3.4: withdrawal and suspension of entry bans

Categories of third-country national who can be exempted from an entry ban	Entry ban can be withdrawn or suspended (Y/N)	If yes, please provide information on the criteria/indicators used
---	--	---

⁴³ Art. 86, par. 1 of the Act on Residence of Aliens.

⁴⁴ The Act on Residence of Aliens does not mention temporary suspension of entry bans, but a permission of entry of a third-country national who was imposed an entry ban. For the purposes of this study and in line with the study specifications, both terms are used herein.

⁴⁵ Art. 86, par. 2 of the Act on Residence of Aliens.

⁴⁶ Art. 83, par. 4 of the Act on Residence of Aliens.

Third-country nationals who can demonstrate that they have left the territory of the member State in full compliance with a return decision	Yes, entry ban can be withdrawn.	– proof of departure by checking information systems in case the alien left the country through the external border of the SR or an airport – exit stamp in a travel document
Victims of trafficking in human beings who have been granted a residence permit pursuant to Council Directive 2004/81/EC (provided they do not represent a threat to public policy, public security or national security)	No	N.A
Minors	Yes, entry ban can be withdrawn.	If they prove that they left within the set deadline or under the assisted voluntary returns.
Unaccompanied Minors	Not applicable. Unaccompanied minors may not be expelled from the SR ⁴⁷ and may not be imposed an entry ban.	NA
Disabled people	No. The entry ban may not be withdrawn or suspended, but such persons, as they fall into the category of vulnerable persons, may have the entry ban period reduced or avoided administrative expulsion by the police department.	NA
Elderly people		NA
Pregnant women		NA
Single parents with minor children		NA
Persons with serious illness		NA
Persons with mental disorders		NA
Persons who have been subjected to torture, rape, or other serious forms of psychological, physical or sexual violence (e.g. victims of female genital mutilation)		

⁴⁷ This shall not apply if the expulsion of the child is in its interest.

<p>Other humanitarian reasons, (please indicate and add rows as appropriate)</p> <p>Humanitarian reasons</p>	<p>Yes, entry ban can be suspended.</p> <p>Temporary suspension or permission of entry to a third-country national who was imposed the entry ban under the decision on AE or the decision on entry ban may be granted by the MoI SR if the purpose of stay are humanitarian reasons, in particular death or visit of a seriously ill person who is a close person of the third-country national.⁴⁸</p>	<p>– death of a close person</p> <p>– visit of a seriously ill close person</p>
<p>Other individual cases or certain categories of cases for other reasons (please indicate and add rows as appropriate)</p> <p>Interest of the SR</p>	<p>Yes, entry ban can be suspended.</p> <p>Temporary suspension or permission of entry to a third-country national who was imposed the entry ban under the decision on AE or the decision on entry ban may be granted by the MoI SR if it is in the interest of the SR and the issue cannot be dealt with abroad.⁴⁹</p>	<p>If the third-country national is required to participate in administrative or court proceedings.</p>
<p>The third-country national left under assisted voluntary returns</p>	<p>Yes, entry ban can be withdrawn.</p>	<p>– execution of assisted voluntary return</p>

Q9. Is the institution responsible for the imposition of the entry ban the same as the authority that is competent to decide on withdrawal/suspension? Yes/ No. If not, or in case other actors are involved, please specify which ones and comment on the cooperation between the two actors.

No. The withdrawal or suspension of entry bans or permissions of entry is decided by the MoI SR, specifically by the BBAP PFP.

SECTION 3.3 COOPERATION BETWEEN MEMBER STATES

Q10. Does your Member State enter an alert into the SIS when an entry ban has been imposed on a third-country national? (e.g. see Article 24 (3) of Regulation No 1987/2006 – SIS)? (Yes/No)

Please specify whether;

- a) Alerts are entered into the SIS as standard practice **No**
- b) Alerts are entered into the SIS on a regular basis **Yes**
- c) Alerts are entered into the SIS on a case-by-case basis **No**

At national level, the police department enters data third-country nationals, on the times of entry bans and on the grounds for issuing decisions on AE and entry bans in the database of undesirable persons. In practice, the police department contacts the competent directorate to make an entry on the undesirable person through the MIGRA information system which is interconnected with the INBO national information system, as well as information on the entry ban period and whether the identity has been

⁴⁸ Art. 86 par. 2 of the Act on Residence of Aliens.

⁴⁹ Ibidem.

verified in a trustworthy way (whether the person has a valid travel document or other identification document). If reasons exist⁵⁰ and the identity of the third-country national has been verified in a trustworthy way, the police department enter an alert in the Schengen Information System System through the competent directorate. The police department would subsequently inform the third-country national for whom an alert has been entered in the Schengen Information System about the consequences of such measure.

Q11a. Does your Member State share information on the use of entry bans with other Member States? (Yes/No)

- | | |
|--|------------|
| a) Your Member State exchanges information as a standard practice | No |
| b) Your Member State exchanges information on a regular basis | No |
| c) Your Member State exchanges information on a case-by-case basis | Yes |

The Slovak Republic cooperates with other Member States in information exchange. Such cooperation is common practice, happens on a regular basis and depends on the specific case.⁵¹ Every single person dealt by in the territory of the SR either with respect to legal migration or irregular migration is checked in the SIS information system. In the case of a hit, if so required by the situation or the case, the respective Member State is contacted through the SIRENE national bureau with a request to provide more details on the reasons for making an entry, and to send the return decision.

Q11b. What type of information is shared with other Member States? Please indicate whether any or all of the following types of information are shared:

- | | |
|--|------------|
| a) Number of entry bans imposed | Yes |
| b) Identity of the individuals who have been imposed an entry bans | Yes |
| c) Reasons for imposing the entry bans | Yes |
| d) Decision to withdraw an entry ban and reasons for this | Yes |
| e) Decision to suspend an entry ban and reasons for this | Yes |
| f) Any other information (please specify) | N/a |

The SR shares various types of information with the MS concerned, such as number of imposed entry bans, information on the identity of persons who were imposed entry bans and the grounds for the imposition thereof, as well as information on the decision to withdraw or suspend an entry ban and related reasons. The exchange of information depends on the specific case and on the need to check the person, and on the information that is available on that person and on the extent of his/her cooperation with the authority acting in the process of his/her return.⁵²

Q11c. How is information shared with other Member States? Please provide an overview of the existing mechanisms to share information (e.g. via the Schengen Information System, bilateral exchange of information either face-to-face, over the telephone, via e-mail, other?)

Information is shared mainly in the case of a hit in the Schengen Information System (SIS) in cases recognised as valid, when it is necessary to obtain the opinion of the other Member State which issued the entry ban on the third-country national. The information is exchanged through the SIRENE national

⁵⁰ Art. 96 of the Convention Implementing the Schengen Agreement of 14 June 1985 on the Gradual Abolition of Checks at their Common Borders, signed in Schengen on 19 June 1990 (Special edition, Chapter 19/Vol. 2, OJ L 239, 22/09/2000).

⁵¹ BBAP PFP questionnaire.

⁵² Ibidem.

bureau, police attachés in the different Member States, or at the level of bilateral cooperation through joint contact points set up at the common border of the SR and its neighbouring countries (Hungary, Austria, Poland and the Czech Republic).⁵³

Q12a. Article 11 (4) stipulates that “where a Member State is considering issuing a residence permit or other authorisation offering a right to stay to a third-country national who is the subject of an entry ban issued by another Member State, it shall first consult the Member State having issued the entry ban and shall take account of its interests in accordance with Article 25 of the Convention implementing the Schengen Agreement”. Please describe the processes how these consultations take place; indicate which authorities are involved as well as the method of consultation.

When considering granting a residence permit to a third-country national, the applicant is checked in the SIS. In the case of a hit the police department acts in accordance with Article 25 of the Convention implementing the Schengen Agreement. That means that if the police department intends to grant a residence permit to a third-country national who is on the list of refused entries, it would consult this fact with the state which made the entry and would consider the third-country national’s interests. On behalf of the SR, such cases are consulted by the competent police departments on the basis of a request for data to be obtained from another Member State and exclusively through SIRENE (by phone or by e-mail). SIRENE has a network for information sharing in place.

The police department would grant residence to such third-country national only in the case of serious reasons, in particular for humanitarian reasons (for example, serious health condition of a family member of the third-country national) or under international commitments, and would enter the data in the (ARM) MCE. The MCE also includes reference information on the basis of which the police department made the decision.⁵⁴ The SR has not granted yet a residence permit to a third-country national who was subject to an entry ban imposed by another Member State.⁵⁵ This fact, however, is not monitored at central level – it may occur that such person was granted residence in the past if applied for asylum, for example.

Q12b. Has your Member State ever issued a residence permit or any other authorisation offering a right to stay to a third-country national who is the subject of an entry ban imposed by another Member State? (Yes/No); If yes, please indicate the number of residence permits issued to third-country nationals in these circumstances.

No.

Q12c. In case your Member State has issued a residence permit or any other authorisation offering a right to stay to a third-country national who is the subject of an entry ban imposed by another Member State, please specify the circumstances based on which such decisions were taken.

NA, see Q12a.

⁵³ Ibidem.

⁵⁴ BBAP PFP Guidelines.

⁵⁵ Interview with BBAP PFP staff.

SECTION 3.4 EFFECTIVENESS OF ENTRY BANS

Q13. Has your Member State conducted any evaluations of the effectiveness of entry bans? (Yes/No) If yes, please provide any results pertaining to the issues listed in the table 3.5 below. The full bibliographical references of the evaluations can be included in an Annex to the national report.

The SR has not performed yet any evaluation of the effectiveness of entry bans focusing on, for example, how entry bans contribute to the prevention of repeated entries, to ensuring compliance with the rules of voluntary return/departure, what is the financial or cost effectiveness of entry bans, etc. Internally, the BBAP PFP continuously analyses this instrument within the Department for Risk Analysis and Coordination.⁵⁶

3.5: Entry ban's effectiveness

Aspects of the effectiveness of entry bans	Explored in national evaluations (Y/N)	Main findings
Contribute to preventing re-entry	NA	NA
Contribute to ensuring compliance with voluntary return ⁵⁷	NA	NA
Cost-effectiveness of entry bans	NA	NA
Other aspects of effectiveness (please specify)	NA	NA

Q14. The following indicators have been developed in order to measure the effectiveness of entry bans as a means for enhancing the ability of (Member) States to carry out sustainable returns, or provide proxy measures of their effectiveness. If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years. The statistics should be provided as a total number from January 1st until December 31st of each year.

A number of statistical indicators, such as data on the number of decisions on suspending entry of third-country nationals (i.e. when a third-country national was permitted to enter the SR in spite of being impose an entry ban) are not followed due to the fact that the number of such exceptions throughout the past years did exceed five extraordinary entries.⁵⁸ Data on the numbers of decisions on reduction of entry ban periods is not available either, and the same applies to the number of third-country nationals who were imposed the

⁵⁶ Ibidem.

⁵⁷ I.e. to what extent does the graduated approach (withdrawal or suspension of the entry ban) contribute to encouraging third-country nationals to return voluntarily?

⁵⁸ BBAP PFP questionnaire.

entry ban and returned/departed voluntarily⁵⁹ and to the number of third-country nationals who were administratively/judicially expelled without being imposed an entry ban and who returned voluntarily (including assisted voluntary returns). Due to the unavailability of data on the last two indicators it is not possible to determine the share of third-country nationals who were imposed entry bans and returned voluntarily (voluntary departure) in the number of third-country nationals who were imposed entry bans in the SR, and also, it is not possible to determine the share of third-country nationals who were not imposed entry bans and returned voluntarily (voluntary departure) in the total number of third-country nationals who were issued a decision on return/decision on expulsion (AE/JE), and thus to evaluate the effectiveness of the entry ban instrument. The available statistics that can be used to measure the effectiveness of entry bans as an instrument of the SR for executing sustainable returns is provided in the table below.

The Table below suggests that the number of entry bans imposed on third-country national during the reference period (2009–2013) declined (at a min. year-to-year decline rate of 28.9%) with the exception of the last year when the number of issued entry bans was 6.7% higher than in 2012. The reduced number of entry bans issued since 2009 was caused not only by a gradual decline in irregular migration, but also by changes in legislation in 2012. By 2012, entry bans were imposed always when third-country nationals were issued a decision on expulsion (AE).⁶⁰ The imposition of entry bans has been optional since 2012, with the exception of situations described in section 3. It is necessary to note, though, that entry bans are imposed not only in cases of irregular migration, but the statistics may also include cases of judicial expulsion (the sentence of expulsion) related to committed crimes not related to irregular migration.

When analysing the data on the total number of imposed entry bans, it is necessary to consider that entry bans are issued either as part of a decision on AE/JE, or under a separate entry ban procedure, and also the fact that the police department must issue a new decision on AE if the third-country national fulfilled his/her obligation to leave the territory of the SR under the original decision on AE⁶¹, and if the police department decides to also impose an entry ban in its new decision on AE, it is imposed only in case the new period is longer than the original entry ban period. In case the third-country national was imposed in the original decision on AE an entry ban period which still lasts, this period remains valid and lapses simultaneously with the new entry ban period. These periods are not added together.⁶² During the last two years, 13 decisions on imposing entry bans were withdrawn, with 41 persons requesting entry ban withdrawal in 2012 (68.3% of requests for withdrawal of entry bans were refused) and 38 persons in 2013 (65.8% of the requests for withdrawal of entry bans were refused).

The numbers of third-country nationals who were imposed an entry ban and were repeatedly apprehended within the territory of the SR (outside of the border) during the reference period also declined, and the lowest number was reported in 2013 (17 cases). The decline in the number of such cases was largely caused by the overall reduction in the number of issued entry bans.

Table 3.6: National statistics on entry bans

⁵⁹ This data cannot be monitored given the fact that the Schengen Area does not have a central system for the monitoring of departures of third-country nationals who were issued a return decision and set a deadline for departure. Third-country nationals can leave the Schengen Area also from outside the Slovak territory. Source: BBAP PFP.

⁶⁰ AE is a decision of a police department on termination of the alien's stay and with a set period for his/her departure... and the entry ban period, unless this act stipulates otherwise. Source: Act No. 48/2002 Coll. on Stay of Aliens.

⁶¹ Upon apprehension in the SR of a third-country national who was issued a decision on AE in the past, the police department checks whether the third-country national left the country on the basis of its final decision on AE and whether s/he returned during the entry ban period.

⁶² Guidelines for procedures concerning administrative expulsion of aliens, detention of third-country nationals, and voluntary return of third-country nationals from the territory of the Slovak Republic. BBAP PFP.

Indicators (refer to 12 month period, if possible data should be disaggregated by category of third-country national)	Y/N	2009	2010	2011	2012	2013
Number of entry bans imposed *		1552	942	670	461	492
Number of decisions to withdraw an entry ban		NA	NA	NA	13	13
Number of decisions to suspend an entry ban		NA	NA	NA	NA	NA
Number of persons who are the subject of an entry ban who have been re-apprehended inside the territory (not at the border)**		68	31	31	30	17
Proportion of persons issued an entry ban who have returned voluntarily – out of the total number of persons that were issued an entry ban		NA	NA	NA	NA	NA
Proportion of persons who were not issued an entry ban who have returned voluntarily – out of the total number of persons that were imposed a return decision		NA	NA	NA	NA	NA

Source: BBAP PFP

Notes:

NA - No statistical data is available, as it is not monitored at central level.

* Entry bans refer not only to irregular migration, but may also include other cases (JEs with entry bans due to crimes not related to irregular migration). Source: Information system – Index of undesirable persons..

** This overview provides the number of third-country nationals who were apprehended during the reference period for the offense of obstruction of an official decision. This category does not include third-country nationals who were apprehended at a border crossing.

Q15. Please indicate whether your Member State has encountered any of the following challenges in the implementation of entry bans and briefly explain how they affect the ability of entry bans to contribute to effective returns.

According to the information provided by the BBAP PFP, the SR has encountered two practical problems/challenges upon the implementation of entry bans which can affect the ability of entry bans to contribute to effective returns. The first one is to ensure compliance with the entry ban by the third-country national concerned, and the other own is to ensure cooperation upon the implementation of entry bans with the country of origin of the third-country national (for more details see below). The monitoring of

compliance with the entry ban rules and cooperation with other Member States in the implementation of entry bans is not an issue for Slovakia.

Table 3.7: Practical challenges for the implementation of entry bans

Challenges associated with entry bans	Y/N	Reasons
It is difficult to ensure compliance with entry bans on the part of the third-country national concerned	Yes	There are some difficulties in ensuring compliance with entry bans on the part of the third-country national concerned. There have been cases where third-country nationals attempted by various illegal ways or manage to enter the territory of the SR in spite of being imposed an entry ban (for example, the third-country national arrives with a travel document of another person or with a counterfeited document). There have been concrete cases of Ukrainian nationals who dispose of travel documents issued for a name different than the name on which the entry ban was issued in the SR. The SR can ensure compliance with entry bans on the part of third-country nationals only by targeted measures on the external borders, since the conduct of such person cannot be influenced by the SR.
It is difficult to monitor compliance with entry bans	No	Given the use of national and international information systems, it is not difficult to monitor compliance with entry bans.
It is difficult to secure the cooperation of other MS in the implementation of entry bans ⁶³	No	Cooperation with other Member States in the implementation of entry bans works well.
It is difficult to secure the cooperation of the country of origin in the implementation of entry bans	Yes	In some cases it is difficult to secure the cooperation of the country of origin in the implementation of entry bans. In case the SR informs the country of origin on imposing an entry ban on its citizen, it is sometimes difficult to secure the issuance of a emergency travel document for the given third-country national for the way back.
Other challenges (please specify and add rows as necessary)	:	:

Source: BBAP PFP questionnaire

Notes:

: not applicable

Q16. Please describe any examples of good practice in your (Member) State's implementation of entry bans, identifying as far as possible the reasons why the practice in question is considered successful. *In the synthesis*

⁶³ This could for example relate to problems in the use of the Schengen Information System, and/or the lack of a common system.

report, these good practices will be compared and those which appear most transferrable to other Member States will be highlighted.

Examples of good practice in the implementation of entry bans in the SR include the IS MIGRA national system which is interconnected with the INBO system (records on undesirable persons, blocked persons, means of transport and items at border crossing points) and into which information on imposed entry bans and entry ban periods is entered. The system prevents persons who have committed infringements from repeatedly entering the SR within a determined period of time.⁶⁴

Entry bans as an instrument also have a corrective nature, as they motivate the person to avoid such conduct⁶⁵ in the future which could result in imposing a ban on entry in the SR or in the Schengen Area. Once an entry ban is imposed, the movement of the person within the Schengen Area is monitored throughout the respective period.⁶⁶

Section 4. Readmission agreements⁶⁷ (maximum 10 pages)

This section investigates the practical application of EU and separate bi-lateral readmission agreements of EU Member States with third countries. In particular, it attempts to ascertain how frequently EU and bi-lateral readmission agreements are used, any practical challenges Member States have experienced when carrying out return on the basis of readmission agreements and to what extent readmission agreements have been effective in ensuring the removal of irregular third-country nationals.

Readmission agreements are considered an effective tool for combating irregular migration in the SR, as they contribute to the effectiveness of the policy of returning third-country nationals who stay illegally in the territory of the SR or of the Schengen Area. These agreements facilitate cooperation between the SR and third countries also in returning their own nationals (from third countries) and stateless persons. Since each state party is obliged to admit the person concerned after signing the readmission agreement, the process of return of such person is relatively fast, without any bureaucratic obstacles.⁶⁸

SECTION 4.1 INSTITUTIONAL SET-UP

Q17. Which authority is responsible for making applications for readmission to third countries in individual cases of forced and or voluntary return?

The Act on Residence of Aliens states that police department shall provide for the implementation of the decision on administrative expulsion, if a third country national should be returned to the territory of the contractual state according under an international treaty (readmission agreement).⁶⁹ The police is may detain a third-country national for the purpose of returning him/her under an international treaty (readmission

⁶⁴ BBAP PFP questionnaire.

⁶⁵ Under Art. 348, par. 1, letter c) of the Penal Act, an official decision taken by a court or other public authority is deemed to be obstructed or substantially impeded if it is done so by a person residing, without permission and without a serious reason, in the territory of the Slovak Republic despite having been imposed the sentence of expulsion from or sentence of prohibition of residence in the territory of the Slovak Republic (this condition must be fulfilled; staying in hospital, for example, cannot be considered obstruction; another condition is wilful conduct (see Art. 15 to 18 of the Penal Code)). In case all conditions are met (the third-country national stays in the territory of the SR without permission and without a reason, and is aware of the fact that s/he was imposed the sentence of expulsion or prohibition of residence in the territory of the SR), the imposition of a specific sentence is considered – expulsion or imprisonment. Imprisonment is usually imposed by courts for a probationary period (Art. 49 of the Penal Code of 1 to 2 years Art. 50 of the Penal Code). Source: BBAP PFP.

⁶⁶ BBAP PFP questionnaire.

⁶⁷ Please note that this Section only concerns readmission agreements with third countries and that any other readmission agreements with EEA countries are outside the scope.

⁶⁸ Potočková, I.: Annual Report on Migration and Asylum Policies, Slovak Republic 2010. National Study for the European Migration Network. Bratislava: IOM 2011, 95 p., ISBN: 978-80-89506-07-1. Available at: <http://www.emn.sk/sk/vyrocnne-spravy-emn.html>.

⁶⁹ Art. 84, par. 1, letter c) of the Act on Residence of Aliens.

agreement), if s/he crossed the external border illegally, or if s/he stays in the SR without authorisation.⁷⁰ A detained third-country national on the extradition of which to the neighbouring state an procedure was initiated under international treaty (readmission agreement), may be temporarily placed in a police department. From the total period of detention determined by the police department in its decision on detention, the maximum period of detention of the third-country national at the police department is seven days from detention. Unless the third-country national is extradited within seven days from detention, s/he must be placed in a PDFA.⁷¹

A central authority is responsible for the lodging of applications for readmission of third-country nationals is the MoI SR and specifically the PFP through its competent departments which institutionally fall under the BBAP PFP. Requests are filed in writing, mainly by fax and e-mail, and are sent to addresses stated in the respective implementing protocols or to addresses known from previous readmissions.

SECTION 4.2 EU READMISSION AGREEMENTS

Q18. Please provide any available statistics on the number of readmission applications that your Member State has submitted on the basis of **EU readmission agreements**. In Table 4.1 you are required to provide statistics on the total number of all readmission applications made based on EURAs. In table 4.2, 4.3 and 4.4 you are required to only provide statistics for the three third countries to which most readmission applications are made. These statistics are to be provided separately for each third country by filling out table 4.1, 4.2 and 4.3 below. Please distinguish, if possible, between own nationals and third-country nationals or stateless persons.

At present, the Slovak Republic has 15 readmission agreements in place with third countries concluded at EU level. The readmission agreements at EU level are binding for the SR after their entry into force, and do not require any further special implementation measures. After such agreements enter into force, the SR can still initiate the conclusion of implementing bilateral protocols which regulate and facilitate the execution of readmission agreements and cover areas, such as appointment of competent bodies and contact points, specification of border crossing points, the procedures for sending applications for readmission, accelerated readmission procedures, required travel and other documents, the special aspects of interviews and hearings for the purpose of determining the nationality of the person concerned, transit operations, the conditions for police accompaniment, reimbursement of damages and costs, or the language of communication, settlement of disputes, or meetings of experts in order to evaluate the implementation of the agreement and of the protocol and other issues.

With regard to readmission agreements concluded at EU level, the SR has five implementing bilateral protocols with third countries in place (Albania, Russia, Montenegro, Serbia and Moldova). Negotiations on bilateral implementing protocols have been completed with Ukraine, FYR Macedonia, Bosnia and Herzegovina, and Georgia.⁷²

Neither the readmission agreements listed above contain specific information on the possibility of voluntary return of the person concerned.

⁷⁰Art. 88, par. 1, letter d) of the Act on Residence of Aliens.

⁷¹Art. 88, par. 6 of the Act on Residence of Aliens.

⁷² MoI SR. As of 2014. The implementing protocols with the FYR Macedonia, Bosnia and Herzegovina, and Georgia are expected to be signed in the first half of 2014. Source: Bachtíková, I., Ulrichová, N.: Annual Report on Migration and Asylum Policies, Slovak Republic 2013. Report of the National Contact Point of the European Migration Network in the Slovak Republic. Bratislava: IOM 2014, 87 p., ISBN: 978-80-89506-48-4 Available at: <http://www.emn.sk/sk/vyrocne-spravy-emn.html>.

Since the SR does not dispose of any data on the total number of readmission applications filed under EU readmission agreements with third countries⁷³, it is not possible to analyse to what extent such readmission agreements concluded at EU level are used by the SR and what is their effectiveness. It is not possible to analyse either the data on the number of readmission applications concerning Slovak citizens, third-country nationals and stateless persons.

According to the BBAP PFP, it has not been necessary to monitor in detail the number of sent readmission applications at central level, since it is monitored at local level within the competence of each police department. The readmission agreements are evaluated at central level, and the individual police departments communicate to the BBAP PFP any possible problems encountered during the execution of readmissions (for more details see Q19).

The information on the implementing protocols and completed negotiations on these protocols indicate the geographical focus of the SR on the Balkan and CIS countries which fall into the category of countries to which third-country nationals are expelled most frequently (see Table A in the Annex). This data suggests that the most important readmission agreement concluded at EU level is the agreement with Ukraine⁷⁴ with which the SR shares the external Schengen border. In terms of cooperation with the competent bodies and effectiveness of returns, the SR perceives this agreement positively (see text below).

Table 4.1: National Statistics on the total number of readmission applications under EU Readmission Agreements

	Total number of readmission applications made based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	NA	NA	NA	NA	NA	NA	NA	NA
Own nationals	NA	NA	NA	NA	NA	NA	NA	NA
Third-country nationals (including stateless persons)	NA	NA	NA	NA	NA	NA	NA	NA

Table 4.2: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 1 (specify the concerned third country)

	Number of readmission applications made to third country 1 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	NA	NA	NA	NA	NA	NA	NA	NA
Own nationals	NA	NA	NA	NA	NA	NA	NA	NA

⁷³ Statistics on the number of readmissions (readmission applications that received a positive reply) are collected at central level (for more details see Table C in the annex). During the past five years, though, no readmissions from the SR to third countries other than Ukraine and Russia have been carried out.

⁷⁴ Before entry into force of the readmission agreement concluded with Ukraine at EU level, the SR applied the bilateral agreement concluded with Ukraine - *Agreement between the Government of the Slovak Republic and the Government of Ukraine on the extradition and admission of persons through the common state border (MoFA No. 116/1994 Coll.)*, which was signed on 29 June 1993 and entered into effect on 28 March 1994. An implementing protocol to this agreement was also concluded. After entry into force, this bilateral agreement applied during a transitory period.

Third-country nationals (including stateless persons)	NA	NA	NA	NA	NA	NA	NA	NA
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Table 4.3: National Statistics on the number of readmission applications made under EU Readmission Agreement to third country 2 (specify the concerned third country)

	Number of readmission applications made to third country 2 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	NA	NA	NA	NA	NA	NA	NA	NA
Own nationals	NA	NA	NA	NA	NA	NA	NA	NA
Third-country nationals (including stateless persons)	NA	NA	NA	NA	NA	NA	NA	NA

Table 4.4: National Statistics on the number of returns under EU Readmission Agreement to third country 3 (specify the concerned third country)

	Number of readmission applications made to third country 3 based on EURAs				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	NA	NA	NA	NA	NA	NA	NA	NA
Own nationals	NA	NA	NA	NA	NA	NA	NA	NA
Third-country nationals (including stateless persons)	NA	NA	NA	NA	NA	NA	NA	NA

Q19. Has your (Member) State experienced any practical obstacles when implementing EU Readmission Agreements? Please answer this question by filling in the table below. Please specify in your answer whether problems are of a general nature and/or only experienced in relation to certain third countries. In case particular problems are experienced only in relation to specific third countries, please indicate which third countries these are (the latter is optional).

The SR has not experienced any practical problems/obstacles when implementing EU readmission agreements. In general, third countries are cooperative with regard to readmission applications referring to Slovak citizens, third-country nationals and stateless persons, and no problem occurred with the complying

with the deadlines. Also, no problem has been observed in relation to the issuance of travel documents⁷⁵ for the purposes of the readmission. No shortcomings have been experienced either with respect to the administrative capacity of the SR to implement readmission agreements.⁷⁶

Regarding the Prague Process, the Slovak Republic is involved in the pilot project with the Eastern Partnership countries to combat irregular migration (Prevention and fight against irregular migration of the Prague Process Action Plan 2012–2016) which deals with the conclusion of readmission agreements and exchange of positive and negative experience in organising returns.⁷⁷

Table 4.4 Practical obstacles for the implementation of EU Readmission Agreements

Practical obstacles associated with EU readmission agreements	Yes/No	If yes, please specify whether only in relation to a specific third country, or more of general nature. Also illustrate the obstacle with an example in this column
Countries of origin do not cooperate in general	No	:
Countries do not respect the deadlines	No	:
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)	No	:
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own nationals)	No	:
Countries do not issue travel document to enable readmission/return	No	:
Gaps in own (Member) State's administrative capacity to implement readmission agreement	No	:
Other obstacles (please add columns as necessary)	:	:

Source: BBAP PFP

Notes

: Not applicable

Q20. Has your (Member) State conducted any evaluations of the effectiveness of EU and/or its bilateral readmission agreements?

No.

⁷⁵ The practical problems in issuing emergency travel documents are evaluated in the context of the execution of returns, and not in the context of readmission agreements (with respect to the number of extradited person), though, in some cases ETD are acquired also under readmission agreements with a reference to the relevant article of such agreement.

⁷⁶ BBAP PFP questionnaire.

⁷⁷ For more details see Bachtíková, Ulrichová (2013): Annual Report on Migration and Asylum Policies 2012, Slovak Republic. European Migration Network, Bratislava [http://www.emn.sk/sk/vyrocnne-spravy-emn/item/download/630_0d9029dbd87911eedb50f7165663929d.html]. Consulted on 06/04/2014.

The SR has not conducted yet any evaluations of the effectiveness of EU readmission agreements. The SR, however, provided reference information for the evaluation of readmission agreements to the EU in 2011 for the purposes of the Communication from the Commission to the European Parliament and the Council.⁷⁸ The document suggests that the clause on third-country nationals which allows the submission of applications for readmission of persons who are not nationals of any of the contracting states (including stateless persons) and who crossed the territory of any of the contracting states meets its purposes with regard to the EU readmission agreement with Ukraine which came into force on 01 January 2010.⁷⁹

The bilateral implementing protocol to the readmission agreement between the EU and Moldova contains a provision which explicitly concerns meetings of experts and states that the competent authorities organise, when needed, meetings of experts for the purposes of evaluation of the readmission agreement and the protocol thereto.⁸⁰ Such need has not arisen yet.

The SR conducts annual evaluations of the EU readmission agreement with Ukraine from the point of view of cooperation between the competent authorities and the effectiveness of returns mainly through cooperation in the framework of border attorney activities in the form of personal meetings of the border attorneys of the countries concerned, held in the contracting states to the readmission agreement. These meetings also discuss practical problems concerning the common border (e.g. crime) and joint security actions.⁸¹ The cooperation in 2013 was evaluated as very good.⁸²

(Yes/No) If yes, what issues have the evaluations covered? Please provide any results pertaining to:

Table 4.5 Findings of the evaluations of EU Readmission Agreements carried out by your MS (if applicable)

Aspects of effectiveness	Covered in national evaluations (Y/N)	Main findings
Recognition rates of readmission applications	:	:
Other (please indicate and add rows as necessary)	:	:

: Not applicable

Q21. The following indicators have been developed in order to provide (proxy) measures of the effectiveness of EU and bilateral readmission agreements. If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years

The effectiveness of these readmission agreements can be analysed on the basis of selected indicators and statistics. The SR, however, does not dispose of data on the total number of readmission applications sent by

⁷⁸ Communication from the Commission to the European Parliament and the Council. Evaluation of EU Readmission Agreements. COM(2011) 76 final. Available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0076:FIN:SK:PDF>. Consulted on 05/05/2014.

⁷⁹ Ibidem

⁸⁰ Protocol between the Government of the Slovak Republic and the Government of the Republic of Moldova on the implementation of the Agreement between the European Community and the Republic of Moldova on readmission of persons residing without authorisation signed on 10 October 2007.

⁸¹ Bachtíková, Ulrichová (2013): Annual Report on Migration and Asylum Policies 2012, Slovak Republic. European Migration Network, Bratislava [http://www.emn.sk/sk/vyrocne-spravy-emn/item/download/630_0d9029dbd87911eedb50f7165663929d.html]. Consulted on 03/05/2014.

⁸² BBAP PFP questionnaire.

the SR, on the number of applications of the SR for issuance of ETD with regard to readmission applications, or on the number of ETD issued by third countries on the basis of readmission applications that received a positive reply, which could be considered indicators of effectiveness of EU Readmission Agreements. The data on the total number of readmission applications that received a positive reply and on the total number of persons returned by means of readmission, as indicated in the table below, is available with regard to persons who were extradited under the EU Readmission Agreement with Ukraine.

Ukraine is for the Slovak Republic with regard to the number of readmission of persons according to the EU and bilateral readmission agreements the most relevant country. The fact that Ukraine is the neighbouring country of the SR and the border between the SR and the Ukraine is the external Schengen Border has a considerable impact on the number of forced returns. Even before the EU accession had the SR and Ukraine very good bilateral cooperation which persists until today in the form of the meetings of the border attorneys.

The table below suggests that the number of readmission applications that received a positive reply and, hence, the number of persons returned on the basis of the respective readmission agreement from 2010 to 2012 saw a year-to-year decline, which relates to the overall decline in irregular migration (data on illegal state border crossing and unauthorised stay – total) during the reference period (2009–2013) with 1,785 cases recorded in 2009 and only 1,091 cases recorded in 2013 according to the BBAP PFP statistics.⁸³ A slight increase in the number of readmission applications that received a positive replay and in the number of returned persons was only recorded in 2013 (an increase by 36% compared to the previous year).

Data on the total number of readmission applications that received a positive replay and, hence, on the number of persons returned under the EU readmission agreement with the Russian Federation is also available. Under this agreement, one such application was approved with one person returned in 2011 (see also Table C in the Annex).

Table 4.6: Indicators measuring the effectiveness of EU Readmission Agreements (Numbers only for EU Readmission Agreement with Ukraine)

Indicators (refer to 12 month period, if possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent	NA	NA	NA	NA	NA
Number of readmission applications that received a positive reply	x	308*	138*	97*	132*
Number of requests for travel documents in the context of a readmission application	NA	NA	NA	NA	NA
Number of travel documents issued by third country after the positive reply	NA	NA	NA	NA	NA

⁸³ Statistical overview of legal and irregular migration in the Slovak Republic in 2009, 2011 and 2013. Available at: <http://www.minv.sk/?rocenky>. Consulted on 02/05/2014.

Number of persons who were effectively returned	x	308*	138*	97*	132*
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Source: BBAP PFP

Notes:

NA Data not available

x In 2009, the bilateral readmission agreement between the SR and Ukraine applied during a transitory period.

* The overview provides numbers on third-country nationals (including stateless persons) who were extradited under the EU Readmission Agreement with Ukraine during the reference period irrespective of the time of apprehension of such persons by a police department of the PF SR or of another state due to irregular migration.

Q22. Please provide an assessment of the added value of the EU Readmission Agreements in facilitating the effective returns in comparison with the period before the EU Readmission Agreements were concluded.

Given the lack of statistics and absence of readmissions to the respective third countries, it is not possible to provide an objective assessment of the added value of the EU Readmission Agreements in facilitating the effective returns in comparison with the period before their conclusion. According to the information of the BBAP PFP, given the size of irregular migration in the SR (for more details see Table B in the Annex), EU Readmission Agreements are used to a minimum extent in practice.

As previously mentioned, the EU Readmission Agreement with Ukraine which replaced the bilateral readmission agreement between the SR and Ukraine is used most frequently. According to the BBAP PFP, the replacement of the bilateral agreement with an agreement at EU level, however, did not have any impacts on the effectiveness of returns.⁸⁴

SECTION 4.3 SEPARATE BILATERAL READMISSION AGREEMENTS

Q23. Does your Member State have any separate bilateral readmission agreements in place with third countries? (Yes/No) If yes, please indicate the number of agreements, the third countries concerned, the date of the agreement, and the date of its entry into force

Yes.

The SR currently has three readmission agreements in place at bilateral level⁸⁵, specifically the following ones: Agreement between the Government of the Slovak Republic and the Government of Ukraine on the extradition and admission of persons through the common state border (MoFA No. 116/1994 Coll.)⁸⁶, Agreement between the Government of the SR and the Government of the Republic of Macedonia on the extradition and admission of own citizens whose the entry or stay in the territory of the other state is illegal (MoFA No. 615/2002 Coll.)⁸⁷ and Agreement between the Government of the SR and the Government of the Socialist Republic of Vietnam on the readmission of citizens of both states MoFA No. 38/2006 Coll.)⁸⁸. The SR also signed bilateral implementing protocols to the agreements with Ukraine and the FYR Macedonia.

Q24. Please provide any available statistics on the number of readmission applications that your Member State has submitted on the basis of separate **bilateral readmission agreements**. Please only provide such statistics for the three third countries to which most readmission applications are made. The statistics are to be provided separately for each third country by filling out tables 4.7, 4.8, and 4.9. Please distinguish, if possible, between own nationals and third-country nationals or stateless persons. If there have been any instances of voluntary return under the separate bilateral readmission agreements, please indicate this in the last column of the tables:

⁸⁴ BBAP PFP questionnaire.

⁸⁵ MoI SR. As of April 2014.

⁸⁶ Signed on 29 June 1993 and entered into force on 28 March 1994.

⁸⁷ Signed on 05 May 2000 and entered into force on 01 November 2002.

⁸⁸ Signed on 17 October 2005 and entered into force on 20 January 2006.

Only the bilateral readmission agreement with Vietnam is currently implemented, as Ukraine and the FYR Macedonia are subject to the EU Readmission Agreements⁸⁹ which take precedence over bilateral readmission agreements, and the SR acts on in compliance with these agreements. According to the BBAP PFP, statistics on the total number of readmission applications submitted by the SR to Vietnam under the bilateral readmission agreement is not available for the reference period 2010–2013, as it is not monitored at the central level. Statistics on the number of readmission applications disaggregated by Slovak citizens and third-country nationals (including stateless persons) are not available either.

After the EU Readmission Agreement with Ukraine entered into force, the bilateral readmission agreement with Ukraine was used during the approved two-year transition period (from 01 January 2010), in particular with regard to the obligations concerning the admission of third-country nationals or stateless persons who fail or have ceased to meet the conditions for entry or stay within the territory of the applicant country.⁹⁰ The EU Readmission Agreement with the FYR Macedonia did not define any such transition period.

Table 4.7: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 1 (specify the country concerned).

	Number of readmission applications made to third country 1 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	NA	NA	NA	NA	NA	NA	NA	NA
Own nationals	NA	NA	NA	NA	NA	NA	NA	NA
Third-country nationals (including stateless persons)	NA	NA	NA	NA	NA	NA	NA	NA

Table 4.8: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 2 (specify the country concerned).

National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 2 (specify the country concerned).	Number of readmission applications made to third country 2 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	NA	NA	NA	NA	NA	NA	NA	NA
Own nationals	NA	NA	NA	NA	NA	NA	NA	NA
Third-country nationals (including stateless persons)	NA	NA	NA	NA	NA	NA	NA	NA

⁸⁹ Valid from 01 January 2008 in both cases.

⁹⁰ For more details see Art. 3 of the Agreement between the European Community and Ukraine on readmission of persons (22007A1218(01)). Available at: [http://eur-lex.europa.eu/legal-content/SK/TXT/HTML/?uri=CELEX:22007A1218\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/SK/TXT/HTML/?uri=CELEX:22007A1218(01)&from=EN). Consulted on 02/05/2014.

Table 4.9: National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 3 (specify the country concerned).

National Statistics on the number of readmission applications made under separate bilateral readmission agreements to third country 3 (specify the country concerned).	Number of readmission applications made to third country 3 based on separate bilateral readmission agreements				How many have concerned voluntary return?			
	2010	2011	2012	2013	2010	2011	2012	2013
Total numbers	NA	NA	NA	NA	NA	NA	NA	NA
Own nationals	NA	NA	NA	NA	NA	NA	NA	NA
Third-country nationals (including stateless persons)	NA	NA	NA	NA	NA	NA	NA	NA

Q25. Please indicate the most common problems encountered in the implementation of separate bilateral readmission agreements by filling in the table 4.10 below. Please indicate whether problems are of general nature or whether these are only experienced in relation to specific third countries. In case particular problems are experienced only in relation to specific third countries, please indicate which third countries these are (the latter is optional).

The SR has not encountered any practical problems/obstacles in the implementation of bilateral readmission agreements. In general, third countries are cooperative with regard to readmission applications referring to Slovak citizens, third-country nationals and stateless persons, and no problem occurred with the complying with the deadlines. Also, no problem has been observed in relation to the issuance of travel documents for the purposes of the readmission. No shortcomings have been experienced either with respect to the administrative capacity of the SR to implement readmission agreements.

Table 4.10: Practical obstacles experienced under separate bilateral readmission agreements

Practical obstacles associated with separate bilateral readmission agreements	Yes/No	If yes, please specify whether only in relation to a specific third country, or more of general nature. Also illustrate the obstacle with an example in this column
Countries of origin do not cooperate in general	No	:
Countries do not respect the deadlines	No	:
Countries do not cooperate in relation to readmission applications of third-country nationals (as opposed to own nationals)	No	:
Countries do not cooperate in relation to readmission applications of stateless persons (as opposed to own	No	:

nationals)		
Countries do not issue travel document to enable readmission/return	No	:
Gaps in own (Member) State's administrative capacity to implement readmission agreement	No	:
Other obstacles (please add columns as necessary)	:	:

Source: BBAP PFP

Notes

: Not applicable

Q26. Do any of the separate bilateral readmission agreements signed by your (Member) State include an article encouraging both Parties to promote the use of voluntary return? If yes, please indicate with which countries these agreements have been signed. If no, please confirm whether the agreements focus exclusively on readmission cases involving forced returns.

None of the bilateral agreements signed by the SR include an article encouraging both parties to promote the use of voluntary return (including assisted voluntary return).

Article 2, par. 2 of the bilateral readmission agreement with Vietnam, however, states that for a person who has citizenship of the state of the requested contracting party, while simultaneously does not has citizenship of the state of the requesting contracting party or any other country, and is subject to a statutory enforceable expulsion order by the competent authority of the state of the requesting contracting party in conformity with its laws, and had a permanent residence in a third country before coming to the state of the requesting contracting party's territory, the requesting contracting party shall enable him/her to return to that third country or to any other country where he/she is allowed to reside according their aspirations.⁹¹

The bilateral readmission agreement between the SR and Vietnam also states that handover and admission of a returnee shall ensure the principles of order, safety and a respect for the human dignity of the returnees, taking into account humanitarian aspects and family unity of the returnee. According to this agreement, the competent authority of the state of each contracting party shall enable a returnee to settle his/her personal matters within no more than 45 days from the date of receipt of acceptance by the other contracting party to readmit this person.⁹²

In the mentioned bilateral readmission agreements there is no clause which would deal with forced return but from the whole content of the readmission agreements, from their practical implementation and realisation with regard to the Return Directive and its definitions, it is clear that they deal with forced returns. According to the readmission agreements there is no option that the respective person will receive a set deadline for departure within which he/she will voluntary leave the country without the police escort and without the handing-over between the respective state authorities.

The mentioned bilateral readmission agreements do not specifically mention the preference of forced returns. The agreements contain articles on police transport/escort, though.

⁹¹ Agreement between the Government of the Slovak Republic and the Government of the Socialist Republic of Vietnam on readmission of citizens of both states.

⁹² Ibidem.

Q27. Does your Member State prefer to use separate bilateral readmission agreements instead of EU Readmission agreements with particular third countries? (Yes/No) If yes, please indicate with which third countries and the reasons for this.

No.

The SR does not prefer to use bilateral agreements instead of EU Readmission Agreements with any particular country. As previously mentioned, though the SR has bilateral readmission agreements with Ukraine and the FYR Macedonia in place, the implementation of these agreements was suspended with the entry into force of the EU Readmission Agreements.

Q28. Has your (Member) State conducted any evaluations of the effectiveness of separate bi-lateral readmission agreements?

(Yes/No) If yes, what issues have the evaluations covered? Please provide any results pertaining to:

No. The SR has not yet conducted any complex evaluations of the effectiveness of bilateral readmission agreements with respect to, for example, the recognition of readmission applications (number of extradited persons). The bilateral readmission agreement with Ukraine was primarily used by the SR was evaluated at bilateral meetings held on an annual basis. The evaluations focused, for example, on the level of cooperation of the competent authorities in the readmission process.

Bilateral meetings concerning readmission agreements with third countries are only held with Ukraine. The bilateral meetings with Vietnam did not deal specifically with readmissions to Vietnam (i.e. the numbers of extradited persons were not evaluated), but with general issues concerning returns to Vietnam and the related needs of issuing ETDs, as well as with the reasons for irregular migration to Vietnam or fraudulent attempts to legalise residence in the SR by Vietnamese nationals.

Table 4.11: Evaluations on separate bilateral readmission agreements

Aspects of effectiveness	Covered in national evaluations (Y/N)	Main findings
Recognition rates of readmission applications	:	:
Other (please indicate and add rows as necessary)	:	:

: Not applicable

Q29. The following indicators have been developed in order to provide (proxy) measures of the effectiveness of separate bilateral readmission agreements. Please provide the statistics for the three third countries to which most readmission applications are made on the basis of such agreements – these should be provided in a separate table for each of the third countries concerned (third country 1 in table 4.12; third country 2 in table 4.13; and third country 3 in table 4.14). If your Member State collects any statistics that would permit the population of these indicators, please indicate this is the case and provide the statistics for the last 5 years.

Similar to EU Readmission Agreements (for more details see sub-section 4.2), the SR does not dispose of data on the total number of readmission applications sent by the SR, on the number of applications of the SR for issuance of travel documents with regard to readmission applications, or on the number of travel documents issued by third countries on the basis of readmission applications that received a positive reply, which could be considered indicators of effectiveness of bilateral readmission agreements between the SR and third countries. The data on the total number of readmission applications that received a positive reply and on the total number of persons returned by means of readmission is only available with respect to persons who were extradited under the bilateral readmission agreement with Ukraine in 2009 (transition period when the SR could apply this readmission agreement) irrespective of the time of apprehension of such persons by a police department of the PF SR or of another state due to irregular migration. Specifically, 425 readmission applications received a positive reply, which means 425 persons returned under the readmission agreement. The transition period expired in 2010. The relevant data is provided in Table 4.6, Q21.

Table 4.12: Indicators measuring the effectiveness of separate bilateral readmission agreement with Ukraine

Indicators (Refer to 12 month period for readmission applications made to third country 1. If possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent	NA	NA	:	:	:
Number of readmission applications that received a positive reply	425*	- - -	- - -	- - -	- - -
Number of requests for travel documents in the context of a readmission application	NA	NA	:	:	:
Number of travel documents issued by third country after the positive reply	NA	NA	:	:	:
Number of persons who were effectively returned	425*	- - -	- - -	- - -	- - -

Source: BBAP PFP

Notes

NA Data is not available

: Not applicable

* The overview provides numbers of third-country nationals (including stateless persons) who were extradited under a bilateral readmission agreement with Ukraine during the reference period irrespective of the time of their apprehension by a police department of the PFP SR or of another state due to irregular migration.

Table 4.13: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 2 (specify the country concerned)

Indicators (Refer to 12 month period for readmission applications made to third country 2. If possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent	NA	NA	NA	NA	NA
Number of readmission applications that received a positive reply	NA	NA	NA	NA	NA
Number of requests for travel documents in the context of a readmission application	NA	NA	NA	NA	NA
Number of travel documents issued by third country after the positive reply	NA	NA	NA	NA	NA
Number of persons who were effectively returned	NA	NA	NA	NA	NA

Table 4.14: Indicators measuring the effectiveness of separate bilateral readmission agreement with third country 3 (specify the country concerned)

Indicators (Refer to 12 month period for readmission applications made to third country 3. If possible data should be disaggregated by own nationals and third country nationals, including stateless persons)	2009	2010	2011	2012	2013
Number of readmission applications sent	NA	NA	NA	NA	NA
Number of readmission applications that received a positive reply	NA	NA	NA	NA	NA
Number of requests for travel documents in the context of a readmission application	NA	NA	NA	NA	NA
Number of travel documents issued by third country after the positive reply	NA	NA	NA	NA	NA
Number of persons who were effectively returned	NA	NA	NA	NA	NA

Q30. Please provide an assessment of the added value of the separate bilateral readmission agreements in facilitating effective returns in comparison with the period before the separate bilateral readmission agreements were concluded. Please only provide this assessment for the separate bilateral readmission agreements conducted with the three third countries to which most readmission applications are made.

Given the lack of statistics on the total number of submitted readmission applications and other indicators, such as the time period from the commencement of bilateral readmission agreements, it is not possible to provide an assessment of their added value in facilitating the effective returns in comparison with the period before their conclusion.

In general, the added value of bilateral readmission agreements and EU Readmission Agreements in facilitating the effective returns is the fact that the person is handed over physically to the competent authorities of the other party, which ensures the departure from the Slovak territory and reduces the risk of his/her repeated illegal return to the Slovak territory, especially where the SR is the transit country of irregular migration.⁹³

The added value of the bilateral readmission agreement with Ukraine is Article 6 of the agreement on accelerated procedures. If less than 48 hours elapsed from the illegal crossing of the common state borders by persons who are citizens of a third country or stateless persons and if an application has been submitted by the extraditing country, the receiving country shall admit such persons without unnecessary formalities. In other cases, the intention to extradite such persons to the other party should be communicated within 90 days from the illegal crossing of the common state borders by these persons, and the receiving country is expected to deliver its reply within seven days from the receipt of the communication.⁹⁴ Under the implementing protocol to this agreement this meant that the appointed border attorney informed the border attorney from Ukraine by phone or in writing, and the person concerned was extradited within at the set time and place. The EU Readmission Agreement with Ukraine also provides for accelerated procedures and regulates cases where no readmission applications or written notice need to be submitted.⁹⁵ Article 5, par. 3 of this Agreement states that if a person has been apprehended in the border region of the requesting State within 48 hours from illegally crossing of the State border of that person (including seaports and airports) directly from the territory of the requested State, the requesting State may submit a readmission application within two days following this persons apprehension (in the case of justification this period may be extended by one working day)⁹⁶.

The available statistics published in the BBAP PFP statistical year-books (see Table C in the Annex) confirm that with respect to third countries and to all readmission agreements (including EU Member States), the Slovak Republic most frequently uses the readmission agreement with Ukraine – not only for the extradition of persons to this country, but also for the admission of persons, which is caused by the fact that the SR has an external Schengen border. During the reference period (2009–2013), the

⁹³ BBAP PFP questionnaire

⁹⁴ Agreement between the Government of the Slovak Republic and Government of Ukraine on the extradition and admission of persons through common state borders.

⁹⁵ If the person concerned has a valid travel document, an identity card, a valid visa or, in the case of third-country nationals or stateless persons, a residence permit in the state in which s/he lodges the request. Source: Art. 5, par. 2 of the Agreement between the European Community and Ukraine on the readmission of persons (22007A1218(01)). Available at:

[http://eur-lex.europa.eu/legal-content/SK/TXT/HTML/?uri=CELEX:22007A1218\(01\)&from=EN](http://eur-lex.europa.eu/legal-content/SK/TXT/HTML/?uri=CELEX:22007A1218(01)&from=EN). Consulted on 02/05/2014.

⁹⁶ Similar procedures are defined in the EU Readmission Agreement with the FYR Macedonia.

category of extradited persons the citizenship of which could be determined included mostly the citizens of Moldova, Georgia, Afghanistan, Ukraine, Russia and Somalia.⁹⁷

The added value and the relevance of the readmission agreement with Ukraine are also confirmed by the statistics on illegal crossing of the external state border of the SR (see Table D in the Annex) which include all procedures on third-country nationals who crossed or attempted to cross illegally the state border of the SR, whereas the time elapsed between their apprehension and the state border crossing is not more than 48 hours, and were apprehended by a guard responsible for border control within the territory of the SR. The table suggests that such cases constituted an average share of about 35.4% in the irregular migration as a whole during the reference period. In such cases, the SR may also use the accelerated procedures, as provided for under readmission agreements.

Section 5. Entry bans and readmission agreements: understanding the synergies with reintegration assistance (maximum 3 pages)

In view of the important role that reintegration assistance can play in ensuring the sustainability of returns, this section examines the dependencies that might exist between entry bans and readmission agreements, on the one hand, and reintegration assistance, on the other hand; it also explores the extent to which decision-makers in charge of issuing entry bans and making readmission applications cooperate with the officials in charge of granting / administering reintegration assistance. The answers to these questions will be used in the Synthesis Report to determine whether greater cooperation between the relevant authorities would lead to better outcomes for sustainable return.

Q31. Do the authorities in charge of imposing an entry ban subsequently consult with and/or inform the authorities in the concerned third country to which the individual is to be returned? If yes, at which stage in the process of imposing an entry ban is the third country consulted/informed? And if yes, do third countries subsequently impose travel bans on third-country nationals who were imposed an entry ban?

The BBAP PFP is in charge of imposing entry bans in the Slovak Republic, represented by the competent police departments – APD, BCD or asylum department. The agenda of expulsion of third-country nationals and execution of expulsion decisions falls under the competence of the relevant police departments and PDFA⁹⁸ of the BBAP PFP. The procedure related to informing the competent authorities in the country of origin about the execution of return or imposition of entry bans depends on the country of origin and on the existence of a travel document. In case the respective PDFA does not dispose of a travel document and must request the representative office of the country of origin to issue such document, the PDFA states in the request for issuing ETD addressed to the representative office of the country of return that the person concerned has been imposed an entry ban in the territory of the SR or the Schengen Area. Some countries which issued ETD ask the Slovak authorities to inform them about the planned date of leaving the country, the flight number, etc. For example, Ukraine requests such information with respect to all third-country nationals, whose return to Ukraine is at the stage of preparation, including persons holding a travel document. The representative offices also ask for information after the execution of the return operation.

The BBAP PFP is not aware of any travelling restrictions imposed by the countries of origin on their citizens who were expelled from the SR or who were imposed the entry ban.⁹⁹

⁹⁷ Source: Statistical overview of legal and irregular migration in the Slovak Republic in 2009, 2011 and 2013, and calculations by authors of this study. Available at: <http://www.minv.sk/?rocenky>. Consulted on 02/05/2014.

⁹⁸ PDFA Medveďov and PDFA Sečovce.

⁹⁹ Information provided by the BBAP PFP.

Q32. Is it possible in your (Member) State for returnees who have been the subject of an entry ban to apply for re-integration assistance? (Yes/No) If yes, please indicate in which circumstances.

Yes.

Part of migrants who were imposed the entry ban can apply for reintegration assistance. Reintegration assistance may only be requested by those migrants subject to the entry ban who return to their country of origin with the help of the IOM under the AVRR programme. Migrants returning by means of forced returns do not have the possibility to apply for reintegration assistance. The condition of access to reintegration assistance is registration in the AVRR programme and execution of the voluntary return by the IOM.

All migrants returning voluntarily with the help of the IOM may apply for reintegration assistance. A reintegration plan is prepared before their return to their country of origin. The reintegration grant is decided by the IOM selection committee which takes into account the individual needs and skills of the migrant, as well as information from the IOM cooperation mission in the country of return. The main decision-making criterion is the effectiveness of granted reintegration assistance to ensure a sustainable return. No applicant for reintegration assistance has been rejected since 2011 (including). This result is due to increased funds for reintegration and to the reduced number of migrants applying for reintegration assistance¹⁰⁰.

Given the fact that entry bans have no impacts on the granting of reintegration assistance, the IOM does not collect data on whether migrants are subject to an entry ban or not.

Q33. (If answered yes to question 32), are the competent authorities involved in making decisions about the use of entry bans and granting of re-integration assistance the same? Yes/No.

No.

The condition for access to reintegration assistance is registration in the AVRR programme and execution of voluntary return through the IOM. In case the BBAP PFP identifies a security risk with respect to an applicant for voluntary return, it can decide to cancel execution of the return through the IOM. The institutions deciding on imposing entry bans (BBAP PFP) can thus indirectly affect migrants' access to reintegration assistance by preventing them to return under the AVRR programme due to the security risk.

Q34. (If answered no to question 33), have any formal cooperation mechanisms been set up to facilitate coordination? (e.g. Protocols, contracts, conventions, working arrangements, etc.). Yes/No. If yes, please describe.

No.

Besides the security risk assessment as a condition for executing returns under the AVRR programme, no formal cooperation mechanisms or procedures exist to facilitate coordination of the granting of reintegration assistance depending on the entry ban imposition.

¹⁰⁰ Rules for the granting and demonstration of reintegration assistance, www.avr.iom.sk, [http://www.avr.iom.sk/index.php?option=com_content&view=article&id=87&Itemid=60&lang=sk]. Consulted on 08/04/2014.

Q35. (If answered no to question 34), do the competent authorities consult with each other when making decisions? If yes, do these consultations take place on a regular basis as a standard practice, or are consultations only made on very few / exceptional occasions?

No.

As mentioned in section 3.1, under the Act on Residence of Aliens, the police department shall issue a decision on administrative expulsion under paragraph 1 letter b) without the imposition of a ban on entry, if the third-country national voluntarily comes to the police department and asks for a return to his/her home country by means of assisted voluntary return (Art. 82, par. (9)). According to this act, one of the benefits of voluntary returns, while applying the legal condition mentioned above, is also non-imposition of the entry ban. No regular consultations between the IOM and BBAP PFP are made beyond the law, however, which would deal with the imposition of entry bans in relation to the granting of reintegration assistance. Each institution involved in the entry ban imposition procedure (BBAP PFP) or granting of reintegration assistance (IOM) acts independently, without consulting the other party.

Art. 3, par. 2 of the Agreement on Cooperation between the International Organisation for Migration (IOM) and the Government of the Slovak Republic of 1996 envisages the creation of a joint consultation committee for the purpose of successful implementation of IOM programmes and activities. Such consultation committee was set up, but met only during the period when voluntary returns were not financed from European funds. Since the voluntary return programme is implemented by means of projects financed from European funds, the issues previously solved by the coordination committee have been specified in the project documents and agreements, as a result of which coordination committee meetings stopped to be held. Operative issues requiring consultations between the IOM and the BBAP PFP are handled by means of ad hoc meetings.

Q36. Does your (Member) State offer re-integration assistance to returnees who have been removed on the basis of a readmission agreement? Yes/No. If yes, please indicate in which circumstances.

No.

Migrants whose returns are executed under readmission agreements may not apply for reintegration assistance. Such option only applies to migrants who return to their country of origin through the AVRR programme.

Q37. (If answered yes to question 36), are the competent authorities involved in making readmission applications and granting re-integration assistance the same? Yes/No.

No.

The BBAP PFP represented by the PDFA, BCD and APD is responsible for the execution of returns in the SR on the basis of signed readmission agreements. The IOM is responsible for the granting of reintegration assistance. The agenda of readmission agreements on one hand and the reintegration agenda on the other hand fall into the competence of different institutions; the reintegration assistance agenda is in the competence of an international organisation which executes the AVRR programme.

Q38. (If answered no to question 37), have any formal cooperation mechanisms been set up to facilitate coordination? (e.g. Protocols, contracts, conventions, working arrangements, etc.). Yes/No. If yes, please describe.

No.

No formal mechanisms or procedures have so far been set up to coordinate the provision of reintegration assistance depending on the execution of returns under readmission agreements.

Q.39 (If answered no to question 38), do the competent authorities consult with each other when making decisions? If yes, do these consultations take place on a regular basis as a standard practice, or are consultations only made on very few / exceptional occasions?

At present, no consultations are made between the IOM and the BBAP PFP on the provision of reintegration assistance depending on the execution of returns under readmission agreements.

Section 6. Statistics

Contextual statistics on number of returns, etc. may be added to this section (besides the specific statistics requested in the body of the report to populate the effectiveness indicators). The statistics working group will also be consulted about this possibility.

Section 7. Key findings/conclusions

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.

Final Version 5th March 2014

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Documents

Agreement between the European Community and Ukraine on readmission of persons (22007A1218(01))

Agreement between the Government of the Slovak Republic and the Government of the Republic of Macedonia on the extradition and admission of own citizens whose the entry or stay in the territory of the other state is illegal (MoFA No. 615/2002 Coll.)

Communication from the Commission to the European Parliament and the Council. Evaluation of EU Readmission Agreements. COM(2011) 76 final.

European Convention on Human Rights (1950)

Guidelines for procedures concerning administrative expulsion of aliens, detention of third-country nationals, and voluntary return of third-country nationals from the territory of the Slovak Republic. BBAP PFP

Agreement between the Government of the Slovak Republic and the Government of Ukraine on the extradition and admission of Persons through the common state border (MoFA No. 116/1994 Coll.)

Agreement between the Government of the Slovak Republic and the Government of the Socialist Republic of Vietnam on the readmission of citizens of both states MoFA No. 38/2006 Coll.)

Agreement on cooperation between the International Organization for Migration and the Government of the Slovak Republic (1996)

Protocol between the Government of the Slovak Republic and the Government of the Republic of Moldova on the implementation of the Agreement between the European Community and the Republic of Moldova on readmission of persons residing without authorisation signed on 10 October 2007

Statistical overview of legal and irregular migration in the Slovak Republic 2009. Ministry of Interior of the Slovak Republic. Bureau of Border and Aliens Police.

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Statistical overview of legal and irregular migration in the Slovak Republic 2013. Ministry of Interior of the Slovak Republic. Bureau of Border and Aliens Police of the Police Force Presidium.

Legislation

Act No. 71/1967 Coll. on Administrative Procedures

Act No. 300/2005 Coll. Criminal Act

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

Convention Implementing the Schengen Agreement of 14 June 1985 on the Gradual Abolition of Checks at their Common Borders, signed in Schengen on 19 June 1990 (Special edition, Chapter 19/Vol. 2, OJ L 239, 22/09/2000)

Directive No. 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals

Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code)

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Terms and definitions

The main terms used in this focussed study comply with the study specifications. The definitions are primarily based on the Slovak legislation.¹⁰¹ The terms not defined in the Slovak legislation are either based on the EMN glossary¹⁰² or on the study specifications¹⁰³, or are defined by the authors of the study.

*Third-country national*¹⁰⁴ – is everybody who is neither the state citizen of the Slovak Republic nor the citizen of an EU MS¹⁰⁵ or of another party to the EEA Agreement or of the Swiss Confederation; a third-country national is also understood as a stateless person. For the purposes of this study, this term is identical to the term *migrant*.

Migrant – see *third-country national*

*Alien*¹⁰⁶ – everybody who is not the citizen of the Slovak Republic. For the purposes of this study, the term *alien* also means a *third-country national*.

*Unauthorised stay*¹⁰⁷ – residing of an alien in the Slovak Republic territory in violation with the Act on Residence of Aliens, a special regulation or an international treaty.

*Administrative expulsion*¹⁰⁸ – Administrative expulsion is a decision of the police department that an alien does not have or has lost his/her entitlement to reside in the Slovak Republic territory and is obliged to leave the territory of the Slovak Republic with the option of determining the time by when s/he has to depart back to his/her country of origin, country of transit, or any third country, which the third-country national voluntarily decides to return to and which would accept him/her or to the territory of a member state in which s/he has been granted the right of residence or international protection.

*Sentence of expulsion (judicial expulsion)*¹⁰⁹ – The court may, if it is required in the interest of the safety of persons or property or in any other public interest, impose the sentence of expulsion from the territory of the Slovak Republic on the offender who is neither a national of the Slovak Republic, nor a person who has been granted asylum or subsidiary protection. Along with this term, its equivalent - judicial expulsion - is used in this study. Judicial expulsion is not defined in the Slovak legislation but it is used in practice regarding decision on return or regarding imposition of the sentence of expulsion included in the ruling of the court.

¹⁰¹ The specific legal regulation is provided in the footnote.

¹⁰² Source: EMN Asylum and Migration Glossary 2.0 [http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/docs/emn-glossary-en-version.pdf]. Consulted on 17/04/2014.

¹⁰³ Source: The use of detention and alternatives to detention in the context of immigration policies. Common Template of EMN Focussed Study 2014.

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¹⁰⁴ 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”).

¹⁰⁵ Under the Act on Residence of Aliens, a MS means EU MS except for Slovakia, other state parties of the EEA Agreement, and Switzerland.

¹⁰⁶ Act on Residence of Aliens.

¹⁰⁷ Art. 2, par.1, letter f) of the Act on Residence of Aliens.

¹⁰⁸ Art. 77, par. 1 of Act on Residence of Aliens.

¹⁰⁹ The term is defined in Act No. 300/2005 Coll. Penal Act. supplemented by the explanation of the Slovak context of the term by the authors.

Judicial expulsion - see sentence of expulsion.

*Return decision*¹¹⁰ (*expulsion decision*) – administrative or judicial decision stating or declaring the stay of a third-country national to be illegal or stating an obligation to leave (the territory of the MS). In the context of the Slovak Republic it is a decision on the administrative expulsion or imposition of the sentence of expulsion included in the ruling of the court (judicial expulsion).

*Entry ban*¹¹¹ – an administrative or judicial decision or act prohibiting entry into and stay on the territory of the Member States for a specified period, accompanying a return decision.

*Withdrawal of entry ban*¹¹² – the reversal of the imposition of an entry ban.

*Suspension of entry ban*¹¹³ – to render the entry ban temporarily ineffective. The Act on Residence of Aliens does not refer to a suspension of entry ban, but to a permission of entry for a third-country national who was imposed an entry ban. For the purposes of this study and in line with the study specifications, both terms are used herein.

*Return*¹¹⁴ – means the process of a third-country national going back – whether in voluntary compliance with an obligation to return, or enforced – to his or her country of origin, a country of transit, or another third country, to which the third-country national concerned decides to return and in which he or she will be accepted.

*Forced return*¹¹⁵ – The compulsory return of an individual to the country of origin, transit or third country (i.e. country of return) on the basis of an administrative or judicial decision.

*Removal*¹¹⁶ – the enforcement of the obligation to return, namely the physical transportation out of the Member State.

*Voluntary return*¹¹⁷ – in the context of the SR, the departure of a third-country national from the SR within the deadline for departure specified in the administrative expulsion decision.

*Assisted voluntary return*¹¹⁸ – the return of a third-country national into his/her country of origin, last place of residence or any third country into which the third-country national decided to return and which accepts

¹¹⁰ Article 3, par. 4 of Directive No. 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. Definition supplemented by the explanation of the Slovak context of the term by the authors.

¹¹¹ Art. 3(6) Art. 3(3) Directive No. 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

¹¹² Term defined in the study specifications.

¹¹³ Term defined in the study specifications and expanded by the authors of the study to explain the Slovak context.

¹¹⁴ Art. 3(3) of Directive No. 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

¹¹⁵ EMN Asylum and Migration Glossary 2.0

¹¹⁶ Art. 3(5) of Art. 3(3) Directive No. 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

¹¹⁷ Term defined by the authors of the study based on the definition of the term „voluntary departure“ as per the EMN Asylum and Migration Glossary 2.0.

¹¹⁸ Art. 2 par. 1, letter a) of the Act on Residence of Aliens.

him/her; and which is provided by the International Organization for Migration or other non-governmental organisation on the basis of an agreement with the Government of the Slovak Republic.

*Reintegration*¹¹⁹ – re-inclusion or re-incorporation of a third-country national into the society of his/her country of origin.

*Reintegration assistance*¹²⁰ – the assistance provided by programmes with the aim of making the reintegration process of each individual returnee a success. Assistance can be provided in various ways, for example, through the identification of job or training opportunities, reimbursement of the living costs of returnees, etc.

*EU readmission agreement*¹²¹ – an agreement between the EU with a third country, on the basis of reciprocity, establishing rapid and effective procedures for the identification and safe and orderly return of persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of the third country or one of the Member States of the European Union, and to facilitate the transit of such persons in a spirit of cooperation.

*Separate bilateral readmission agreement*¹²² – agreement or any other arrangement (memorandum of understanding, exchange of letters etc.) concluded by an EU Member State with a third country

*Third-country national (clause) in the context of readmission agreements*¹²³ – person who does not hold the nationality of either party to the readmission agreement and who may be readmitted under that agreement due to specific ties with (previous residence) or previous transit through one of the parties to the agreement.

*Own national (clause) in the context of readmission agreements*¹²⁴ – person who holds the nationality of either party to the agreement and who is subject to readmission

*Risk of absconding*¹²⁵ – the risk of absconding of a third country national means the condition when there is a justified reason to believe or a direct threat, that the third-country national will escape or hide, especially if it is impossible to identify him/her immediately, if he/she has not been granted a residence permit pursuant to this Act or if it is imminent that he/she would be banned entry for a period of more than three years.

¹¹⁹ EMN Asylum and Migration Glossary 2.0

¹²⁰ Term defined in the study specifications and based on the recommendations of the VREN expert group.

¹²¹ EMN Asylum and Migration Glossary 2.0.

¹²² Term defined in the study specifications.

¹²³ Term defined in the study specifications.

¹²⁴ Term defined in the study specifications.

¹²⁵ Art. 88, par. 2 of the Act on Residence of Aliens.

List of Abbreviations

AE – administrative expulsion

APD – aliens police department

ARM – alien records material

AVRR – Assisted Voluntary Return and Reintegration Programme of the IOM

BBAP PFP – Bureau of the Border and Aliens Police of the Police Force Presidium

BCD – border control department

CIS – Commonwealth of Independent States

Coll. – Collection of Laws

EEA – European Economic Area

EMN – European Migration Network

ETD – emergency travel document

EU – European Union

IOM – International Organization for Migration

JE – judicial expulsion

MoI SR – Ministry of Interior of the SR

MS – European Union Member State

PDFFA – police detention facility for aliens

PF – Police Force

SIRENE – Supplementary Information Request at the National Entries

SIS – Schengen Information System

SR – Slovak Republic

VREN – Voluntary Return European Network

Annexes

Table A: Number of issued and executed expulsion decisions in 2012 and 2013 (TOP 5 citizenships and all citizenships – total)

Table B: Overview of irregular migration in the territory of the SR by nationality in 2012 and 2013 (TOP 5 nationalities and all nationalities – total)

Table C: Overview of extradited and admitted persons by readmission agreements concerning irregular migration (2009–2013)

Table D: Overview of irregular migration in the territory of the SR in 2009–2013

Table A: Number of issued and executed expulsion decisions in 2012 and 2013 (TOP 5 nationalities and all nationalities – total)

Year 2012		Year 2012		Year 2013		Year 2013	
Nationality	Issued decisions – total	Nationality	Executed decisions – total	Nationality	Issued decisions – total	Nationality	Executed decisions – total
Ukraine	249	Ukraine	205	Ukraine	277	Ukraine	209
Moldova	64	Moldova	67	Moldova	51	Moldova	50
Georgia	27	Georgia	26	Georgia	43	Georgia	42
Russia	22	Russia	22	Afghanistan	30	Afghanistan	24
Vietnam	21	Vietnam	14	Vietnam	19	Russia	13
All nationalities – total	571	All nationalities – total*	404	All nationalities – total	643	All nationalities – total	432

Source: BBAP PFP Statistical overview legal and irregular migration in the Slovak Republic in 2013.¹²⁶

Note:

* Including stateless persons

¹²⁶ Available at: <http://www.minv.sk/?rocenky>. Consulted on 02/05/2014.

Table B: Overview of irregular migration in the territory of the SR by nationality in 2012 and 2013 (TOP 5 nationalities and all nationalities – total)

Year 2012		Year 2013	
Nationality	Irregular migration – total	Nationality	Irregular migration – total
Ukraine	380	Ukraine	393
Somalia	287	Afghanistan	120
Moldova	101	Somalia	61
Afghanistan	84	Moldova	58
Georgia	70	Georgia	57
All nationalities - total*	1,479	All nationalities - total*	1,091

Source: BBAP PFP Statistical overview legal and irregular migration in the Slovak Republic in 2013.¹²⁷

Note:

* Including stateless persons

Table C: Overview of extradited and admitted persons by readmission agreements concerning irregular migration (2009–2013)

Readmission agreement with:	2009		2010		2011		2012		2013	
	Persons extradited from the SR	Persons admitted to the SR	Persons extradited from the SR	Persons admitted to the SR	Persons extradited from the SR	Persons admitted to the SR	Persons extradited from the SR	Persons admitted to the SR	Persons extradited from the SR	Persons admitted to the SR
Ukraine*	425	18	308	5	138	3	97	1	132	1
Russia**	0	0	0	0	1	0	0	0	0	0
EU Member States (total)	10	25	9	23	14	41	14	27	20	28
Total	435	43	317	28	153	44	111	28	152	29

¹²⁷ Available at: <http://www.minv.sk/?rocnky>. Consulted on 02/05/2014.

Source: BBAP PFP Statistical overview legal and irregular migration in the Slovak Republic in 2009, 2011 and 2013.¹²⁸

Notes:

Refers to extradited and admitted persons under readmission agreements during the reference period irrespective of the time of apprehension of such person by a police department of the PFP SR or of another state due to irregular migration.

* Refers to readmissions on the basis of bilateral agreements. From 2010, readmissions were executed on the basis of readmission agreements at EU level.

** Refers to readmissions on the basis of agreements at EU level.

Table D: Overview of irregular migration in the territory of the SR in 2009-2013

	2009	2010	2011	2012	2013
Illegal crossings of the external state border of the SR	570*	490**	384***	653***	395***
Illegal crossings of the external and internal state border and unauthorised stay – total	1,785	1,477	1,219	1,479	1,091

Source: BBAP PFP Statistical overview legal and irregular migration in the Slovak Republic in 2009, 2011 and 2013.¹²⁹

Notes:

Unauthorised crossing of the external state border: this category includes all conducts of third-country nationals who crossed or attempted to cross illegally the state border of the SR, where the time elapsed between their apprehension and state border crossing is no more than 48 hours and were apprehended by a guard responsible for border control.

* Land border and air border

** Land border outside of border crossing points, external land border through border crossing points, airports (apart from Schengen flights)

*** Land border outside of border crossing points, land border through border crossing points, border at airports

¹²⁸ Available at: <http://www.minv.sk/?rocenky>. Consulted on 02/05/2014.

¹²⁹ Available at: <http://www.minv.sk/?rocenky>. Consulted on 02/05/2014.

