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# ANNUAL REPORT ON MIGRATION AND ASYLUM POLICIES 2013 SLOVAK REPUBLIC

# Annual Report on Migration and Asylum Policies 2013 Slovak Republic

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

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Reference documents and information from the following central state administration authorities have been used to compile the report: Ministry of Interior of the SR, Ministry of Labour, Social Affairs and Family of the SR, and Ministry of Foreign and European Affairs of the SR.

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## Preface

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

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

The Synthesis Report and the individual reports of EU Member States and Norway are available in English on the website [www.emn.europa.eu](http://www.emn.europa.eu).

The report of the Slovak Republic has been published in Slovak and English. Both versions are available on the website of the Slovak EMN National Contact Point [www.emn.sk](http://www.emn.sk).

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## Abbreviations

**AFIS** – Automated Fingerprint Identification System  
**EASO** – European Asylum Support Office  
**EBF** – European Border Fund  
**ECC** – European Capital of Culture  
**EEA** – European Economic Area  
**EIF** – European Integration Fund  
**EC** – European Commission/European Community  
**EMN** – European Migration Network  
**ERF** – European Refugee Fund  
**ECHR** – European Court of Human Rights  
**EU** – European Union  
**EURES** – European Employment Services  
**EURODAC** – European Dactyloscopy  
**EUROSUR** – European Border Surveillance System  
**FRAN** – Frontex Risk Analysis Network  
**FRONTEX** – European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union  
**ICMPD** – International Centre for Migration Policy Development  
**IOM** – International Organization for Migration  
**ICRC** – International Committee of the Red Cross  
**IS** – Information system  
**CFI** – Concept of Foreigners' Integration in the Slovak Republic  
**MDGs** – Millennium Development Goals  
**MEKOMIC** – Inter-Ministerial Expert Commission for Labour Migration and Integration of Foreigners  
**MIC** – Migration Information Centre of the IOM  
**Migration Policy** – Migration Policy of the Slovak Republic: Perspective until 2020  
**MoLSAF SR** – Ministry of Labour, Social Affairs and Family of the Slovak Republic  
**MO MoI SR** – Migration Office of the Ministry of Interior of the Slovak Republic  
**MoI SR** – Ministry of Interior of the Slovak Republic  
**MoFEA SR** – Ministry of Foreign and European Affairs of the Slovak Republic

**NCPI** – National Contact Points on Integration  
**NFP** – National Focal Point  
**NUCIM BBAP PF** – National Unit to Combat Irregular Migration of the Bureau of the Border and Aliens Police of the Police Force Presidium  
**NC SR** – National Council of the Slovak Republic  
**OSCE** – Organisation for Security and Cooperation in Europe  
**UN** – United Nations  
**PF** – Police Force  
**PFP** – Police Force Presidium  
**RF** – European Return Fund  
**SIS** – Schengen Information System  
**Smer-SD** – SMER – Social Democracy  
**SR** – Slovak Republic  
**BBAP PFP** – Bureau of the Border and Aliens Police of the Police Force Presidium  
**UNHCR** – United Nations High Commissioner for Refugees  
**UNICEF** – United Nations Children's Fund  
**UNODC** – United Nations Office on Drugs and Crime  
**COLSAF** – Central Office of Labour, Social Affairs and Family  
**PDCA** – Police Detention Centre for Aliens  
**USA** – United States of America  
**VIS** – Visa Information System  
**VREN** – Voluntary Return European Network  
**DM** – Diplomatic mission  
**Coll.** – Collection of Laws

## Executive Summary

The Annual Report 2013 provides an overview of the most important changes in the field of migration and asylum in the Slovak Republic at legislative, institutional and practical levels from 01 January 2013 to 31 December 2013. The national annual report was compiled by the EMN National Contact Point in the SR in the framework of the European Migration Network's (EMN) activities at the European Commission's initiative. The structure and the contents of chapters follow the specification of the European Commission and are identical for all EU Member States and Norway.

In 2013, no substantial institutional changes occurred that would have an impact on migration and asylum policies. The Centre for the Coordination of Foreigners' Integration in the SR as part of the Ministry of Labour, Social Affairs and Family of the SR, covering issues concerning foreigners' integration in the SR, was incorporated into the International Relations and European Affairs Section and was renamed Department of Migration and Foreigners' Integration. This change, however, had no significant impact on the professional focus of the department and on the implementation of the integration policy in the SR, as its competencies in this area remained the same. As far as policies and legislation are concerned, intensive works were undertaken to prepare the Integration Policy for the SR. At the same time, the ministries worked on the implementation and updating of Action Plans 2014–2015 of the Migration Policy of the Slovak Republic: Perspective until 2020. Due to the transposition of EU legislation, the Act on Residence of Aliens was amended, entering into effect on 01 May 2013. The Act on Employment Services was also amended with effect from 01 May 2014, affecting the area of migration and asylum. Given the need of further transposition of EU legislation, an amendment to the Act on Asylum was also prepared, amending the Act on Residence of Aliens and

the Act on Employment Service. This amendment entered into effect on 01 January 2014.<sup>1</sup>

In 2013, elections to regional self-governments were held. These elections, however, did not meet with increased attention or political debates on migration and asylum. In general, migration and asylum issues did not constitute an important part of political discussions, election debates or election programmes. Also, the media did not deal with these issues to a major extent compared to the previous years.

Public discussion on migration, integration and asylum mostly developed at the level of expert events organised by the non-governmental sector and international organisations under projects financed from EU funds.

<sup>1</sup> Act No. 495/2013 Coll. on changing and amending Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts, as amended.



## Introduction

The Annual Report 2013 which provides an overview of developments in the field of migration and asylum in the Slovak Republic serves as a background document for the European Commission's Annual Report on Immigration and Asylum 2013 and for the Annual Report 2013 of the European Asylum Support Office (EASO), and as one of the mechanisms for the assessment of the efficiency of the Stockholm Programme implementation. On the basis of this document, the Commission will prepare Informs and Factsheets on the different aspects of asylum and migration tackled in the different chapters of this report, such as legal migration and integration, irregular migration and returns, international protection, or migration and development. These Informs and Factsheets will aim to compare the developments in these fields in the different EU Member States and Norway.

The reports and related documents prepared by the Commission will also be used to meet Slovakia's national needs for the purpose of providing information to policy-makers and to the expert and general public on the developments in the field of migration and asylum in 2013.

As in the previous years, the report informs about policies, legislation and main political discussions that had an impact on the creation of migration and asylum policies in 2013. The report provides information on the development in the SR at national level and in the EU context. The report also contains basic statistical data per chapters, published and collected by relevant state institutions. The Informs compiled by the Commission will contain an overall statistical overview of the different areas in all EU Member States and Norway, and will help to describe the trends in these areas in 2013.

The report consists of 11 chapters and three annexes. Besides thematic areas related to migration and asylum issues (legal migra-

tion and mobility, including integration, citizenship, visa policy and border protection; international protection including asylum; unaccompanied minors and other vulnerable groups; measures aimed to combat trafficking in human beings; migration and development; irregular migration; returns), the report also includes an introduction describing the general structure of the political and legal system of the SR in 2013 and chapters dealing with the developments relevant to asylum and migration and implementation of EU legislation with a focus on political discussions, as well as other measures and developments relevant to this area. The annexes hereto describe the methodology of the compilation of this report, the definition used, relevant migration and asylum statistics, and bibliography.

### 1.1 Structure of Asylum and Migration Policy in the Slovak Republic

#### General structure of the political system and institutional context

As in previous years, three ministries were the principal actors in the field of migration and asylum in the SR. The *Ministry of Interior of the SR* through the Migration Office of the SR (MO MoI SR) and the Bureau of the Border and Aliens Police of PFP (BBAP PFP) is primarily responsible for regular and irregular migration issues and for asylum and integration of persons granted asylum, i.e. issues relating to the entry and stay of aliens.<sup>2</sup> The MoI SR is also responsible for the protection and management of state borders and the population register, and fulfils the function of the state authority responsible for the management of four EU funds under the General Programme "Solidarity and Management of Migration Flows" (European Refugee Funds – ERF, Euro-

pean Fund for the Integration of Third-Country Nationals – EIF, European Return Fund – RF, and the External Borders Fund – EBF).<sup>3</sup> These funds are used, *inter alia*, for the implementation of the Migration Policy of the SR. The *Ministry of Labour, Social Affairs and Family of the SR (MoLSAF SR)*<sup>4</sup> is competent in the field of labour migration and integration of foreigners. It is involved in the creation of the state policy and conceptual activities concerning migration and integration of foreigners, as well as in the preparation of legislative measures and other generally binding legal regulations, long-term development programmes, and strategic plans. At the same time, this ministry coordinates the application of proposed integration measures resulting from the Concept of Foreigners' Integration in the SR, and has prepared the Integration Policy of the SR. Another field of activity of the MoLSAF SR is labour inspection through the National Labour Inspectorate Office, coordination of the preparation of the employment strategy and labour market policy, labour relations, social insurance, social assistance, social protection of children and social guardianship, including social care for unaccompanied minors, persons granted asylum and other categories of aliens. The Central Office of Labour, Social Affairs and Family (COLSAF) as an organisation under the MoLSAF SR is responsible for the management, control, coordination and methodological guidelines of the execution of state administration in the field of social affairs and employment services, including the keeping of central records of foreigners' employment and processing of statistical data on their employment. Through the subordinated Offices of Labour, Social Affairs and Family, the COLSAF reviews work permit applications and assesses the granting/non-granting of work permits. Through the diplomatic missions of the SR abroad,

<sup>3</sup> The responsible body is the Foreign Assistance Department of the MoI SR and the 'payment unit' – the Budget and Finance Department and the Accounting Department of the Economy Section of the MoI SR.

<sup>4</sup> Ján Richter was the Minister of Labour, Social Affairs and Family of the SR during the reference period.

<sup>2</sup> Robert Kaliňák was the Minister of Interior of the SR during the reference period.

the *Ministry of Foreign and European Affairs of the SR (MoFEA SR)*<sup>5</sup> is responsible for the issuance of visas and receipt of applications for the granting of a permit for residence in the territory of the SR. The ministry also assists in the returns of minor aliens and in the preparation of readmission agreements, and is responsible for official development aid.

In 2013, the Managing Committee for the Migration and Integration of Foreigners<sup>6</sup> continued its activities, holding two meetings, as well as the Inter-Ministerial Committee for the Labour Migration and Integration of Foreigners (MEKOMIC)<sup>7</sup> did with one meeting.

With regard to the institutional structure related to migration and asylum, a change occurred in 2013 at the MoLSAF SR by transforming the Centre for the Coordination of Foreigners' Integration into an umbrella body covering foreigners' integration issues to the Department of Migration and Integration of Foreigners and incorporating this department into the Section of International Relations and European Affairs of the MoLSAF SR. This change had no significant impacts on the implementation of the integration policy in the SR, as the competencies and tasks of the department (former centre) remained the same in this area.

<sup>5</sup> Miroslav Lajčák was the Minister of Foreign and European Affairs of the SR during the reference period.

<sup>6</sup> The Managing Committee for Migration and Integration of Foreigners is a coordination, inter-institutional expert and initiative body of the SR in the field of foreigners' migration and integration established on the basis of a Statute approved by Government Resolution No. 467 of 24 June 2009.

<sup>7</sup> MEKOMIC is an advisory body of the Minister of Labour, Social Affairs and Family of the SR. Among its members are representatives of central state administration bodies and higher territorial units, and relevant experts. It aims to provide these representatives and other professionals a platform for a mutual exchange of information about their activities, experience and needs in the field of migration and integration of foreigners living in the SR. For more information see the EMN report: Bachtiková, Grethe Guličová, Bargerová: Organisation of Asylum and Migration Policies in the Slovak Republic, European Migration Network, Bratislava 2012, available at [http://www.emn.sk/phocadownload/emn\_studies/emn-sk\_studia\_organ\_migr\_a\_azylopolitiky\_sr\_sk\_v-jul-2012.pdf] (consulted on 30/10./2013).

### General structure of the legal system

The general structure of the legal system in the field of migration and asylum is given by the hierarchy of the different sources of law in the SR. The Constitution and the constitutional laws are legal norms with the highest legal force. The sources of law also include legally binding EC and EU acts which have precedence over the laws of the SR pursuant to Article 7, par. 2 of the Constitution of the SR. The other sources of national law having precedence over the laws of the SR under Article 7, par. 5 of the Constitution of the SR are international treaties on human rights and fundamental freedoms, as well as international treaties the enforcement of which does not require a law, or international treaties which directly confer rights or impose duties on natural persons or legal entities and were ratified and promulgated in the way laid down by a law. The structure of the legal system is further constituted by laws, decrees of the Government of the SR, generally binding legal regulations of ministries and other central state administration bodies, generally binding legal regulations of municipal councils, and decisions of the President of the SR. Considering the continental system of law exercised in the SR, court precedents in the form of decisions of general courts are not generally binding, and the decisions of the Constitutional Court of the SR are only considered sources of law in this respect.

The most important legal regulations applying to migration and asylum are the following:

- Act No. 404/2011 Coll. on Residence of Aliens and on changes and amendments to some acts (hereinafter referred to as **"Act on Residence of Aliens"**) is the fundamental regulation laying down, in a complex way, the conditions of departure, entry and stay of foreign nationals in the territory of the SR. The act specifies the criteria and procedures for the granting of different types of residence, stipulates the rights and

obligations of foreign nationals and other entities, and defines the relevant control and sanction measures to prevent illegality and breach of obligations. The act also defines the Police Force's competences in securing the state borders by specifying the rights and obligations of the different bodies and of the sanctions in the event of a breach thereof.

- Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts (hereinafter referred to as **"Act on Asylum"**) regulates the international protection of aliens in the SR by defining the conditions and procedures related to the granting of asylum and provision of subsidiary protection and temporary shelter. This act also covers the rights and obligations of the different categories of persons; stay in asylum facilities; and, partially, the integration of persons granted asylum;
- Act No. 5/2004 Coll. on Employment Services and on changes and amendments to some acts (hereinafter referred to as **"Act on Employment Services"**) specifies the conditions under which the different categories of aliens can enter the labour market of the SR; the criteria and the procedures for the granting of employment permits; employers' obligations concerning the employment of aliens; control activities of competent authorities aimed at the detection of illegal work, illegal employment and compliance with other legal obligations; as well as sanctions in the event of breach of obligations;
- Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on changes and amendments to some acts (hereinafter referred to as **"Act on Illegal Work and Illegal Employment"**) lays down a general ban on illegal work and illegal employment, and specifies the control activities carried out by competent authorities in this field and the sanctions applied for illegal work;
- Act No. 40/1993 Coll. on the Citizenship of the Slovak Republic, as amended (hereinafter referred to as **"Citizenship Act"**) lays

down the ways and conditions to acquire citizenship, including the granting of the Slovak citizenship at an alien's request (naturalisation) as one of the most frequent ways;

- Act No. 300/2005 Coll. Criminal Code, as amended (hereinafter referred to as **"Criminal Code"**) represents an important restrictive tool in connection with illegal migration and its negative accompanying effects. This act defines the crimes of smuggling, trafficking in human beings, trafficking in children, and lays down the relevant sanctions, among which judicial expulsion holds an important position.

The different aspects of foreigners' stay in the territory of the SR are further regulated by many other legal regulations, including: Act on Health Insurance<sup>8</sup>, Act on Healthcare and Healthcare Related Services<sup>9</sup>, Act on Social Insurance<sup>10</sup>, Act on Social and Legal Protection of Children and on Social Guardianship<sup>11</sup>, Act on Assistance in Material Need<sup>12</sup>, Family Act<sup>13</sup>, Civil Registration Act<sup>14</sup>, School Act<sup>15</sup>, Act on Universities<sup>16</sup>, Act on Recognition of Professional Qualification<sup>17</sup>, Labour Code<sup>18</sup>, Trade Licensing Act<sup>19</sup>, Act on Travel Documents<sup>20</sup>, Civil Procedure Code<sup>21</sup>, Act on Civil Proceedings<sup>22</sup>, Act on the Police Force<sup>23</sup>, and others.

<sup>8</sup> Act No. 580/2004 Coll. on Health Insurance and on changes and amendments to Act No. 95/2002 Coll. on Insurance and on changes and amendments to some acts.

<sup>9</sup> Act No. 576/2004 Coll. on Healthcare, Healthcare Related Services and on changes and amendments to some acts.

<sup>10</sup> Act No. 461/2003 Coll. on Health Insurance as amended.

<sup>11</sup> Act No. 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship and on changes and amendments to some acts.

<sup>12</sup> Act No. 599/2003 Coll. on Assistance in Material Need and on changes and amendments to some acts.

<sup>13</sup> Act No. 36/2005 Coll. on Family and on changes and amendments to some acts.

<sup>14</sup> Act No. 154/1994 Coll. on Civil Registration as amended.

<sup>15</sup> Act No. 245/2008 Coll. on Education (School Act) and on changes and amendments to some acts.

<sup>16</sup> Act No. 131/2002 Coll. on Universities and on Changes and Amendments to some acts.

<sup>17</sup> Act No. 293/2007 Coll. on Recognition of Professional Qualification.

<sup>18</sup> Act No. 311/2001 Coll. Labour Code.

<sup>19</sup> Act No. 455/1991 Coll. on Trade Licensing.

<sup>20</sup> Act No. 647/2007 Coll. on Travel Documents and on changes and amendments to some acts.

<sup>21</sup> Act No. 99/1963 Coll. Civil Procedure Code as amended.

<sup>22</sup> Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Procedure Code).

<sup>23</sup> Act No. 171/1993 Coll. on the Police Force.

There are several relevant actors making decisions on migration and asylum issues. The NC SR is the legislative body with the competence to create and pass legislation, and, at the same time, the only constitutional and legislative body in the SR. That means that all draft laws, including those related to migration and asylum, are discussed and passed by the parliament. Draft laws can be presented by the NC SR (draft laws by deputies; in this case, deputies and parliamentary committees have the legislative initiative) or by the Government (government draft laws, the number of which prevail over the draft laws by deputies). As far as legislative initiative (the right to present a draft law to the NC SR) is concerned, parliamentary deputies/ a group of parliamentary deputies have full autonomy in the preparation of new draft bills; differing from government draft laws where the Government appoints any of the Members of Government as the sponsor of the draft law, usually the Minister competent in the area of state administration to be regulated by the draft law<sup>24</sup>, in accordance with the Competence Act.

For more details on the structure of the political and legal system in the field of migration and asylum see the EMN study Organisation of Asylum and Migration Policies in the Slovak Republic<sup>25</sup> and the EMN Annual Report on Migration and Asylum Policies 2012 in the Slovak Republic<sup>26</sup>.

<sup>24</sup> Svák, J., Kuklíš, P., Teória a prax legislatívy, 2nd edition. Bratislavská vysoká škola práva, 2009, p. 136–139.

<sup>25</sup> Bachtíková, Grethe Guličová, Bargerová, Organisation of Asylum and Migration Policies in the Slovak Republic. European Migration Network, Bratislava, 2012, available at [http://www.emn.sk/phocadownload/emn\\_studies/emn-sk\\_studia\\_organ\\_migr\\_a\\_azyl\\_politiky\\_sr\\_sk\\_v-jul-2012.pdf](http://www.emn.sk/phocadownload/emn_studies/emn-sk_studia_organ_migr_a_azyl_politiky_sr_sk_v-jul-2012.pdf) (consulted on 30/10/2013).

<sup>26</sup> Bachtíková, Ulrichová (2013): Annual Report on Migration and Asylum Policies 2012 Slovak Republic. European Migration Network, IOM, Bratislava [[http://www.emn.sk/phocadownload/emn\\_reports/emn-sk\\_vyr-sprava-politiky-migr-azyl-sr\\_2012\\_sk.pdf](http://www.emn.sk/phocadownload/emn_reports/emn-sk_vyr-sprava-politiky-migr-azyl-sr_2012_sk.pdf)] (consulted on 30/10/2013).

# 02

## Overview of Migration and Asylum Policy Developments in the Slovak Republic

This chapter describes the general context for the developments in specific areas detailed in Chapters 3 to 11 below. This overview includes the relevant political developments, the political and legislative debates, the wider developments that influenced many fields related to migration and asylum, and the institutional development.

### 2.1 Political Developments

Since 2012, the Slovak Republic has been ruled by the party SMER – Social Democracy (Smer-SD). At present, the government has 15 members: Prime Minister, three Deputy Prime-Ministers who also execute the function of ministers (Interior, Finance, Foreign and European Affairs), a Deputy Prime Minister without portfolio responsible for investments, and ten ministers. The positions of ministers relevant in terms of migration and asylum (Interior; Labour, Social Affairs and Family; and Foreign and European Affairs) remained unchanged compared to 2012. Robert Kaliňák (Smer-SD) continues to execute the function of the Minister of Interior, Ján Richter (Smer-SD) holds the post of Minister of Labour, Social Affairs and Family, and Miroslav Lajčák is Minister of Foreign and European Affairs (no party affiliation).<sup>27</sup>

Elections to regional self-government bodies were held in November 2013 to elect the chairmen and deputies of self-governing regions. Unlike presidential or parliamentary elections, also foreigners can vote in these elections, as the basic criterion is permanent residence in the territory of the SR, and not Slovak citizenship.

Migration and asylum issues were not tackled in election debates. Candidates for the position of chairmen of two self-governing regions<sup>28</sup> with the highest proportion of foreign

<sup>27</sup> For more information see <http://www.vlada.gov.sk/> (consulted on 30/10/2013).

<sup>28</sup> The SR is divided into eight self-governing regions: the Regions of Bratislava, Trnava, Trenčín, Žilina, Nitra, Banská Bystrica, Košice, and Prešov.

nationals – Bratislava and Košice Regions<sup>29</sup> – did not raise migration issues and foreigners at all. Some candidates running for offices represented nationalist parties or parties propagating intolerance against certain groups of the population<sup>30</sup>; in this regard, however, their programmes only focused on Roma minority issues and not on migration issues or foreigners in general. It was a surprise that a representative of such party won the election<sup>31</sup> of the Chairman of the Self-Governing Region of Banská Bystrica.<sup>32</sup> Given the controversial character of his policy, the mass media paid increased attention to his person after his election victory and to the potential growth of radicalism and extremism in the SR in general, as mentioned above not in the context of migration, but Roma issues in general.<sup>33</sup>

Overall, topics concerning migration and asylum did not constitute the key topics of political debates, and had no impacts on the changes in the structure of the political system during the reference period.

29 Based on BBAP PFP statistics, the Region of Bratislava registered 10,234 third-country nationals with permitted stay, and the Region of Košice 4,123 third-country nationals. For more information see [http://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocnky/rok\\_2013/2013-rocnka-UHCP-SK.pdf](http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocnky/rok_2013/2013-rocnka-UHCP-SK.pdf) (consulted on 03/02/2014).

30 For example, the People's Party Our Slovakia; Nation and Justice – Our Party; or the Slovak National Party.

31 The election results are available at [http://osk2013.statistics.sk/VUC/osk\\_def\\_sk.html](http://osk2013.statistics.sk/VUC/osk_def_sk.html) (consulted on 13/12/2013).

32 Based on BBAP PFP statistics, 1,468 third-country nationals held a residence permit in the Region of Banská Bystrica as of 31 December 2013, and together with the Region of Trenčín it records the smallest proportion of third-country nationals in the SR. For more information see [http://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocnky/rok\\_2013/2013-rocnka-UHCP-SK.pdf](http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocnky/rok_2013/2013-rocnka-UHCP-SK.pdf) (consulted on 03/02/2014).

33 For example, cas.sk – Svet reaguje na Kotlebu: Šok na Slovensku! Vyhral neonacista čo nenávidí Rómov, available at <http://www.cas.sk/clanok/266181/svet-reaguje-na-kotlebu-sok-na-slovensku-vyhral-neonacista-co-nenavidi-romov.html> (consulted on 13/12/2013), or tv.hnonline.sk – Sociológ: Mariána Kotlebu nevolili len extrémisti, available at <http://tv.hnonline.sk/rozhovor-tyzdna-147/sociolog-mariana-kotlebu-nevolili-extremisti-593972> (consulted on 13/02/2013).

## 2.2 Developments in Migration and Asylum

In 2013, no new policies or strategies on migration and asylum were approved at government level compared to the year 2012, but intensive works were undertaken to prepare the Integration Policy of the SR which was approved on 29 January 2014 by Government Resolution No. 45. As already mentioned, migration and asylum issues did not meet with much interest during the regional election campaign, and were not presented in the mass media to a major extent.

In 2013, some measures detailed in the Action Plans to the Migration Policy: Perspective until 2020 (Migration Policy)<sup>34</sup> continued to be implemented and updated, and new Action Plans for the years 2014 and 2015 were prepared. The relevant authorities were responsible for their preparation.<sup>35</sup> The measures were also discussed in the framework of inter- and intra-ministerial communication and at the level of the Managing Committee for Migration and Integration. At its meeting in April 2013, the Government of the SR took note of the document *Summary Report on the State of Fulfilment of the Migration Policy Tasks, Aims and Objectives in 2012*, including a report on the fulfilment of tasks resulting from the Actions Plans for the period 2012–2013.<sup>36</sup> The document was only discussed at the level of the ministries and experts, and its further detailing did not provoke a major public debate.

34 The Migration Policy of the SR: Perspective until 2020 is a fundamental document and the basis for building a modern and focused policy of the Government of the SR in the field of migration, and an unequivocal manifestation of the readiness and willingness to participate in the harmonisation of migration policies of the European Union Member States and a manifestation of solidarity with the basic principles and the manner of functioning of the EU within the management of individual migration processes. [[http://www.emn.sk/phocadownload/documents/migracna\\_politika\\_sr\\_2020\\_sk.pdf](http://www.emn.sk/phocadownload/documents/migracna_politika_sr_2020_sk.pdf)] (consulted on 30/10/2013).

35 The relevant authorities are: the MoI SR, the MoFEA SR, the MoLSAF SR, the Ministry of Economy of the SR, the Ministry of Culture of the SR, the Ministry of Education, Science, Research and Sports of the SR, the Ministry of Healthcare of the SR, the Statistical Office of the SR, and the Office for Slovaks Living Abroad.

36 Available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=22373> (consulted on 30/10/2013).

With regard to the development of policies in a wider context with an impact on several areas of migration and asylum, we should mention the preparation of the *Nationwide Strategy on the Protection and Promotion of Human Rights in the Slovak Republic* and related discussions. The strategy states that “the state policy on foreigners, migrants and people granted asylum is a particularly sensitive issue from the point of view of the Slovak legislative and application practice”, and that with respect to migration in the SR it is necessary, “in the execution of policies... to take into account the fact that it is a particularly vulnerable group without rights dependent on the Slovak citizenship, with limited possibilities and means of protection of their dignity, rights and legitimate needs and interests.” The draft document, a separate chapter of which is expected to deal with migrant topics, adds that: “...in the 21st century, the Slovak Republic will have to cope with yet unknown challenges related to globalisation, migration...” This refers, for example, to the “integration of people of non-European cultures to the present social and legal space.”<sup>37</sup> This document is therefore considered a background paper for the preparation of the Strategy of Human Rights Protection and Promotion to be drafted throughout the year 2014.

As far as political debates are concerned, migration and asylum issues did not represent primary interest of politicians in 2013. Neither the amendment to the Act on Residence of Aliens which entered into effect on 01 May 2013 nor the amendment to the Act on Asylum, amending, *inter alia*, the Act on Residence of Aliens and the Act on Employment Services, which entered into effect on 01 January 2014, raised major debates in the parliament. The mass media brought sporadic information on the amendment of these acts, in particular with respect to the possibility to obtain long-term residence by people granted asylum and

37 Available at <http://www.radavladyp.gov.sk/celostatna-strategia-ochrany-a-podpory-ludskych-prav-v-sr/> (consulted on 03/10/2013).

persons under subsidiary protection<sup>38</sup> and to the extension of subsidiary protection from one year to two years.<sup>39</sup>

As has become a tradition since 2010, only the issue of cancelling the possibility of holding double citizenship for Slovaks acquiring the citizenship of another state met with the major interest among politicians in 2013. In 2010, the Hungarian Government adopted an act under which anybody who has ascendants from Hungary and Austro-Hungarian Empire and who speaks Hungarian can apply for Hungarian citizenship. Since these conditions apply to the majority of people of the Hungarian minority living in Slovakia, the SR responded by an act under which acquisition of foreign citizenship results in the loss of Slovak citizenship. This measure is opposed by several political parties (e.g. the Slovak Democratic and Christian Union – Democratic Party, Most – Híd) and also by citizens. In 2011, this decision of the former government was brought to the Constitutional Court by a group of parliamentary deputies led by Gábor Gál (Most-Híd), claiming this act to be anti-constitutional. The Constitutional Court was expected to decide on this matter in autumn 2013, but no decision was taken by the end of 2013. Two former citizens of the SR who lost the Slovak citizenship by acquiring the Hungarian one turned to the European Court of Human Rights (ECHR) with the same matter. The ECHR concluded in June 2013<sup>40</sup> that “...the applicants opted for Hungarian citizenship of their own free will at a time when the relevant provisions of the Slovak Citizenship Act 1993 were in force.” Accordingly, they decided to acquire Hungarian citizenship while being aware of the consequences that such a deci-

38 For example, sme.sk – Dlhodobý pobyt budú môcť získať aj cudzinci s azylom – available at <http://www.sme.sk/c/6732707/dlhodoby-pobyt-budu-moct-ziskat-aj-cudzinci-s-azylom.html> (consulted on 13/12/2013).

39 For example, teraz.sk – Doplnkovú ochranu pre cudzincov chcú predĺžiť na dva roky, available at <http://www.teraz.sk/slovensko/doplnkova-ochrana-pre-cudzincov/66456-clanok.html> (consulted on 13/12/2013).

40 Decision on the case Fehér vs. Slovak Republic and Dolník vs. Slovak Republic, available at <https://www.justice.gov.sk/Stranky/aktualitadetail.aspx?announcementID=1747> (consulted on 06/03/2014).

sion would entail under Slovak law. Thus they were not denied Slovak citizenship arbitrarily in view of the applicable legal provisions and their human rights were not breached.<sup>41</sup> This statement of the ECHR did not even raise any further discussion on this matter on the political scene.

In 2013, the mass media covered asylum and migration issues mainly in connection with the tragic events near Lampedusa Island<sup>42</sup> and also with the situation in Syria and the growing influx of refugees to the EU<sup>43</sup> and to countries neighbouring with Syria<sup>44</sup>, though Slovakia has not been affected yet by this growing wave of refugees.<sup>45</sup> The mass media also covered the proposed changes to the system of granting social benefits to foreigners in the United Kingdom<sup>46</sup> as one of the most frequent countries of destination for Slovak migrants.<sup>47</sup> In the Slovak context, most attention was traditionally paid to issues concerning irregular migration, mainly in connection with the detention or irregular migrants<sup>48</sup>,

and fight against smuggling<sup>49</sup> and trafficking in human beings. Human trafficking is usually covered by the media at various levels, either from the point of view of providing general information on this phenomenon in the SR<sup>50</sup>, or with the purpose of prevention<sup>51</sup>, or from the point of view of penal law with regard to detected cases of human trafficking.<sup>52</sup> Compared to the previous year, the media brought more information on Slovakia's contribution to official development assistance<sup>53</sup> and on legal migration with a focus on demographic changes<sup>54</sup>, emigration of Slovak citizens (especially of the active labour force abroad)<sup>55</sup> and attracting highly-qualified migrants to the SR<sup>56</sup>, also thanks to the conference on this topic organised by the EMN.

None of these topics appearing in the media met with wider discussions or special activities on the side of the public.

41 For example, aktualita.sk - Strata občianstva nie je o ľudských právach, rozhodol súd [http://www.aktualita.sk/clanok/230126/strata-obciansstva-nie-je-o-ludskych-pravach-rozhodol-sud] (consulted on 30/10/2013).

42 For example, cas.sk - Počet obetí lodnej katastrofy stúpa: Viac než 130 utopených, available at http://www.cas.sk/clanok/262050/pocet-obeti-lodnej-katastrofy-stupa-viac-nez-130-utopenych.html (consulted on 13/12/2013).

43 For example, euractiv.sk - Sýrski utečenci hľadajú bezpečie v Európe, available at http://www.euractiv.sk/obrana-a-bezpecnost/clanok/syrski-utecenci-hladaju-bezpecie-v-europe-021473 (consulted on 13/12/2013).

44 For example, hn.hnonline - Situácia v Sýrii je neudržateľná, tvrdí Lajčák, available at http://hn.hnonline.sk/svet-120/situacia-v-syrii-je-neudrzatelna-tvrdi-lajcak-534592 (consulted on 13/12/2013).

45 For example, reportaze.sk - Utečenci zo Sýrie o SR záujem nemajú, vlni chceli azyl len piati, available at http://www.reportaze.sk/sprava/1426906/utecenci-zo-syrie-o-sr-zaujem-nemaju--vlani-chceli-azyl-len-piati/ (consulted on 13/12/2013).

46 For example, cas.sk - Drsný odkaz Británie: Slováci na sociálnom systéme už parazitovať nebudete!, available at http://www.cas.sk/clanok/246629/drsny-odkaz-britanie-slovaci-na-socialnom-systeme-uz-parazitovat-nebudete.html (consulted on 13/12/2013).

47 See also statistics of the Office for Slovaks Living Abroad, available at http://www.uszz.sk/sk/pocty-a-odhady/ (consulted on 13/12/2013).

48 For example, pluska.sk - Sedem Afgancov chytených pri hranici s Ukrajinou žiada o slovenský azyl, available at http://www.pluska.sk/krimi/domace-krimi/sedem-afgancov-chytenych-pri-hranici-ukrajinou-ziada-slovensky-azyl.html (consulted on 13/12/2013), or topky.sk - Pri ukrajinských hraniciach zadržali štyroch Somálcov, prsty si zničili kvôli odtlačkom, dostupné na http://www.topky.sk/cl/10/1339142/Pri-ukrajinskych-hraniciach-zadrzali-4-Somalcov-prsty-si-znicili-kvoli-otiskom (consulted on 13/12/2013).

49 For example, piestanskydennik.sk - Zapojili sme sa do medzinárodnej akcie proti prevádzčom, available at http://www.piestanskydennik.sk/sita-detail/?tx\_kiossita\_pi%5Bdetail%5D=149416 (consulted on 13/12/2013).

50 For example, sme.sk - Obetami obchodovania s ľuďmi sú vo väčšine prípadov Rómovia, available at http://nitra.sme.sk/c/6706137/obetami-obchodovania-s-ludmi-su-vo-vacsine-pripadov-romovia.html (consulted on 13/12/2013), or korzar.sme.sk - Obchodu s ľuďmi sa najviac darí na východnom Slovensku, available at http://kosice.korzar.sme.sk/c/6703088/obchodu-s-ludmi-sa-najviac-dari-na-vychodnom-slovensku.html (consulted on 13/12/2013).

51 For example, sme.sk - Viete, čo práve robí vaše dieťa?, available at http://zilina.sme.sk/c/6739183/viete-co-prave-robi-vase-dieta.html (consulted on 13/12/2013).

52 For example, aktualne.sk - Obchod s ľuďmi zanechal na Slovensku vlni 40 obetí, available at http://aktualne.atlas.sk/obchod-s-ludmi-zanechal-na-slovensku-vlni-40-obeti/slovensko-spolocnost/ (consulted on 13/12/2013).

53 For example, piestanskydennik.sk - Na rozvojovú pomoc ani tento rok nedáme toľko, koľko sme sľúbili, available at http://www.piestanskydennik.sk/sita-detail/?tx\_kiossita\_pi%5Bdetail%5D=145894 (consulted on 13/12/2013).

54 For example, teraz.sk - Nedostatok kvalifikovaných pracovníkov by sme nemali riešiť migráciou, available at http://www.teraz.sk/ekonomika/sns-migracia-pracovnici-odbornici/65102-clanok.html (consulted on 13/12/2013).

55 For example, sme.sk - Tisíce Slovákov zaviedli do cudziny sny, práca alebo nechut, available at http://www.sme.sk/c/6651257/tisice-slovakov-zaviedli-do-cudziny-sny-praca-alebo-nechut.html (consulted on 13/12/2013), or Po otvorení trhu sa záujem o Slovákov na západe zdvojnásobil, available at http://ekonomika.sme.sk/c/6786847/po-otvorení-trhu-sa-zaujem-o-slovakov-na-zapade-zdvojnasil.html (consulted on 13/12/2013).

56 For example, euractiv.sk - Modrých kariet je v EÚ zatiaľ málo, available at http://www.euractiv.sk/podnikanie-v-eu/clanok/vydavanie-modrej-karty-eu-je-zatial-minimalne-020648 (consulted on 13/12/2013).

# 03

## Legal Migration and Mobility

This chapter of the report presents information on the relevant developments concerning policies and legislation in the field of legal migration and mobility, including family reunification, integration, citizenship, as well as visa policy, Schengen measures related to border monitoring and cooperation with Frontex. This chapter also identifies the specific development at national level with regard to the implementation of EU policies and legislation and the use of EU financial instruments. It also identifies specific development at national level with regard to the implementation of EU policies and legislation and the use of EU financial instruments. This chapter therefore also informs about the activities of non-governmental and international organisations, mainly with regard to the implementation of projects that contributed to the development of legal migration and integration.

### 3.1 Promoting Legal Migration

#### 3.1.1 Students and Researchers

In 2013, further changes were prepared or occurred with the aim to help students – third-country nationals – to access the Slovak labour market or to encourage them to stay in the SR after completing their studies.

The amendment to the Act on Residence of Aliens, in effect from 01 May 2013, introduced a period of 30 days, during which a student – a third-country national, after completing his/her studies in the SR, can seek a job in Slovakia and subsequently apply for a change of the purpose of his/her residence. The previous legislative rules did not provide for such protection period, and a student who wanted to stay in Slovakia after completing his/her studies had to apply for a change of the purpose of residence yet before completing the studies, i.e. that s/he had to find a job before graduation.

The amendment to the Asylum Act which amends the Act on Residence of Aliens, with effect from 01 January 2014, extends the 30-day protection period in the case of duly completed studies at a higher education institution to include Slovak Government fellows with temporary residence for the purpose of special activity, as they study at higher education institutions in the SR under similar conditions as students of higher education institutions with temporary residence for the purpose of study.<sup>57</sup>

The amendment to the Asylum Act<sup>58</sup>, as described above, also amends the Act on Employment Services. This amendment extends the category of third-country nationals who are not required to hold a work permit to include persons:

- who have successfully completed their studies at secondary school or higher education institution in Slovakia, since they got acquainted with and acquired the cultural and language skills of the country and are easier to integrate in society;
- who will be employed for a specified period to improve their qualification in the job performed (traineeship), for a maximum period of one year;
- who are under 26 years of age and will be employed in occasional and time-limited jobs under school exchanges or youth programmes or education programmes joined by the SR.<sup>59</sup>

The number of hours that a student of a higher education institution with temporary residence for the purpose of studies can work without a work permit increased from 10 to 20 hours a week.

With regard to improved mobility of researchers, no changes occurred in 2013. The above-

described amendment to the Asylum Act which also amends the Act on Employment Services introduces with respect to third-country nationals conducting research and development in the SR on the basis of a hosting agreement to enable access to the labour market for their family members who received temporary residence for the purpose of family reunification without the need to obtain a work permit. Similarly, family members of EU Blue Card holders who obtained temporary residence for the purpose of family reunification will not be required to hold a work permit to enter the labour market in Slovakia.

### 3.1.2 Other Legal Migration

The provision of information on the conditions of entry and stay in the country is an important part of the promotion and support of legal migration.

Information on the possibilities and conditions of legal migration and on the rights and obligations of aliens related to their planned or current residence in the SR can be found, as in previous years, on the websites of relevant state institutions.

It is primarily the website of the Mol SR [www.minv.sk](http://www.minv.sk). This website provides information on entry (visa) and stay (residence permits) of aliens in the territory of the SR. The website also contains relevant legislation of the SR governing the residence and entry of aliens in the SR, as well as specific legislation on aliens' residence. Website visitors can also download the application form for national or Schengen visa (in English), the application form for residence permit and its renewal, as well as forms related to local border traffic, verification of invitation, etc. The negative point that has not been eliminated throughout the past years is the fact that only a limited amount of information is available in a language other than Slovak.

All front offices of the Aliens Police Department of the PF in the SR and the BBAP PFP provide information to aliens also on an individual basis by means of personal communication in case the alien shows up in the front office, or by phone, in writing, and by e-mail.

The provision of information on the possibilities and conditions of legal residence in the SR is a standard activity of the consular office of the SR, and some information is also available on the website of the MoFEA SR [www.mzv.sk](http://www.mzv.sk). The MoFEA SR prepares guidelines on visa and residence procedures. The conditions for the granting of visa and submission of applications and relevant documents for the purpose of residence are published, besides the central website of the MoFEA SR and websites of diplomatic missions, on information panels at the entrances of consular departments and in front offices. Important information is provided to the public via the mass media in the respective countries of diplomatic missions.<sup>60</sup>

The MoLSAF SR continues to operate an independent section on foreigners' integration on the ministry's website [www.employment.gov.sk](http://www.employment.gov.sk) (also available in English). The website provides information on the employment of foreigners, social security, marriage, citizenship and business in the SR, as well as about various life situations of foreigners. The website also published important research reports, useful publications compiled in cooperation with other organisations and institutions, vocabularies, and a multi-lingual on-line course of Slovak language. The website offers contact details of relevant state and public administration authorities, as well as non-governmental and international organisations, and informs about the latest events. The section on the Integration Policy is a new element compared to the previous year.

Relevant information is also available on the website of the COLSAF [www.upsvar.sk](http://www.upsvar.sk).

The MoLSAF, the Offices of Labour, Social Affairs and Family, as well as the COLSAF provide information on the employment of foreigners to employers and, similar to the BBAP PFP, through front offices, by phone, in writing, or by e-mail.

Information related to the entry and stay of aliens coming to Slovakia to study, teach at a higher education institution, or to conduct research is provided by the Slovak Academic Information Agency (SAIA) on its website [www.saia.sk](http://www.saia.sk). SAIA also distributes its publications to relevant institutions in the SR and abroad.

Information brochures containing information on the different aspects of legal migration for aliens, published by international and non-governmental organisations (such as IOM as part of MIC activities or by the Human Rights League) are also distributed to the state institutions listed above (for more details see the chapter below).

Comprehensive counselling to third-country nationals, similar to the previous years, is provided by the Migration Information Centre (MIC) established by the **International Organization for Migration (IOM)** and co-financed from EIF resources and from the state budget of the Mol SR. Necessary information and consultations on the various aspects of life in Slovakia can be obtained in person, by phone, by e-mail or on the website [www.mic.iom.sk](http://www.mic.iom.sk) which is regularly updated and available in three language versions. Information can also be obtained from multi-lingual brochures and leaflets in six languages focusing on the various aspects of life in the SR and on relevant legislative changes, published by the MIC. As stated above for the purposes of dissemination of and reaching out to the target group to the largest extent possible, these leaflets and brochures are distributed to the Aliens Police Departments of the PF, Offices of Labour, Social Affairs and Family, diplomatic missions of the SR abro-

<sup>57</sup> Art. 36, par.3 in compliance with Art. 25, par. 1e) of Act on Residence of Aliens.

<sup>58</sup> Act No. 495/2013 changing and amending Act No. 480/2002 Coll. on Asylum and on changes and amendments of some acts, as amended.

<sup>59</sup> The other categories of third-country nationals where no work permit is required are listed in Chapter 3.2.

<sup>60</sup> Information provided by the MoFEA SR.

ad, diplomatic missions of other countries in the SR, MIC clients, and within the networks of other cooperating institutions and organisations. The MIC also provides foreigners with legal assistance, mainly through the preparation and review of submissions to administrative authorities, contracts and other legal documents. In order to provide complex information to foreigners, the MIC continued organising specialised counselling – One-Stop-Shop days in 2013, with workers of the Aliens Police Departments, Offices of Labour, Social Affairs and Family, health insurance companies providing public and commercial health insurance to foreigners, trade licensing offices and registry offices, Social Insurance Agency, as well as MIC consultants and cultural mediators. Clients have the opportunity to obtain comprehensive information on their status within a single venue, by which the MIC created a unique platform in this area within the SR.<sup>61</sup> See also Chapter 3.4.

Complex counselling and legal assistance is also provided to migrants with legal residence in the SR by the Human Rights League under the project **Legal Advisory Service for Residence and Citizenship 4**. The project helps the dissemination of information on the rights and obligations of migrants towards Slovak state authorities (for instance, through on-line advisory service available on the website [www.hrl.sk](http://www.hrl.sk)). Under this project, information brochures are prepared and published in seven languages, and contain information on relevant changes in the legislation on the status of migrants legally staying in the SR, and information brochures designed for the vulnerable group of unaccompanied minors, again in several languages.<sup>62</sup> See also Chapters 3.4 and 5.1.

The EU Immigration Portal also plays an important role in providing information to aliens, summarising all information that aliens

need before entering the country to ensure legality of their stay. As needed, the SR updates the required data and information published on the portal. Some information is also provided by EURES.

With regard to residence, information on the possibility of return is also important. This kind of information is provided by relevant state authorities, in particular the BBAP PFP. Information concerning the possibility of using the assisted returns programme, carried out in the SR exclusively by the IOM in cooperation with the MoI SR, is published on the specialised website [www.avr.iom.sk](http://www.avr.iom.sk) or is provided by phone, by e-mail or by means of personal consultations and specialised brochures. Information was also provided through the Voluntary Return European Network (VREN) which will change its structure in 2014 and will be integrated within the EMN. For more details on returns see Chapter 9.

One of the aims of the Migration Policy is to create information and consultation centres for migrants to improve their access to information on entry and stay in the country, living and working conditions, including in their countries of origin. In 2013, the SR did not implement any measures in this area. Similar to the previous year, this role was executed by the consular departments of embassies and consulates general in 2013. Under measure 2.2.5.1 of the Migration Policy Action Plan for the period 2014–2015, the MoLSAF SR is expected to “inform migrants on their rights and duties, on access to the labour market, healthcare and social security”.

In 2013, the SR did not launch any information campaign aimed to provide information and pre-departure actions in the countries of origin of migrants.

## 3.2 Economic Migration

Traditionally, the SR has been a country of emigration rather than a country of immigration<sup>63</sup>. Before 1989, foreigners came to then Czechoslovakia from the countries of the former East bloc mainly for study reasons. Slovakia faced the same situation after 1990 during the transition period when it was perceived as a country of origin of economic migrants and as their transit country<sup>64</sup> rather than as a country of destination of labour migration.<sup>65</sup> Changes occurred with the entry of the SR to the EU and the Schengen Area which facilitated and supported labour migration.<sup>66</sup> The SR has become more interesting from the point of view of labour migration, and even a country of destination for some foreigners.<sup>67</sup>

The number of foreigners working in the SR steadily grew from 3,351 in 2004<sup>68</sup> to more than five times in 2013 (there were 17,810 foreigners working in the SR, of which 6,061 were third-country nationals<sup>69</sup>). As a consequence of the economic crisis in 2009 and 2010, the influx of foreigners seeking work slowed down (**Table 1 in Annex 2** presents the number of residence permits issued to third-country nationals in 2013 by type of residence). The SR responded to this situation

63 Comparative Study of the Laws in the 27 EU Member States for Legal Migration, Including an Assessment of the Conditions and Formalities Imposed by Each Member State for Newcomers, International Migration Law No. 16, IOM International Organization for Migration, 2009, p. 460.

64 Potočková (2011): Annual Report on Migration and Asylum Policies 2010 Slovak Republic, European Migration Network, IOM Bratislava, available at [http://www.emn.sk/phocadownload/emn\\_reports/emn-sk\\_vyr-sprava-politiky-migr-azyl-sr\\_2010\\_sk.pdf](http://www.emn.sk/phocadownload/emn_reports/emn-sk_vyr-sprava-politiky-migr-azyl-sr_2010_sk.pdf) (consulted on 02/01/2014).

65 Domonkos, Páleník, Radvanský, (2010): Satisfying Labour Demand through Migration in the SR, European Migration Network, IOM, Bratislava, available at [http://www.emn.sk/phocadownload/emn\\_studies/emn-sk\\_satur\\_dopytu\\_po\\_prac\\_sile\\_migraciou-sk.pdf](http://www.emn.sk/phocadownload/emn_studies/emn-sk_satur_dopytu_po_prac_sile_migraciou-sk.pdf) (consulted on 02/01/2014).

66 Ibidem.

67 Potočková: Annual Report on Migration and Asylum Policies 2010 Slovak Republic, European Migration Network, IOM, Bratislava, available at [http://www.emn.sk/phocadownload/emn\\_reports/emn-sk\\_vyr-sprava-politiky-migr-azyl-sr\\_2010\\_sk.pdf](http://www.emn.sk/phocadownload/emn_reports/emn-sk_vyr-sprava-politiky-migr-azyl-sr_2010_sk.pdf) (consulted on 02/01/2014).

68 Divinský (2009): Migration Trends in the Slovak Republic after the Accession of the Country to the EU (2004–08), IOM International Organization for Migration, Bratislava.

69 Source: MoLSAF SR.

and to the increasing need of acquiring highly qualified workers by preparing the Migration Policy. The chapter on legal migration states that economic migration is primarily determined by the needs of the SR with an emphasis on the admission and employment of highly-qualified employees, scientific workers and, if needed, other qualified migrants.<sup>70</sup> The Migration Policy also states that the basic criterion applicable to the admission of foreigners within the controlled economic migration is their potential in the form of qualifications and competencies necessary to satisfy the lasting demand for shortage professions on the national labour market with an emphasis on countries close in terms of culture. The Migration Policy is detailed in action plans which are regularly updated by the relevant state authorities for the purpose of gradual implementation of the Migration Policy principles in practice.<sup>71</sup> With regard to the admission of economic migrants, the Migration Policy originally assumed the introduction of a scoring system. During the preparation of the Action Plan for the period 2014–2015 in 2013, this plan was abandoned. In the next period, emphasis will be placed on preparing an analysis of scarce jobs with the aim to set up a list of scarce jobs and to potentially introduce the term “Slovak Card” to facilitate and accelerate the entry of migrants taking up scarce jobs. In this regard, the deadlines for the fulfilment of measures arising from the Action Plan changed, as a result of which the measures mentioned above still have the form of plans for the forthcoming period and have not been applied yet.

70 Migration Policy of the SR: Perspective until 2020. Chapter 1 - Legal Migration, available at [http://www.emn.sk/phocadownload/documents/migracna\\_politika\\_sr\\_2020\\_sk.pdf](http://www.emn.sk/phocadownload/documents/migracna_politika_sr_2020_sk.pdf) (consulted on 02/10/2013).

71 The action plans are detailed by the relevant central state administration bodies on the basis of Government Resolution No. 574 of 31 August 2011. The action plans are adopted continuously for a period of two years, approved at the management meetings of the relevant state authorities, and sent to the sponsor of the Migration Policy – Deputy Prime Minister and Minister of Interior of the SR.

61 For more information, see [www.mic.iom.sk](http://www.mic.iom.sk) (consulted on 14/10/2013).

62 See also [www.hrl.sk](http://www.hrl.sk) (consulted on 04/11/2013).

Hence, it can be stated that with respect to the employment of aliens, the SR did not make any changes in its policies in 2013 either through proactive measures or restrictive measures due to the economic crisis with the aim to prevent entry to the Slovak labour market in a targeted way. At the same time, managed labour migration sought to compensate for the lack of available labour forces in the labour market, in particular in scarce professions in 2013.

SR continues to support legal labour migration while preserving the conditions of filling vacancies by registered job-seekers, i.e. first by job-seekers from among the citizens of the SR, EU/EEA countries and the Swiss Confederation, and just then by third-country nationals. In this respect, Slovakia in particular supports the admission and employment of highly qualified workers, researchers, students and graduates from secondary schools or universities in Slovakia, as well as other qualified migrants. As for access to the labour market, the SR does not apply any quota and does not keep any lists of scarce professions. The COLSAF, however, publishes on its website statistics on the state, development and structure of employment at least on a monthly basis and carries out analyses and prognoses of the labour market development in the entire territory of the SR.

With regard to legislation, changes related to the transposition of *Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (Single Permit Directive)* were prepared in 2013 in the field of foreigners' employment, amending the Act on Residence of Aliens and the Act on Employment Services. This amendment entered into force on 01 January 2014. The directive establishes a single application procedure resulting in

a single permit combining the temporary residence permit and the work permit within a single administrative act. This amendment will introduce a more effective procedure for third-country nationals' applications for a single residence and work permit at a single place, which would considerably simplify the administrative procedure resulting in the granting of such administrative permit. A third-country national willing to work in the SR will apply for a single residence permit at a police department and encloses also his/her valid passport. In this case the police department is obliged to accept also incomplete applications. The single residence permit will enable the third-country national to stay in the SR for the purpose of employment. The Single Permit Directive also applies to third-country nationals who stay in the SR for a purpose other than employment and can work, and this fact will be indicated in their residence document as "right to work".

In this respect, a new reason for refusing an application for temporary residence is introduced in case the competent Office of Labour, Social Affairs and Family issues a confirmation to the applicant for temporary residence for the purpose of employment about the possibility to fill a vacancy by persons other than third-country nationals applying for a work permit; this confirmation expresses disagreement with filling the vacancy. The single application procedure will also apply to the EU Blue Card.<sup>72</sup>

<sup>72</sup> More specifically, this amendment:

- extends the COLSAF competencies to cancel the confirmation on the possibility to fill a vacancy corresponding to highly-qualified employment (for the purpose of granting the EU Blue Card) and to keep central records on issued and cancelled confirmations on the possibility to fill a vacancy corresponding to highly qualified employment, issued and cancelled confirmations on the possibility to fill a vacancy, and issued and revoked work permits;
- extends the competencies of the Office of Labour, Social Affairs and Family to issue and cancel confirmations on the possibility to fill a vacancy (for granting temporary residence for the purpose of employment – single residence permit) and to keep records on issued and cancelled confirmations on the possibility to fill a vacancy and on issued and revoked work permits;

Further, the amendment to the Act on Employment Services:

- extends the category of third-country nationals who are not required to hold a work permit to include persons who:
  - have successfully completed their studies at a secondary school or college/university in the SR, acquired knowledge of the language and culture and can be better integrated in society;
  - will be employed for a designated period of time for the purpose of improving their qualification in the given employment (traineeship) for a maximum one year;
  - are under 26 years of age and are employed in occasional and time-limited work under school exchanges or youth programmes or training programmes joined by the SR;
  - perform clerical activities on behalf of a registered church or religious association;
  - are managers or specialists working for a legal entity for which the Ministry of Economy of the SR has issued a certificate of significant investment;
  - have been granted national visa and who are involved in the work holiday programme approved by the Slovak Government where employment is not the main reason, but a side reason for stay of the other contracting state's citizen in the territory of the SR, and the extent of employment is limited.
- establishes the employer's obligation to notify the Office of Labour, Social Affairs and Family about vacancies, their number and job description before applying for a work permit for certain groups of third-country nationals, or for temporary residence for the purpose of employment for third-country nationals, or for granting of the EU Blue Card to a third-country national;
- establishes the obligation of a domestic legal entity or a domestic natural person, before concluding a contract on posting

a third-country national who has a labour contract signed with an employer with its seat outside of the territory of the SR for the purpose of performing work in the territory of the SR on the basis of a contract concluded with this legal entity or natural person, to check with the labour office the numbers and professions of posted employees and the period of posting;

- detail employers' obligations when employing nationals of EU Member States and third-country nationals.

In 2013, changes occurred in employing highly-qualified workers – third-country nationals. One of these changes concerned the recognition of qualifications in unregulated professions in the context of issuing the EU Blue Card.

The amendment to Act No. 131/2002 Coll. on Higher Education and on changes and amendments to some acts, as amended<sup>73</sup> with effect from 01 January 2013, introduced the possibility for higher education institutions in Slovakia providing programmes in identical or similar fields of study as indicated in the document on education attached by the third-country national to the application for the EU Blue Card to decide whether they would recognise the documents issued by a higher education institution with its seat in another country or by other competent authorities under the legislation of the respective country with respect to non-regulated professions. If there is no such higher education institution in the SR, the opinion on the recognition of such document for non-regulated professions will be issued by the Centre for the Recognition of Diplomas of the Ministry of Education, Science, Research and Sports of

<sup>73</sup> Act No. 455/2012 Coll. on changing and amending Act No. 131/2002 Coll. on Higher Education Institutions and on changes and amendments to some acts, as amended, changing Act No. 455/2004 Coll. on establishing the Academy of Armed Forces of General Milan Rastislav Štefánik, on merge of the Military Air Force Academy of General Milan Rastislav Štefánik in Košice and the Technical University in Košice, on establishing the National Defence Academy of Marshall Andrej Hadik and on changes and amendments to some acts as amended by Act No. 144/2008 Coll.

the Slovak Republic. Prior to this amendment, a third-country national applying for the EU Blue Card in a non-regulated profession was not able to obtain a document on recognition of education that would be accepted by the foreign police for the purposes of issuing the EU Blue Card. In 2013, a total of 9 residence permits were issued for the purpose of the EU Blue Card.

Another change in this area was the amendment to the Act on Residence of Aliens effective from 01 May 2013. This amendment superseded the original provisions of the Act which transposed (optionally) the provisions of Article 5, par. 5 of *Directive 2009/50/EC* regulating the possibility of reducing the wage threshold in selected highly qualified professions from 1.5 times up to 1.2 times the average wage in the given sector.<sup>74</sup>

In the context of attracting highly qualified workers, it should be noted that the Slovak diplomatic missions have recorded individual interest of Ukrainian doctors and medical personnel who respond to vacancies in health facilities in Eastern Slovakia. The most wanted specialisations are dentists and technicians. The Falck rescue service, for instance, acquired medical personnel from Ukraine through recruitments.<sup>75</sup> It is only individual cases, since Slovakia still lacks a comprehensive nationwide strategy aimed to address structural imbalances between labour demand and offer. Changes in the form of creating a list of scarce professions (preparation of an analysis of scarce professions and of a labour market analysis, and considering the introduction of quota for some professions) and potentially introducing the term "Slovak Card" to facilitate and accelerate the taking up of scarce jobs by migrants are planned to be made in the context of the Migration Policy Action Plan under the MoLSAF SR for the period (see also above).

<sup>74</sup> Act No. 75/2013 Coll. on changing and amending the Act on Residence of Aliens and changing and amending some acts  
<sup>75</sup> Information provided by the MoFEA SR.

In order to present the policies on attracting highly qualified and qualified migrants to the labour market and to provide policy makers with relevant information as a reference for possible analyses in this area, the EMN National Contact Point in the SR organised a national conference on this topic in November 2013. The conference presented the different approaches of EU Member States which seek to attract (highly)qualified migrants with a focus on the points-based system and introduction of specialised cards, and also discussed the impacts and effectiveness of these policies and actions in the future. The conference outcomes were covered by the media<sup>76</sup> in the context of Slovakia's approach to the introduction of the EU Blue Card and the country's attractiveness for (highly)qualified migrants.

With respect to international cooperation in the field of labour migration, the SR did not conclude in 2013 any bilateral agreement with third countries on the employment of third-country nationals or agreements aimed to facilitate mobility within the EU of third-country nationals working in another Member State. This issue can be addressed under free trade agreements. In 2013, an agreement with Japan was being prepared on a working holiday scheme aimed to promote cultural exchange between the two countries.<sup>77</sup> In this regard the SR in 2013 did not take any measures to prevent brain drain from third countries. None of the agreements also dealt with the issue of circular migration.

Some areas of economic migration were also addressed by projects of several international and non-governmental organisations, such as **MIC, Bakhita PLUS, or Legal counselling on residence and citizenship 4**, described in Chapters 3.1 and 3.4.

<sup>76</sup> For example, report in the evening news of the public Slovak Television and Radio of 20 November 2013 under the title Šancou pre Európsku úniu sú migranti, available at <http://www.rtvs.sk/televizia/program/detail/4173/spravy-rtvs/archiv?date=20.11.2013> (consulted on 21/11/2013).

<sup>77</sup> For more information on social security agreements see the EMN study – Drozd (2013): Migrant Access to Social Security and Healthcare in the Slovak Republic: Policies and Practice, European Migration Network IOM, Bratislava

### 3.3 Family Reunification

As for family reunification, the following changes occurred with the amendment to the Act on Residence of Aliens in effect from 01 May 2013.

The act removed the possibility to cancel the permanent residence of a person who was granted residence as a child under 18 years entrusted into personal care of a third-country national who is the spouse of a Slovak citizen with permanent residence in the SR, or a child under 18 years of a third-country national with permanent residence for a period of five years, or a child under 18 years of age entrusted into personal care of a third-country national with permanent residence for a period of five years, provided that the person, after reaching 18 years of age, runs business, is employed, or performs a special activity or research and development in the SR. This category also includes the children of aliens living in the SR who thus enjoy more favourable conditions for staying in the country after reaching 18.

The act removed the possibility to cancel permanent residence for an indefinite period of time acquired on the basis of marriage with a Slovak national (acquired after four years from obtaining permanent residence for five years) on the grounds that the spouses do not live together as family. It is assumed that an alien living in Slovakia for more than four years is sufficiently integrated, and there is no reason to assume that s/he contracted marriage with a Slovak citizen solely for the purpose of obtaining residence, since the marriage lasted for a long enough period of time.

### 3.4 Integration

In 2013, the integration policy of the SR was again based on the basic document – *Concept of Foreigners' Integration in the Slovak Republic*, approved by Government Reso-

lution No. 338 of 06 May 2009. Given the legislative developments and changes in the economic and social conditions since 2008 when the current Concept was prepared, it was necessary to set new targets and measures in the field of foreigners' integration reflecting the current situation and developments within the EU. Thus, during the 2013, the intensive works were undertaken to prepare the first Integration Policy of the Slovak Republic<sup>78</sup>. The integration measures aim to harmonise the legal status of foreign long-term residents in the SR with the legal status of Slovak citizens in accordance with the Common Basic Principles of Immigrants' Integration in EU Countries. The new policy on foreigners' integration is tied to the results achieved through the implementation of the Concept of Foreigners' Integration. In the process of preparation of the Integration Policy of the Slovak Republic, the MoLSAF SR as the main coordinator and responsible body chose the "bottom-up" approach by involving, besides relevant state authorities, also local state administration authorities, local self-governments, foreigners' communities<sup>79</sup>, as well as non-governmental and other organisations working in the field of foreigners' integration, since it is a cross-sectional area.

<sup>78</sup> The Integration Policy of the Slovak Republic was prepared under the national project implemented by the MoLSAF SR entitled Preparation of the new Integration Policy and Its Mainstreaming, supported from the EIF. The Integration Policy was approved by Government Resolution No. 45 of 29 January 2014. Available at <http://www.employment.gov.sk/sk/ministerstvo/integracia-cudzincov/> (consulted on 06/03/2014).

<sup>79</sup> The preparation of the Integration Policy of the Slovak Republic also involved communities of foreigners, thus ensuring their participation in the preparation of a document that directly affects them. At the end of 2012, the MoLSAF organised a meeting with the communities of foreigners living in Slovakia, informing them about the preparation of the Integration Policy of the Slovak Republic. The Integration Policy of the Slovak Republic was created by an implementation team composed of experts coming into direct contact with communities of foreigners. These communities were invited to contact at any time the members of the implementation team or employees of the MoLSAF, and received all contacts of the MoLSAF staff and members of the implementation team. After this meeting, individual meetings were held with foreigners' communities with the aim to hear their opinions, suggestions and recommendations which were subsequently used in the preparation of the Integration Policy.

Coordinated action by all competent authorities is required with respect to integration policies. The involvement of local actors in the preparation of the Integration Policy of the Slovak Republic enables to also consider regional specific features, as well as further improvement and development based on proven actions from some regions. The Integration Policy of the Slovak Republic defines the priority areas and measures as part of recommended actions to be further detailed by competent actors, and assumes the detailing of the Integration Policy of the Slovak Republic objectives through initiative actions in the framework of action plans. What is new compared to the previous document *Concept of Foreigners' Integration* is the definition of integration policy indicators. In its chapters, the Integration Policy of the Slovak Republic deals with issues related to housing, health, education, employment of foreigners and social protection, as well as cultural and social integration. With regard to employment, the Integration Policy highlights the need to make the Slovak labour market more attractive and to simplify the related administrative procedures in line with the Migration Policy. The document also emphasises the need to promote the business activities of foreigners. Unlike the previous *Concept of Foreigners' Integration*, the *Integration Policy of the Slovak Republic* document has a separate sub-chapter for the first time accentuating the target group of foreigners' children and unaccompanied minors, as well as their education. The Integration Policy of the Slovak Republic also tackles language training of foreigners, mentioning the need to develop standardised Slovak language courses for adult foreigners and to prepare textbooks and methodological tools. A separate chapter deals with the role of self-governments in the integration of foreigners, accentuating the importance of involving foreigners in the preparation of materials and measures at local level and in self-governments' activities. The Integration Policy of the Slovak Republic was adopted by Government Resolution No. 45 of 29 January

2014.<sup>80</sup>

With regard to the rights and obligations of foreigners, the right to equal treatment and non-discrimination is part of the Slovak legislation as a general principle and as a right under the *Anti-Discrimination Act* and in other legislation falling within the scope of the *Anti-Discrimination Act*. In 2013, no legislative changes occurred in this area. It is necessary, though, to mention the Integration Policy which was approved in January 2014 and which also serves for prevention purposes, as its objectives and measures identify preventative tools to avoid the risk of occurrence of an economically, socially and culturally divided society and of closed and excluded migrant communities, provided that compliance with the legal regulations of the SR and the EU and international legal standards is ensured. Emphasis is placed on raising the awareness on the situation and life of foreigners in Slovakia and on the ways of their protection against discrimination, racism and xenophobia. The regional and local levels are also stressed, as self-governments facilitate the integration of foreigners and create social coherence between different communities and the general population.<sup>81</sup>

The principle of equality also relates to the fact that under the Act on Employment Services, the same legal status as the one of a citizen of the Slovak Republic is also enjoyed by a third-country national who is a party to legal relationships established under the Act on Employment Services, provided that s/he was granted a work permit and temporary residence for the purpose of employment, unless a special regulation (Act on Residence of Aliens) provides otherwise. As regards migrant access to social and healthcare services, the SR does not apply a policy of positive discrimination against third-country nationals

<sup>80</sup> Available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=23222> (consulted on 06/03/2014).

<sup>81</sup> Available at <http://www.employment.gov.sk/sk/ministerstvo/integracia-cudzincov/zameranie-integracnej-politiky-sr.html> (consulted on 07/03/2014).

under which they would have more favourable access to housing, social and healthcare services compared to Slovak nationals. Unless the provision of such services is directly tied to citizenship, migrants are treated in the same way as Slovak nationals. The same applies to the provision of housing or social services to disadvantaged groups, such as single mothers with children, etc.

Elections to higher territorial units and to municipal self-governments, unlike parliamentary or presidential elections, may also be participated in by foreigners, since Slovak citizenship is not a condition for participation in elections in this case. The voting right in elections to higher territorial units and to municipal self-governments may be exercised by residents, i.e. people (including aliens) with permanent residence in the SR.

In the context of improving the rights of migrants, we can also mention the educational seminar which was organised in the framework of the activities of EMN National Contact Point in the SR in August 2013 on the opportunities and challenges of labour migration. The seminar, attended by representatives of state and public administration authorities, as well as non-governmental organisations, the academia, and representatives of migrants dealt, among other issues, with the rights of migrant workers.<sup>82</sup> The participants agreed that this is a topic that should be also discussed in other forums within Slovakia.

Practical measures concerning the integration of third-country nationals (e.g. measures enabling aliens to obtain basic information on residence and citizenship, knowledge of the language of the host country, education programmes, actions aimed to promote migration topics among the general public with the participation of migrant representatives, multi-cultural events) are organised ma-

<sup>82</sup> For more information on the seminar, see <http://www.emn.sk/sk/aktivita-emn/stretnutia-a-konferencie/76-ba-seminar-august-2013> (consulted on 02/01/2014).

inly by international and non-governmental organisations under projects financed from the funds of the General Programme "Solidarity and Management of Migration Flows" (more precisely EIF) and co-financed from the budget of the MoI SR. Namely, the following projects were organised:

**IOM Migration Information Centre to support the integration of foreigners in Slovakia (stage VI)** – besides counselling activities described in Chapter 3.1.2., the MIC also performs other activities aimed to facilitate the integration of foreigners in the SR, in particular<sup>83</sup>:

- Training and retraining courses – the MIC provides financial contributions to training and retraining courses which are fit to applicants' needs with regard to their integration in the society and to the labour market (e.g. professional IT training, bookkeeping, language courses, etc.).
- Open Slovak language course – further to the positive feedback and successful implementation of the programme of low threshold courses of Slovak languages in 2011 and 2012, the MIC continues providing low-threshold Slovak language courses for foreigners – beginners and advanced students. This open course is free of charge, and every meeting constitutes an independent, closed thematic unit aimed to acquire basic language proficiency in the given field.
- Courses of socio-cultural orientation – this training is linked to the open Slovak language courses and includes topics, such as traditions, history, geography, the political and school system, communication with authorities, at shops, social insurance companies, at doctor's, etc. Similar to the open Slovak language courses, the course methodology is based on the low threshold principle, and the course is free of charge and open.

<sup>83</sup> For more information, see [www.mic.iom.sk](http://www.mic.iom.sk) (consulted on 30/12/2013).

- Work and social counselling and related information materials – with the aim to promote integration in the labour market, the MIC provides foreigners with individual work counselling (orientation on the labour market, drafting of a CV and a letter of motivation, help in the assessment of skills and qualification, preparation for an interview, help in communication with employer, assistance in seeking a job), and social counselling (contacting institutions and assistance in applying for social benefits, seeking accommodation, interventions and counselling in crisis situations, field social work). As for field work, the MIC staff team also provides counselling directly at clients' workplaces, and also distributes information materials. Their aim is to raise awareness on the procedures and on the rights and obligations of foreigners in the most important areas of their life in Slovakia. Depending on the topic and the interest of the target group, the leaflets are published in printed and electronic forms in six language versions: Slovak, English, Russian, Vietnamese, Chinese, and Arabic. The leaflets address not only foreigners, but also employers who employ or are interested in employing foreigners.
- Cooperation with foreigners' communities and promotion of inter-cultural exchange – multi-cultural and community information meetings organised by cultural mediators<sup>84</sup> have been the principal MIC IOM activity in the field of mutual inter-cultural exchange since 2006. These meetings represent a unique communication link between foreigners' communities and the Slovak population. The information meetings are organised as cultural or social events, discussions and workshops.

<sup>84</sup> With the aim to improve the organisation of the community life of foreigners and promote inter-cultural exchanges between the communities and the general population, the MIC also cooperates with a network of cultural mediators for individual foreigners' communities. The task of cultural mediators is to provide the community with useful information concerning integration and to act as mediators in the communication between foreigners' communities and the general population. The MIC cooperates with 21 cultural mediators in total.

- Workshops for cultural mediators – in 2013, the MIC organised workshops and work meetings with the aim of improving and enhancing the activities of foreigners' communities in the field of inter-cultural exchange. The workshop topics covered new areas of the foreigners' community development, and helped the exchange of skills, competencies and knowledge needed for work with inter-cultural issues and promotion of community life, and strengthened effective communication with institutions and the majority.

**Legal counselling on residence and citizenship 4:** The aim of this project is to provide efficient and comprehensive legal assistance and advice to migrants legally residing in the territory of the SR. The project facilitates the integration of third-country nationals in the Slovak society and helps to identify the greatest barriers to integration and to represent migrant interests against state authorities.<sup>85</sup> For further details refer to Chapters 3.1.2. and 5.1.

**Bakhita PLUS:** The project focuses on vulnerable group of unaccompanied minors who are provided with psychological services (therapeutic, diagnostic), social counselling services and socio-cultural orientation, as well as Slovak language training, which contributes to their effective integration in the Slovak society. The services provided under this project include informing the target group on prevention against trafficking in human beings.<sup>86</sup> For further details also refer to Chapter 5.1.

**Integration on the Road:** The project focuses on students of secondary schools, explaining to them migration and integration issues. The project activities aim to develop discussions with the representatives of foreigners' communities and to broadcast these topics in local

<sup>85</sup> For more information, see <http://www.hrl.sk/projekty/pravna-poradna-pre-pobyt-obciansvo-4> (consulted on 07/10/2013).

<sup>86</sup> For more information, see <http://charita.sk/stranky/pomoc-ute-cencom> (consulted on 07/10/2013).

and regional media. The project also includes a final exhibition with a photo-report and a publication with basic information about migration policies in Slovakia, important contacts, and the most interesting ideas and photos from travels across Slovakia to be distributed to secondary schools and migrant communities in Slovak and English language.<sup>87</sup>

**Multi-cultural fairytales:** The project outcome is the publishing of a book of fairytales collected from foreigners living in Slovakia, including reading events with migrants and children at elementary schools all over Slovakia. The project also includes art competitions for children and discussion meetings on the integration of migrant children in Slovakia.<sup>88</sup>

**The Times of New Minorities:** The project aims to raise the awareness of the Slovak public on life, culture, and traditions of new minorities living in Slovakia and on their status in the Slovak society with special focus on the preparation of the largest activity under the project – *The Week of New Minorities (Fjúžn)* festival (the 8th year of the festival was organised in 2013). Cultural and social events, discussions, film projections, concerts, a bazaar, gastronomic tasting, etc. were all organised in the framework of the festival.<sup>89</sup>

In 2012, the SR joined the regional project **Next Door Family**, supported by EIF (Community Action). This project continued in 2013. The aim of this project, which was implemented, besides the SR, also in Belgium, Hungary, Italy, Spain, Malta, and in the Czech Republic, was to create a space for meetings between families of locals and foreigners living in one of the participating countries during a common lunch and to make them know each other. The joint lunch was held on

<sup>87</sup> For more information, see <http://www.integruj.sk/integracia-nacestach-relacie> (consulted on 07/10/2013).

<sup>88</sup> For more information, see <http://www.intenda.sk/multikulturalne-rozpravky-podpori-eu-z-fondu-pre-integraciu-cudzincov> (consulted on 07/10/2013).

<sup>89</sup> For more information, see <http://www.fjuzn.sk/index.php> (consulted on 07/10/2013).

18 November 2012, and there were 16 meetings in nine towns in Slovakia. In 2013, a film was produced under the title "Next Door family" with Czech and English subtitles, and was distributed to 152 schools together with other training materials on migration for pedagogues.<sup>90</sup>

Besides projects aimed to promote participation and the perception of migrants in the society, the projects also focused on the exchange of experience between experts working in this field, namely:

**Examples of good practice in educating migrant children abroad:** The main objective of the project is to reinforce, through sharing successful foreign models, the professional capacities of teachers at elementary schools and experts in the integration of foreigners within the education system with the aim to facilitate the integration of third-country nationals.<sup>91</sup>

**Promotion of inter-cultural skills and regional cooperation among experts working with migrants in the Slovak Republic III and IV:** The aim of the project is to improve the quality of services that facilitate the integration of foreigners in the SR through the building of professional capacities of competent state administration authorities and self-governments. The capacity building is carried out by means of training activities and workshops focused on the promotion of inter-cultural knowledge and communication skills of selected experts at regional level with the participation of the representatives of foreigners' communities.<sup>92</sup>

**Integration Forum – a platform for an open dialogue on migration and integration of foreigners:** The project aims to create and develop an open platform allowing

<sup>90</sup> For more information, see <http://www.nextdoorfamily.eu/sl/index.php/sk/> (consulted on 04/10/2013).

<sup>91</sup> For more information, see [www.nms.sk](http://www.nms.sk) (consulted on 07/10/2013).

<sup>92</sup> For more information, see <http://www.mic.iom.sk/dialog/projekt> (consulted on 08/10/2013).

the exchange of information and experience at national and international levels with the involvement of experts from various areas of migration and integration in Slovakia, as well as migrant representatives.<sup>93</sup>

With regard to integration, it is also necessary to mention the research project **Present, Yet (In)Visible? The Cultural and Social Integration of Foreigners from a Local Perspective**. The principal aim of the project is to analyse the social and cultural integration of third-country nationals at local level through case studies in three selected locations by means of anthropological research. An expert seminar for actors in migration and integration policy in Slovakia will also be organised, as well as the Diversity Forum – a discussion forum for the general public.<sup>94</sup>

Besides projects financed from EU funds, in order to present balanced and substantiated information that will contribute to creating an informed opinion on migration and migrants, to incorporate this information into education, strengthen the debate on migration and migrants, and contribute to the deconstruction of stereotypes and myths in society and prevention of expressions of intolerance, discrimination and xenophobia, the project **We Are at Home Here** was implemented in 2013. A documentary entitled *We Are at Home Here* was produced on the lives of migrants and migration in Slovakia. At the same time, guidance was prepared for teachers and lecturers on how to work with the film and how to incorporate migration issues in the school curricula, including information posters. This material was distributed to 104 organisations (methodological centres, schools, ministries, organisations working with foreigners or in the promotion and protection of human rights and freedoms, etc). The public film pres-

93 For more information, see <http://www.hrl.sk/projekty/forum-integracie-platforma-pre-otvoreny-dialog-o-migracii-integracii-cudzincov> (consulted on 07/10/2013).

94 For more information, see [http://www.ivo.sk/7024/sk/projekty/pritomni-a-preds-a-\(ne\)viditelni?-kulturna-a-socialna-integracia-cudzincov-v-lokalnej-perspektive](http://www.ivo.sk/7024/sk/projekty/pritomni-a-preds-a-(ne)viditelni?-kulturna-a-socialna-integracia-cudzincov-v-lokalnej-perspektive) (consulted on 07/10/2013).

entation was followed by a discussion on migration. The film was subsequently screened at other events on minorities and migration (e.g. Fjúžn or One World).<sup>95</sup>

In order to promote the integration of migrants in Slovakia and the dissemination of positive information on migration among the public, the IOM and the Human Rights League made a presentation in the largest multicultural festival **Bažant Pohoda** in July 2013. Visitors to the IOM stand could learn about migration and assistance to migrants in their integration in Slovakia from various materials and activities. As part of Pohoda festival activities, the IOM launched a new campaign **Don't Become a Victim of Human Trafficking**. The materials warn about the risks of human trafficking and offer a helpline 0800 800 818.<sup>96</sup> The Human Rights League and Milan Šimečka Foundation prepared workshops on migration, integration and Afghanistan, as well as articles and interviews with foreigners and about foreigners.<sup>97</sup>

It should be mentioned in this context that, in 2013, the Human Rights League was awarded the Prize of the US Embassy in the SR for its activities related to the protection of migrants' human rights.<sup>98</sup>

As far as international cooperation in the field of integration is concerned, the SR has joined the activities of the National Contact Points for Integration (NCPs). The representatives of the Slovak Republic (appointed by experts from non-governmental organisations active in the

95 For more information, see <http://www.iom.sk/sk/aktivy/integracia-migrantov/uskutocnili-sme-integracia/285-aj-my-sme-tudoma-vzdelavacie-materialy-o-migracii-pre-pedagogov-a-lektorov> (consulted on 04/10/2013).

96 For more information, see [www.iom.sk/sk/novinky-a-podujatia/318-iom-na-pohode-2013](http://www.iom.sk/sk/novinky-a-podujatia/318-iom-na-pohode-2013) (consulted on 04/10/2013).

97 For more information, see <http://www.hrl.sk/aktuality/liga-zaludske-prava-aj-tento-rok-na-festival-bazant-pohoda-2013> (consulted on 01/11/2013).

98 The prize was awarded by the US Embassy on the occasion of the annual report of the US State Department on human rights in 2012. For more information see <http://www.hrl.sk/aktuality/liga-zaludske-prava-ziskala-cenu-velvyslanectva-usa-v-bratislave> (consulted on 01/11/2013).

field of migration and integration of foreigners, such as Milan Šimečka Foundation, the Human Rights League, and the Centre for Research of Ethnicity and Culture) who were involved in the preparation of the Integration Policy of the Slovak Republic regularly attend the meetings and the EU Integration Forum. As far as cooperation with third countries is concerned, the SR has no specific cooperation with countries of origin with regard to migration management. Migration and migration management are addressed in the context of wider cooperation and general agreements with these countries, for example, in education, business cooperation and development aid.

With regard to integration at national level, in addition to the coordinated preparation of the Integration Policy of the Slovak Republic, the activity of the Inter-Ministerial Expert Commission on Labour Migration and Foreigners' Integration (MEKOMIC) should also be mentioned. MEKOMIC evaluates and prepares expert opinions on conceptual documents and coordinates the preparation of Slovakia's positions on EU documents and directives, thus contributing to the creation of the migration and integration policies of the SR. The Commission also takes standpoints on issues concerning employment of third-country nationals in Slovakia. In 2013, the MEKOMIC's activities focused on the preparation of the Integration Policy of the Slovak Republic in the form of a meeting of over thirty experts from the state and public administration bodies. MEKOMIC members are experts representing all key central state administration authorities, other state authorities and institutions, as well as self-governments. Its meetings can be attended by relevant representatives of international and non-governmental organisations and by representatives of foreigners' communities.

All actors working in the field of migration and integration also cooperate in the framework of the projects described above.

### 3.4.1 Citizenship and Naturalisation

The conditions for the acquisition and loss of Slovak citizenship are laid down in the Citizenship Act. No amendment was made to this act in 2013, and hence, no legislative changes concerning the acquisition of citizenship occurred in that year.

The citizenship issue, however, has repeatedly appeared in parliamentary and political discussions since 2010 as a reaction to the adoption of the Citizenship Act in Hungary under which anyone who has ascendants from Hungary and Austro-Hungarian Empire and who speaks Hungarian can apply for Hungarian citizenship. Since these conditions apply to the major part of the members of the Hungarian minority living in Slovakia, the SR responded in 2010 by changing the legislation, conditioning the acquisition of foreign citizenship by the loss of the Slovak one. Since that year, the public and some political parties conduct activities seeking to change the law. The Constitutional Court of the SR was expected to decide on this matter in autumn 2013, but no decisions was made by the end of 2013. An opinion was also published by the ECHR which rejected the complaint of two former Slovak citizens who had lost the Slovak citizenship after acquiring the Hungarian one. For more details see Chapter 2.2.

## 3.5 Managing Migration and Mobility

In this context of legal migration, this chapter informs about the developments in the field of visa policy, border monitoring and related international cooperation.

### 3.5.1 Schengen Governance and Visa Policy

The SR entered the Schengen Area in 2007. *The Schengen Action Plan* approved by Government Resolution No. 755 of 30 November 2011 is the basic strategic instrument of the SR for Schengen cooperation, detailing the Schengen measures adopted by the SR in specific areas. These measures were also detailed in an earlier document – the National Border Control Management Plan of the SR 2011–14.<sup>99</sup>

In 2012 and 2013, the Slovak Republic together with other selected Member States underwent a detailed Schengen assessment in line with a previously approved five-year plan. In 2013, the visa policy, land borders and the Schengen Information System were successfully evaluated. These assessments resulted in nine assessment reports which, in addition to the predominantly positive findings of the assessment team, also contain recommendations for further improvements in some areas that were subject to the assessment.<sup>100</sup>

With respect to legislation, *Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013 amending Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code), the Convention implementing the Schengen Agreement, Council Regulations (EC) No 1683/95 and (EC) No 539/2001 and Regulations (EC) No 767/2008 and (EC) No 810/2009 of the European Parliament and of the Council entered into effect on 19 July 2013. Under*

<sup>99</sup> National Border Control Management Plan of the SR 2011–2014 was adopted by Government Resolution No. 473 of 06 July 2011, available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19962> (consulted on 30/12/2013).

<sup>100</sup> The assessment reports are "confidential". For more publicly available information see "Information on the Course and Results of the Assessment of Proper Application of the Schengen Acquis in the SR", taken note by the Government of the SR at its meeting on 18 December 2013, available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=23146> (consulted on 30/12/2013).

this regulation, new measures have been introduced concerning the changed conditions concerning the crossing of Slovakia's external border with Ukraine and at international airports. The changes facilitated the counting of the period of short-term stay from the day of entry of a third-country national to the territory of the Schengen Area, as well as the new procedures concerning the stamping of travel documents, and new conditions for the validity periods and recognition of travel documents of third-country nationals.

In the area of visas with respect to the Visa Code, the Visa Information System (VIS) is currently installed at 65 diplomatic missions of the SR, including consulates general. The number of DMs using the fingerprints collection system is also increasing; at the moment, there are 16 such diplomatic missions: Abuja, Astana, Baghdad, Bangkok, Brazil, Buenos Aires, Hanoi, Havana, Jakarta, Cairo, Kuwait, Nairobi, Pretoria, Tashkent, Tehran, and Tel Aviv. On 14 November, it was implemented in Central and South-Eastern Asia and in the Palestinian Territories.

The fingerprints collection system used for visa applications will also be introduced in other regions reporting increased numbers of visas issued for travelling to the SR. The system is expected to be launched on 18 September 2014 in the Caucasus countries, Moldova, Belarus, Ukraine, countries of the former Yugoslavia, Albania, and Turkey; on 23 October 2014 in the Russian Federation; and on 05 February 2015 in Bangladesh, Bhutan, India, Maldives, Nepal, Pakistan and Sri Lanka.

As far as the strengthening of cooperation between Member States' consulates is concerned, the DM SR actively cooperate with the DMs of other Member State in the framework of local Schengen cooperation in line with the Visa Code. The following agreements on mutual representation in visa issuance entered into force or were prepared in 2013:

(Member) State with which the visa representation agreement exists	Country acting as representative
Agreement between the SR and Hungary (came to force on 30 November 2012; visas started to be issued on 01 January 2013)	The diplomatic mission of the SR in Nigeria (Abuja) issues visas to nationals of Nigeria planning to travel to Hungary.
Amendment to Annex to the Agreement between the SR and Austria on implementing the Agreement between the SR and Austria signed on 06 May 2011 (came to force on 01 October 2013)	The diplomatic mission of Austria in Morocco (Rabat) issues visas to nationals of Morocco planning to travel to the SR. <sup>101</sup>
Agreement between the MoFEA SR and the Federal Ministry of Foreign Affairs, Foreign Trade and Development Cooperation of the Kingdom of Belgium on visa representation (came to force on 01 July 2013)	The Embassy of the SR in Iraq (Bagdad) issues visas to nationals of Iraq planning to travel to Belgium. The Embassies of Belgium in the Democratic Republic of Congo and Burundi issue visas to the nationals of these countries planning to travel to the SR.
Amendment to the Protocol of the Slovak Republic and the Czech Republic on mutual visa representation through diplomatic missions and consular offices in their countries, signed on 04 November 2011 (came to force on 09 October 2013)	The Embassy of the Czech Republic in Lebanon (Beirut) issues visas to nationals with permanent resident in Syria who plan to travel to the SR. <sup>102</sup>
Agreement between the MoFEA SR and the Ministry of Foreign Affairs and Cooperation of the Kingdom of Spain on visa representation (came to force on 01 June 2013)	The diplomatic missions of Spain in Peru, Jamaica, Colombia and Haiti issue visas to the nationals of these countries who plan to travel to the SR.
<b>Agreements under preparation</b>	
Agreement between the MoFEA SR and the Ministry of Foreign Affairs of Switzerland on visa representation	The Embassy of the SR in Baghdad would issue visas to certain groups of Iraqi nationals travelling to Switzerland; and the embassies of Switzerland in Tanzania and Nepal would issue visas to the nationals of these countries travelling to the SR.
Agreement between the MoFEA SR and the Ministry of Foreign Affairs of Portugal on visa representation	The Embassy of the SR in Minsk would issue visas to the nationals of Belarus travelling to Portugal, and the embassies of Portugal in Angola, Guinea-Bissau, Cape Verde, Mozambique, Sao Tomé and Príncipe, and Timor-Leste would issue visas to the nationals of these countries travelling to the SR.
Agreement between the MoFEA SR and the Ministry of Foreign Affairs of Latvia on visa representation	The diplomatic mission of Latvia in Kaliningrad would issue visas to the nationals of the Kaliningrad area (Russia) travelling to the SR.
Agreement between the MoFEA SR and the Ministry of Foreign Affairs of Italy on visa representation	The countries in which Italy would issue visas on behalf of the SR are not specified yet.

<sup>101</sup> Under the original Agreement, Austria represents the SR in the issuance of visas in Lebanon and Jordan.

<sup>102</sup> Under the original Agreement, the Czech Republic represents the SR in the issuance of visas in Afghanistan, Algeria, Pakistan, Ghana, Mongolia and the Philippines, and the SR reciprocally in Kenya.

At national level, preparations for the VIS Mail are on-going in line with the *Commission Implementing Decision of 06 September 2013 on amending the annex to the Commission Implementing Decision on adopting the technical specification for the VIS Mail communication mechanism for the purposes of Regulation 767/2008/EC concerning the Visa Information System and the exchange of data between Member States on short-stay visas (VIS Regulation)*. The implementation of the VIS Mail will have a positive impact on changing the way of communication between the diplomatic missions of EU Member States in the field of visa policy.

With respect to visa at national level, it is also necessary to mention the amendment to the Act on Residence of Aliens which entered into effect on 01 May 2013 and introduced the obligation of the applicant to prove along with the submission of the invitation verified by an Aliens Police Department and of the Schengen visa application an account balance of EUR 2,377.08 (12-times the subsistence minimum) of the inviting person plus EUR 56/day of stay. Under the previous legislation, the applicant was only required to present a declaration of honour by the inviting person about covering the costs of stay and travel.

**Table 2 in Annex 2** shows the number of Schengen and national visas issued by the SR in 2013. In addition to that, four visas were issued at the external border in 2013 under Article 35 of the Visa Code. In the same year, the SR also started to perform control by verification at airports at the external borders.

### 3.5.2 Border Monitoring

The measures in this field mainly include technical modernisation of the equipment at the external border, training for the police, and international cooperation. The measures concerning border protection in the context of irregular migration are described in Chapter 8.

The basic document in this area is the *National Border Control Management Plan of the SR 2011–2014*.<sup>103</sup> According to the schedule of the plan, regular trainings of police officers working in Border Control Departments of the PF were held. These trainings focus on enhancing the knowledge on border control and border surveillance. Training courses also focused on detecting victims of trafficking in human beings (for more details see also Chapter 6) and on enhancing inter-cultural skills (for more details see also Chapter 3.4).

In order to support further gradual building of the integrated system of external border administration, the following activities were financed from the European External Border Fund in 2013:

- instalment of perimeter cables in 6 buildings of the border control departments along the external land border with Ukraine; purchase of electronic door openers, a back-light camera, and video recorders;
- upgrade of two pieces of equipment EPO-TAF GATE GUARD for detecting the presence of live people in trucks and lorries at the border crossing point in Vyšné Necké (to Ukraine);
- purchase of mobile thermographic cameras, mobile readers of travel documents, mobile equipment to check the authenticity of travel documents, computer and copying sets, manual lights and communication sets;
- replacement of computer and communication technology of higher standard in order to ensure better, faster and trouble-free communication of police officers providing for international information exchange through the SIRENE national bureau and joint contact points for the purposes of operational co-operation between Member States in the protection of the external borders;

<sup>103</sup> The National Border Control Management Plan of the SR 2011–2014 was approved by Government Resolution No. 476 of 06 July 2011, available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19962> (consulted on 02/11/2013).

- extending the Radiobarrier detection system with a special Phototraps technical device at the external border with Ukraine.

A new departure terminal is currently being built at the Poprad-Tatry international airport. This terminal will fully comply with the Schengen criteria in terms of passenger handling infrastructure.

With regard to EUROSUR in October 2013, a work meeting between the representatives of Poland and Slovakia was held in Vyšný Komárnik on the possible use of funds for the technical support and software development of this system. The Polish side did not join the project for technical reasons, but did not exclude co-operation in the future.

In the area of international cooperation the *Agreement between the Ministry of Interior and the State Border Guard Service Administration of Ukraine on common guards on the Slovak-Ukrainian border* was signed on 30 October 2013. The agreement was signed with the aim to fulfil the tasks related to the protection (control) of the Slovak-Ukrainian state border and to effectively combat illegal crossing of the Slovak-Ukrainian state border by persons beyond border crossing points, and illegal border crossing by motor vehicles and illegal transport of goods.

### 3.5.3 Frontex

The SR is actively involved in the activities of the Frontex Agency, and regularly participates in its work. In 2013, the SR was mainly engaged in its joint operations on land, sea and air borders, long-term pilot projects, and various training courses, seminars, etc.

In 2013, the SR was engaged in six joint operations: Poseidon Land, MIZAR Flexi Force, Focal Point Air, Focal Point Land, Indalo, Jupiter, and Attica project. The joint operations involved, according to the focus of the operation, experts in documents, experts in border surveil-

lance, and experts in second-line control. As for technical equipment, patrol vehicles and a Cessna T182 aircraft were used in these operations, and a screener was deployed for the Attica project.<sup>104</sup>

In 2013, no disproportionate or specific pressures were reported in the external Schengen border of the SR, thanks to which the SR did not require help or support from other EU Member State within Frontex or otherwise.

The BBAP PFP actively cooperates with Frontex and members of the FRAN community. This cooperation significantly contributes to improving the quality of work in the field of risk analysis, and is an important external source of information. Active cooperation consists of regular participation of BBAP PFP analysts in the meeting of several Frontex groups (FRAN, EDF<sup>105</sup>, WB RAN<sup>106</sup>, EB RAN<sup>107</sup>). These groups exchange information on the development of irregular migration among the representatives of Member States and third countries (new trends, modus operandi), and continuously prepare analyses of risks by concrete external border sections and at European-wide level. The representatives of Member States actively attend trainings on statistics and risk analysis organised by the agency. The statistical and analytical products of individual Member States and Frontex products prepared within particular groups are made available to the Member States' representatives by means of the protected ICONet network and are used for further analyses related to the assessment of risks of irregular migration.

The Frontex training activities on trafficking in human beings are described in Chapter 6.

<sup>104</sup> An overview of Frontex operations and of their focus is available at [www.frontex.europa.eu](http://www.frontex.europa.eu) (consulted on 30/12/2013).

<sup>105</sup> EDF – EU Document Fraud Project.

<sup>106</sup> WB RAN – Western Balkan Risk Analysis Network.

<sup>107</sup> EB RAN – Eastern Borders Risk Analysis Network.



## International Protection Including Asylum

A growing trend related the number of asylum applications lodged in 2013 changed, as their number declined by almost half from 732 applications submitted in 2012 to 441 applications in 2013. Compared to the previous year, the number of applicants who were granted asylum was lower also due to the lower overall number of accepted applications – the MO Mol SR granted asylum to 32 applicants in 2012 and 15 applicants in 2013. For the same reason, the number of granted subsidiary protections significantly decreased by 34 compared to 2012 when 104 subsidiary protections were granted. In 2013, the procedure was suspended in 351 cases, and a decision on non-granting asylum was taken in 123 cases, which represents a decline against the year 2012 when asylum was not granted in 334 cases.<sup>108</sup>

There were no significant changes in the national structure of asylum applicants; similar to 2012, the applicants came most frequently from Afghanistan, Eritrea, Georgia and Somalia, though the number of Somali applicants largely declined from 223 in 2012 to 57 in 2013. In spite of the situation in Syria, the SR did not see a major influx of applicants for international protection from this country and registered only 18 applicants from Syria in 2013.<sup>109</sup>

It should be also mentioned that Slovakia is one of the few countries<sup>110</sup> which did not face negative impacts resulting from visa liberalisation in the Western Balkan countries in the form of increased number of asylum applications. In 2012, three persons from the Western Balkan countries applied for international protection (one from Croatia, one from Ser-

<sup>108</sup> For MO Mol SR statistics visit <http://www.minv.sk/?statistiky-20> (consulted on 25/01/2014).

<sup>109</sup> For MO Mol SR statistics visit <http://www.minv.sk/?statistiky-20> (consulted on 25/01/2014).

<sup>110</sup> The results of the monitoring of impacts of visa liberalisation in the Western Balkan countries on the increase in the number of asylum applications in EU Member States were presented within the Strategic Committee on Immigration, Borders and Asylum (SCIFA) in 2013. The monitoring was conducted by means of questionnaires filled out by the MO Mol SR in cooperation with the BBAP PFP on behalf of the SR.

bia, and one from FYROM), and two in 2013, both Serbian nationals.<sup>111</sup>

### 4.1 International Protection Procedures

No changes occurred in 2013 in this area. Each asylum application filed in the SR is examined on an individual basis based on the facts and circumstances of the given case and with regard to the objective situation in the country of origin. Also, no changes occurred with regard to the Dublin Procedure and in the overall structure, system and admission capacities in the field of international protection in 2013.<sup>112</sup>

The amendment to Act No. 586/2003 Coll. on Advocacy<sup>113</sup> introduced a change concerning international protection procedures. Since 01 January 2013, only lawyers or the Legal Aid Centre may represent an applicant for asylum in court procedures of appeal against decisions of the MO Mol SR.<sup>114</sup> Such representation, as well as representation in first-instance proceedings (related to first-instance decisions of the MO Mol SR) have been provided free of charge in the long run, as it has been secured by non-governmental organisations under projects financed from the ERF. Under the Slovak legislation, representation of applicants for asylum by the Legal Aid Centre is also free of charge. The aim of this change was to restrict unqualified legal representation which often occurred in practice. Court proceedings were often delayed due

<sup>111</sup> For MO Mol SR statistics visit <http://www.minv.sk/?statistiky-20> (consulted on 25/01/2014).

<sup>112</sup> For complex information on the structure and system of reception facilities in the SR refer to the EMN study, Micháľková (2013): Organisation of Reception Facilities for Asylum Seekers in the Slovak Republic. European Migration Network, IOM Bratislava, available at <http://www.emn.sk/sk/na-stiahnutie> (consulted on 31/12/2013).

<sup>113</sup> Act No. 335/2012 Coll. changing and amending Act No. 586/2003 Coll. on Advocacy and on changes and amendments of Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act), as amended

<sup>114</sup> By the end of 2012, non-governmental organisations represented their clients in court proceedings on the basis of power of attorney granted to the lawyer working for the non-governmental organisation.

to incorrectly managed lay representation. Representation by lawyers is expected to improve representation at courts and to provide participants the guarantee of liability for any damage caused, which did not exist under the previous legislation.<sup>115</sup>

In connection with international protection procedures, it is also necessary to mention the amendment to the Government Resolution on issuing a list of safe third countries and safe countries of origin<sup>116</sup>, which entered into effect on 15 July 2013, dropped Croatia from the list of safe countries of origin, and added Montenegro to this list.

Court decisions should also be mentioned in this regard. Even though according to the Slovak legislation court decisions do not constitute a source of law, the Supreme Court of the SR publishes its decisions of key importance in the Collection of Opinions of the Supreme Court and Court Decisions and these decisions are respected and accepted by lower-instance courts when deciding on similar matters. With respect to international protection, we can mention the opinion of the Supreme Court in its judgment in file No. 1Sža/10/2013 of 9 April 2013, published in the Collection of the Supreme Court Opinions and Court Decisions No. 7/2013.

Under this decision, the credibility of an applicant for international protection with respect to a decision on granting international protection is essential. This matter must therefore be assessed with due care, while it is undoubted that the applicant's statement constitutes the basis for assessment. The applicant bears the burden of the statement which is further developed in interaction with the administrative authority and completed with the burden of

<sup>115</sup> Explanatory report to Act No. 335/2012 Coll. on changing and amending Act No. 586/2003 Coll. on Advocacy and on changing and amending some acts, available at <http://www.najpravo.sk/dovodove-spravy/rok-2012/335-2012-z-z.html?print=1> (consulted on 02/12/2013).

<sup>116</sup> Government Regulation No. 205/2013 changing and amending Government Regulation No. 716/2002 Coll. on issuing a list of safe third countries and safe countries of origin as amended.

proof. The applicant for asylum, however, is not obliged to demonstrate their persecution by evidence other than their own credible statement. On the other hand, the administrative authority, when in doubt, is obliged to collect all available evidence refuting, questioning or confirming the credibility of the applicant for asylum. Hence, the applicant is not required to prove their persecution by manner other than by their own credible statement. It is up to the MO Mol SR as the administrative authority, when in doubt over the credibility of the applicant's statement, to find evidence demonstrating that the applicant's statement is not truthful.

Slovakia's involvement in the EASO activities is also very important in this context. In 2013, the SR participated in 17 regular EASO meetings and 4 special meetings for appointed experts beyond the EASO plan. The results of the active participation of Slovak experts in the negotiations include, in addition to obtaining information on current issues concerning international protection, the inclusion of Somalia as a top country of origin of asylum seekers in the COINETWORKs pilot project, which seeks to ensure effective information sharing on this country. One Slovak representative is currently involved in the activities of this group.

At the same time, two workers of the Procedural Department of the MO Mol SR were trained under the European Asylum Curriculum training system with respect to two modules, thus becoming national trainers authorised to conduct training for the workers of the Migration Office.

The SR was active in the Working Group to prepare a training module for managers in the field of asylum. It was also actively involved in the initiative aimed to raise the quality of asylum procedures, conducted by the EASO under the title Quality Matrix.

In December 2013, a representative of the Slovak Republic was sent to EASO structures where she will serve for a period of one year. In the beginning of 2014 a Slovak expert will be sent again to Bulgaria through the EASO Asylum Support Team to provide assistance with regard to admission of asylum seekers.

In June 2013, two representatives from Sweden and Serbia were welcomed under the ENARO network activities (network of organisations ensuring reception of asylum seekers). This exchange focused on conflict management and work with problematic applicants for international protection. Under this exchange, new contacts were established which resulted in a work visit of the Serbian delegation to Slovakia in October 2013. The Serbian colleagues got acquainted with the asylum system of the SR and they also exchanged their practical experience. Both sides plan to continue in this cooperation in the future mainly in the form of trainings for workers.

With regard to mobility partnerships, the SR participated as a project partner in Moldova to the project **Building training and analytical capacities on migration in Moldova and Georgia** (GovAc). The aim of the project was to introduce a permanent mechanism to ensure an independent and institutionalised training scheme in these countries. The SR contributed by posting experts who trained their colleagues in Moldova.<sup>117</sup>

Slovakia plans to participate as a leader country in the EU Mobility Partnership with Azerbaijan, signed at the meeting of the EU Council for Justice and Home Affairs held on 05 – 06 December 2013.

<sup>117</sup> See also Bachtíková, Ulrichová (2013): Annual Report on Migration and Asylum Policies 2012 Slovak Republic. European Migration Network, IOM, Bratislava, available at [http://www.emn.sk/phoca-download/emn\\_reports/emn-sk\\_vyr-sprava-politiky-migr-azyl-sr\\_2012\\_sk.pdf](http://www.emn.sk/phoca-download/emn_reports/emn-sk_vyr-sprava-politiky-migr-azyl-sr_2012_sk.pdf) (consulted on 04/11/2013).

## 4.2 Reception of Applicants for International Protection

Slovakia's activities related to relocation and resettlement should be mentioned with respect to this area.

With regard to relocations, the Eurema II project launched in 2012 continued in 2013. Under this project, the SR offered to provide asylum to 10 persons granted international protection and staying in Malta. All of them are vulnerable persons – families or single parents with children. However, no relocation has been carried out due to Slovakia's small attractiveness to these persons (see also **Table 6 in Annex 2**).

As for resettlement, the Slovak Republic provided within its territory, under the trilateral *Agreement between the Government of the SR, the UNHCR and the IOM on humanitarian transfer through the Slovak Republic of refugees in need of international protection* (agreement in force from 24 June 2012 to 24 September 2013; a new agreement was signed on 24 June 2013 for a period of 15 months), temporary shelter to 138 new refugees. Step-by-step, a group of 79 Afghani refugees from Iran came to Slovakia on 06, 07 and 13 July 2013, consisting of 25 families (48 adults and 31 children). On 18 July 2013, the SR adopted a group of 59 refugees from Eritrea – 15 families in total (24 adults and 35 children). In both cases it concerned refugees who were being gradually resettled to safe third countries. The SR provides these persons during their stay in the country with full service, accommodation, food, and basic hygienic products. Under an agreement between the SR and the US, Slovakia regularly resettles to its territory refugees from Cuba. In 2013, five persons were resettled. **Table 7 in Annex 2** provides an overview of their numbers.

## 4.3 Integration of Asylum Applicants and Persons with International Protection Status

The most important element contributing to the integration of these groups of persons are activities financed from European funds, specifically from the ERF. As for applicants for international protection, the following projects were implemented in particular:

**Better quality of life for all V** – the project aimed to improve the overall situation and quality of life of asylum seekers placed in asylum facilities in western Slovakia (accommodation centre in Rohovce) and in the police detention facility for foreigners in Medvedov by providing them with basic, complementary and supplementary services (social work and counselling, medical and psychological care, legal counselling and assistance, training, language training, as well as material assistance, interpreting and translations). Services are also provided to asylum seekers who entered employment or a similar labour relationship and who can be accommodated outside reception centres.<sup>118</sup>

**Municipality of Rovné – assistance to asylum seekers** – the aim of this project is to ensure efficient reception of applicants for international protection in accordance with EU standards through the provision of legal services, social, psychological and health care, as well as the provision of translation and interpreting services and other support services and supplementary material assistance to applicants for international protection with a focus on Central Slovakia (accommodation centre in Opatovská Nová Ves) and Eastern Slovakia (reception centre in Humenné and the police detention facility for foreigners in Sečovce – solely legal counselling to persons applying for asylum).<sup>119</sup>

<sup>118</sup> For more information, see <http://www.nasiutecenci.sk/project-serf.htm> (consulted on 08/10/2013).

<sup>119</sup> For more information, see <http://www.rovne.eu/projekt.html> (consulted on 08/10/2013).

Assistance to persons under international protection was provided mainly through the following projects implemented in 2013:

**ASAP IV:** The main project activities include the provision of social counselling and social assistance, and enhanced access of clients (third-country nationals or stateless persons granted asylum in the SR or subsidiary protection) to social services. These activities also aim to raise the legal awareness of clients, ensure their access to legal services, provide suitable accommodation to clients as a basic need in social integration, encourage the economic activity of clients and support their financial independence, promote the extent of socio-cultural integration in society, and enhance clients' ability to enforce their rights under the Charter of Fundamental Rights of the EU, as well as to increase the educational level of clients, including vocational and language training and professional qualification, promote the personal fulfilment of clients, their independent decision-making and self-sufficiency, reinforce the links between the target group and the society of the admitting country, and to ensure proper care for clients, including financial and material support to improve the quality of life with a special emphasis on vulnerable persons and persons with special needs. The project focuses on the territory of Western Slovakia.<sup>120</sup>

**STEP:** This project, implemented in Central and Eastern Slovakia, provides foreigners granted asylum and subsidiary protection in Slovakia with social, material, financial, psychological and legal assistance. The main project activities include ensuring access to social services, especially through social counselling and assistance, ensuring access to legal services and the raising of legal awareness, facilitating access to psychological counselling, socio-economic integration, and socio-cultural integration.<sup>121</sup>

120 For more information, see [www.shr.sk](http://www.shr.sk) (consulted on 08/10/2013).

121 For more information, see <http://www.marginal.sk/projekty/> (consulted on 08/10/2013).

In 2013, the Legal Aid Centre continued providing legal assistance to persons in reception centres who were issued a negative decision.<sup>122</sup> The lawyers from the Centre represent aliens mainly in court proceedings, or a lawyer from the list of lawyers is appointed to represent the alien in the asylum procedure.

At regional level, the integration of persons under international protection is addressed by the **UNHCR project– Refugee Integration: Capacity and Evaluation**, financed from the ERF and UNHCR funds. The project is aimed at evaluating the extent of integration in Slovakia, Poland, Bulgaria, and Romania through the online web-based tool for data collection. Using this instrument, national experts – persons with expertise in refugees' integration (state institutions, NGOs, independent experts, etc.) insert in the system data on various fields of integration (access to employment, education, health care, etc.) which are later evaluated, and as such give a picture of the state of integration and present recommendations to streamline and improve the process. Besides the countries listed above, the meetings at international level are also attended by representatives from the Czech Republic, Slovenia and Hungary and from Western European countries who inspire others with their established systems or contribute to the exchange of experience.

122 The Legal Aid Centre is a state budgetary organisation established by Act No. 327/2005 Coll. on the Provision of Legal Assistance to Persons in Material Need. The centre seeks to improve access to justice for persons in material need, i.e. for those who are not able to use the existing legal services due to lack of funds.

## 4.4 Measures to Implement Aspects of Common European Asylum System

The following changes of legislative nature occurred in this area in 2013:

- According to the amendment to the Act on Employment Services<sup>123</sup> which entered into effect on 01 May 2013, the work permit is not required from aliens who were granted subsidiary protection. Under the previous legislation, aliens who were granted subsidiary protection were required to hold a work permit, though no labour market tests were performed in this respect. Since 01 May 2013, aliens granted subsidiary protection are considered disadvantaged job-seekers, and therefore have the same status as persons granted asylum as to access to the labour market. The purpose of this change is to make them acquire economic self-sufficiency and professional self-realisation earlier, and to ensure the development of the professional and work skills and socio-cultural integration of third-country nationals with the citizens of the receiving country.
- Under the amendment to the Act on Residence of Aliens<sup>124</sup> which entered into force on 01 May 2013, the residence permit of a third-country national with acknowledged status of a person with long-term residence in the EU (long-term residence<sup>125</sup>) can also be requested by persons granted asylum and aliens under subsidiary protection. The period of five years during which a person must legally and continuously stay in the territory of the SR before filing an ap-

123 Act No. 96/2013 changing and amending Act No. 5/2004 Coll. on Employment Services and on changes and amendments to some acts as amended.

124 Act No. 75/2013 Coll. changing and amending Act No. 404/2011 Coll. on Residence of Aliens and on changes and amendments to some acts, as amended.

125 Long-term residence is one of the three types of permanent residence.

plication for long-term residence now also includes the period from the filing of the application for asylum until the date of the decision on granting asylum or subsidiary protection. The possibility to obtain long-term residence will provide persons granted asylum or subsidiary protection with a larger scope of rights that they can enjoy in the territory of all Member States.

- The amendment to the Act on Asylum<sup>126</sup> which entered into effect on 01 May 2013, amongst others, extended the period for the filing of an asylum application to an indefinite period of time (the first asylum for the purpose of family reunification is granted for a 3-year period), and the period for filing the application for extending subsidiary protection was extended from 30 days to 90 days. Under the previous legislation, such application for asylum could be filed at the earliest 90 days and at the latest 60 days before expiry of the one-year period. At present, the application for asylum for an indefinite period may be filed at the earliest 90 days before expiry of the 3-year period until the expiry date of this period, and the application for extending subsidiary protection may be lodged 90 days at the earliest before expiry of the one-year period until the expiry date of that period. Failure to file an application for extending subsidiary protection within the set period constitutes a reason for cancellation of subsidiary protection, and failure to file an application for asylum for an indefinite period of time is considered a reason for cancellation of asylum. A new condition has been introduced for the granting of asylum and subsidiary protection for the purpose of family reunification given the fact that it is not reasonable to grant asylum and subsidiary protection for the purpose of family reunification to a person who has permanent residence in the SR under the Act on Residence of Aliens.

126 Act No. 75/2013 Coll. changing and amending Act No. 404/2011 Coll. on Residence of Aliens and on changes and amendments to some acts.

- By amendment to Act No. 293/2007 on the Recognition of Qualifications, which entered into effect on 01 December 2013<sup>127</sup>, persons under international protection who left their country of origin without the possibility to take their documents on qualification can have their qualification assessed and verified on the basis of a written application which, besides identification data, will also contain basic information on education. The Ministry of Education, Science, Research and Sports of the SR as the responsible body will examine the application and, according to the level of education stated by the applicant, appoint the school that would perform the exam to check the qualification of the applicant under international protection.

Throughout the year 2013, intensive works were undertaken related to the preparation of the amendment to the Act on Asylum with effect date from 01 January 2014 with respect to the transposition of the Qualification Directive, the necessary update of some provisions of the act, and practical findings. Amongst others, the amendment:

- specifies when the procedure for granting asylum commences in case of a child born to a third-country national who is an asylum seeker or a beneficiary of international protection in the territory of the Slovak Republic
- redefines the possibility of using the national protection instrument (alternative to national resettlement);
- extends the list of cases where there is a link between the reasons for persecution and the acts of persecution;
- defines additional conditions to be met for being provided protection against persecution or serious harm;
- extends the category of persons who can be granted asylum or subsidiary protection

- for the purpose of family reunification;
- specifies that subsidiary protection is extended to two years instead of the previously defined period of one year;
- lays down the procedure of transfer to another state under a special regulation<sup>128</sup> in the case of an alien illegally residing in the SR.

It is also proposed to establish that the MoI SR is involved in the creation of possibilities for the integration of aliens granted subsidiary protection (is involved in a gradual harmonisation of the approach to persons granted asylum and aliens under subsidiary protection with approved integration programmes). With regard to integration measures covered from European funds and implemented by non-governmental organisations, aliens under subsidiary protection are provided similar care as persons granted asylum.

In addition to that, the Act on Residence of Aliens is proposed to introduce new police competence – the right to detain an asylum seeker on the specific grounds which fully correspond to the EU requirement for the detention of this category of aliens.

<sup>128</sup> Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (revised text).

This chapter gives an overview of the measures related to care for unaccompanied minors and other vulnerable groups within the national context or the EU context. Given the fact that it is a very small group of persons in Slovakia, this area is addressed by a very small group of experts and relevant institutions. Cooperation is developed at professional level and especially under EU-financed projects. All measures of legislative and political nature related to this area were implemented during the previous periods, and therefore no significant development occurred in this field in 2013.

## 5.1 Unaccompanied Minors

In 2013, the procedures related to unaccompanied minors did not change, and no other changes occurred in this area. Nevertheless, it is necessary to mention the Integration Policy of the Slovak Republic, adopted by the Government of the SR Resolution in January 2014 (see also Chapter 3.4) containing a separate chapter on unaccompanied minors and the integration thereof. This chapter specifies certain measures, such as developing a new guidance for determining the child's best interests, reviewing the system for determining the age or identification of the causes of escapes of unaccompanied minors. Separate chapters also deal with the education and language training of unaccompanied minors and children of aliens. At EU level, it is necessary to mention Slovakia's involvement in the preparation of manuals to determine the age of unaccompanied minors, developed by EASO in line with the *Action Plan for Unaccompanied Minors 2010–2014*. The manual is currently being finalised and is described under point a). It provides an in-depth overview of the methods of determining the age of unaccompanied minors, including the international and European legal base.

The activities in this area are also promoted by projects financed from EU funds (EIF), namely: **Bakhita Plus** – the aim of the project is to

# 05

## Unaccompanied Minors and Other Vulnerable Groups

contribute to an optimal psycho-social development and adaptation of unaccompanied minors in unknown environments through the provision of educational, psychological and social counselling and socio-cultural activities.<sup>129</sup>

The project **Legal counselling on residence and citizenship 4** aims, amongst others, to provide counselling to unaccompanied minors, and to publish relevant brochures in several languages for this group of persons. See also Chapters 3.1. 2. and 3.4.

As regards projects financed from the ERF, unaccompanied minors are considered a vulnerable group of asylum seekers in the SR. The activities of the project **Municipality of Rovné – Assistance to asylum seekers** (see also Chapter 4.3), financed from the ERF, which also tackles this group of applicants, include the provision of legal counselling, assistance, representation, as well as psychological and health care as an addition to the health care provided by the MO Mol SR.

In the context of determining the age of the unaccompanied minors (aliens), the Human Rights League organised in 2013 a conference entitled **A Child or an Adult?** The aim of this conference was to launch a debate on the ways, methods and procedures for determining the age of aliens, to present examples of good practice from other countries, and to make recommendations and procedures that could be applied.<sup>130</sup> The manual to determine the age of unaccompanied minors, developed by EASO in collaboration with experts from EU Member States, international and non-governmental organisations and EU agencies (described above) can also be inspiring in this regard.

<sup>129</sup> For more information, see <http://charita.sk/stranky/pomoc-ute-cencom> (consulted on 07/10/2013).

<sup>130</sup> For more information, see <http://www.hrl.sk/aktuality/konferencia-o-urcovani-veku-dieta-alebo-dospely> (consulted on 01/11/2013).

**Table 8 in Annex 2** presents an overview of the total number of unaccompanied minors in the SR in 2013 and on the number of unaccompanied minors applying for asylum. Compared to the year 2012, there was also an overall decline in the number of asylum applications, which also refers to unaccompanied minors where the number of applications fell from 31 in 2012 to 5 in 2013. It should also be mentioned that a total of 52 unaccompanied minors were intercepted upon illegal state border crossing and illegal stay in the SR in 2013.<sup>131</sup>

## 5.2 Other Vulnerable Groups

In this area, the needs of the target group have long been satisfied by relevant non-governmental organisations, financed in the framework of European projects as an important additional element to state actions.

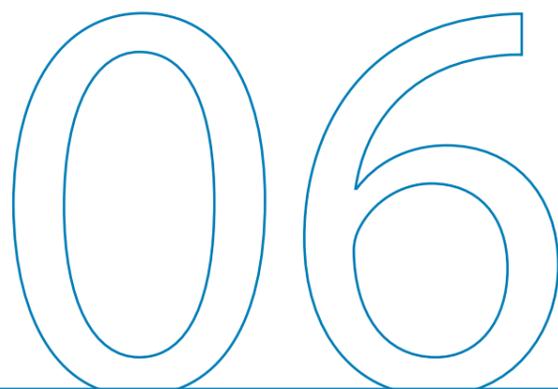
From among projects financed by the ERF, vulnerable groups are tackled by the project **Municipality of Rovné – assistance to asylum seekers** (see also Chapters 4.3 and 5.1). Under this project, this group is provided with legal services, social assistance, psychological and health care, supplementary material assistance and support services, such as translations and interpreting in the reception centre in Humenné and accommodation centre in Opatovská Nova Ves to which vulnerable persons are preferentially placed. Vulnerable groups of persons under international protection are also addressed by **STEP** and **ASAP IV** projects (see also Chapter 4.3).

Regarding this area, we can also mention the publication which was published by the IOM in 2013 under the title *Migrants' Experiences with Violence in Slovakia*, compiled under the project financed from the EIF *The causes, forms and consequences of violence against third-country nationals in the SR*. This research project aimed to bring a complex analysis of

<sup>131</sup> Source: BBAP PFP.

violence and a critical evaluation of the current state of policy (concepts, strategies), legislation and practice concerning violence against foreigners. One of the chapters of the publication, including recommendations, also focused on domestic violence. The publication was presented to policy-makers during a public presentation and at other forums organised by the IOM.<sup>132</sup>

<sup>132</sup> For more information, see <http://www.vyskum.iom.sk/> (consulted on 08/10/2013).



## Actions Addressing Trafficking in Human Beings

Further to Government Resolution No. 668 of 07 September 2005 on the Government Activities Report in 2005 targeting prevention and suppression of trafficking in human beings, a National Coordinator for Combating Trafficking in Human Beings was appointed, and the first conceptual document on this topic was approved – the National Action Plan to Combat Trafficking in Human Beings for the Period 2006–07. At the end of 2006, the MoI SR issued an internal regulation on establishing an *expert group for the fight against trafficking in human beings*.<sup>133</sup> At present, the *National Programme on the Fights against Trafficking in Human Beings for the Years 2011–14* is in place, as approved by Government Resolution No. 96/2011, and was implemented in 2013.

Slovakia is a country of origin, transit as well as a country of destination country for human trafficking. The process of identifying (potential) victims of trafficking in Slovakia, including the *Programme of support and protection of the victims of trafficking in human beings*, is defined in the *National Reference Mechanism*, followed in 2013.

Victims of human trafficking can be identified by state authorities or non-governmental organisations (including foreign organisations or those working abroad), as well as the very victims or their family members also through the national helpline 0800 800 818, which worked also in 2013.

<sup>133</sup> This cross-sectoral group is the advisory, initiative and coordination body of the national coordinator, and consists of the representatives of relevant departments of the MoI SR, Ministry of Justice of the SR, MoLSAF SR, Ministry of Healthcare SR, MoFEA SR, Ministry of Education, Science, Research and Sports of the Slovak Republic, Ministry of Finance of the SR, Government Office of the SR, Office of the Plenipotentiary of the Slovak Government for Roma Communities, General Prosecution of the SR, Association of Towns and Municipalities of Slovakia, and the IOM. The third sector is also included in this expert group through the representations of non-governmental organisations.

In 2013, several changes were made in the legislation governing this area:

- The amendment of the Criminal Code<sup>134</sup> with effect from 01 August 2013 transposed in the Slovak legislation *Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/JHA*. This ensured legal compliance with the requirements arising from the *Council of Europe Convention on Trafficking in Human Beings*<sup>135</sup>, as resulted from the evaluation of the SR by the Council of Europe Group of Experts on Action against Trafficking in Human Beings (GRETA). This amendment modified the provision concerning trafficking in human beings in Art. 179 of the Criminal Code. Compared to the previous provision, the means of trafficking in human beings now include kidnapping; the purpose of exploitation was extended to include, besides forced service, also beggary, as well as other purposes, such as forced marriage and abuse for committing crimes. In line with this change, the relevant article of the Criminal Code on child victims of human trafficking was modified. The amendment also changed the original title of Art. 180 “Trafficking in Children”, since the subject of this provision is not trafficking in children, as perceived by international norms. Trafficking in children the signs of which correspond to the respective international norms is defined in the Criminal Code as part of trafficking in human beings. The new title of Art. 180 is “Handover of a Child to Another Person”.
- At the same time, the amendment to the Criminal Code also modified the provision on procuring and soliciting prostitution. The need to change this provision arose from the recommendations of the Evalua-

<sup>134</sup> Act No. 204 of 25 June 2013 on changing and amending Act No. 300/2005 Coll. Criminal Code and on changing and amending some acts, as amended.

<sup>135</sup> Warsaw, 16 May 2005 – Notice No. 487/2008 Coll.

tion Report of the US Government on Trafficking in Human Beings in 2012, under which the SR is recommended to adopt legislative changes under which a child victim engaged in prostitution is considered a victim of trafficking in human beings, and not a victim of prostitution. This recommendation was also agreed by the relevant ministries with respect to their tasks in the framework of the *National Action Plan to Combat Trafficking in Human Beings 2011–2014* under which compliance of the provision on trafficking in human beings<sup>136</sup> and the provision on prostitution<sup>137</sup> was assessed pursuant to the relevant paragraphs of the Criminal Code. This assessment led to the conclusion that any exploitation of child victims for the purposes of child prostitution always means the crime of trafficking in human beings<sup>138</sup>, and not the crime of prostitution<sup>139</sup> under the relevant provisions of the Criminal Code.

- The amendment to the Criminal Code with effect from 01 August 2013 also amended the Criminal Procedure Code which was modified in Art. 215, par. 2, letter d) by transposition of Art. 8 of *Directive 2011/36/EU on preventing and combating trafficking in human beings and protecting its victims* and Article 14 of *Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography* which bind the Member States to take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on child victims of sexual abuse and sexual exploitation for their involvement in criminal activities, which they have been compelled to commit as a direct consequence of being subjected to any of these directives. In this regard, a special provision was adopted to suspend prosecution by the prosecutor.

<sup>136</sup> Art. 179 of the Criminal Code.

<sup>137</sup> Art. 367 of the Criminal Code.

<sup>138</sup> Under Art. 179, par. 2 of the Criminal Code.

<sup>139</sup> Under Art. 367 of the Criminal Code.

That means that if anyone is forced to commit a crime and that person is a victim of trafficking of human beings or sexual abuse and exploitation as laid down in the directive, the prosecutor should not prosecute such persons.

- The amendment to the Act on Employment Services which entered into effect on 01 May 2013 established that a work permit is not required to be held by a person whose tolerated stay granted on the grounds that s/he is a victim of trafficking in human beings has been extended, as well as by a person who was granted tolerated stay due to illegal employment under particularly exploitative work conditions, provided that the presence of that person is needed for the purposes of the criminal proceedings.
- The new regulation on the *Programme of support and protection of victims of human trafficking in human beings* with effect from 15 December 2013 lays down the conditions for the Programme and the roles of the entities involved in the Programme, and describes in detail the processes and information obligations of entities aimed to ensure joint management in order to provide targeted assistance to victims of trafficking in human beings.

With regard to institutional and coordination structure, Slovakia created a structure of cooperation among state and non-state actors in order to combat human trafficking and protect and help the victims of crime.<sup>140</sup>

In 2013, the following campaigns were run aimed to combat trafficking in human beings:

Continuation of the communication campaign **You Can Become a Slave without Information**, implemented under the project

<sup>140</sup> Kubovičová (2013): Identification of Victims of Trafficking in Human Beings in International Protection and Forced Return Procedures in the Slovak Republic. European Migration Network, IOM, Bratislava, available at <http://www.emn.sk/sk/na-stiahnutie> (consulted on 04/12/2013).

**Prevention and Extended Harmonised Data Collection System on Trafficking in Human Beings**, financed from the EC. This awareness raising campaign about the national helpline and about the new forms of trafficking in human beings with an emphasis on forced work included distribution of A4 and A3 posters to the local Offices of Labour, Social Affairs and Family throughout the SR, airports, train stations, bus stations, and public mass transport in Košice. The campaign was also promoted through banners on the websites [mail.zoznam.sk](http://mail.zoznam.sk), [sportky.sk](http://sportky.sk) and [topky.sk](http://topky.sk). A CD with the TV spot was also produced and is now broadcasted at the local Offices of Labour, Social Affairs and Family within the SR through closed-circuit television channels. In the framework of cooperation with the management of the City of Košice and the European Capital of Culture 2013 (ECCK), articles on human trafficking have been published on the city and ECCK websites.

Continuation of the campaign **“Do You Know What Your Child Is Doing Right Now?”** This campaign addressed youth and their parents.<sup>141</sup> Posters made by pupils of secondary utility art design schools thematically motivated by various dangers, such as drugs, alcohol, gambling, social networks, and trafficking in human beings were exhibited in shopping centres in Košice, Bratislava and Ružomberok. The winning poster selected from among the exhibited posters was presented on 22 billboards installed all over the SR. The artistic representations of these issues were exhibited in the form of 30 posters all around Slovakia also in 2013, especially in hospitals and big shopping centres.

The campaign **“Trafficking in Human Beings”** was launched on the Azet.sk website from 28 October to 24 November 2013 and aimed to raise the awareness of the general public on human trafficking (including forced labour). The campaign included square inter-

<sup>141</sup> Available at [http://www.minv.sk/?obchodovanie\\_s\\_ludmi\\_a\\_preventivne\\_kampane](http://www.minv.sk/?obchodovanie_s_ludmi_a_preventivne_kampane) (consulted on 28/11/2012).

net banners 300x300 which had 10 million page views. The banners linked to the 30 seconds TV spot.

The campaign sought to prevent trafficking in human beings. Under this campaign, new leaflets concerning the compensation for victims of human trafficking in **Roma communities** were distributed. The leaflets were prepared in Slovak, English and Roma languages and aim to promote prevention activities to raise the awareness of Roma communities about the risks of working abroad, as well as of representatives of selected professional state and non-state services entities on effective prevention in Roma communities by enhancing activities with regard to promotion campaigns, training activities, workshops and an international conference, and by extending the reference mechanism to the general public discussing human trafficking as a crime that serves not only the purpose of forced labour. The campaign is run in the framework of the project supported by the European Commission under the title **“Strengthening of Joint Measures for the Prevention of Forced Labour of Roma Communities and the Development of Referral Mechanism”**. The project includes a research conducted from May to August 2013 with the main objective of mapping the phenomenon of human trafficking and its causes with a focus on members of excluded Roma localities in Slovakia and the UK. In the framework of the field research, information materials on the prevention of human trafficking were distributed.

With regard to the awareness of foreign victims of trafficking, all asylum centres and police detention facilities for foreigners offer publicly available brochures with a set of questions in 15 different languages aimed at the self-identification of victims of trafficking and providing basic information on assistance under the Programme of Support and Protection of Victims of Trafficking in Human Beings.

Asylum facilities are regularly attended by the workers of the Slovak Catholic Charity who conduct preventative and information trainings for asylum seekers in which applicants receive comprehensive information about their rights and about the Programme of Support and Protection of Victims of Trafficking in Human Beings.

As far as the prevention and combating human trafficking in 2013 is concerned, training sessions were held with a focus on the target groups of workers of leisure centres, representatives of the Roman Catholic Church, pastoral centres, the Slovak Catholic Charity, the IOM, representatives of municipalities, municipal authorities/the police and field social workers, as well as professionals working with Roma communities. As part of their preparation before posting, new consuls were trained on human trafficking in collaboration with the IOM and the MoFEA SR. Training was also provided to members of the Police Force included in the personal database of police officers appointed to operate in international missions, as well as members of the NUCIM.

Re-training courses seeking to increase the expertise of state and non-state organisations in human trafficking with a focus on the identification of human trafficking were held for selected workers of the Ministry of Healthcare and for the employees of the BBAP PFP, MO Mol SR, and MoFEA SR.

In 2013, a series of training was launched, the training modules of which are based on the manual prepared by the Frontex in cooperation with Slovak experts. The material started to be used in 2012. This material is designed for the Border Police Service and targets the identification and detection of potential victims of trafficking and traffickers upon border checks. It can also be used in the trainings of the police departments dealing with trafficking in human beings (NUCIM) or coming into contact with aliens.

Joint trainings for workers from various fields are planned in the future.

At national level, the MoI SR and the National Labour Inspectorate concluded the *Agreement on Executing Concurrency Controls of Business Entities* in 2013. This agreement replaced the previous agreement on executing control of business entities enabling illegal employment which, signed on 13 April 2012. The current agreement was concluded with the aim to ensure the regulation and monitoring of business activities and identification of victims of human trafficking. The agreement came into force and entered into effect on 30 December 2013.

In the beginning of 2013, the operation of the information system on combating trafficking in human beings and crime prevention<sup>142</sup> was fully launched. The database is based on international standards and is adjusted to meet the Slovak conditions. The system outputs serve as a reliable basis for the focus of prevention. The information system enables authorised persons, according to the extent of their access rights, to mainly use the following functions:

- recording of data on victims;
- recording of data on perpetrators;
- recording of data on the case;
- data collection;
- making links between victims and perpetrators in concrete cases;
- hits on victims, perpetrators and cases;
- outputs and press releases;
- reports on victims, perpetrators and cases.

The information system technically allows data sharing at the level of interdepartmental links between statistical and information systems in the SR and at international level. The information system has three-layer ar-

chitecture with a Thin Client. Technologically, the application is operated on technology with high availability rate 24 hours a day and 7 days a week.

In the implementation of policies and actions to combat trafficking in human beings, the SR builds on the experience of various international institutions, such as the OSCE, UN, Council of Europe, as well as EU institutions, including the EC and Frontex. Most extensive cooperation is developed with the IOM, UNODC, and ICMPD. The SR participated in several international projects aimed to provide training to law enforcement authorities and to support the return of trafficked persons and the prevention of further trafficking. The police forces also cooperate with the INTERPOL and with police attachés of other countries.

At present, the SR does not cooperate with any source countries in combating trafficking in human beings. The Police of the SR, however, collaborate with the countries of destination (United Kingdom, Germany, Austria) in which Slovak citizens become victims of trafficking in human beings.

**Tables 9 and 10 in Annex 2** provide an overview of the number of victims of human trafficking in 2013 in the SR (potential ones and identified ones) and on the number of detained persons or perpetrators sentenced for having committed the crime of human trafficking.



## Migration and Development Policy

The Coordinating Committee for Official Development Assistance of the SR is active in this field as a consultative body of the Deputy Prime Minister and Minister of Foreign and European Affairs of the Slovak Republic in the field of official development assistance, and is responsible for the harmonisation of the objectives of various national policies with the objectives of the development policy. The Committee meets under the leadership of the State Secretary of the MoFEA SR, i.e. it meets at the level of state secretaries. Its members are representatives of ministries and other central state administration bodies which are largely involved in the development cooperation of the SR. In 2013, the Committee met once.

Further to the *Medium-Term Strategy for Official Development Assistance of the SR 2009–2013*, the Slovak Republic prepares a *National Programme of Official Development Assistance* on an annual basis. The National Programme for 2013, like in previous years, stresses that migration is a cross-cutting issue and will be taken into account when selecting development cooperation projects of the SR. The provision of development aid contributes to the improvement of the economic and social situation of the population of third countries, thus preventing unwanted migration.

Slovakia supports the strengthening of synergies between migration and development policies, and is actively involved in international dialogues, whether through the Global Forum on Migration and Development (GFMD) or within the UN high-level dialogue on international migration and development. At the second meeting of the UN high-level dialogue, which was held in October 2013 in New York, the SR participated in a discussion of the round table 3 “Strengthening partnerships and cooperation in international migration”. The contribution of the SR highlighted the importance of international cooperation, especially within the EU which implements the programme “Global Approach to Migra-

<sup>142</sup> The data set that can be entered in the information system is based on the results of the pilot project Trafficking in Human Beings: Data Collection and Harmonised Information System Management which was adjusted to the Slovak conditions.

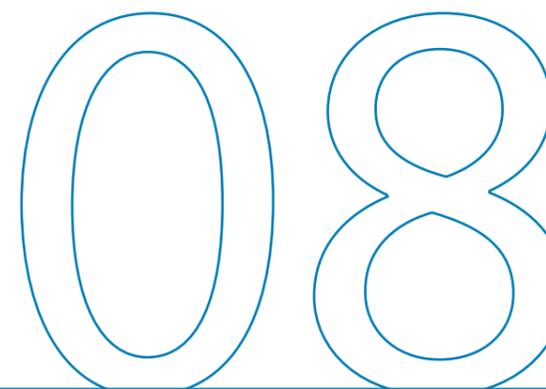
tion and Mobility". It was stressed in the speech of the Slovak representative that help to people directly in their countries of origin contributes to addressing the issue of irregular migration. Slovakia's contribution to the Afghani National Solidarity Programme and the implementation of projects in Kenya and South Sudan, helping to address migration issues, were presented as examples of such help.

In the framework of the development agenda, with an emphasis on the Millennium Development Goals (MDGs), post-2015, and sustainable development, the SR supports a global approach to tackling the international development agenda. Slovakia has supported the accomplishment of the MDGs and also supports the idea of sustainable development as an essential part of the post-2015. Within the UN, Slovakia supports a discussion on the implementation and evaluation of the MDGs, and the preparation of development goals after 2015 to be linked to sustainable development. The SR contributes, together with other EU partners, to the implementation of the EU objectives and policies within the United Nations. More than a half of the projects aimed to implement the Millennium Development Goals and financed from the SlovakAid resources was carried out by non-governmental organisations; the private sector accounts for about another third of projects, and the rest of the projects are undertaken by state institutions. In addition to funds under the SlovakAid programme, the reduction of poverty in the world is also supported by citizens by means of public collections or child sponsorship. The academic sector is able to contribute specifically to health projects in the poorest countries financed from private funds.

Besides projects funded from official development aid and aimed at poverty reduction, improvement of the quality of education and health care, support for socio-economic development, building of a civil society, and transfer of knowledge and experience, the SR spent EUR 90,000.00 as a financial contri-

bution to help refugees. EUR 40,000.00 was sent as a contribution to the ICRC to address the refugee crisis in Mali, and EUR 50,000.00 was provided through the UNICEF to help the children of Syrian refugees in refugee camps. The SR has also provided material humanitarian aid in the value of EUR 30,875.00 to Syrian refugees in Bulgaria and a financial contribution of EUR 100,000.00 to Syrian refugees in Bulgaria through the Bulgarian Red Cross.

As for other development cooperation activities of the SR with a migration element, we can highlight the Tunisia Task Force which was chaired by the Slovak Republic and the Netherlands in 2013. This Working Group was established at the ministerial meeting of the countries gathered under the intergovernmental organisation Community of Democracies, held in Vilnius in July 2011. The main task of the Task Force is to coordinate the requirements of the Tunisian party (governmental and non-governmental sector) to support the development of the country with offers from the donor community. The following priority sectors were defined by Tunisia: security sector reform, public administration reform, judicial reform, regional development, and strengthening the role of civil society. All activities under this initiative have an indirect impact on reducing migration from Tunisia to the EU.



## Irregular Migration

The strategic documents regarding irregular migration in the SR are the *National Border Control Management Plan of the SR 2011–14*, approved by Government Resolution No. 473 of 06 July 2011<sup>143</sup> and the *Schengen Action Plan* approved by Government Resolution No. 755 of 30 November 2011, continuously updated as needed. The Migration policy fully reflects these two strategic documents. The measures set out in these strategic documents regarding irregular migration were also being fulfilled in 2013 in line with the schedule in the context of the on-going Schengen assessment (see also Chapter 3.5.2.).

Further to the statistics on irregular migration in the territory of the SR, there was an overall decline in irregular migration by 26% compared to the year 2012. This decline was mainly due to the development in the number of illegal entries through the Slovak-Ukrainian border – improvement of the technical facilities used for border control management, implementation of measures arising from risk analysis, including fight against smugglers and mitigation of irregular migration pressures on the border. Migrants seeking to eliminate the lengthy, costly and dangerous irregular migration through the green border increasingly prefer pseudo-legal ways of entering the Slovak territory by means of residence instruments (visa, residence permits, visa liberalisation). This trend significantly contributes to a decline in recorded irregular migration. The risk lies in the fact that it gives the impression of a decline in irregular migration, though it is actually only the form that changes. The risk factor for the SR regarding irregular migration continues to be the use of false documents, false support documents for entering the Slovak territory, the use of legal ways of entering the Slovak territory for the purpose of illegal stay, and abuse of the asylum procedure. With regard to citizenship, the most frequent irregular migrants in 2013, similar to 2012, were nationals of

<sup>143</sup> Available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19962> (consulted on 01/01/2014).

Ukraine, Afghanistan, Somalia and Moldova. The most important change related to nationals of Somalia. Their number saw a year-to-year decrease by up to 226 (from 287 to 61, i.e. a decline by 79%). No similar change was recorded in other nationalities. With regard to illegal crossing of the Slovak state border, there was a year-to-year decline by 40%. The decline in the category of illegal stay was less significant – by only 16%.<sup>144</sup>

In general, it can be stated on the basis of statistical data that given the overall low number of third-country nationals living in the SR<sup>145</sup> the issue of irregular migration has not met with increased attention of the public, the mass media (see also Chapter 2.2) or political discussions. Just as in the previous years, the SR did not implement any regularisation mechanisms with respect to irregular migration. It should also be mentioned in this regard that “irregular migration” is not a crime

<sup>144</sup> The statistics are based on the Statistical Overview of Regular and Irregular Migration in the SR in 2013 prepared by the BBAP PFP, available at [http://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocniky/rok\\_2013/2013-rocnika-UHCP-SK.pdf](http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocniky/rok_2013/2013-rocnika-UHCP-SK.pdf) (consulted on 03/02/2014).

<sup>145</sup> According to the Statistical Overview of Regular and Irregular Migration in the SR in 2013 prepared by the BBAP PFP, a total of 26,157 third-country nationals had a permitted stay in the SR as of 31 December 2013, available at [http://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocniky/rok\\_2013/2013-rocnika-UHCP-SK.pdf](http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocniky/rok_2013/2013-rocnika-UHCP-SK.pdf) (consulted on 03/02/2014).

in the SR, as a result of which irregular migrants are prosecuted only in the event that they committed a crime the facts of which are specified in the Criminal Code. The status of illegal stay or illegal state border crossing does not constitute the facts of the crime. It is only an administrative offence in the SR (failure to comply with or breach of the legal regulations of the SR), usually followed by voluntary departure or forced expulsion.

The SR disposes of a whole range of measures targeting irregular migration.

One of the most effective ways of combating irregular migration is the conclusion of readmission agreements. Readmission agreements concluded with key third countries of origin or transit represent the cornerstone of effective migration management and especially of an efficient policy of returning third-country nationals illegally staying within the EU. The conclusion of readmission agreements also forms the basis of cooperation between the SR and EU countries and between the EU and third countries in the management of migration and asylum. In 2013, the SR did not enter into any new bilateral readmission agreement, but worked on implementation protocols to readmission agreements concluded between the EU and third countries, namely:

EU Readmission agreement (country)	National development (i.e. implementing protocol, cooperation)	Date of agreement (if relevant)
Agreement between the European Community and the Republic of Montenegro on the readmission of persons residing without authorisation	Bilateral implementing protocol	Signed on 05 June 2012, came to force on 22 April 2013
Agreement between the European Community and Bosnia and Herzegovina on the readmission of persons residing without authorisation	The Government of the SR approved the implementing protocol by Resolution No. 548 of 26 September 2013.	The implementing protocol is expected to be signed in the first half of 2014.
Agreement between the European Community and the former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation	The Government of the SR approved the implementing protocol by Resolution No. 316 of 19 June 2013.	The implementing protocol is expected to be signed in the first half of 2014.
Agreement between the European Community and Georgia on the readmission of persons residing without authorisation	The Government of the SR approved the implementing protocol by Resolution No. 317 of 19 June 2013.	The implementing protocol is expected to be signed in the first half of 2014.

Cooperation at bilateral level in the field of readmission agreements was also developed in 2013 in the framework of the activities of border attorneys in the form of personal meetings of border attorneys from different countries and their representatives, held alternately in the territories of the countries of bilateral readmission agreements. The aim of these meetings is to discuss practical problems concerning the common borders of two states, joint security actions of both states, crime within the common border areas, etc.

Cooperation also takes place within the practical implementation of readmission agreements and execution of police transports through the territory of the contracting state. An important point in the context of cooperation in the execution of readmissions is cooperation between executive departments and joint contact points, carrying out tasks aimed to ensure the execution of readmissions and transports.

One of the aspects of combating irregular migration is the fight against illegal employment, abuse of the position of student or family member, as well as misuse of the visa-free regime as a way of legal entry to the EU or the SR.

As far as illegal employment is concerned, Slovakia transposed *Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals* into its national legislation back in 2011. The transposition of the Directive introduced the prohibition of illegal employment of third-country nationals and related sanctions (e.g. fines, the obligation to make additional payments). Pursuant to the Directive, the penalties should be effective, appropriate and dissuasive.<sup>146</sup>

<sup>146</sup> See also Mrliánová, Ulrichová, Zollerová (2012): Annual Report on Migration and Asylum Policies, Slovak Republic 2011. European Migration Network, IOM, Bratislava, available at [http://www.emn.sk/phocadownload/emn\\_reports/emn-sk\\_vyr-sprava-politiky-migr-azyl-sr\\_2011\\_sk.pdf](http://www.emn.sk/phocadownload/emn_reports/emn-sk_vyr-sprava-politiky-migr-azyl-sr_2011_sk.pdf) (consulted on 04/11/2013).

In this regard, the Act on Employment Services was also amended with effect from 01 November 2013<sup>147</sup>, increasing the lower limit of the fine for illegal employment from EUR 2,000 to EUR 5,000 in the case of illegally employing two or more physical persons at the same time (also refers to third-country nationals).<sup>148</sup> In addition to that, the amendment has:

- created a legislative framework for ensuring more effective control of compliance with the Act on Employment Services and generally binding legal regulations issued pursuant to this act, and control of illegal work and illegal employment under Act No. 82/2005 Coll. by the COLSAF and Offices of Labour, Social Affairs and Family;
- set the competence of the COLSAF and of the Offices of Labour, Social Affairs and Family to issue the controller’s card;
- modified the identification of employees of the COLSAF and of the Offices of Labour, Social Affairs and Family executing control, including control of illegal work and illegal employment, with controller’s cards;
- define the controller’s card specimen, and established the competence of the COLSAF and Offices of Labour, Social Affairs and Family to issue controller’s cards.

In 2013, an amendment to the Act on Illegal Work and Illegal Employment No. 495/2013 was prepared, in effect from 01 January 2014, which newly defined illegal employment and illegal work of third-country nationals with special regard to the introduction of new instruments, such as single residence permit.

In order to detect and prevent illegal work and illegal employment, the Aliens Police performs, in cooperation with labour inspectorates, joint security and repressive actions

<sup>147</sup> Act No. 308/2013 Coll. on changing and amending Act No. 125/2006 Coll. on Labour Inspection and on changes and amendments to Act No. 82/2005 Coll.

<sup>148</sup> The law still defines the minimum and the maximum possible amount of fine. For breaching the prohibition of illegal employment the Labour Inspectorate shall impose on the employer a fine from EUR 2,000 to EUR 200,000 under administrative procedure.

in facilities chosen in advance where third-country nationals use to work. In practice, it is usually control of various textile warehouses, textile stores, restaurants and building sites. Since 01 October 2013, the labour inspectorates have new departments for control of illegal employment. Such labour inspections aim to check compliance with the prohibition of illegal work and illegal employment. The National Labour Inspectorate also keeps a central public list of individuals and entities that violated the prohibition of illegal employment in the previous five years. The data of the MoLSAF SR suggest that a total of 13,938 controls of employers were performed in 2013; 7 employers were sanctioned for illegally employing third-country nationals who stayed in the SR illegally.<sup>149</sup> The sanctions were imposed in the wholesale/retail sector and in catering and accommodation services, which are sectors traditionally with the most frequent occurrence of employment of third-country nationals.<sup>150</sup>

Regarding the abuse of the position of student or family member, the SR introduced several measures in the previous periods aimed, *inter alia*, at preventing the abuse of this type of legal residence. Such measures include, for example, conducting a personal interview with the applicant for residence permit directly at the diplomatic mission in case the application is filed there; the possibility to refuse the application for residence in case the purpose of residence is demonstrated on the basis of untrue or misleading information or if false or forged documents or the documents of another person have been presented after the temporary residence permit has been granted; the right of the police authorities to

check the legitimacy of residence, the fulfilment of the conditions of residence, and of alien's compliance with their obligations; etc. With a specific focus on marriages of convenience, the possibility to refuse an application for residence in case marriage of convenience is examined. In 2013, the NUCIM BBAP PFP identified 11 cases of marriages of convenience; in 9 cases, charges were brought against 12 persons under Art. 206, par. 1 of the Criminal Procedure Code<sup>151</sup> (10 Slovak nationals and 2 Vietnamese nationals).<sup>152</sup> With regard to the investigation of cases concerning marriages of convenience, the General Prosecutor's Office of the SR and Ministry of Justice of the SR established a joint investigation team of the NUCIM and the London Metropolitan Police. This team aims to detect, document and investigate common cases of marriages of convenience and human trafficking.<sup>153</sup>

The SR has recently recorded some abuses of the temporary residence permit for the purpose of study, such as study at language schools, doctoral study, fictitious school attendance, accelerated study, repeated changes in study programmes, etc. In order to prevent the abuse of this type residence, the SR, among others, introduced the legal obligation of a third-country national coming to the SR for the purpose of study to only study at schools which are accredited by the Ministry of Education, Science, Research and Sports of the SR.

151 "If the criminal complaint or facts ascertained after the commencement of criminal prosecution give reasonable grounds to conclude that a certain person has committed a criminal offence, the police officer shall forthwith issue a resolution to file charges of which he immediately notifies the accused and which he serves to the prosecutor not later than within 48 hours ..."

152 Source: BBAP PFP.

153 There are cases where Slovak females in the United Kingdom contract marriages of convenience with third-country nationals, especially from Pakistan, in order to ensure these persons legal residence in EU countries. See, for example, Aktualne.sk, Slovenka a Češka pôjdu za fingované sobáše s Pakistancami za mreže, available at <http://aktualne.atlas.sk/slovenka-a-ceska-pojdu-za-fingovane-sobase-s-pakistancami-za-mreze/dnes/cierna-kronika/> (consulted on 01/01/2014), or Pluska.sk, Slovenské Rómky zarábali v Británii na falošných sobášoch s Pakistancami, available at <http://www.pluska.sk/plus-7-dni/zahranicie/slovenske-romky-zarabali-britanii-falosnych-sobasoch-pakistancami.html> (consulted on 01/01/2014).

With regard to the abuse of the visa-free regime, the SR records and processes in the MIGRA IS detected cases of abuse of the visa-free regime in the SR by third-country nationals as a sub-category of illegal stay. In 2013, a total of 62 cases of abuse of the visa-free regime of the SR were detected as part of illegal stay (such cases of abuse most frequently related to the nationals of Serbia, USA and Macedonia).

The making of analyses constitutes an integral part of measures aimed to face unexpected migration flows to the SR. At central level, the BBAP PFP performs periodical analyses of legal and irregular migration of aliens and related changes in trends. Semi-annual and annual strategic risk analyses of irregular migration in the territory of the SR are regularly performed, describing the development and the overall situation in irregular migration, and containing an evaluation by several categories, a description of risks according to the CIRAM diagram<sup>154</sup>, an assessment of threats, vulnerabilities and impacts, and proposal for actions. Various information sources are used for this purpose, either internal (daily situation reports, regional risk analyses, etc.) or external (risk analysis of Member States, information from liaison officers, Frontex analytical products, etc.).

Operational analyses are carried out at regional level on the basis of various instructions and methods. Based on this analysis, measures are taken at the operational level, and short-term visions are defined, as well as the roles and responsibilities. At the same time, operational analysis is one of the main sources for the production of analyses at central level and is the basis for the preparation of the Report of the security situation in the Slovak Republic.

Situations at local level are tactically analysed by appointed workers of the basic unit. Such

154 CIRAM – Common Integrated Risk Analysis Model.

analyses consist of the processing and use of relevant information for the profiling of tasks related to the protection of internal security in real time. On the basis of such analyses, measures are taken at the tactical level – at border crossing points and at the green border, control aliens' of legality of residence, etc. The exchange of information takes place within information flow in both directions.

In connection with risk analyses, migration routes are also identified and monitored. This is carried out mainly on the basis of information acquired from irregular migrants, seized evidence, information from liaison officers, analytical products of other Member States, etc. The extra-Schengen migration route from Russia through Ukraine to the Slovak-Ukrainian border is important for the SR. It is used not only by irregular migrants from the former Soviet Union and Asia, but also by nationals of African countries. Those, in case they manage to illegally cross the external land borders, seek to get to Western European countries using the intra-Schengen routes leading from the Slovak-Ukrainian border through Austria or the Czech Republic further to the West. Another important migration route for the SR is the intra-Schengen migration route (the Balkan route) by which irregular migrants come to Slovakia from Hungary after having illegally crossed the Schengen Area from Serbia or Romania.

Information from police attachés the activities of which continued in 2013 is very important for the monitoring of migration routes. It should be mentioned in this context that the SR has not appointed any immigration liaison officers yet, but this function is executed by police attachés. Police attachés are sent to countries where they are needed due to the security interests of the Slovak Republic and interests related to Slovakia's membership in the EU.

Also, with respect to actions against irregular migration at central, regional, and local levels, the SR developed a system of technical and

physical protection of its external state borders. That system is based on measures which include, for example, a plan for sudden waves of large-scale irregular immigration, intervention schedules for state border sections for all Border Control Departments of the PF, an activity plan for guards in model situations of unauthorised state-border crossing, or a plan for guard actions upon declaring physical state border protection. The entire system is developed on the basis of recommendations of the EU Schengen Catalogue on external borders control, return and readmission (see also Chapters 3.5.1 a 3.5.2).

The measures required to address the negative impacts of large-scale migration waves are defined in the *National Border Control Management Plan of the SR 2011–14*.<sup>155</sup>

The actions against irregular migration, such as improvement of the technical facilities on the external border and related cooperation, trainings and collaboration with Frontex are described in sub-chapters 3.5.1 to 3.5.3.

Cooperation with the countries of origin and transit countries, increase of their capacities, and the prevention of irregular migration also constitute an important aspect of combating irregular migration.

The SR via NUCIM works closely with the State Border Service of Ukraine in the area of early detection of organised irregular migration from Ukraine to Slovakia. To this end, a protocol was signed – the *Protocol between the Bureau of the Border and Aliens Police of the Police Force Presidium and the State Border Guard Service Administration of Ukraine on direct mutual cooperation between the Border and Aliens Police of the Police Force Presidium and operational units of the State Border Guard Service of Ukraine, as well as the Plan of cooperation be-*

*tween the Border Police of the Slovak Republic and the Civil Service of Ukraine 2013 and 2014.* Under the efforts to ensure close cooperation, regular or ad-hoc meetings of the representatives of both authorities are held at the level of operational staff and at the level of heads of the two partner services.

In previous years, police cooperation was established with the partner unit from Moldova – the Centre for Combatting Human Trafficking of the Ministry of Internal Affairs of Moldova aimed to investigate organised irregular migration of the nationals of Moldova. In 2013, no common case has been investigated.

For the purpose of executing actions related to irregular migration through the territory of the Western Balkans, the SR also via NUCIM is the member of the EUROPOL project “**FIMATHU Operation**”. The **FIMATHU** operation targets illegal border crossing via the Turkish-Greek parts of the external borders through the Western Balkans to Hungary, Austria and other Member States. The main objective of this project is to detect and disintegrate organised criminal networks involved in the smuggling of irregular migrants across the territory of the Western Balkans which poses a risk to the EU, and to establish and enhance close cooperation between the police authorities of the Member States addressing this issue.<sup>156</sup>

The outcome of the international cooperation of EU Member States in this project was a joint international operation of 13 countries in January 2013 under the name KATER. This activity aimed to arrest an international organised group of smugglers in the territories of the countries which together joined the “FIMATHU Operation” project (in the Czech Republic, Bosnia and Herzegovina, Kosovo (Eulex), Croatia, France, Germany, Austria, Greece, Hungary, Italy, Poland, Switzerland,

<sup>156</sup> See also Bachtíková, Ulrichová (2013): Annual Report on Migration and Asylum Policies. Slovak Republic 2012. European Migration Network, IOM, Bratislava, available at [http://www.emn.sk/phoca-download/emn\\_reports/emn-sk\\_vyr-sprava-politiky-migr-azyl-sr\\_2012\\_sk.pdf](http://www.emn.sk/phoca-download/emn_reports/emn-sk_vyr-sprava-politiky-migr-azyl-sr_2012_sk.pdf) (consulted on 04/11/2013)

and Turkey). Under this action, the police detained 38 persons in Turkey, 15 in the Czech Republic, 10 in Hungary and Croatia, 9 in Greece, and 7 in Germany. A total of 103 people were arrested, and the police performed 117 home visits. These actions were carried out by more than 1,220 policemen in the respective countries.<sup>157</sup> The disintegration of the organised smuggling group and the arrest of its members operating in the countries involved in the operation is a positive result in this regard.

With regard to the implementation of the **Prague Process** activities, the SR is involved, together with the Eastern Partnership countries, in combatting irregular migration, which aims to enhance the strategic and operational cooperation within the Eastern Partnership region in order to prevent cross-border crime, with special emphasis on irregular migration. The leading countries of the project are Hungary, Latvia, Poland, Romania, and Slovakia. The third countries participating in the project are, in particular, Armenia, Azerbaijan, Belarus, Georgia, Moldova, and Ukraine.

The SR is also involved in the Pilot Project 1 which corresponds to the specific activity 2 under points a) and c) of Chapter I – **Prevention and Fight against Irregular Migration of the Prague Process Action Plan 2012–2016**. The basic objective of the project is to enhance the capacities of the Prague Process countries in combatting irregular migration through knowledge sharing. The project focuses on concluding readmission agreements, the sharing of positive and negative experience on organising migrant returns to their countries of origin or countries agreeing to their admission. The main project coordinator is Poland in cooperation with the SR and Romania. Third countries involved in the projects are: Albania, Armenia, Azerbaijan, Belarus, Bosnia and Herzegovina, Georgian, Kazakhstan, Kosovo (UNSCR 1244/1999), Kir-

<sup>157</sup> This information was provided by the BBAP PFP.

gizstan, the former Yugoslav Republic of Macedonia, Moldova, Montenegro, Russia, Serbia, Turkey, Tajikistan, Turkmenistan, Ukraine, and Uzbekistan.

Regarding actions against irregular migration, the SR cooperates with and is active within several networks and international organisations or platforms and agencies, in particular:

FRAN, Frontex – this forum working in the form of regular FRAN meetings (Frontex Risk Analysis Network) involves analysts from EU Member States and associated Schengen countries who inform each other about the state and trends in irregular migration. In 2013, the SR actively participated in these activities, as it did in the previous year (see also sub-chapter 3.5.3). The cooperation within the FRAN community included regular collection of monthly (seven indicators) and bi-monthly analytical reports on irregular migration and border security in line with Frontex definitions and requirements. In the framework of the EU Document Fraud Project (EDF), monthly EDF statistics and bi-monthly analytical reports on false EU documents (documents entitling their holders to enter and stay in the EU) are regularly prepared. All these reports (statistical and analytical ones), after being translated to English, are published on the ICONet protected network and are made available to Frontex and all EU Member States.

Two pilot projects were implemented in 2013 to collect new statistics:

- data on legal flows of passengers – the planned start date for regular official data collection is 01 January 2014; this project will involve the provision of monthly statistics on legal flows of passengers through border crossing points on the EU external border;
- data on intra-Schengen routes – the regular official collection of data on intra-Schengen routes of irregular migrants (monthly statistics and monthly analytical data) will

be launched on 01 January 2014; the data collection system is contracted by the European Commission.

NFP – National Focal Point at the external air borders of the Slovak Republic. Under this project, the SR cooperates with other countries in information sharing at EU level with regard to false and forged travel documents and on the new methods and trends in irregular migration through the external border (airports) The activities of the focal point involve, amongst others, the exchange of information in order to address various situations or problems at the external border of the SR (airport). Whenever necessary, police officers assigned to the NFP are in touch with the national focal points in other Member States, and also with international airports in third countries. NFP police officers are regularly deployed to joint operations organised under the aegis of Frontex, exchanging experience and information on irregular migration, and on new trends and methods of counterfeiting and forgery of travel documents. They also share information on solving practical problems encountered in the performance of border control at the external borders of the Slovak Republic. The NFP in Slovakia informs the NFPs of Member States of all cases of counterfeiting and forgery of travel documents detected at the external air border through EU alerts.

FREEMO – where information is exchanged on the latest forms of abuse of the freedom of movement.

DSR/MSR system – involves exchange of information on irregular migration at the multilateral level between Slovakia, Poland, Hungary and Ukraine in the DSR/MSR system (Daily Statistics Reports/Monthly Statistics Reports).<sup>158</sup> Information is delivered on a daily and monthly basis. The data concern illegal state border crossing, readmissions and

<sup>158</sup> Daily statistics report/Monthly statistics reports.

smuggling, and is recorded by contact points which compare the statistics with the statistics of the parties involved.

The SR regularly cooperates within the activities of Europol, Interpol and Eurojust. The SR also collaborates with third countries on the basis of bilateral intergovernmental agreements on police cooperation. Foreign business trips were made to third countries with the aim to share experience with joining the Schengen Area, financed under various programmes and by different entities (such as TAIEX<sup>159</sup>, CETIR<sup>160</sup> etc.). Cooperation with international organisations (IOM, ICMPD, UN) is developed by inviting these organisations to join concrete projects (it was the Prague Process in 2013) aimed to prepare best practice and recommendations, as well as to share experience and know-how on irregular migration and smuggling.

In the context of combating irregular migration, the detection of false and forged documents and their security are important. When admitting applications for residence permit, the police department checks the validity and genuineness of documents – travel documents, ID cards or support documents (such as civil register documents and others).

At regional level, with respect to the detection of false and forged documents, the SR applies a system under which in cases where a police officer of the Border and Aliens Police on duty suspects that the presented document is false, counterfeited, invalid, stolen etc., and is not able to verify the authenticity of the documents by using technical or other means, s/he would contact the appointed contact person (expert in documents) for the given region who prepares expert opinions in such cases. The exchange of information on disputable documents of abused citizens of

<sup>159</sup> TAIEX - Technical Assistance and Information Exchange Instrument.

<sup>160</sup> CETIR – Centre for Experience Transfer in Integration and Reforms.

third countries presented for the purposes of entry and residence in EU Member States is ensured through the participation of the Slovak national expert in the EU Council working groups, where the representatives of EU countries share information on identified cases of abuse, forgery and falsification of documents. The information obtained in this way is subsequently delivered to the executive units of the PF in electronic form (BBAP PFP intranet, iFADO IS<sup>161</sup>, PRADO IS<sup>162</sup>).

In 2013, the SR was actively involved in the setting up of a comprehensive database of information on extracts from criminal records from different countries of the world, on the ways of issuing and the verification thereof, and on persons and authorities competent to perform apostillation and superlegalisation of documents. This step reflects the practical need to ensure single assessment of extracts from criminal records, and to facilitate the work of police officers when assessing the authenticity and relevance of documents or examining whether the document on integrity meets the condition of proving integrity in the entire territory of the given state.

**Tables 4 and 5 in Annex 2** provide an overview of the number of persons identified as smuggled, and on the number of detained persons or persons sentenced for having committed the crime of smuggling.

<sup>161</sup> iFADO – False and Authentic Documents Information System

<sup>162</sup> PRADO – Public Register of Authentic Identity and Travel Documents Online



## Return

Slovakia supports and actively participates in the common EU approach to performing fast, efficient and sustainable returns of persons who were imposed the decision on administrative or judicial expulsion. The basic legal regulation concerning returns is the Act on Residence of Alien which was amended in 2013 in connection with returns. This amendment entered into effect on 01 January 2014 and mainly concerned the monitoring and control of returns, incorporating the following text in the relevant article of the Act on Residence of Aliens<sup>163</sup>:

“Control of the execution of a decision on administrative expulsion and of the execution of expulsion (removal) means control:

- a) of respecting the rights and obligations of third-country nationals placed in the facility;
- b) of compliance with the obligations of the police department and facility with respect to the detainment of a third-country national;
- c) during preparation and execution of removal;
- d) after the completion of removal in the country to which the third-country national has been removed.”

It can also be mentioned in this regard that in 2013, the Office of the Public Defender of Rights of the SR conducted a research at the police detention facilities for foreigners in Medveďov and Sečovce<sup>164</sup> concerning access of detained persons to effective legal assistance. The research showed that besides more complicated access to legal assistance, detained persons also face other shortcomings that complicate their situation, such as access to information in a language they understand, or limited access to means of communication, as well as complaints about the quality of interpreters.<sup>165</sup>

<sup>163</sup> Art. 84, par. 9 of the Act on Residence of Aliens.

<sup>164</sup> The report is available at <http://www.vop.gov.sk/files/Dostupnost%20právnnej%20pomoci%20zaisteným%20cudzincm.pdf> (consulted on 02/12/2013).

<sup>165</sup> For more information, see [www.sme.sk/c/6845414/cudzinci-](http://www.sme.sk/c/6845414/cudzinci-)

In general, legal information and legal counselling and representation in administrative or court proceedings are provided to foreigners placed in police detention facilities for aliens by non-governmental organisations under the **GARANT** project and the project **Complex coverage of the specific needs of third-country nationals in the police detention facilities in the SR II**, financed from RF. Besides the assistance described above, the projects also ensure assistance in the form of social, medical and psychological care, education, material assistance and other support services.<sup>166</sup>

In the SR, it is also possible to use the Voluntary Returns Programme. The implementation of this programme in the SR began with the signing of the *Agreement on Cooperation between the Ministry of Interior of the SR and the International Organization for Migration of 20 August 1998 on Assistance in the Return of Refused Applicants for Asylum and Irregular Migrants to Their Country of Origin*. Voluntary returns from SR to third countries are based on this agreement executed exclusively by the IOM in close cooperation with the BBAP PFP.

Since 2009, voluntary returns have been financed by the RF. In 2013, the IOM implemented the next phase of the project **Voluntary return and reintegration in the country of origin** which aims to provide irregular migrants and refused applicants for asylum with the possibility of human, organised and cost-effective return and reintegration in the country of origin. Besides returns and return assistance, the project also provided individual pre-return counselling, financial contribution to cover basic needs, and post-return reintegration assistance in the form of preparation and implementation of approved business plans, job search assistance, material assistance, legal counselling, support of educa-

[zaisteni-na-slovensku-maju-stazeny-pristup-k-pravnej-pomoci.html#ixzz2jgeY66GU](http://www.nasiutecenci.sk/projectsrf.htm) (consulted on 04/11/2013).

<sup>166</sup> For more information, see <http://www.nasiutecenci.sk/projectsrf.htm> (consulted on 08/10/2013).

tion, help with accommodation, and medical assistance. In 2013, reintegration assistance was provided in 31 cases in total.<sup>167</sup> In 2013, the IOM continued operating the information line 0850 211 262 (providing basic information on the return programme, as well as individual consultations for migrants included in the programme) and a website on voluntary returns, and was actively engaged in asylum and detention facilities of the Ministry of Interior, informing the target group about the possibility to return voluntarily with the IOM assistance to the country of origin and receive reintegration assistance upon return. In addition to these activities which constitute a permanent part of the **Assisted Voluntary Return and Reintegration Programme**, the IOM carried out two new activities in 2013:

- Audiovisual records of successful implementation of reintegration assistance documenting, through short videos, the positive development of clients' situations after having received a reintegration contribution;
- Information meeting with the representatives of the Aliens Police Department, presenting to them the programme of assisted voluntary returns and explaining in detail the services provided by the IOM to the target group.<sup>168</sup>

In 2013, in line with the agreement between the BBAP PFP and IOM, new procedures were applied with regard to the registration of aliens without a residence permit in the programme of assisted voluntary returns and reintegration. Before registering to the programme, aliens visited the respective aliens police department in order to solve their illegal stay. Under the previous legislation, the aliens police department issued a decision on administrative expulsion without imposing an entry ban to the SR. The next step was including the alien in the programme by the

<sup>167</sup> Source: IOM.

<sup>168</sup> For more information, see <http://www.avr.iom.sk/> (consulted on 08/10/2013).

IOM. Under the amendment to the Act on Residence of Aliens which entered into effect on 01 May 2013, the period of staying in the programme of assisted voluntary returns and reintegration is no more considered tolerated stay.

International cooperation and contacts with other countries are important also with regard to returns. In 2013, cooperation was developed mainly through the **Voluntary Return European Network (VREN)** which worked as a two-year project.<sup>169</sup> The aim of the project is to create a European Voluntary Return Network with the cooperation of 27 Member States, Norway, Switzerland and the principal countries of transit and origin. Its content and activities are performed by governmental organisations, non-governmental and international institutions and local organisations with expertise in voluntary returns and reintegration of migrants in their country of origin. All participants have access to a web platform which is used for the exchange, sharing and coordination of information among the partners. The platform works on the basis of an e-community forum where one can find information and knowledge of regional and national nature related to voluntary returns and accessible to network members and the public. The electronic library of the VREN platform provides, amongst other information, studies on voluntary returns from several European countries. The topics of the studies include, for example, examples of best practice, dissemination of information on voluntary returns, cooperation with non-governmental organisations, as well as monitoring and evaluation of the return programmes of various countries. The platform can also respond to different user requirements of the VREN network through discussions, questionnaires or references.

<sup>169</sup> The project was prepared by the IOM and 15 EU Member States (Bulgaria, Czech Republic, Finland, France, Greece, Ireland, Hungary, Latvia, Lithuania, Luxembourg, Portugal, Italy, Spain, Switzerland, Slovakia), with the support of the European Commission.

An Advisory Group has been established at European level, composed of one representative from each EU Member State, Norway and Switzerland, which proposes ad hoc participation of representatives of other organisations or platforms with an expertise in voluntary return, such as UNHCR, EMN, or CARITAS, etc. During the course of 2013, one meeting of the Advisory Group was held in which it was agreed to launch discussions on various topics related to voluntary returns. In November 2013, a final conference was held, aiming to summarise 22 months of project implementation and use examples of best practices, lessons learned, and ideas for the future of (voluntary) returns. At national level, a meeting of the National Partner Network was held with the participation of the representatives of the diplomatic missions of the countries of origin, the Migration Office of the MoI SR, and the BBAP PFP. The aim of the meeting was to inform partners about the current developments in VREN field and the field of voluntary returns in general.

Regarding forced returns, the project **Support for the development of cooperation and increasing the expertise of the representatives of the BBAP PFP and relevant third-country institutions in forced returns policy**, financed from the RF, is important as to cooperation with countries of origin (at national level). Under this project, information meetings were held with the representatives of Slovak diplomatic missions in Ankara, Belgrade and Kiev. In the beginning of 2014, the representatives of BBAP PFP will participate in work meetings with the representatives of Indian authorities responsible for the fulfilment of tasks in return procedures with the aim to develop effective and permanent cooperation in the implementation of forced returns.

The SR also implemented other projects financed from the RF and the budget of the MoI SR in the field of returns, which aim to facilitate the execution of returns in the SR, in particular:

Under the project **Professional training of the BBAP PFP police on forced returns**, complex trainings for police officers from the BBAP PFP basic units on forced returns legislation and on its practical application by the Border and Aliens Police were organised. Training programmes are also organised in line with the strategic documents for the BBAP PFP, i.e. the Schengen Action Plan, National Border Control Management Plan of the SR 2011–14, internal management guidelines concerning police training, etc.

The project **Forced returns of third-country nationals from the territory of the Slovak Republic** covers the execution of forced returns and related activities, such as informing migrants, ensuring emergency travel documents and visas, or health care.

**English and Russian language training for the Border and Aliens Police staff** - the project aims to improve the English and Russian language skills of police officers that communicate directly with third-country nationals and carry out activities concerning irregular migration.<sup>170</sup>

**Table 3 in Annex 2** summarises the returns of third-country nationals from the SR in 2013. The number of forced returns executed in 2013 slightly increased to 325 from 273 in 2012. Compared to 2012, the number of voluntary returns in 2013 declined from 77 to 64, of which 54 returns were executed under the programme of assisted voluntary returns in 2012 and 50 in 2013.

<sup>170</sup> For more information, see <http://www.plusacademia.sk> (consulted on 08/10/2013)

# 10

## Implementation of EU Legislation

In 2013, no significant discussions at the political or expert level existed on the implementation of EU legislation on migration and asylum in the national law in spite of the new amendment to the Act on Asylum which reflects several EU legal acts and also amends the Act on Residence of Aliens and the Act on Employment Services and which entered into effect on 01 January 2014.

In 2013, the following directives relevant to migration and asylum policies were transposed to the Slovak legislation:

- Directive 2011/93/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography, and replacing Council Framework Decision 2004/68/JHA;
- Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted;
- Directive 2011/98/EU of the European Parliament and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State;
- Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (revised).

The mass media only brought sporadic news on these issues which, however, did not raise wider public or political discussions. The in-

formation covered by the mass media concerned the introduction of the possibility of acquiring the long-term residence permits by persons granted asylum or subsidiary protection or extending subsidiary protection from one year to two years (see also Chapter 2.2).

Since migration and asylum issues do not constitute a major topic of interest, the transposition of EU legislation is only addressed by a small group of experts. Slovak representatives regularly attend meetings of the EU Council and European Commission working groups. They also participate in conferences and other events organised by international organisations either in cooperation with EU institutions and agencies or on a separate basis (e.g. meeting of the European Resettlement Network, etc.).

The SR is an active member of the EMN and continuously contributes to its activities and outcomes on the basis of the Work Programme. At national level, the EMN outputs represent a unique source of information on various migration and asylum areas both for policy makers and experts (e.g. national EMN conference on attracting highly-qualified and qualified migrants – see also Chapter 3.2). In order to obtain relevant information, the SR took use of the ad-hoc queries mechanism raising a question on the implementation of specific articles of the Returns Directive and on the implementation of the Geneva Convention and one-stop-shop centres for migrants in other EU Member States. The responses to these questions were used in the implementation of the legislation and in the application of other measures in practice.

In the context of international cooperation, it is also necessary to mention that the SR was actively involved in the NCPI activities with regard to integration, and EASO activities with regard to asylum. Information is also exchanged through the EURES network.

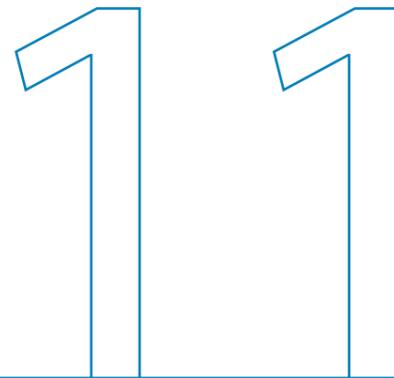
In February 2013, the 4th meeting of the EU–Russia Migration Dialogue was held, focusing on legal migration issues. It was an expert meeting of the representatives of the European Commission and of EU Member States on one hand and the representatives of the Federal Migration Service of the Russian Federation and other relevant institutions on the other hand. The SR considers legal migration as one of the key factors to promote contacts between the EU and Russia and its citizens.

The SR is also actively involved in the EU Migration Dialogues with other third countries, such as the USA, or on a regional basis within the Eastern Partnership countries or with the countries of Latin America and the Caribbean, etc.

The SR is member of the ICMPD which develops activities in the area of migration in European countries, in Africa, Central Asia, Middle East and South America. In 2013, the SR took over the ICMPD presidency, holding the 56th meeting of the ICMPD Steering Committee in Bratislava on 16–17 May 2013.

Cooperation with other countries is developed in the framework of the Prague Process. In 2013, the SR actively participated in its activities. Besides activities described in Chapter 8 Slovakia attended the Senior Official Meeting in Prague and the meeting the Core Group Meeting in Warsaw. A part of the Prague Process, a seminar on irregular migration was held in Bratislava.

The SR closely collaborates with IOM and especially with the IOM Office in the SR through several important projects and activities, such as humanitarian transfer of refugees through the SR, assisted voluntary returns, and with the EMN as the national IOM coordinator for the SR.



## Other Relevant National Policy Development in the Field of Migration and Asylum

All the major events that took place at national level in the field of migration and asylum are described in chapters above. It can be stated in general that given the small number of aliens in the SR the issue of migration and asylum is a little discussed topic both on the political scene and among the general public.

Migration and asylum issues are, in principle, only discussed among actors from state authorities, NGOs and international organisations working in this field. Despite the marginal interest in migration and asylum issues, the SR disposes of strategic documents and legal acts that reflect developments both within the EU and internationally.

The most important element that affects the changes and shifts in migration and asylum in the SR is the exchange of experience between relevant actors, whether at home or abroad.

At national level, the Steering Committee for Migration and Integration of Foreigners therefore should be mentioned as a coordinating body on migration. This Committee gathers relevant state institutions and, if required, it can invite the representatives of relevant non-governmental and international organisations. In 2013, the Steering Committee met twice, and the topics of its meetings mainly concerned the Common European Asylum System, the UN High-Level Dialogue on Migration and Development, evaluation of Migration Policy Action Plans 2012–2013, and preparation of new action plans for the next period, legislative changes concerning aliens' residence in the SR, etc.

With regard to coordination activities at national level, we should also mention the activities of the MEKOMIC which met once in 2013. In the meeting, the national project of Integration Policy and Its Mainstreaming was presented, and information was provided on the methodology of preparation of this document. The MEKOMIC members discussed their proposals and recommendations

on the preparation of the document, and debated on the new legislation that could have an impact on the contents of the document. Other topics of this meeting was information on organisational changes in the MoLSAF SR (cancellation of the Centre for Coordination of Foreigners' Integration and inclusion of a new Department on Migration and Integration of Foreigners in the Section of International Relations and European Affairs) and EMN presentation on the use of ad-hoc queries.

In order to improve the flow of information, the MIGRA information system on migration and international protection was developed at national level. The system was launched in 2010. The MIGRA information system allows the recording of all cases of foreigners under the hierarchy of solutions by the different involved departments. Its interconnection to the AFIS and EURODAC ensures clear identification of persons on the basis of fingerprints. This feature is very important given the efforts of most irregular migrants to conceal their actual identity. Since this is a common system of the BBAP PFP and the MO Mol SR, the launch of the MIGRA IS operation solved the problems regarding the differences of statistical reporting, and made the dealing with joint cases of aliens (irregular migrants and applicants for international protection) more transparent.

Besides exchange of information between the BBAP PFP and the MO Mol SR, this information system provides continuous exchange of information between all PF departments on irregular migrants detained at any place of the SR in real time. Hence, it is an important information system that can be considered a specific instrument bringing benefits for the creation of the migration policy. It contributes to better interoperability in relation to other countries and also increases flexibility in the cooperation between police forces and other government authorities. The MIGRA information system is the main source of information on irregular migration in the territory of the

SR, used in the production of statistical outputs and analytical products.

At national level, information is also exchanged under projects financed from European funds by means of various coordination meetings of NGO representatives and visits to various facilities working with aliens and applicants for asylum.

## ANNEX 1: Methodology and Definitions

### Annex 1.1 Methodology

The Annual Report on Migration and Asylum Policies in the Slovak Republic 2013 has been prepared in line with the European Commission's specifications. Methodologically, the report is based on available expert literature, legislation, strategic documents of the SR, monitoring of available literature, research studies, internet sources, information published on the websites of relevant institutions and organisations, statistical information, and information known to the authors of the report from their own practice in migration and asylum. An important source of information were reference documents obtained from the MoI SR, in particular from the BBAP PFP, MO MoI SR, Information Centre for the Fight against Trafficking in Human Beings and Crime Prevention of the Office of the Minister of Interior SR, Foreign Aid Department MoI SR, and also from the MoLSAF SR, COLSAF, MoFEA SR and IOM. The documents and brochures of other relevant state, international and non-governmental institutions and their websites have also formed a very important source of literature.

Since the literature concerning migration and asylum in the SR is not extensive, the authors based this report not only on available literature, but also on the reports and studies published by the European Migration Network throughout the past years:

Bachtíková, Grethe Guličová, Bargerová (2012): *Organisation of Asylum and Migration Policies in the Slovak Republic*. European Migration Network, IOM, Bratislava.

Bachtíková, Ulrichová (2013): *Annual Report on Migration and Asylum Policies 2012 Slovak Republic*. European Migration Network, IOM, Bratislava.

Drozd (2013): *Migrant Access to Social Security and Healthcare in the Slovak Republic: Policies and Practice*. European Migration Network IOM, Bratislava.

Drozd, Frkáňová (Mrlianová), Kubovičová (2012): *Migration of International Students to the Slovak Republic*. European Migration Network, IOM Bratislava.

Drozd, Frkáňová, Ulrichová (2013): *Attracting Highly-Qualified and Qualified Third-Country Nationals to the Slovak Republic*. European Migration Network, IOM, Bratislava.

Drozd, Ulrichová (2012): *Misuse of the Right to Family Reunification: Marriages of Convenience and False Declaration of Parenthood in the Slovak Republic*. European Migration Network, European Migration Network, IOM, Bratislava.

Kubovičová (2013): *Identification of Victims of Trafficking in Human Beings in International Protection and Forced Return Procedures in the Slovak Republic*. European Migration Network, IOM, Bratislava.

Micháľková (2013): *Organisation of Reception Facilities for Asylum Seekers in the Slovak Republic*. European Migration Network, IOM, Bratislava.

Mrlianová, Ulrichová, Zollerová (2012): *Annual Report on Migration and Asylum Policies 2011 Slovak Republic*. European Migration Network, IOM, Bratislava.

All the studies and reports mentioned above are available at [www.emn.sk](http://www.emn.sk).

In 2013, IOM as the coordinator of the EMN National Contact Point in the SR started cooperating with the press agency in the prepara-

tion of overviews of press releases on migration and asylum. The press releases thus collected also represent an important source for the compilation of this report.

Parliamentary debates and news in the mass media that had an impact on the development of migration and asylum issues have been traditionally difficult to describe. In 2013, migration and asylum issues were not discussed to a major extent in the parliament or on the political scene in general. The report therefore presents only shorter references to migration issues that appeared in the mass media and to activities implemented by the third sector or international organisations in Slovakia.

### Annex 1.2 Terms and Definitions

The terms and definitions used in this report correspond to the largest extent possible with the terms of the *European Migration Network's Glossary*. Where it was not possible or if the EMN Glossary does not define certain terms, the terms pursuant to the national legislation are used. Where the national legislation does not define certain terms, the terms pursuant to the European Union legislation are used in this text (regulations, directives).

The term *alien* or *foreigner* in this text means anyone who is not a citizen of the SR under the Slovak legislation, specifically under Art. 2, par. 2 of the Act on Residence of Aliens.

Art. 2, par. 4 of the Act on Residence of Aliens also introduces the term *third-country national*. A third-country national is anybody who is not a national of the Slovak Republic or an EU national. A third-country national is also a stateless person.

In the report, the term *alien* is mainly used in the text and in some statistics prepared pursuant to national legislation. In these cases,

the term corresponds to the definition under Art. 2, par. 2 of the Act on Residence of Aliens, and not to the term *alien* or *foreigner* according to the EMN Glossary<sup>171</sup>.

The study also uses the term *migrant* which, in line with the EMN Glossary, can be considered a person who leaves a country or a region with the aim to settle in another country or region. The term *migrant* in this study can be considered a synonym to the word *alien* or *third-country national*.

For the purposes of comparability of outputs of the different EU Member States, the specifications concerning this study define the term *significant development/debate* as an event which has been discussed in the national parliament and has been widely reported in the media, especially if such development or debate led to any proposals for amended or new legislation, or to a change in the Minister responsible for immigration and/or asylum and/or integration.

In 2013, neither the mass media nor the expert public paid increased attention to migration issues as compared to previous years.

<sup>171</sup> According to the EMN Glossary, an alien in the EU context is a person who is not a national of a Member State of the European Union; in a global context, according to the IOM Migration Glossary, an alien is a person who is not a national (native or citizen) of a given state. In: Asylum and Migration Glossary – A tool for better comparability. January 2010, p. 12.

## ANNEX 2: National Statistics

**Table 1 Issued first residence permits by reason in 2013**

First residence permits of third-country nationals by reason issued in the SR in 2013					
Sex	First permits total	Family reunification (family reasons)	Study (education)	Gainful activity	Other <sup>172</sup>
<b>Total</b>	<b>4,475</b>	<b>1 378</b>	<b>850</b>	<b>1,616</b>	<b>631</b>
Females	1,830	:	:	:	:
Males	2,645	:	:	:	:

Source: BBAP PFP  
: data not available

**Table 2 Visas issued by the SR by type in 2013**

Visas issued in 2013				
Sex	Schengen visa (A, C and LTV types of visa)		National visa (D type)	
			Issued to third-country nationals arriving directly from a third country	Issued to third-country nationals residing in another EU Member State
<b>Total</b>	<b>129,286</b>		<b>1,138</b>	<b>45</b>
Females	:	:	:	:
Males	:	:	:	:

Source: MoFEA SR  
: data not available

Notes: A type of visa – airport transit visa  
C type of visa – tourist visa  
D type of visa – national visa  
LTV visa – visa with limited territorial validity

<sup>172</sup> The category "Other" includes the following categories of temporary residence: Temporary residence – special activity – Providing health-care and accompanying a third-country nationals who is provided health-care; Temporary residence – execution of duties by civilian units of armed forces; Temporary residence of a third-country national with acknowledged status of a Slovak living abroad; permanent residence for an indefinite period of time (if needed due to providing protection and assistance to a witness under a special regulation, or to a stateless person for reasons worth considering, or to a mature person granted tolerated stay as unaccompanied minor for a minimum period of three years during which s/he studied at school within the territory of the SR); long-term residence, some types of tolerated stay, subsidiary protection, and asylum.

**Table 3 Executed returns from the SR by type and country of origin in 2013**

Third-country nationals returned (by sex/nationality)												
Nationality	Returned as part of forced returns				Returned voluntarily				Among third-country nationals returned voluntarily, the number of third-country nationals returned as part of an assisted return programme			
	Total	F	M	Min	Total	F	M	Min	Total	F	M	Min
Afghanistan	22	5	11	6	2	0	2	0	2	0	2	0
Albania	2	1	1	0	0	0	0	0	0	0	0	0
Armenia	3	0	3	0	4	0	4	0	4	0	4	0
Belarus	3	0	3	0	0	0	0	0	0	0	0	0
Brazil	0	0	0	0	2	0	2	0	2	0	2	0
China	1	1	0	0	6	1	5	0	6	1	5	0
Eritrea	6	1	5	0	0	0	0	0	0	0	0	0
Georgia	39	0	39	0	2	0	2	0	2	0	2	0
Croatia	0	0	0	0	1	1	0	0	1	1	0	0
India	1	0	1	0	5	0	5	0	5	0	5	0
Iraq	0	0	0	0	2	0	2	0	2	0	2	0
Kyrgyzstan	0	0	0	0	1	0	1	0	1	0	1	0
Morocco	1	0	1	0	0	0	0	0	0	0	0	0
Myanmar	4	0	4	0	0	0	0	0	0	0	0	0
Moldova	43	2	41	0	6	0	6	0	6	0	6	0
Pakistan	1	0	1	0	0	0	0	0	0	0	0	0
Russia	9	1	8	0	4	0	4	0	3	0	3	0

Somalia	7	1	6	0	0	0	0	0	0	0	0	0
United States of America	1	0	1	0	0	0	0	0	0	0	0	0
Serbia	2	0	2	0	0	0	0	0	0	0	0	0
Sri Lanka	4	1	3	0	0	0	0	0	0	0	0	0
Syria	3	0	3	0	0	0	0	0	0	0	0	0
Tunis	2	0	2	0	0	0	0	0	0	0	0	0
Turkey	3	0	3	0	1	0	1	0	1	0	1	0
Ukraine	160	41	119	0	20	7	13	0	7	1	6	0
Vietnam	8	1	6	1	8	1	7	0	8	1	7	0
<b>Total</b>	<b>325</b>	<b>55</b>	<b>263</b>	<b>7</b>	<b>64</b>	<b>10</b>	<b>54</b>	<b>0</b>	<b>50</b>	<b>4</b>	<b>46</b>	<b>0</b>

Source: BBAP PFP and IOM

Forced return - this category does not contain the voluntary departures from the territory of the SR via the border crossing point. These persons are included in the category returned voluntarily. This category, however, includes cases where illegal stay was detected at the border crossing point while leaving the SR and where such aliens were imposed a decision on administrative expulsion and left the territory of the SR through the border crossing point (refers almost exclusively to Ukrainian nationals).

Returned voluntarily - includes cases where a third-country national voluntarily departed from the SR through a border crossing point by voluntarily fulfilling the obligation to leave the territory of the SR within the set deadline stated in the decision on administrative expulsion which was taken with regard to their illegal stay within the Slovak territory, and those who were returned under the AVR programme.

F - females

M - males

Min - minors

AVR - assisted voluntary returns

**Table 4 Third-country nationals identified as smuggled persons, reflection period provided to smuggled persons, and residence permit granted to smuggled persons in the SR in 2013, including definition**

Third-country nationals identified as smuggled persons, reflection period provided to smuggled persons, and residence permit granted to smuggled persons in the SR in 2013, including definition

**Irregular migration** documented by the NUCIM through cases of smuggling is based on Act No. 300/2005 Coll. Criminal Code, Art. 355 and Art. 356 Smuggling

#### § 355 Smuggling

Any person who organises illegal crossing of the state border of the Slovak Republic, or a transfer through its territory, for a person who is neither a citizen of the Slovak Republic nor a person with permanent residence in the territory of the Slovak Republic, or who enables such activity or aids and abets it with the intention of obtaining financial or other material benefit.

#### § 356

Any person who, with the intention of obtaining financial or other material benefit for himself or another either directly or indirectly, enables or helps a person, who is neither a citizen of the Slovak Republic or of another European Union Member State or a citizen of a contracting state of the Agreement on the European Economic Area nor a person with permanent residence in the territory of the Slovak Republic, to stay or get an illegal job in the territory of the Slovak Republic or of other European Union Member State or a contracting state of the Agreement on the European Economic Area, shall be liable to a term of imprisonment of two to eight years.

Under Act No. 300/2005 Coll., as amended, NUCIM documented the following numbers of irregular migrants in cases of smuggling in 2013 (persons who are not citizens of the SR or citizens of another EU Member State or EEA, or persons who do not have permanent residence in the territory of these states):

	Total	Females	Males
Number of third-country nationals identified as smuggled persons	938	:	:
Number of reflection periods provided to smuggled persons	not applied in the SR		
Number of residence permits granted to smuggled persons	not applied in the SR		

Source: BBAP PFP

: data not available (in the cases documented by the NUCIM, only the nationality of irregular migrants and the relation to the crime for which a charge was brought against the smugglers are recorded)

**Table 5 Number of smugglers arrested as suspects and smugglers convicted in the SR in 2013**

Number of smugglers arrested as suspects and smugglers convicted in the SR in 2013		
Arrested/otherwise involved in criminal proceedings	Number	Convicted
<b>Smugglers – total</b>	<b>91</b>	<b>22</b>
Smugglers – charged brought under Art. 206, par. 1 of Act No. 301/2005 Coll. Criminal Procedure Code	72	:
Smugglers – criminal prosecution initiated under Art. 199, par. 1 of Act No. 301/2005 Coll. of the Criminal Procedure Code	19	:

Source: BBAP PFP and MoJ SR  
: data not available

**Table 6 Third-country nationals relocated to the SR in 2013**

Third-country nationals relocated to the SR in 2013					
Third-country nationals relocated to the SR	Total	Females	Males	Top 3 countries of origin of third-country nationals, if known	
<b>Total</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

Source: MO MoI SR  
– not applicable

**Table 7 Third-country nationals resettled in the SR in 2013**

Third-country nationals resettled to the SR in 2013				
Countries from which third-country nationals were resettled	Number	Third-country nationals resettled in the SR, by sex		
		Total	Females	Males
Cuba	5	5	0	5
<b>Total</b>	<b>5</b>	<b>5</b>	<b>0</b>	<b>5</b>

Source: MO MoI SR

**Table 8 Unaccompanied minors in the SR in 2013**

Unaccompanied minors in the SR in 2013					
Unaccompanied minors not applying for asylum, by sex			Unaccompanied minors applying for asylum, by sex		
Total	Females	Males	Total	Females	Males
<b>70</b>	:	:	<b>5</b>	2	3

Source: MO MoI SR and MoLSAF SR (the data on the number of unaccompanied minors not applying for asylum is preliminary, as the final data will be available by the end of the first quarter-year of 2014)  
: data not available

**Table 9 Victims of trafficking in human beings in the SR in 2013**

Victims of trafficking in human beings in the SR in 2013				
	Total	Females	Males	
<b>Total number of third-country nationals presumed to be victims of trafficking in human beings in 2013:<sup>173</sup></b>	:	:	:	
Age	Over 18 years	:	:	:
	Under 18 years	:	:	:
Form of exploitation	Sexual exploitation	:	:	:
	Labour exploitation	:	:	:
	Other (please, state):	:	:	:
Citizenship (top 3 countries)		:	:	:

<sup>173</sup> According to Annual Policy Report specifications, 'presumed' victims are persons who fulfil the definition of victim of trafficking in human beings, as outlined in Directive 2011/36/EU, but whom have not been formally identified by the relevant authorities (i.e. the national person/body authorised to formally identify victims).

<b>Total number of third-country nationals identified as victims of trafficking in human beings in 2013:<sup>174</sup></b>		<b>2</b>	<b>2</b>	<b>0</b>
Age	Over 18 years	2	2	0
	Under 18 years	0	0	0
Form of exploitation	Sexual exploitation	1	1	0
	Labour exploitation	1	1	0
Citizenship (top 3 countries)	1.	Ukraine	Ukraine	-
	2.	Kenya	Kenya	-
<b>Total number of reflection periods granted in 2013:</b>		<b>1</b>	<b>1</b>	<b>0</b>
By:	Directive 2004/81/EC	1	1	0
	Other	0	0	0
<b>Total number of residence permits granted in 2013:</b>		<b>2</b>	<b>2</b>	<b>0</b>
By:	Directive 2004/81/EC	0	0	0
	Other	2	2	0

Source: MoI SR  
 – not applicable  
 : data not available

**Table 10 Human traffickers arrested as suspects and traffickers convicted in 2013**

Traffickers arrested as suspects and traffickers convicted in 2013		
	Arrested/otherwise involved in criminal proceedings	Convicted
Traffickers	6	4

Source: MoJ SR and BBAP PFP  
 : data not available

<sup>174</sup> According to Annual Policy Report specifications, 'identified' victims are those whom have been formally identified by the relevant authority (i.e. the national person/body authorised to formally identify victims).

## ANNEX 3: Bibliography

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