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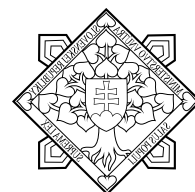
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# ANNUAL REPORT ON MIGRATION AND ASYLUM POLICIES 2012 SLOVAK REPUBLIC

# Annual Report on Migration and Asylum Policies 2012 Slovak Republic

National Study for the European Migration Network

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Ministry of Interior of the SR (Migration Office of the MoI SR, Bureau of the Border and Aliens Police of the PFP), Ministry of Labour, Social Affairs and Family of the SR (Central Office of Labour, Social Affairs and Family), Ministry of Foreign and European Affairs of the SR.

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The opinions presented in this publication do not necessarily represent the opinions of the Slovak Government, the European Commission or the IOM International Organization for Migration.

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## Preface

This report was compiled by the IOM International Organization for Migration Bratislava in its function as the National Contact Point of the European Migration Network in the Slovak Republic. This national report follows the common specifications and methodology defined by the European Migration Network.

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# Abbreviations

**BBAP PFP** – Bureau of the Border and Aliens Police of the Police Force Presidium  
**CFI** – Concept of Foreigners' Integration  
**Coll.** – Collection of Laws of the SR  
**COLSAF** – Central Office of Labour, Social Affairs and Family  
**EASO** – European Asylum Support Office  
**EBGT** – European Border Guard Teams  
**EC** – European Commission  
**ECC** – European Capital of Culture  
**EEA** – European Economic Area  
**EIF** – European Integration Fund  
**EMN** – European Migration Network  
**ERF** – European Refugee Fund  
**EUBAM** – European Union Border Assistance Mission to Moldova and Ukraine  
**EU** – European Union  
**EUROSUR** – European Border Surveillance System  
**FRAN** – Frontex Risk Analysis Network  
**FRONTEX** – European Agency for the Management of Operational Cooperation at the External Borders  
**ICMPD** – International Centre for Migration Policy Development  
**IOM** – International Organization for Migration  
**IS** – Information system  
**IT** – Information technology  
**KDH** – Christian-Democratic Movement (Kresťanskodemokratické hnutie)  
**MEKOMIC** – Inter-Ministerial Commission for Migration and Integration of Foreigners  
**MIC IOM** – IOM Migration Information Centre  
**MP** – Migration Policy of the Slovak Republic with a Perspective until 2020  
**MoESRS SR** – Ministry of Education, Science, Research and Sports of the SR  
**MoFEA SR** – Ministry of Foreign and European Affairs of the SR  
**MoLSAF SR** – Ministry of Labour, Social Affairs and Family of the SR  
**Moi SR** – Ministry of Interior of the SR  
**MO Moi SR** – Migration Office of the Moi SR  
**NCPI** – National Contact Points on Integration

**NC SR** – National Council of the SR  
**NFP** – National Focal Point  
**NUCIM BBAP PF** – National Unit to Combat Irregular Migration of the Bureau of the Border and Aliens Police of the PF  
**OLaNO** – Common People and Independent Personalities (Obyčajní ľudia a nezávislé osobnosti)  
**FAD Moi SR** – Foreign Aid Department of the Ministry of Interior of the SR  
**PDCA** – Police Detention Centre for Aliens  
**PF** – Police Force  
**PFP** – Police Force Presidium  
**RF** – European Return Fund  
**SAIA** – Slovak Academic Information Agency  
**SaS** – Freedom and Solidarity (Sloboda a solidarita)  
**SDKÚ-DS** – Slovak Democratic and Christian Union – Democratic Party (Slovenská demokratická a kresťanská únia - Demokratická strana)  
**SIS** – Schengen Information System  
**SLER Moi SR** – Section of Legislation and External Relations of the Ministry of Interior of the SR  
**Smer-SD** – SMER–Social Democracy (Smer – sociálna demokracia)  
**SR** – Slovak Republic  
**UNHCR** – United Nations High Commissioner for Refugees  
**VIS** – Visa Information System  
**VREN** – Voluntary Return European Network

# Executive Summary

The Annual Report 2012 provides an overview of the most important changes in migration and asylum policies in Slovakia in the legislative and institutional fields and in practice in the period from 01 January 2012 to 31 December 2012. The national annual report has been compiled by the National Contact Point of the European Migration Network (EMN) for the SR in the framework of the EMN activities upon initiative of the European Commission. The structure and the contents of the chapters follow the specification of the European Commission and are identical for all EU Member States and Norway.

In 2012, in spite of the early elections, no substantial changes occurred in the institutional area that would have an impact on migration and asylum policies. As far as the policies and legislation are concerned, the Migration Policy of the Slovak Republic with a Perspective until 2020 continued to be detailed in the form of Action Plans specific for each ministry in 2012. Also, the new Act on Residence of Aliens entered into effect on 01 January 2012. In the same year, works on an amendment act were launched; this act will *inter alia* amend the Act on Asylum, and it is expected to enter into effect on 01 May 2013. Amendments to the Act on Employment Services were also prepared in 2012.

Migration and asylum issues did not represent an important part of political discussions, election debates or election programmes in 2012. The Government Manifesto deals with migration and asylum issues only marginally.

As in previous years, the mass-media did not pay priority attention to migration and asylum issues. Public discussion on migration, integration and asylum was developed mainly at the level of expert events organised by the non-governmental sector and international organisations under projects financed from EU funds.





## Introduction

The Annual Report 2012 which presents an overview of the developments in the field of migration and asylum in the Slovak Republic will serve as a reference document for the compilation of the Annual Report of the European Commission on Immigration and Asylum 2012 and of the Annual Report of the European Asylum Support Office (EASO) 2012. The report will also serve the national purposes of the SR by providing information on the developments in migration and asylum policies in 2012 for policy makers, experts and the general public. On the basis of this document, the European Commission will prepare EMN Informs—short information reports on the various aspects of migration, such as labour migration, irregular migration, migration and development, and international protection, which will compare the development in these areas in the European Union Member States and in Norway.

The report, as in previous years, provides information on the developments in the field of policies and legislation and the main political discussions that influenced the creation of migration and asylum policies in 2012. The structure of the report allows informing about the development in the SR at the national level in the context of EU developments. The report contains basic statistical data concerning the individual chapters, collected and published by the relevant state authorities. The short information reports prepared by the European Commission will also contain a general overview of the statistics on the different fields as per EU Member States and Norway describing the trends in the various areas in 2012.

The report is divided into nine chapters and three annexes. Besides topics related to migration and asylum (including integration, citizenship, visa policy, and border protection), such as irregular migration, international protection including asylum, unaccompanied minors and other vulnerable groups, measures to combat trafficking in human beings, migration, and development, the report also

contains an introduction with a description of the general structure of the political and legal system in the SR in 2012 and chapters on the developments relevant to asylum and migration and the implementation of EU legislation. The annexes describe the methodology of the preparation of this report, the terms and definitions used, relevant migration and asylum statistics, and bibliography.

Unlike years before, in connection with the change in the structure of the specification, the entire text of the Annual Report has also been slightly modified. Information on the developments in the different fields are not broken down anymore to the principal text and related annexes reflecting the commitments arising from the European Pact on Immigration and Asylum and the Stockholm Programme, but it now represents a compact text divided into chapters describing the various aspects of migration and asylum.

## 1.1 Structure of Asylum and Migration Policy

### **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 Mol SR) and the Bureau of the Border and Aliens Police of PFP (BBAP PFP) is mainly responsible for the area of regular and irregular migration, asylum and integration of persons granted asylum, i.e. issues relating to the entry and stay of aliens.<sup>1</sup> The Mol 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 Migration Flows Management (European Refugee Funds, European Fund for the Integration of Third-Country Nationals, European Return Fund, and the External Borders Fund)<sup>2</sup> and also for the implementation of the Migration Policy of the SR. The *Ministry of Labour, Social Affairs and Family of the SR*<sup>3</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 works 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. Another field of activity of the MoLSAF SR is labour inspection through the National Labour Inspectorate Office, coordination of the preparation of the strategy of employment, 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 foreigners. The Central Office of Labour, Social Affairs and Family (COLSAF) as part of the MoLSAF SR is responsible for the management, control, coordination and methodological guidelines of the 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 the employment permit applications and assesses the granting/non-granting of employment permits. Through

<sup>1</sup> Daniel Lipšic (KDH) was the Minister of Interior of the SR. After the parliamentary elections held on 10 March 2012, Róbert Kaliňák (Smer–Social Democracy) was appointed as new Vice-Prime Minister and Minister of Interior on 04 April 2012.

<sup>2</sup> The responsible body is the Foreign Aid Department of the Mol SR and the 'payment unit' – the Budget and Finance Department and the Accounting Department of the Economy Section of the Mol SR.

<sup>3</sup> Jozef Mihál (SaS) was the Minister of Labour, Social Affairs and Family of the SR. After the parliamentary elections held on 10 March 2012, Ján Richter (Smer–Social Democracy) was appointed as new minister on 04 April 2012.

the diplomatic missions of the SR abroad, the *Ministry of Foreign and European Affairs of the SR*<sup>4</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 2012, the Managing Committee for the Migration and Integration of Foreigners continued its activities, holding four meetings,<sup>5</sup> as well as the Inter-Ministerial Committee for the Migration and Integration of Foreigners (MEKOMIC) did with one meeting.<sup>6</sup>

Besides the changes of ministers and some senior officials at the relevant ministries in the field of migration and asylum as a result of election changes, no substantial changes in the institutional framework of migration and asylum policies occurred in 2012.

### 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 pursuant to 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 which 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 as 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 basic 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 the breach thereof. The act entered into effect on 01 January 2012. Compared to the previous

4 Mikuláš Dzurinda (SDKÚ – DS) was the Minister of Foreign and European Affairs of the SR. After the parliamentary elections held on 10 March 2012, Miroslav Lajčák (no party affiliation) was appointed as new Foreign Minister on 04 April 2012.

5 The Managing Committee for the 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.

6 MEKOMIC aims to provide the representatives of relevant state authorities and non-state institutions, trade unions, organisations and experts with 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: 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 07 January 2013).

legislation, the act has modified the conditions and the procedures when applying for the different types of residence permits, the obligations of Union citizens, holders of the temporary or permanent residence permits or tolerated stay permits, and also the obligations of persons with acknowledged status of a Slovak living abroad. The act also specifies the status of the family members of Union citizens, while extending the definition of this group of aliens with two new categories. The act introduces new types of temporary residence, and in some cases it extends the maximum period of the granted temporary residence permit and the minimum period for its renewal. The act extends foreigners' obligations related to the submission of applications for temporary residence permit and the required procedures after taking over the residence document. It introduces three types of permanent residence (permanent residence for five years, for unlimited period of time, and long-term residence), and defines the conditions under which the alien can apply for it. The act reduces the minimum required period of a residence permit from five to four years on the basis of which the holder of a permanent residence permit can apply for permanent residence for an unlimited period of time. The act makes tolerated stay available to a new category of aliens while respecting their private and family life, and with the aim to promote the support provided to the victims of human trafficking. In connection with the modifications of the provisions on administrative expulsion and detention, the act introduces alternatives to detention. The changes which have been made with the introduction of the new act are described in detail in the relevant sub-chapters.

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 sanction measures 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. Penal Code as Amended (hereinafter referred to as **"Penal 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>7</sup>, Act on Healthcare and Services Related to Healthcare<sup>8</sup>, Act on Social Insurance<sup>9</sup>, Act on Social and Legal Protection of Children and on Social Guardianship<sup>10</sup>, Act on Assistance in Material Need<sup>11</sup>, Family Act<sup>12</sup>, Civil Registration Act<sup>13</sup>, School Act<sup>14</sup>, Act on Universities<sup>15</sup>, Act on Recognition of Professional Qualification<sup>16</sup>, Labour Code<sup>17</sup>, Trade Licensing Act<sup>18</sup>, Act on Travel Documents<sup>19</sup>, Civil Procedure Code<sup>20</sup>, Act on Civil Proceedings<sup>21</sup>, Act on the Police Force<sup>22</sup>, and others.

There are several relevant actors making decisions on migration and asylum issues. 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 depu-

ties). As far as legislative initiative (the right to present a draft law to the NC SR) is concerned, parliamentary deputies (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>23</sup>, in accordance with the Competence Act.

More details on the structure of the political and legal system in the field of migration and asylum can be found in the EMN study on the organisation of asylum and migration policies in the Slovak Republic<sup>24</sup> and in the EMN Annual Report on Migration and Asylum Policies 2011 in the Slovak Republic<sup>25</sup>.

7 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.

8 Act No. 576/2004 Coll. on Healthcare, Healthcare Related Services and on Changes and Amendments to Some Acts.

9 Act No. 461/2003 Coll. on Health Insurance.

10 Act No. 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship and on Changes and Amendments to Some Acts.

11 Act No. 599/2003 Coll. on Assistance in Material Need and on Changes and Amendments to Some Acts.

12 Act No. 36/2005 Coll. on Family and on Changes and Amendments to Some Acts.

13 Act No. 154/1994 Coll. on Civil Registration.

14 Act No. 245/2008 Coll. on Education (School Act) and on Changes and Amendments to Some Acts.

15 Act No. 131/2002 Coll. on Universities and on Changes and Amendments to Some Acts.

16 Act No. 293/2007 Coll. on Recognition of Professional Qualification.

17 Act No. 311/2001 Coll. Labour Code.

18 Act No. 455/1991 Coll. on Trade Licensing.

19 Act No. 647/2007 Coll. on Travel Documents and on Changes and Amendments to Some Acts.

20 Act No. 99/1963 Coll. Civil Procedure Code.

21 Act No. 71/1967 Coll. on Administrative Proceedings (Administrative Procedure Code).

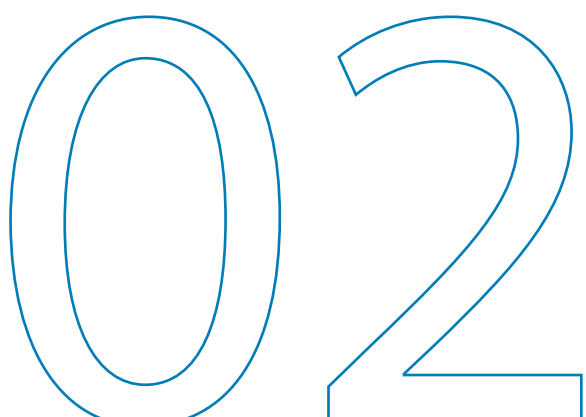
22 Act No. 171/1993 Coll. on the Police Force.

23 Svák, J., Kukliš, P., Teória a prax legislatívy, 2nd edition, Bratislavská vysoká škola práva, 2009, pp. 136–139.

24 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\\_azyl\\_politiky\\_sr\\_sk\\_v-jul-2012.pdf](http://www.emn.sk/phocadownload/emn_studies/emn-sk_studia_organ_migr_azyl_politiky_sr_sk_v-jul-2012.pdf) (consulted on 07/01/2013).

25 Mrlianová, Ulrichová, Zollerová, Annual Report on Migration and Asylum Policies 2011 Slovak Republic. European Migration Network, Bratislava, 2012, 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 11/09/2012).





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

This chapter describes the general context for the developments in specific areas detailed in Chapters 3 to 8 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

With regard to political developments, the elections to the National Council of the Slovak Republic (NC SR) held on 10 March 2012 represented the most important event in 2012.<sup>26</sup> 59.11% of voters participated in the elections. The absolute winner of the elections was the party Smer–Social Democracy (Smer–SD) with 44.41% of valid votes cast, holding a majority representation with 83 seats in the 150-member parliament. Based on the election results, the following parties also entered the parliament: Christian Democratic Movement (KDH – 8.82%), Common People and Independent Personalities (OĽaNO – 8.55%), Most–Híd (6.89%), Slovak Democratic and Christian Union–Democratic Party (SDKÚ–DS – 6.09%) and the party Freedom and Solidarity (SaS – 5.88%).<sup>27</sup> Robert Fico, Chairman of the winning party Smer–SD was designated to form the government. Thanks to the election results, he could form a single party government. On 04 April 2012, the President of the SR appointed Robert Fico as Prime Minister, and also appointed new ministers. The new government has 15 members: the Prime Minister, three Vice-Prime Ministers who are also ministers (of interior, finances, and foreign and european affairs), one Vice-Prime Minister without portfolio responsible for investments, and ten ministers. Further to the changes in the government, there were

<sup>26</sup> The early elections were held after the fall of Iveta Radičová's government in October 2011 as a result of the vote of non-confidence under combined voting on (non-)support of the European stabilisation mechanism. For more details see the Annual Report on Migration and Asylum Policies in the Slovak Republic 2011.

<sup>27</sup> For more details on the elections see <http://app.statistics.sk/nrsr2012/menu/indexV.jsp?lang=sk> (consulted on 11/09/ 2012).

also changes at the positions of ministers relevant to migration and asylum policies. On 04 April 2012, the President of the SR appointed the following ministers: Robert Kaliňák (Smer–SD) as the Minister of Interior, Ján Richter (Smer–SD) as the Minister of Labour, Social Affairs and Family, and Miroslav Lajčák (no party affiliation) as the Minister of Foreign and European Affairs.<sup>28</sup>

Migration and asylum issues were not tackled in the election debates. The analysis of the programme documents of the political parties that entered the parliament suggests that references to migration issues were marginal. The government party Smer–SD mentions migration and demography as one of the main challenges for the future. The party stresses that it would pay increased attention to international cooperation in combating drugs, human trafficking and organised crime, and emphasises the need to adopt legislative changes in order to attract quality students and researches, for example, from third countries, to come to study and work in Slovakia. The party programme also deals with the brain-drain and the creation of suitable conditions for the return of qualified workers.<sup>29</sup> This issue is also addressed by the election programmes of the SaS and Most–Híd.<sup>30</sup> The SDKÚ–DS party mentions the need to facilitate the arrival and staying in Slovakia of highly qualified migrants and businessmen, including students and researchers. The party stresses that Slovakia must be more active in the global talent competition and must increase its competitiveness compared to other countries<sup>31</sup>. The KDH election programme

deals with migration issues to the largest extent, which relates to the fact that a member of this party was the Minister of Interior in the previous election period, and the election programme reflects the continuation of his policy. The programme emphasises the need to create an Immigration and Naturalisation Office that should fulfil tasks in the field of migration management, aliens, residence and asylum agenda, including citizenship. It also stresses the need to promote a strict asylum policy and appropriate language and cultural integration of migrants. Like other parties, KDH mentions the support for the return of qualified Slovaks living abroad, mainly through measures in the field of migration and better involvement of Slovak countrymen in seeking solutions from the current crisis.<sup>32</sup> The party OĽaNO does not deal with migration at all.

## 2.2 Overall Developments in Asylum and Migration

In 2012, no new migration and asylum policies or strategies were approved or changed compared to 2011, mainly because it was election year. As mentioned above, migration and asylum issues did not meet with much interest during the election campaign, and were not presented in the mass media more often than in the year before.

In connection with the development of policies at a broader scale with an impact on various migration and asylum areas, we should mention the new *Government Manifesto*<sup>33</sup> which in principle reflects the election programme of the party Smer–SD as the only party in government. Migration issues are tackled only marginally in connection with the preparation of the conditions for arrival

28 For more details see <http://www.vlada.gov.sk/> (consulted on 11/09/2012).

29 The Programme Objectives of the Party Smer–Social Democracy for the Election Period 2012–16 are available at [http://strana-smer.sk/sites/default/files/uploads/dokumenty/programove\\_zameranie\\_2012-2016.doc](http://strana-smer.sk/sites/default/files/uploads/dokumenty/programove_zameranie_2012-2016.doc) (consulted on 11/09/2012).

30 The SaS Election Programme for Future Generation is available at <http://www.strana-sas.sk/file/1376/Program%20SAS%2025.02.2012.pdf> (consulted on 11/09/2012) and the Programme of the Party Most–Híd at [http://www.most-hid.sk/webfm\\_send/37](http://www.most-hid.sk/webfm_send/37) (consulted on 11/09/2012).

31 For More Jobs in Slovakia – Election Programme of the SDKÚ–DS for Elections 2012, available at <http://www.sdku-ds.sk/volby/data/MediaLibrary/0/220/sdku-ds-volebny-program-2012-web.pdf>

(consulted on 11/09/2012).

32 KDH Programme, available at <http://www.kdh.sk/program> (consulted on 11/09/2012).

33 Government Manifesto, available at <http://www.vlada.gov.sk/programove-vyhlasenie-vlady-sr-na-roky-2012-2016/> (consulted on 11/09/2012).

of excellent students and workers to the SR from abroad, and, on the other hand, from the point of view of brain-drain, i.e. the departure of qualified workers from Slovakia. More generally, the Government Manifesto declares the need to pay attention to the development of bilateral cooperation with the EU neighbours—in particular with the Western Balkan and Eastern Partnership countries. Since these countries record the biggest numbers of migrants coming to the SR (Serbia, Ukraine, Moldova), this declaration is important with a view to the migration policy.

As far as political debates are concerned, migration and asylum issues did not represent a priority for politicians in 2012. What can yet be repeatedly observed on the political scene are discussions on citizenship in relation to the act adopted in 2010 as a reaction to the adoption of the act on state citizenship in Hungary in the first half of 2010 on the initiative of the Hungarian Prime Minister Viktor Orbán. Under this act, anybody who has ascendants from Hungary and who speaks Hungarian can apply for Hungarian citizenship. These conditions apply to the majority of the members of the Hungarian minority living in Slovakia. Robert Fico's government (2006–10) responded by an act under which foreign citizenship can be obtained only with the loss of the Slovak one. Iveta Radičová's government (2010–12) planned to modify this act but did not succeed. OĽaNO deputies have also made efforts to change the law; they submitted a bill allowing the regaining of the Slovak citizenship by those citizens who in spite of the existing actual links to another state lost their Slovak citizenship by acquiring the citizenship of another state in the period from 17 July 2010 to 31 October 2012. This bill has not been passed yet and no further activities were conducted in this regard in 2012.

Compared to the previous year when migration issues were discussed in the mass media to a larger extent, especially in connection with the adoption of the new Migration

Policy with a Perspective until 2020 and the new Act on Residence of Aliens, and also in the context of the tragic events in Norway and related multi-culturalism issues, the mass media paid only marginal attention to migration in 2012 in spite of the preparation of an amendment to the Act on Residence of Aliens. Traditionally, irregular migration issues raised most attention<sup>34</sup>, especially in relation to the discovery of a tunnel under the Slovak-Ukrainian border which served for the smuggling of goods and humans<sup>35</sup>, and to the fight against human trafficking in view of the fact that human trafficking is increasingly not only a problem related to females, but also to males, and its purpose is not only prostitution, but also beggary and forced labour.<sup>36</sup> The public awareness was also raised by the fact that the SR ended up in the top group of countries with the most effective measures in combatting human trafficking and assistance provided to victims of human trafficking according to the evaluation report of the US government on combatting trafficking in human beings.<sup>37</sup> More attention was paid to asylum issues on the occasion of the World Refugee Day.<sup>38</sup> The Euroactiv.sk portal pub-

34 For example, Pluska.sk, Polícií sa podarilo rozložiť organizovanú skupinu prevádzačov, available at <http://www.pluska.sk/krimi/domace-krimi/policii-podarilo-rozlozit-organizovanu-skupinu-prevadzacov.html> (consulted on 13/09/2012), Rádio Regina, broadcasting on 26 June 2012 – Schengenská hranica na východnom Slovensku, Korzár.sk, Schengenskú hranicu prekračujú najčastejšie migranti zo Somálska, available at <http://humenne.korzar.sme.sk/c/6530812/schengensku-hranicu-prekracuju-najcastejsie-migranti-zo-somalska.html> (consulted on 25/09/2012).

35 For example, Korzár.sk, Ako vyzerá pašerácky tunel popod Schengenskú hranicu, available at <http://michalovce.korzar.sme.sk/c/6462821/ako-vyzera-paseracky-tunel-popod-schengensku-hranicu.html> (consulted on 13/09/2012), týždenník Život, Dokonalý pašerácky tunel: Baníci mali šialenú odvahu, available at <http://zivot.azet.sk/clanok/11805/dokonalý-paseracky-tunel-banici-mali-sialenu-odvahu.html> (consulted on 13/09/2012).

36 For example, plus 7 dní weekly from 03/07/2012 – Ľudia ako tovar; Šarm weekly from 14/08/2012 – Otroci, JOJ TV from 29/08/2012 – Prevádzači v detských domovoch; JOJ TV from 10/09/2012 – Svoje obete často dobre poznajú.

37 For example, Pluska.sk, Ministerstvo zahraničia USA nás chváli za boj proti obchodovaniu s ľuďmi, available at <http://www.pluska.sk/krimi/domace-krimi/ministerstvo-zahranicia-usa-nas-chvali-za-boj-proti-obchodovaniu-ludmi.html> (consulted on 13/09/2012), SME, sk, z 4.9.2012 – Slovensko obháji prvenstvo v boji proti obchodovaniu s ľuďmi.

38 For example, Aktualne.sk, Pred vojnami či hladom dnes uteká zo svojej vlasti vyše 40 miliónov ľudí, available at <http://aktualne.atlas.sk/pred-vojnami-ci-hladom-dnes-uteka-zo-svojej-vlasti-vyse-40-milionov-ludi/zahranicie/europa/> (consulted on 14/09/2012).



lished a report on the positive evaluation of the EMN activities by the European Commission.<sup>39</sup> The EMN was presented in the media on the occasion of the conference on migration of international students to the SR and the related need to raise the attractiveness of the SR in this field.<sup>40</sup>

The media marginally informed about the amendment to the Act on Residence of Aliens<sup>41</sup> which was supposed to be discussed in the parliament in January 2013. The MoI SR as the submitter of the law amendment received a total of 449 comments within the inter-ministerial objection procedure, including comments by the public and by non-governmental and international organisations.<sup>42</sup> The law amendment, however, did not produce a wider social or political discussion, and debates took place only at the level of the relevant ministries.

In 2012, the relevant ministries continued detailing the Migration Policy with a Perspective until 2020<sup>43</sup> through Action Plans for the period 2012–13.<sup>44</sup> The specific measures were

consulted in the framework of ministerial and inter-ministerial communication, informal meetings with experts in migration and asylum practices, and also at the inter-ministerial expert coordination meeting at the level of managing staff, co-organised by the MoI SR on its own initiative. The information on the preparation of Action Plans was also discussed by the Managing Committee for Migration and Integration. In May 2012, the Government of the SR took note at its meeting of the document *Summary Report on the State of Fulfilment of Migration Policy Tasks, Plans and Objectives*, which included its detailing through Action Plans.<sup>45</sup> The discussion on the document took place only at the level of the ministries and experts, and its further detailing did not raise a wider public discussion either.

In general, migration and asylum did not form a principal topic of political discussions in 2012, and did not have an impact on the changes that occurred in the structure of the political system throughout the reference period.

39 Available at <http://www.euractiv.sk/obrana-a-bezpecnost/clanok/ek-hodnoti-europsku-migracnu-siet-pozitivne-019751> (14/09/2012).

40 For example, [sme.sk](http://www.sme.sk), Zahraničných študentov Slovensko neláka, zákony im sťažujú život, available at <http://www.sme.sk/c/6626357/zahraničných-studentov-slovensko-nelaka-zakony-im-stazuju-zivot.html> (consulted on 07/01/2013).

41 For example, [Aktuality.sk](http://www.aktuality.sk), Dlhodobý pobyt pre cudzincov by mal byť dostupnejší, available at <http://www.aktuality.sk/clanok/216782/dlhodoby-pobyt-pre-cudzincov-by-mal-byt-dostupnej-si/> (consulted on 07/01/2013).

42 For more information see <https://lt.justice.gov.sk/Document/DocumentDetailsReviewEvaluation.aspx?instEID=44&matEID=5557&drCommentDocFREID=-1&langEID=1&Statmp=20121112104612437> (consulted on 07/01/2013).

43 The Migration Policy of the SR with a Perspective until 2020 is the basic document and starting point for the building of a modern and systematic policy of the Slovak Government in the field of migration and a clear expression of the preparedness and willingness to participate in the harmonisation of the migration policies of different countries within the EU, and the expression of adherence to the basic principles and the way of its functioning in the management of its individual migration processes. 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 10/01/2013). For more details see the EMN Annual Report on Migration and Asylum Policies in the SR 2011.

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

45 Available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=21047> (consulted on 10/01/2013).

## 03

Legal Migration  
and Mobility

This chapter of the report brings information on the relevant policy and legislation developments in the field of legal migration and mobility, including family reunification, integration, citizenship, and also visa policy, Schengen measures related to the monitoring of borders and cooperation with the Frontex agency. It also identifies the specific developments at the national level in connection with the implementation of the EU policies and legislation and the use of EU financial instruments. The report also provides information on the activities of non-governmental and international organisations, in particular on the implementation of projects that have largely contributed to the development in the field of legal migration and integration. In 2012, no significant parliamentary debates or discussions took place among the experts or wider public.

### 3.1 Economic Migration

Traditionally, the SR has been a country of emigration rather than a country of immigration<sup>46</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>47</sup> rather than as a country of destination of labour migration.<sup>48</sup> Changes occurred with the entry of the SR to the EU and the Schengen Area which has fa-

46 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.

47 Potočková, I., Annual Report on Migration and Asylum Policies 2010 Slovak Republic, European Migration Network Bratislava, 2011, 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 27/12/2011).

48 Domonkos, T., Páleník, M., Radvanský, M., Satisfying Labour Demand through Migration in the SR. National Study for the European Migration Network, IOM International Organization for Migration, 2010, 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 27/12/2011).

cilitated and supported labour migration.<sup>49</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>50</sup>

The number of foreigners working in the SR steadily grew from 3,351 in 2004<sup>51</sup> to more than six times in 2012 (there were 21,358 foreigners working in the SR, of which 5,182 were third-country nationals<sup>52</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 issued residence permits in 2012 by purpose). The SR responded to this situation and to the increasing need of obtaining highly qualified workers by preparing the Migration Policy of the SR with a Perspective until 2020 (MP) in 2011.

In the field of legal migration, the aim of the MP is to facilitate the admission of economic migrants and their employment in line with the needs of the national economy and of the labour market with an emphasis on the admission of highly-qualified employees, scientific workers and, if needed, other qualified migrants to fill scarce jobs.

Further to the MP detailing through Action Plans, an overview of EU Member States applying the scoring system was supposed to be prepared in 2012 as an instrument for the setting of priorities in the admission of migrants for all groups of managed economic

migration which would serve as a basis for the assessment of the possibility of its application for the purposes of migrants' admission in the SR and of the impacts on the existing legal system in relation to managed economic migration. Initial steps should also be taken to implement the scoring system and to define the indicators (level of education, language proficiency, salary, scarce professions) for which points will be assigned, and to define the weight of the different indicators. In 2012, an analysis of the monitoring of scarce jobs and of the labour market was expected to be conducted, and the introduction of quotas for some work positions was supposed to be assessed, including quotas for certain types of trade licences on the basis of analyses. Since early parliamentary elections were held in 2012 and 'due to the demanding character of the preparation of such analyses, such measures will be prepared mainly in 2013'.<sup>53</sup>

With regard to the economic crisis and the employment of foreigners, the SR did not change the policies in 2012 through proactive or restrictive measures with the aim to prevent access to the labour market in the SR in a targeted way. In 2012, labour migration management within the SR has sought to compensate for the shortage of available labour forces on the labour market, especially in scarce professions. The extent of labour immigration was not limited, and it followed the labour market needs due to the fact that the granting of work permits to third-country nationals under the Act on Employment Services takes into consideration the situation on the Slovak labour market.

The SR continues promoting legal labour migration, while upholding the condition of filling job vacancies with registered job seekers, i.e. primarily with job seekers who are nationals of the SR, EU/EEA countries and the Swiss Confederation, and only then by third-country nationals. The admission and employment of highly qualified workers, scientists, stu-

49 Domonkos, T., Páleník, M., Radvanský, M., Satisfying Labour Demand through Migration in the SR. National Study for the European Migration Network, IOM International Organization for Migration, 2010, 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 27/12/ 2011).

50 Potočková, I., Annual Report on Migration and Asylum Policies 2010 Slovak Republic, European Migration Network, Bratislava, 2011, 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 27/12/ 2011).

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

52 The data was provided by the MoLSAF SR and refers to the period as of February 2012. Due to the implementation of a new information system, it is not possible to provide more up-to-date statistics on this area.

53 Information provided by the MoLSAF SR.

dents and other qualified migrants are supported in particular.<sup>54</sup>

In this regard, Council Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purpose of highly qualified employment was transposed to the Slovak legislation (former and later Act on Residence of Aliens) in 2011 through Act No. 223/2011 Coll. on Changing and Amending Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on Changes and Amendments to Some Acts as Amended, in effect since 20 July 2011. This legislative change concerning the movement and employment of third-country nationals introduced in the Slovak legislation a special type of temporary residence—EU Blue Card—which has facilitated the access of highly qualified workers to the labour market.

This type of temporary residence has a special status. A third-country national who obtains in the territory of the SR temporary residence on the basis of a Blue Card, may stay and work in the SR, provided that he/she is admitted to highly qualified employment, has a higher qualification (i.e. a document on higher education and experience in the respective expert field), and a work contract or a written promise by the employer<sup>55</sup> about employing him/her. The employment contract of such worker must ensure an income of at least 1.5 times the current average monthly salary of an employee in the respective sector of the national economy<sup>56</sup> which means that his/her income may not be higher than the income of an employee at a comparable work position in the given EU Member State. The Act on Residence of Aliens also deals with the issues of mobil-

ity of highly qualified workers within the EU. The decision-making procedure related to the application of a third-country national for a Blue Card is subject to a fast-track procedure, i.e. the entire application is decided within 30 days since its submission.

In this area, an amendment to the Act on Employment Services was prepared in 2012 (with planned effectiveness in 2013). This amendment proposes to extend the powers of COLSAF; cancel the need to present a document confirming the possibility to fill a vacancy concerning highly qualified employment (for the purpose of granting a Blue Card); keep central records of issued and cancelled documents confirming the possibility to fill a vacancy related to highly qualified employment; and establish the employer's obligation to notify the labour office of vacancies, their numbers and description prior to the filing of the application for a document confirming the possibility of a vacancy concerning highly qualified employment for a third-country national. This should ensure better awareness about the possibilities of employment for persons applying for the Blue Card.

In 2012, 25 applications for a document confirming the possibility of filling a vacancy were sent to the COLSAF, corresponding to highly qualified employment for a third-country national, of which ten were refused. In this connection, seven temporary residence permits—Blue Cards—were issued in 2012. This statistical data suggests that the SR has failed so far to attract large numbers of qualified migrants through the harmonised EU Blue Card instrument for highly-qualified workers from third countries.<sup>57</sup>

<sup>54</sup> In this respect, the COLSAF publishes on its website monthly statistical information on the state, development and structure of employment, and makes analyses and prognoses of the labour market development.

<sup>55</sup> In this case, he/she must present the employment contract within 30 days after taking over the residence document.

<sup>56</sup> The current average monthly salary amounts in 2012 in the respective sectors of the Slovak economy are available at <http://portal.statistics.sk/showdoc.do?docid=44084> (consulted on 28/11/2012).

<sup>57</sup> One of the possible causes of the small number of issued Blue Cards is the problem related to the recognition of higher qualifications by the MoESRS SR in the case of non-regulated professions. At present, the MoESRS SR cannot recognise qualifications in the case of non-regulated professions, though such recognition is required by the Aliens Police along with the submission of the Blue Card application. A third-country national with an offer for a highly qualified employment which falls under the category of non-regulated professions does not have the possibility to apply for the Blue Card.

In 2012, work was undertaken with the aim to transpose Directive of the European Parliament and of the Council 2011/98/EU 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 to the legislation of the SR, while the respective legislative process will continue in 2013.

The employment of foreigners is closely related to the recognition of qualifications. The assessment of the foreigner's qualification with regard to the job performed is carried out by the employer and the respective Office of Labour, Social Affairs and Family along with the application for a work permit to which the applicant must attach a document certifying his/her education, officially translated into Slovak.

In 2012, a draft act changing and amending Act No. 293/2007 Coll. on the Recognition of Qualifications in the wording of Act No. 560/2008 Coll. has been prepared. The aim of the draft act is to simplify the process of recognising qualification documents and special qualifications. This act is expected to enter into effect on 01 March 2013.

Further to the adoption of Act No. 245/2008 Coll. on Education and Training (School Act) and on Changes and Amendments to Some Acts, Act No. 317/2009 Coll. on Teaching Staff and Professional Staff and on Changes and Amendments to Some Acts in the wording of Act No. 390/2011 Coll., as well as changes to Act No. 131/2002 Coll. on Higher Education Institutions and on Changes and Amendments to Some Acts which are under preparation, the draft act harmonises some types of qualification documents demonstrating the level of education and the qualifications with the current legislation.

The draft law governs the recognition of higher education, higher vocational education, full secondary general education, and secondary vocational education obtained within EU Member States and third countries by establishing equal conditions to those concerning the obtaining of such education in the SR.

The practical application of this act has shown certain shortcomings and problems in the use of compensation mechanisms as substitute measures eliminating possible differences in education or vocational training. The draft law therefore details the respective provisions by establishing specific conditions under which a particular compensation mechanism can be imposed, as well as the requirements for the implementation thereof. With regard to the adjustment of compensation mechanisms, the very process related to the recognition of qualification documents and special qualifications has also been reviewed with the aim to eliminate any inconsistencies and ensure unification and better transparency of this legislation.

From the point of view of international cooperation in 2012, the SR has neither concluded, nor has it prepared any bilateral agreement on the employment of third-country nationals. The SR, however, was involved in the preparation of an Agreement between the Slovak Republic and New Zealand on a Working Holiday Scheme, which was published in the Collection of Laws under no. 159/2012 Coll. This agreement enables 100 citizens from both countries to reciprocally use the working holiday scheme, i.e. the possibility of a leave with occasional employment for a period of six months or a six-month study (language study) for citizens at the age of 18–35 years. The scheme can be used by the citizens of both countries only once, i.e. the agreement does not allow circular migration. A draft agreement on a working holiday scheme between the SR and Japan, and a draft agreement with Australia are at the stage of preparation. In 2012, agreements on social security were



concluded (Australia) or approved (Serbia), and negotiations on such agreements were conducted with Japan and Russia.

In this regard no measures were taken in the SR to prevent brain waste in relation to third countries in 2012.

Cooperation with EU countries as well as with third countries is developed through a number of meetings and networks, such as working groups of the EC and EU Council (for example, the National Contact Points on Integration – NCPI, or the International EU Network for Qualification Recognition – NARIC) or within the UNESCO activities (International Network for the Recognition of Qualifications and Diploma UNESCO – ENIC).

Certain areas of economic migration were also tackled by projects implemented by some international and non-governmental organisations, such as **MIC IOM**, **BAKHITA II** or the TV programme **Integrui!**, described in sub-chapters 3.4 and 3.5.

## 3.2 Family Reunification

On 01 January 2012, the new Act on Residence of Aliens entered into effect. This act regulates family immigration more effectively.

The new legislation has replaced the incomplete transposition of *Directive 2004/38/EC of the European Parliament and the Council of 29 April 2004 on the right of the citizens of the Union and their family members to move and reside freely within the territory of the Member States*, as a result of which the SR now fully respects the rights guaranteed by the directive to the citizens of the Union and their family members. The category of family members of a Union citizen has been extended to a partner with whom a Union citizen has a durable relationship, duly attested, and also to a third-country national with the right of a family member of a Union citizen to reside in another EU Member State, while a Union citizen is

a citizen of the SR with whom a third-country national returns to reside or joins him/her to reside in the territory of the SR and is a relative within the set scope in relation to the citizen of the SR.

In order to harmonise *Directive 2003/86/EC on the right to family reunification* with the national legislation, the provisions governing permanent residence have also been modified. The possibility to obtain permanent residence for a period of five years has been extended to dependent children over 18 years of age who cannot take care of themselves due to long-term unfavourable health condition, which was not possible under the previous regulation. This provision excludes healthy dependent children over 18 years of age from obtaining permanent residence for five years; however, they can apply for a temporary residence permit for the purpose of study. The law lowered the limit for the requested duration of stay on the basis of which the holder of a permanent residence permit may apply for permanent residence for an indefinite period of time from five years to four years.

Another new provision in the act is the possibility to grant a national visa to the family members of aliens with granted asylum and to aliens under subsidiary protection, provided that they do not pose a threat to the state security or public order. This category of persons is entitled to be granted the national visa, and represents an exception in the possibility to appeal against the non-granting or cancellation of the visa, which does not apply to other aliens. The need to grant national visas to this category of persons originated in connection with their special status and the efforts of the SR to ensure family reunification of the persons with granted asylum or of the persons under subsidiary protection.

According to the current legislation, a work permit is not required in the case of a third-country national who has been granted a temporary residence permit for the purpose

of family reunification and who can enter an employment contract or any other similar employment relation under a special law.

### 3.3 Students and Researchers

In its *Manifesto* for the period 2012–16, the Government of the SR declares among its priorities the enhancement of the ‘mobility of students, university teachers and researchers’, as well the promotion of legislative changes that would ensure the conditions for ‘quality students and researchers from third countries to come to study and work in Slovakia’.<sup>58</sup>

The Act on Residence of Aliens which entered into effect on 01 January 2012 introduced certain advantages related to the application for a temporary residence permit for the purpose of study compared to applicants for a temporary residence permit for a purpose other than study<sup>59</sup>:

- they are exempt from payment of an administrative fee for issuance of a Schengen visa in the case of an alien who is subject to the visa obligation and whose entire period of planned stay within the Schengen Area does not exceed 90 days within half year and who will perform an activity within the SR, i.e. a three-month exchange study stay<sup>60</sup>;
- in the case of a study stay under an EU programme exceeding 90 days, an alien (subject to the visa obligation) can obtain a national visa with a validity and duration of stay of a maximum of 90 days, if he/she is not able, for objective reasons, to get a residence permit until the beginning of study from his/her home country.<sup>61</sup> The visa

enables him/her to arrive in Slovakia and to begin studies prior to being granted a temporary residence permit. The condition for the granting of the visa is that the student, upon filing the visa application, shall present for inspection the entire application for a temporary residence permit at the diplomatic mission abroad or directly at the police department upon arrival in the SR<sup>62</sup>;

- the process of making a decision on granting the temporary residence is reduced to a maximum of 30 days;
- they are exempt from payment of the administrative fee for the filing of the application for temporary residence for the purpose of study;
- they are exempt from the obligation to demonstrate accommodation (in the case of study at a higher education institution).

The amendment to the Act on Employment Services, which is expected to enter into effect in 2013, assumes extension of the category of third-country nationals who are not required to hold a work permit to third-country nationals who have successfully completed their studies at a secondary school or at a higher education institution within the SR. This measure will condition the possibility of employment of students from third countries after the completion of their studies within the SR, and it will be up to the employer to decide whether they would apply the condition of language proficiency for the performance of job. The law amendment will however not enable students from third countries to stay in the territory of the SR for a certain period of time after the completion of their studies, and try seeking a job. Students will be obliged to find an employer throughout the validity of the temporary residence for the purpose of study, and apply for a change of the temporary residence for employment purposes in case they want to reside legally in the SR.

58 Manifesto of the Government of the SR for the period 2012–16, available at <http://www.vlada.gov.sk/znalostna-spolocnost-vzdelavanie-a-kultura/> (consulted on 13/11/ 2012).

59 Information from the EMN study: Drozd, Frkáňová (Mrlianová), Kubovičová: Migration of International Students to the Slovak Republic, European Migration Network, Bratislava 2012, available at [http://www.emn.sk/phocadownload/emn\\_studies/emns\\_k\\_studia\\_migracia\\_zahranicnych\\_studentov\\_do\\_SR\\_sk.pdf](http://www.emn.sk/phocadownload/emn_studies/emns_k_studia_migracia_zahranicnych_studentov_do_SR_sk.pdf) (consulted on 07/02/2013).

60 I.e. under Art. 24, 25 and 26 of the Act on Residence of Aliens.

61 This type of visa is charged with a fee of EUR 33 under item

240c) of 145/1995 Coll. on Administrative Fees as Amended.

62 This exception also applies to foreign students under Slovak Government programmes or students studying on the basis of bilateral agreements.

According to the current legislation, the work permit is not required in the case of third-country nationals who have been granted a temporary residence permit for the purpose of special activity—research and development—, and whose teaching activity under an employment contract or other similar employment relation does not exceed 50 calendar days per calendar year.

In general, the mobility of students is governed by bilateral agreements. More details are provided in the EMN study Migration of International Students to the SR.<sup>63</sup> The study was presented in the SR during the international conference on this topic in the framework of EMN activities. Representatives of state institutions, universities, non-governmental organisations and diplomatic missions abroad working in the field of migration and internationalisation of higher education, as well as individual researches, students, teachers and journalists participated at the conference. The conference included a panel discussion of the representatives of the state and public sectors on the contribution and impacts of the migration of international students. The information on the conference and on the results of the EMN research was published by some Slovak dailies<sup>64</sup>, and the Slovak Radio also brought a report on the event on 25 December 2012.

63 Available at [http://www.emn.sk/phocadownload/emn\\_studies/emn-sk\\_study\\_on\\_immigration\\_of\\_international\\_students\\_sr\\_en.pdf](http://www.emn.sk/phocadownload/emn_studies/emn-sk_study_on_immigration_of_international_students_sr_en.pdf) (consulted on 07/02/2013).

64 For example, Sme.sk, Zahraničných študentov Slovensko neláka, zákony im sťažujú život, available at <http://www.sme.sk/c/6626357/zahraničných-studentov-slovensko-nelaka-zakony-im-stazuju-zivot.html> (consulted on 07/01/2013); pravda.sk, Študenti z cudziny Slovensko nevyhľadávajú, available at <http://profesia.pravda.sk/studium/clanok/133454-studenti-z-cudziny-slovensko-nevyhľadavaju/> (consulted on 09/01/2013).

### 3.4 Other Legal Migration

An important element in the promotion and organisation of legal migration is the provision of information on the conditions of entry and stay in the country.

The Migration Policy detailed in Action Plan tasks stipulates the creation of information and consultation centres for migrants to improve their access to information on the entry and stay in the country, on the living and work conditions, including in the countries of their origin. This task is and will be fulfilled by the consular departments of embassies and by general consulates. The MP Action Plans also state the need to provide information through immigration portals, (multilingual) websites, brochures and leaflets, and to raise general awareness of migrants through information campaigns on illegal work, smuggling, trafficking in human beings, and on the possible risks of labour migrations and on assistance possibilities.<sup>65</sup>

Information on the routes to and conditions of legal migration, and on the rights and obligations of foreigners related to their planned or current stay in the territory of the SR can be found on the websites of relevant state institutions, as follows:

- website of the Mol SR **[www.minv.sk](http://www.minv.sk)**. This website publishes EU legislation governing the entry and stay of aliens in the territory of the EU and visa issues. The website also contains the main legal document of the SR governing the entry and stay of aliens in the territory of the SR—Act on Residence of Aliens and on Changes and Amendments to Some Acts as Amended—and other laws of the SR which facilitates the orientation of foreigners in some specific fields of the national legislation. Most of the information is available in the Slovak language, while the

65 For more information on the information campaigns on combating trafficking in human beings refer to Chapter 7.



Act on Residence of Aliens is also published in English. Foreigners can download documents from the website, for example, the national visa application, Schengen visa application (including in English), application for a local border traffic permit, application for verification of the invitation, application for a residence permit, application for renewal of a residence permit, etc.

- website of the Ministry of Foreign and European Affairs SR (MoFEA SR) **www.mzv.sk**. This website provides information on the possibilities and conditions of legal residence in the SR, including visa policy, in Slovak and English languages.
- website of the MoLSAF SR **www.employment.gov.sk**, where a separate section 'integration of foreigners' (including English version) was created and is available to all foreigners. Foreigners can obtain information on the employment of foreigners, social security, marriage, citizenship, and conducting business in Slovakia. The website also contains important research reports, useful publications compiled by other organisations and institutions, vocabularies and a multilingual on-line course of Slovak language. The website also offers contact data of relevant state authorities, public administration bodies, non-governmental and international organisations, and informs about current events. In the framework of its awareness raising activities, the ministry presents its own results by means of regular press releases published on its website. A website dedicated specifically to the migration of foreigners is currently under construction.
- website of the COLSAF **www.upsvar.sk**, which is currently adding statistical data on the employment of aliens in the SR. The MoLSAF SR, the local offices of labour, social affairs and family, and the COLSAF also provide employers with information on the employment of aliens.
- website of the Slovak Academic and Information Agency (SAIA) **www.saia.sk**, which provides information concerning the entry

and stay of aliens who come to Slovakia for the purpose of study or teaching at a higher education institution or conducting research.

State institutions also give relevant information to foreigners individually via personal communication when visiting the designated offices (e.g. front-desk offices of the PF Aliens Police Departments under the competence of BBAP PFP, or the front-desk offices of the Offices of Labour, Social Affairs and Family or consular offices), by phone, in writing, or via e-mail communication (e.g. address of the BBAP PFP – **uhcp@minv.sk**). Information brochures issued by international and non-governmental organisations are distributed to these state institutions, bringing information on the different aspects of legal migration for foreigners, such as IOM (under the MIC IOM activities; more information is provided below), UNHCR or the Human Rights League which runs a legal advisory service on residence and citizenship.<sup>66</sup> Information can also be obtained through the successful television programme *Integrui!*, within the project Television Programme to Support the Integration of Foreigners, financed by EIF and the state budget of the MoI SR. The television programme broadcasted on Channel 2 of the public television and on some regional and local television channels provides foreigners and the general public with information about the lives of foreigners in Slovakia, practical information to foreigners (education, job opportunities, legal conditions for residence, etc.) and about multi-cultural meetings and meetings of migrant communities<sup>67</sup>. For further information refer to Chapter 3.5.

<sup>66</sup> The legal advisory service is financed from the EIF and from the state budget of the MoI SR. For more information refer to Chapter 3.5 or the website [www.hrl.sk](http://www.hrl.sk) (consulted on 09/01/2013).

<sup>67</sup> For more details see <http://www.integrui.sk> (consulted on 28/11/2012).

However, no public administration institution<sup>68</sup> provides foreigners with complex counselling on the various aspects of foreigners' residence and life in the SR within a single place<sup>69</sup>. Such services are only provided by the **Migration Information Centre (MIC IOM)** established by the International Organization for Migration (IOM) and co-financed from the EIF funds and the state budget of the MoI SR. As in previous years, in 2012 MIC IOM continues to provide advisory services and consultations on the various aspects of foreigners' life, such as visa issues, residence, employment, business, health care, health and social insurance, family life (including civil registry agenda, i.e. marriages, divorces, citizenship, etc.), education (including recognition of qualifications), etc. (For more information on other MIC IOM activities refer to sub-chapter 3.5.) The required information or consultations on the various aspects of life in Slovakia can be obtained:

- in person, by phone, or by e-mail.

MIC IOM provides legal counselling and information on the basic areas of foreigners' life in the country, such as residence, family reunification, business, citizenship, health care, social welfare, education, etc. Counselling is provided in person at the MIC IOM premises daily during opening hours, or by phone on the discounted phone line 0850 211 478, and via e-mail consultations at [mic@iom.int](mailto:mic@iom.int). In 2012, a total of 1,678 individual clients contacted the MIC IOM in Bratislava and Košice by e-mail, by phone, or by personal consultation. During that period, a total of 3,266 consultations were provided. The mostly asked questions concerned residence in Slovakia, documents and employment.

- multilingual information brochures

In addition to advisory services, MIC IOM publishes multilingual information brochures with the aim to reach clients who cannot visit the MIC IOM in person and need to get basic information on their residence and various other aspects of life in Slovakia. The brochures are also distributed to relevant partners who come into contact with foreigners, e.g. Aliens Police Departments of PF, diplomatic missions of the SR abroad, consular offices of foreign states in the SR, offices of labour, social affairs and family, other state and non-state institutions, and also to other persons interested in these topics during public events. The brochures are published in six languages: Slovak, English, Russian, Vietnamese, Chinese, and Arabic; and are available both in printed and electronic versions.

- website

The website [www.mic.iom.sk](http://www.mic.iom.sk) contains analytically gathered legislative and practical information on the main areas of foreigners' life in Slovakia in three languages: Slovak, English and Russian. With regard to the depth of the information and the contents, it is a unique information database in Slovakia which is used not only by foreigners, but also by relevant institutions and experts working in the field of integration. According to the statistics by Google Analytics, the MIC IOM website recorded a total of 108,285 absolute unique visitors from unique IP addresses in 2012. The most visited sections were those on temporary residence, family reunification and the conditions for granting citizenship. The website also contains information brochures and leaflets available for download.

- days of specialised counselling

MIC IOM organised One Stop Shop events—days of specialised counselling—on 02 August 2012 and 15 November 2012 in Bratislava and on 27 September 2012 in Košice. Foreigners could talk to the staff of the Aliens Police

<sup>68</sup> Relevant state institutions give information on the areas of their competence, as described in the chapter below.

<sup>69</sup> Kriglerová G., E., Kadlečíková, J., Lajčáková, J., Migranti, nový pohľad na staré problémy. Multikulturalizmus a kultúrna integrácia migrantov na Slovensku, Centre for the Research of Ethnicity and Culture, 2009, p. 54.

Department, Office of Labour, Social Affairs and Family, and a health insurance company offering public and commercial health insurance to MIC IOM foreigners and consultants. The pilot consultation days met with a positive response; complex counselling by the representatives of several institutions was used by 40 foreigners from Egypt, India, Colombia, Nicaragua, Syria, the USA and other countries, living in Slovakia. The aim of the One Stop Shop event was to provide foreigners from countries beyond the EU, at a single place, with free complex consultations on, for example, residence, work, business, insurance or other aspects of life in Slovakia. The representatives of these institutions provided foreigners with consultations on topics falling under their specialisation in the MIC IOM premises and in cooperation with the advisory staff of the MIC IOM and cultural mediators.<sup>70</sup>

A positive role in the provision of information to foreigners is played by the EU Immigration Portal which summarises all required information that an alien needs prior to his/her entry to the country to ensure his/her legal residence. As required, the SR updates the necessary data and information published on the portal. Some information is also provided by the EURES network.

With regard to residence, the provision of information on the possibilities of return is important, as well. Such information is given, if needed, by relevant state institutions, such as BBAP PFP. Information on the possibility of entering the programme of assisted returns, which is implemented in the SR exclusively by the IOM in cooperation with the MoI SR, is provided through the specialised website **www.avr.iom.sk** or via phone, e-mail or personal consultations and specialised brochures. Information is also provided through the Voluntary Return European Network (**VREN**). For more information on returns refer to sub-chapter 4.2.

<sup>70</sup> For more details visit also [www.mic.iom.sk](http://www.mic.iom.sk) (consulted on 28/11/2012); the statistical data was provided by MIC IOM.

### 3.5 Integration

The integration policy of the SR is based on the basic strategic document *Concept of Foreigners' Integration in the Slovak Republic (CFI)*, approved by Resolution of the Government of the SR No. 338 of 06 May 2009. The key points for the adoption of the concept were gradual harmonisation of the legislation with the EU legislation and the creation of the common integration policy of the EU. In addition, the MoLSAF SR as the CFI sponsor prepares annual summary reports on the implementation of measures arising therefrom.<sup>71</sup>

The MoLSAF SR is currently preparing its new *Integration Policy document*<sup>72</sup> which reflects socio-economic and legislative developments. The new integration policy aims to improve the multidimensional aspects of integration in areas such as: employment, education, cultural orientation, civic participation, language skills, and access to citizenship. The final outcome will cross-sectorally influence integration management and its improvement, which will have an impact on the economic, demographical and social life of foreigners, people granted asylum, and persons with refugee status in Slovakia. The new integration policy will intensively deal with integration indicators give the absence of activities in this field and quality data on integration indicators as a result of a small number of foreigners in Slovakia. The wide expert public, representatives of the state sector, non-governmental organisations, self-governments and foreigners' communities have all been invited to participate in the preparation of the document.

<sup>71</sup> More details on the CFI can be found in the EMN study: Bachtíková, Grethe Guličová, Bargerová, Organization of Asylum and Migration Policies in the Slovak Republic, European Migration Network, Bratislava, 2012, available at [http://www.emn.sk/phoca-download/emn\\_studies/emn-sk\\_studia\\_organ\\_migr\\_a\\_azyl\\_politiky\\_sr\\_sk\\_v-jul-2012.pdf](http://www.emn.sk/phoca-download/emn_studies/emn-sk_studia_organ_migr_a_azyl_politiky_sr_sk_v-jul-2012.pdf) (consulted on 07/02/2013).

<sup>72</sup> This document is being prepared in the framework of the national project under the title Preparation of a new integration policy and its mainstreaming, financed from the EIF and the state budget of the MoI SR.

In the framework of its activities in the field of integration policy, of which it is the sponsor, the MoLSAF SR organised, besides the CFI update, meetings with foreigners' communities in Slovakia twice a year. The representatives of the Afghan, Chinese, Islamic, Somali, Ukrainian and Vietnamese communities and the representatives of non-governmental and international organisations are invited to these meetings. At these meetings, the MoLSAF SR informs about the current activities, events and published information concerning foreigners' issues. The ministry also involves foreigners' communities in the preparation of various policies by submitting draft documents and concepts for discussion.

In 2012, the MoLSAF SR continued organising the Forum for Integration with the participation of relevant representatives of the state and public administration and of the non-governmental sector, international organisations and foreigners' communities. During the meetings it is stressed that the issues concerning the integration of aliens is highly topical. The labour market prognoses indicate that employers must raise their labour force demands not only in long term, but also in short term. The State Secretary of the MoLSAF SR warned that Slovakia would either become 'the victim of an unrestrained process', or it would have a 'clear concept' to manage and rectify this process.

At the same time, the MoLSAF SR coordinates the activities of the Inter-Ministerial Commission for Labour Migration and Integration of Foreigners (MEKOMIC). 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 policy of the SR. It also takes positions and opinions on issues concerning the employment of third-country nationals within the SR. MEKOMIC members are experts representing all key central state administration bodies, other state authorities

and institutions, and self-governments.

On the international level, the SR has been actively involved in the work of the National Contact Points for Integration, and has regularly participated in related meetings. Regarding the cooperation with countries of origin, the SR has not yet cooperated with countries of origin specifically in the field of migration management. Migration and its management have been dealt with as part of wider cooperation and general agreements with these countries, for example, in the field of education, business cooperation, or development aid.

Regarding the rights and obligations of foreigners according to the Act on Employment Services, a third-country national who is a party to a legal relationship established under the Act on Employment Services enjoys the same legal status as citizens of the SR with regard to employment services, provided that he/she holds a work permit and a temporary residence permit for the purpose of employment, unless a special legal act provides otherwise—in this case, the Act on Residence of Aliens.

Unlike in parliamentary and presidential elections, aliens have the right to vote in municipal elections, since the citizenship of the SR does not constitute the condition for voting in this case. All citizens, i.e. persons (including aliens) with permanent residence in the SR have the right to vote in municipal elections.

In line with the employment policy and active labour market policy, much attention has been paid in 2012 to the integration of persons with a disadvantaged position on the labour market, including third-country nationals with asylum and migrants, mainly in relation to the provision of assistance in material need. In 2012, assistance in material need is monthly provided to 267 aliens in average. A total of EUR 31,421 per month was paid to aliens as assistance in material need and supplementary assistance in material need in



2012.<sup>73</sup>

At present, the measures aimed to promote the integration of third-country nationals (e.g. measures enabling foreigners to obtain basic language proficiency, training programmes, actions at the local level) are mostly implemented by international and non-governmental organisations under projects financed from the funds of the general programme Solidarity and Migration Flows Management, more precisely EIF and co-financed from the budget of the MoI SR. Specifically, the following projects have been implemented:

**IOM Migration Information Centre for the support of foreigners' integration in Slovakia – MIC IOM (stages IV and V).** Besides counselling services described in sub-chapter 3.4, MIC IOM also conducts other activities aimed to facilitate foreigners' integration in the SR, especially:<sup>74</sup>

- education and re-training courses

MIC IOM provides financial contributions to re-training and training courses according to applicants' needs in relation to their integration into the society and entry to the labour market (e.g. IT vocational training, accounting, language courses, etc.). In 2012, contributions were granted to 65 clients on the basis of their profile assessment.

- open Slovak language course

In its premises, the MIC IOM organises open Slovak language courses for foreigners—beginners and advanced participants. The open course is free of charge, and each meeting represents an independent, closed thematic block aimed to teach basic lan-

guage knowledge in a given field. In 2012, 403 persons participated in the language training cycles.

- courses of socio-cultural orientation

These training courses are linked to the open course of Slovak language and include topics, such as tradition, history, geography, political and school system, orientation in authorities, shops, insurance companies, at the doctor's, etc. As in the case of open Slovak language courses, the course methodology is based on the low-threshold principle; the course is free of charge and open. In 2012, a total of 194 persons attended the training cycles.

- labour and social counselling and related information materials

With the aim to promote integration in the labour market, the MIC IOM provides foreigners with individual labour 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). In 2012, counselling was provided to 667 individual clients. As for field work, the MIC IOM staff team also provided counselling directly at clients' workplaces and distributed 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

<sup>73</sup> The MoLSAF SR introduced the statistical monitoring of aliens who are provided assistance in material need in 2010 under the statistical monitoring of assistance in material need in accordance the Act on Assistance in Material Need. The data was provided by MoLSAF SR.

<sup>74</sup> More details are available at [www.mic.iom.sk](http://www.mic.iom.sk) (consulted on 28/11/2012); the statistical data was provided by MIC IOM.

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>75</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. In 2012, cultural mediators with financial support and in co-operation with MIC IOM organised 28 multi-cultural and community information meetings with an attendance of over 2,000 persons.

- building the capacities of cultural mediators – training courses

With the aim of building the capacities of cultural mediators and representatives of foreigners' communities, the MIC IOM prepared in 2012 an intensive training course for cultural mediators to teach them competences and skills needed in a counselling process which are important for their work with foreigners and foreigners' communities within field-work. Through training organised by the MIC IOM, cultural mediators obtain basic skills and competences, increasing the professional level of their work.

<sup>75</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 IOM also cooperates with a network of cultural mediators for individual foreigners' communities. The task of the 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 IOM cooperates with 25 cultural mediators in total.

**Legal advisory services on residence and citizenship 3** – the aim of the project is to provide effective and comprehensive legal assistance to third-country nationals on issues concerning residence and citizenship.<sup>76</sup>

**BAKHITA II** – this project aims to provide training, expert services and job opportunities to foreigners through increased expert capacities of those involved. The project focuses on the vulnerable group of unaccompanied minors placed in foster homes in Horné Orechové and Medzilaborce who are provided with pedagogical (Slovak language teaching), psychological and social services, as well as interpreting. See also Chapter 6.1.<sup>77</sup>

**TV programme to promote the integration of migrants** – project focused on the raising of awareness among the Slovak public on the life, culture and traditions of new minorities living in Slovakia and their status in the society. The main aim of this programme is to inform foreigners living in Slovakia, through the national TV broadcasting programme Integruj! (Integrate!), about all the important aspects of life in Slovakia, and the general public about the life of foreigners in Slovakia through the presentation of their community life. A media training course for the representatives of the different communities was held as part of this project. The training aimed to present the media environment in Slovakia and the application of theoretical knowledge in practice. For more details see Chapter 3.4.<sup>78</sup>

**Education for the children of foreigners** – this project develops, through the training programme accredited at the MoESRS SR, the competences of teachers in education, and integration of the children of third-country nationals at Slovak elementary schools.<sup>79</sup>

<sup>76</sup> For more details see [www.hrl.sk](http://www.hrl.sk) (consulted on 28/11/2012).

<sup>77</sup> For more details see [www.charita.sk/stranky/o-projekte-2](http://www.charita.sk/stranky/o-projekte-2) (consulted on 28/11/2012).

<sup>78</sup> For more details see [www.integruj.sk](http://www.integruj.sk) (consulted on 28/11/2012).

<sup>79</sup> For more details see [www.nadaciamilanasecku.sk](http://www.nadaciamilanasecku.sk) (consulted on 28/11/2012).

Funds from the EIF and from the budget of the MoI SR are also used for the financing of projects aimed at the exchange of experience and information, and the deepening of the cooperation between actors working in the field of migration and integration at international, national, regional and local levels. The following projects have been implemented:

**Provision of social and cultural orientation for migrants – Exchange of experience with foreign experts from EU Member States**, whose main objective was the exchange of experience in organising courses of social and cultural orientation for foreigners (financed from EIF and the budget of the MoI SR), invited the representatives of foreigners' communities living in the SR to participate in the preparation of recommendations in this area.<sup>80</sup>

**Promotion of inter-cultural skills and regional cooperation among experts working with migrants in the III** – 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 expert capacities of those involved by means of training activities focused on the promotion of inter-cultural knowledge and communication skills of selected experts at regional and national levels, and by means of workshops and establishing inter-disciplinary teams composed of trained experts and representatives of foreigners' communities.<sup>81</sup>

**Development of multi-cultural skills and legal knowledge of employees from selected state administration sectors** – the main objective of the project is to enhance the professional capacities of employees and future employees of the state administration in the field of alien law and inter-cultural knowledge. The training activities create for present and future employees of the state

administration a room for a mutual exchange of experience on foreigners' integration and for consultations on the possible solutions of problems that may arise.<sup>82</sup>

**Improving the possibilities of integration of third-country nationals at the local level** – the project aims to enhance the capacities of actors of local integration policies by raising their awareness on the integration of foreigners and by drawing their attention to these issues, by networking of these actors at the local level, by providing support in the coordination of some of their activities, and by providing individual consultations on problems related to the integration of foreigners in the given locations. Five framework strategies for foreigners' integration at the local level have been developed for each of the selected locations in cooperation with local partners – cities of Bratislava (Old Town), Košice, Trnava, Martin, Zvolen.<sup>83</sup>

In connection with integration issues, we should also mention the research projected financed by EIF – **The causes, forms and consequences of violence on third-country nationals in the SR**. This project focuses on a comprehensive analysis of violence and a critical evaluation of the current state of the policy (concepts, strategies), legislation and practice related to violence committed against foreigners. This analysis can be used as a basis for the evaluation of the progress made in the field of integration policy in the future on the basis of recommendations as project outcomes.<sup>84</sup>

Besides projects financed from the EIF, there were also other activities and projects within

<sup>80</sup> For more details see [www.mic.iom.sk](http://www.mic.iom.sk) (consulted on 07/02/2013).

<sup>81</sup> For more details see [www.mic.iom.sk/dialog/](http://www.mic.iom.sk/dialog/) (consulted on 07/02/2013).

<sup>82</sup> For more details see [www.hrl.sk](http://www.hrl.sk) (consulted on 07/02/2013).

<sup>83</sup> For more details see [www.cvek.sk](http://www.cvek.sk) (consulted on 28/11/2012). In September 2012, the City of Martin officially adopted this strategy as a strategic document of the city. Information on the strategy and on the related need to work in the field of foreigners' integration in Martin was published in *Turčianske noviny* newspaper in an article entitled "Našu radnicu zaujímajú cudzinci, vraj sa pre nich robí málo" from 20/11/2012.

<sup>84</sup> For more details see also <http://www.vyskum.iom.sk/> (consulted on 28/11/2012).

the SR organised with the aim to contribute to a successful integration of foreigners and improve awareness among foreigners and the general public, such as:

In 2012, the 7th year of the festival **The Week of New Minorities (Fjúžn)** was organised with financial support from various funds, including EU funds. The aim of the festival, among other things, was to develop relationships between the general population and foreigners' communities, and to offer them a space for presentation. The festival included cultural events, e.g. discussions, movie screening and concerts.<sup>85</sup>

In 2012, the SR joined the regional project **Next Door Family**, supported by EIF (Community Action). 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 domestic and foreign families living in one of the involved countries during a common lunch. Approximately 210 family meetings with around 1,800 persons involved thus organised in different European countries on one day. This type of 'coexistence of not only one next to the other, but together' will help establish new contacts and relationships among members of the general population and foreigners who have come to live to the EU. The joint lunch was held on 18 November 2012, and there were 16 meetings in nine towns within Slovakia.<sup>86</sup>

The work of the **National Contact Point of the European Migration Network** also plays an important role in the process of integration in the SR. In 2012, the EMN in the SR co-organised several discussions on migration with the participation of the representatives of foreigners' communities (e.g. 'We are also at home here', or 'Is Slovakia an open country?'),

as well as conferences and smaller meetings with specific target groups (journalists, students, representatives of non-governmental organisations, etc.).<sup>87</sup>

### 3.6 Citizenship and Naturalisation

The conditions for the acquisition and loss of Slovak citizenship are laid down in Act No. 40/1993 Coll. on Citizenship of the SR as Amended. No amendment was made to this act in 2012, and hence, no legislative changes concerning the acquisition of citizenship occurred in that year.

The citizenship issue, however, was repeatedly raised 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 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. In 2012, OĽaNO deputies tried to change the law by submitting a proposal allowing the regaining of the Slovak citizenship by those citizens who, in spite of their existing actual links to another state, lost the Slovak citizenship as a result of acquiring the citizenship of another state in the period from 17 July 2010 until 31 October 2012. This proposal has not been approved yet, and no other activities have been developed in this regard. For more information see sub-chapter 2.2.

<sup>85</sup> For more details see also <http://www.fjuzn.sk/uvod/> (consulted on 28/11/2012).

<sup>86</sup> For more details see <http://www.nextdoorfamily.eu/sl/index.php/sk/> (consulted on 28/11/2012).

<sup>87</sup> For more details see also [www.emn.sk](http://www.emn.sk) (consulted on 28/11/2012).



## 3.7 Managing Migration and Mobility

In the context of legal migration, this chapter provides information on the developments in the field of visa policy, protection of borders and related international cooperation.

### 3.7.1 Visa Policy

With the launch of VIS on 11 October 2011, the SR started issuing visas with two biometric identifiers (photograph and fingerprints) at the diplomatic mission in Cairo (north-African region). In 2012, technical devices for the receipt of such applications have also been installed and put into operation at the diplomatic missions in Tel Aviv, Baghdad, Tehran, Kuwait, Nairobi, Abuja and Pretoria. In 2012, a total of 1,939 visa applications with two biometric identifiers (including fingerprints) were received.<sup>88</sup>

With a view to promote cooperation between Member States' consulates, the diplomatic missions of the SR actively cooperate with the diplomatic missions of other Member States under local Schengen cooperation programmes and in compliance with the Visa Code. In 2012, the following agreements on mutual representation in visa issuance came into force:

- Poland – the agreement came into force on 01 May 2012; pursuant to this agreement, Poland represents the SR in the issuance of visas in Armenia (through the Embassy of Poland in Yerevan). The representation in Kaliningrad (Russia) has not been ensured yet due to technical problems on the Polish side.
- Lithuania – the agreement came into force on 01 June 2012; pursuant to this agreement, the Embassy of Lithuania in Tbilisi (Georgia) issues visas for the SR, and vice

versa, the General Consulate of the SR in Shanghai issues visas to applicants travelling to Lithuania.

- An agreement with Hungary has been under preparation; on the basis of this agreement, the Embassy of the SR in Abuja (Nigeria) will issue visas to applicants travelling to Hungary starting with 01 January 2013.

**Table 2 in Annex 2** shows the number of Schengen and national visas issued by the SR in 2012.

### 3.7.2 Schengen Governance

The SR entered the Schengen Area in 2007. In 2005–07, it was subject to the first Schengen evaluation focused on the implementation of the Schengen *acquis*. According to the five-year plan approved in advance, the SR is subject, together with other selected Member States, to a detailed planned evaluation in 2012 and 2013. The air border was successfully evaluated in November 2012, and the land border of the SR/Ukraine will be assessed in 2013.

The basis strategic tool of the SR in the field of Schengen cooperation is the *Schengen Action Plan* approved by Government Resolution No. 755 of 30 November 2011 which details the Schengen actions adopted by the SR in specific fields. The document defines several Schengen measures sponsored by the MoI SR and the MoFEA SR, and also by the Ministry of Justice of the SR, Office for Personal Data Protection of the SR, General Prosecution of the SR, and the Ministry of Finance of the SR. These actions were also detailed in the previous document *National Plan for Border Control Management of the Slovak Republic 2011–14*.

Within the process of Slovakia's preparation for repeated Schengen evaluations in 2012 and 2013, working groups have been established to ensure the fulfilment of tasks related to the Schengen evaluation of the SR. Working groups have been created for the follow-

<sup>88</sup> Statistics provided by the MoFEA SR.

ing areas: personal data protection; police cooperation; visas; borders; readmission and return; Schengen information system and national SIRENE central office; and police training.

For more information refer to the EMN Annual Report on Migration and Asylum Policies in 2011 and in the EMN study Practical Measures to Combat Irregular Migration in the SR.<sup>89</sup>

### 3.7.3 Border Monitoring

The measures in this field mainly include technical modernisation of the external border facilities, police training, and international cooperation. The measures related to border protection in the context of irregular migration are described in sub-chapter 4.1.

With the aim to gradually implement the integrated system of external border management, the following activities and technical facilities were financed from the External Border Fund in 2012: implementation of a camera monitoring system at the railway custom border crossing Čierna nad Tisou; completion of the external protection of four buildings of the PF border control departments (Zboj, Topoľa, Vyšné Nemecké, Čierna nad Tisou) directly within the Slovakia-Ukraine state border section, and completion of the external protection of the Border Police Directorate building in Sobrance. At the same time, stage 2 of the construction of the external protection of remaining six buildings of the PF border control departments was completed (Ulič, Ublá, Podhorod', Petrovce, Maťovské Vojkovce, Veľké Slemence) within the Slovakia-Ukraine state border section. The External Border Fund also financed the modernisation of two EPOFAT 2 GG type of stationary technical devices (Ralen system). These devices are designed to detect hidden persons in all trucks arriving in the SR from Ukraine, thus ensuring better border control at the land border cross-

sing point Vyšné Nemecké–Uzghorod.<sup>90</sup>

In the beginning of 2012, projects financed from the External Border Funds aimed to ensure state-of-the art technical equipment for the BBAP PFP staff started to be implemented to ensure the management of the external land border of the Schengen Area in the SR. The respective technical equipment include, for example, mobile thermal cameras, mobile devices to check the authenticity of travel documents, manual lights, or communication sets.

The training of police staff from basic units focuses on the planning and preparation for service, self-training of police officers, and verification of the knowledge on legislation in the field of detecting forged and altered travel documents and other documents. Frontex also deals with training; it creates common study programmes (CCC) together with Member States, organises training activities for dog handlers, training courses on the forgery of travel documents or stolen motor vehicles, and language training. These activities are usually carried out on the basis of 'partnership' academy networks. Information is distributed to the police staff through different projects, such as FOOS – web portal providing basic information on Frontex operational activities, JORA<sup>91</sup>, FMM – media monitoring, and V-Aula providing information on the Frontex training activities. The BBAP PFP departments have created a network of trainers for the detection of forged and altered travel and other documents (visas, identification cards, residence permits, and motor vehicle documents). In 2012, twelve police trainers—contact persons—were trained within three training sessions, and 36 members of the police from Alien Police Departments were trained

<sup>90</sup> The technical modernisation was financed from a grant programme to implement the national project SK 2011 EBF ½ NP within the annual programme 2011 of the External Borders Fund. This information was provided by the BBAP PFP and the Foreign Aid Department of the Mol SR.

<sup>91</sup> The JORA project aims to facilitate the reporting on joint operations and modernise the system (the filling in of Excel forms sent by e-mail should be replaced with a web application), and it is expected to become a part of EUROSUR.

<sup>89</sup> Available at [www.emn.sk](http://www.emn.sk) (consulted on 29/11/2012).

in the detection of forged and altered travel and other documents to train other police staff within the scope of work of the individual directorates. Trained trainers have held 33 training sessions and instructed a total of 418 members of the Border and Aliens Police Departments in 2012.<sup>92</sup>

Training courses also concerned the detection of the victims of human trafficking (for more information see Chapter 7) and the promotion of inter-cultural skills (for more details see sub-chapter 3.5).

In the area of international cooperation in 2012, the meeting of the chief border attorneys of the SR and Ukraine was held, adopting the Plan for the Development of Cooperation between BBAP PFP and the State Border Service of Ukraine for the Years 2013 and 2014. The purpose of this document is to continue in the development of cooperation and coordination of joint efforts in ensuring security at the Slovak-Ukrainian state borders. The plan specifies the following areas of cooperation:

- promoting cooperation in protecting the common border;
- measures to improve border control;
- cooperation between operational and search bodies;
- exchange of information to protect the common state border;
- joint assessment of irregular migration threats at the Slovak-Ukrainian border;
- prevention and detection of new forms and methods of illegal activities,
- preparation of a mechanism of common guards;
- internship study of Slovak language for Ukrainian police staff – students;
- - measures to promote confidence through joint cultural and sports events.

With the purpose of promoting international police cooperation, the External Border Fund financed a project aimed to perform extensive technical modernisation of the national SIRENE bureau of the PFP International Police Cooperation Office and common contact offices.

### 3.7.4 Frontex

The SR is actively involved in the activities of the Frontex Agency, and regularly participates in its work. In 2012, the SR was mainly engaged in the joint Frontex operations on land, sea and air borders, in the areas of joint returns, and in longer-term pilot projects and various training courses, seminars, etc.

In 2012, police experts of the SR have been deployed to the joint operation Focal Point and Reference Manual – air sector, which represents a pilot project and ensures an update of the database of documented cases of travel document forgery. Six police experts with official motor vehicles were also deployed to the Poseidon Land joint operation at the Greek-Turkish border. The aim of this operation was to increase the overall effectiveness of the border supervision to prevent illegal entry to the EU territory. The Jupiter and Focal Point Land joint operations are carried out at the external land border with Ukraine throughout the year, with the SR being the host country. In 2012, Slovak police experts have also participated in the joint Neptun operation with Greece as one of the host countries, and have been also involved in the Eurocup operation. Eurocup has served for the prevention of organised crime, determination of high-risk flights, and identification of smugglers and human traffickers, and has been run together with the land sector. The PFP has ensured the Minerva joint operation using the CESSNA T 182 reconnaissance aircraft. The SR has been deploying this aircraft and a crew to joint operations since 2009. In October 2012, regular bilateral discussions on the year 2013 were conducted within Frontex, determin-

<sup>92</sup> The information and statistics were provided by the BBAP PFP.

ing the numbers of police experts deployed to individual operations, and the preliminary dates of their deployment.<sup>93</sup>

The SR via BBAP PFP regularly sends its representatives to the European Border Police Team (EBGT), and records EBGT members in IS OPERA.

In November 2011, Frontex interconnected six coordination centres through a protected communication network in the framework of the EUROSUR pilot project, including the operational centre of the Border Police Directorate in Sobrance. The test operation of this project was launched in December 2011 and is planned to last until 2013, when the draft EU regulation on the EUROSUR system implementation is expected to be signed in all EU countries.

The training activities of the Frontex Agency are described in sub-chapter 3.7.3.

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<sup>93</sup> This information was provided by the BBAP PFP. Relevant information is also available on the Frontex website <http://www.frontex.europa.eu/operations/roles-and-responsibilities>



## Irregular Migration and Return

This chapter brings information on the measures taken to combat irregular migration, including returns, focusing on the political and legislative developments at the national level and in the EU context. It also summarises the debates and media outcomes in this field, projects financed from EU funds, and their impact on international cooperation.

### 4.1 Irregular Migration

Besides the new Act on Residence of Aliens which came into force on 01 January 2012 and has an impact on irregular migration (for more details see also sub-chapter 4.2), the policy to prevent the risks of irregular migration is also implemented through measures specified in the *National Border Control Plan of the SR for the Period 2011–14*, approved by Government Resolution No. 473 of 06 July 201<sup>94</sup> and in the context of the *Schengen Action Plan* approved by Government Resolution No. 755 of 30 November 2011. For more details see sub-chapter 3.7.2.

Irregular migration is separately discussed in a MP chapter, and is also detailed in Action Plans. The SR stresses that it efficiently fights against all forms of irregular migration, while taking note of the human rights aspects connected with this phenomenon. The SR accentuates the need to cooperate with EU countries, transit countries and countries of origin of migrants, as well as the need to adopt legislative, organisational and administrative measures to prevent irregular migration through control and sanctions in cases of illegal employment of migrants, and the need to adopt measures to increase the security of document protection and the implementation of technical equipment to detect the forging and falsification of such documents, and the performance of security checks of foreigners to verify invitations or residence permits. All measures have been continuous-

<sup>94</sup> Available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19962> (consulted on 29/11/2012).



ly implemented in the context of the above-mentioned strategic documents and of the repeated Schengen evaluation.

Further to the statistics on irregular migration in the SR, irregular migration in 2012 increased by 21 per cent compared to the year 2011. This growth in overall irregular migration was caused by the development on the Slovak-Ukrainian border which saw an increase in the number of detained irregular migrants both outside border crossings (green border) and at the border crossing points. This increase can be attributed to the ever growing number of migrants from African countries. The number of illegal state border crossings rose by 69%. The number of cases of illegal stay in the SR in 2012 was almost identical to the number recorded in the previous year, with a slight decline by only 1%. As in 2011, the most frequent irregular migrants were the nationals of Ukraine, Somalia, Moldova and Afghanistan.<sup>95</sup>

**Table 3 in Annex 2** provides an overview of irregular migration in the SR in 2011 and 2012 (illegal state border crossing and illegal stay).

For the media, irregular migration is the most reported migration issue. In 2012, the media informed again about the individual cases of irregular migrants captured at the external border, these being persons illegally staying in the territory of the SR who were either expelled from the country or applied for asylum. Such sporadic reports, however, did not produce a wider discussion, nor had an impact on the change of legislation or political discussion in the parliament. The BBAP PFP informs about these cases through its section on the website of the MoI SR.<sup>96</sup>

The measures to combat irregular migration, such as improvement of the technical facilities on the external borders and the related training courses and cooperation with Frontex Agency with a special focus on the Greek-Turkish border, are described in sub-chapters 3.7.3 and 3.7.4.

In the context of the fight against irregular migration the SR uses at the central, regional and local levels a system of technical and physical state border protection of the external border. This system represents measures which include, for example, a plan for potential sudden extensive waves of irregular immigration, a timetable for interventions at state border sections for all Border Control Departments of the PF, a work plan for guards with model situations of unauthorised violation of the state border, or a work plan for guards for state border protection. The entire system is detailed on the basis of the recommendations of the EU Schengen Catalogue for border control, return and readmission.

The measures required to solve the negative impacts of extensive migration waves are defined in the approved *National Plan for Border Control Management of the SR 2011–14*.

Within the process of accession to the Schengen Area, the SR adopted the Schengen *acquis*, intensified the fight against organised irregular migration, and substantially enhanced the protection of its external border from the technical, security and personal point of view.

One of the indispensable measures aimed to face unexpected migration pressures on the territory of the SR is analysis at the central level. The BBAP PFP regularly analyses regular and irregular migration of foreigners and the related changes in migration trends, using various internal (daily status reports, regional risk analyses, etc.) and external (risk analyses by Member States, information of liaison officers, Frontex analytical products, etc.) information sources.

<sup>95</sup> The statistical data is based on the Statistical overview of regular and irregular migration in the Slovak Republic in 2012, as compiled by the BBAP PFP, available at [http://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocniky/rok\\_2012/2012-rocenka-UHCP-SK.pdf](http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocniky/rok_2012/2012-rocenka-UHCP-SK.pdf) (consulted on 07/02/2013).

<sup>96</sup> Source: <http://www.minv.sk/?aktuality-3> (consulted on 09/01/2013).

According to the Schengen Catalogue of recommendations and best practices for borders control, return and readmission, the border police departments send weekly and monthly analytical reports on local risks in electronic form. All levels (central, regional and local) dispose of detailed instructions for statistics collection and reporting.

Operational analyses are prepared at the regional level on the basis of instructions and set methods. The purpose of the analysis is to ensure optimum use of resources for internal security in the given period. At the same time, the operational analysis is one of the principal sources for the preparation of analyses at the central level and serves as a background for reports on the security situation in the SR.

Tactical analyses of situations at the local level are carried out by appointed basic unit staff. Such analyses consist of the processing and use of relevant information for the profiling of tasks related to internal security protection in real time. The profiling of tasks is made with the aim to identify probable perpetrators. On the basis of such analyses, actions are implemented at the tactical level—at border crossing points and on the green border, check of aliens' stay and of its legality and validity, etc. Information is exchanged in both directions.

Besides the above-mentioned measures and analytical work, the conclusion of readmission agreements is one of the most efficient tools to combat irregular migration. Readmission agreements with key third countries of origin and transit represent the cornerstone of an efficient migration management and, in particular, of an efficient policy of returning third-country nationals illegally staying in the EU. The conclusion of readmission agreements is also the basis of cooperation on migration and asylum management between the SR and EU countries, and between the EU and third countries.

In this regard, the SR signed a readmission agreement with Austria (*Agreement between the Government of the Slovak Republic and the Austrian Federal Government on the readmission of persons with illegal stay (Readmission Agreement)*) and an Implementing Protocol to the Agreement on 16 February 2012. The agreement came into force on 13 May 2012. The aim of the agreement is to facilitate the fight against irregular migration and promote the cooperation of relevant Slovak and Austrian authorities in this area. The readmission procedures will become simplified thanks to this agreement.

Cooperation in the field of readmission agreements at the bilateral level also runs under the border attorney activities in the form of personal meetings of border attorneys from different countries and their representatives, held alternately in the territories of the parties to the bilateral readmission agreement. The border attorney meetings deal with practical issues concerning common borders of the two states, joint security activities of the two states, or crime within the common state border sections.

Cooperation is also developed in the implementation of readmission agreements and police transports through the territories of the contracting states. An important aspect of cooperation in the execution of readmissions is cooperation between executive units and joint contact offices which fulfil tasks ensuring the execution of readmissions and transports.

At the EU level, Slovak experts regularly attend meetings to prepare texts of readmission agreements.

An important aspect of the fight against irregular migration is cooperation with the countries of origin and transit countries, the enhancement of their capacities, and prevention of irregular migration from these countries.

In October 2011, the BBAP PFP carried out, in connection with the activities planned under the Mobility Partnership between the EU and Moldova, the activity 'Joint operational standards enabling the development of cooperation in combating irregular migration and illegal stay of aliens' under Part II Migration, Irregular Migration and Security in the form of a visit by the partner department from Moldova. The partner department in Romania was also visited. These activities were carried out in order to coordinate the joint actions in the framework of international cooperation in combating organised crime connected with smuggling and irregular migration, and to discuss joint actions, cooperation and exchange of information in combating irregular migration. The aim of the working meeting of the representatives of all stakeholders in Moldova was to carry out the activity under the Mobility Partnership with Moldova through a two-day seminar (in September 2012) for the Moldovan operational unit dealing with organised irregular migration and trafficking in human beings within Moldova (activity under the CETIR programme (Centre for the Transfer of Experience in Integration and Reforms)).<sup>97</sup> During this meeting, the work of the BBAP PFP was presented, especially the ways of protecting the Schengen border with Ukraine and the related fight against irregular migration ensured by the specialised National Unit to Combat Irregular Migration (NUCIM) of the BBAP PFP. The participants also discussed the possibilities of international cooperation at the operational level between NUCIM BBAP PFP and the Centre for the Fight against Trafficking in Human Beings of the Ministry of Interior of Moldova, and the ways of exchanging operational information,

on the basis of which another working meeting of the competent representatives was held in Romania and Moldova in 2012. The aim of this meeting was to discuss the joint actions, cooperation and exchange of information in combating irregular migration under the on-going **IMPACT – FIMATHU** project.<sup>98</sup> The operational meeting in Moldova aimed to exchange information and request collaboration in the investigation of an organised group in matters concerning smuggling in the territory of the SR where a Moldovan national was identified as the chief organiser of criminal activities. The meeting with the representatives of the Centre for Combating Trafficking in Human Beings of the Ministry of Interior of Moldova and the competent prosecutor's office also discussed the possibilities of ceding the criminal prosecution and of the complete documentation to the investigative bodies of Moldova. The representatives of EU-BAM and the police attorney in Romania were also invited to participate in this matter.

Cooperation with Moldova is ongoing also within the project **Building training and analytical capacities in the field of migration in Moldova and Georgia (GovAc)**<sup>99</sup>, which aims to create a basis for the development and implementation of mobility partnerships in Moldova and Georgia through the enhancement of state institutions' capacities in migration management. The SR has made a commitment to provide expert knowledge in two areas— asylum system and procedures, and information about countries of origin. Throughout the project duration, Slovakia will train the staff of state authorities in Moldova. Besides a coordination meeting, also a workshop was held in Kishinev in 2012 with

<sup>97</sup> CETIR focuses on the deepening of contacts between Slovak experts and the representatives of state authorities and the civil society of the Western Balkan countries and the Eastern Partnership countries. It seeks to promptly respond to specific requirements of the partner country by using the experience and with active participation of Slovak ministries and other institutions. CETIR puts emphasis on the enhancement of reform efforts, on the realisation of the European perspective and improving good management of public matters through partnership consultations in specific sectors and state institutions.

<sup>98</sup> The principal project activities are joint work meetings of involved countries with the purpose to coordinate the joint actions and the mutual exchange of operative information on irregular migration through the Western Balkan with the aim to disintegrate organised groups.

<sup>99</sup> The project has been implemented by a group of partners—institutions dealing with migration from Bulgaria, the Czech Republic, Finland, the Netherlands, Poland, Portugal, the Slovak Republic, Switzerland and the Council of Europe, under the leadership of ICMPPD. The project is financed from the funds of European Union Thematic Programme, the Danish Refugee Council and partner states.



active participation of the SR through the representative of the MO Mol SR. The purpose of the workshop was to enhance the knowledge of the participants on migration terminology; understand the development of migration trends in the world and in Moldova; obtain general information on the international migration law, the European migration *acquis*, and Moldovan national legislation on migration; understand the duties of the state in migration management; enhance the knowledge on the current migration management system in Moldova and on the importance of inter-institutional and international cooperation in the field of migration; and understand the relationship between migration institutions and the civil society. *Inter alia*, the SR provided information on the Common European Asylum System. It is inevitable to particularly highlight the benefits of the training for trainers which has been important not only for Moldovan, but also foreign experts.

Another activity was undertaken under the auspices of the Police of the Czech Republic, where a criminal case (KATER operation) was examined concerning a suspicion of committed crimes of irregular migration directly affecting the Czech Republic, Poland, Hungary, Romania, Slovenia, and Austria. Concurrence was ensured under very close bilateral cooperation with the partner institution in Hungary with the aim evaluate past cooperation in combating irregular migration and organised forms of smuggling with a focus on the Balkan route, getting acquainted with the current issues of irregular migration at the Hungarian-Serbian state border section, and arrange joint actions to reveal organised groups of smugglers who provide for accommodation and subsequent transport of irregular migrants from Hungary to the SR (especially the nationals of Pakistan, India and Afghanistan).

At the same time, the NUCIM BBAP PFP was involved in joint working meetings and joint activities under the operational action plan of the **FIMATHU** project (see also above).

NUCIM BBAP PFP prepared a draft plan of 13 activities for the period 2013–15.

In this regard, a meeting on the EMPACT project was held in the Europol headquarters in The Hague on 24–26 October 2011 under the title **Weakening the ability of organised criminal groups committing crimes related to smuggling and irregular migration mainly from the Southern, South-Eastern and Eastern European regions at the Greek-Turkish borders and in the crisis regions of the Mediterranean nearby North Africa**. The participants to the meeting prepared and approved the operational action plan under the new EU policy cycle in the field of organised and serious international crime.

Further to the request by Hungary in connection with the development of the operational situation in the activities of organised criminal groups carrying out smuggling through the territory of the Western Balkan, the following items have been included in the operational action plan: 2.2 FIMATHU operation targeting illegal border crossing through the Turkish-Greek parts of the external borders, through the Western Balkan to Hungary, Austria and other Member States.

Since NUCIM BBAP PFP deals with similar cases, the representative of NUCIM asked for partnership in the FIMATHU project immediately at the meeting. This request was accepted by the founding members Hungary and Austria.

In the fight against irregular migration, the SR cooperates and is active within several networks and international organisations or platforms and agencies, such as:

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 2012,

the SR actively participated in these activities. The cooperation within the FRAN community includes regular uploading of bimonthly analytical FRAN reports and monthly FRAN statistics to the ICONET section through the CIRCABC network. The participating states fill in and upload documents to the respective ICONET directory in accordance with the set parameters and within the set deadlines. On the basis of this data, Frontex processes its data products and presents them to the representatives of EU Member States and associated countries at regular meetings of the FRAN community. The data constitute the subject of expert discussion with the possibility of clarifying possible problems in the collection or interpretation of data on irregular migration.

In the framework of cooperation with Frontex, the SR also joined the EDF – false documents project in 2012. A representative of the SR attends regular meetings of the EDF group which consists of representatives of Frontex and of Member States. Since 2012, the SR and other Member States have provided detailed statistical data on false documents on a monthly basis, and also sends bi-monthly analytical reports on false documents. As in the case of the FRAN group, the data is entered into ICONET through the CIRCABC network.

NFP – National Focal Point at the external air border of the SR. Within the NFP SR cooperates with other countries in ensuring exchange of information on forged and altered travel documents, and about the new means and trends in irregular migration through the external border – airport. The work of the focal point comprises exchange of information at the time of dealing with a current situation or problem at the external border of the SR – airport. Whenever necessary, the police officers working under the NFP are in contact with other national focal points of other EU Member States, and also with international airports in third countries. NFP police officers are regu-

larly deployed to joint operations organised under the auspices of Frontex, at which they exchange experience and information on irregular migration, new trends and methods of forgery and alteration of travel documents, and on the ways of solving practical problems they face while carrying out border controls at the external border of the SR. The NFP office reports the cases of forgery and alteration of travel documents detected at the external air border to all NFPs within the EU by means of alerts.

DSR/MSR system – At the multilateral level, information on irregular migration is exchanged between Slovakia, Poland, Hungary and Ukraine in the DSR/MSR system (Daily Statistics Reports/Monthly Statistics Reports). Information is delivered on a daily and monthly basis. The data concern illegal state border crossing, readmissions and smuggling, and is recorded by contact points which compare the statistics with the statistics of the parties involved.

EUROJUST investigation team – in this connection, an agreement on creating a joint investigation team between the General Prosecution of the SR and the Supreme Public Prosecutor's Office of the Czech Republic was signed in August 2011 with a reference to the European Convention on Mutual Assistance in Criminal Matters. In August 2012, the work of the joint investigation team terminated and the cooperation was evaluated as highly positive. An international organised group was revealed in the framework of this cooperation, and charges have been brought against nine persons. These persons arranged forged documents from forgers and handed them over mainly to migrants from Serbia and from other countries who got employed in EU countries with the help of such documents.<sup>100</sup>

The SR also regularly cooperates with Europol and Interpol.

<sup>100</sup> Information provided by the BBAP PFP.

In the context of the fight against irregular migration, it is important to detect false and altered documents and ensure documents security. When receiving applications for a residence permit, the police department in the SR checks the validity and genuineness of documents: travel documents, ID cards, and support documentation (documents issued by the civil register office and other documents). The police departments use the following information systems to check the submitted travel documents and identification documents:

ISSU LIGHT – German database of genuine and false travel documents, ID cards, residence permits, civil register office documents, and driving licences;

IS FADO – national information system for false and genuine travel documents; and

IS PRADO, IS iFADO – international information system containing specimens of genuine travel documents and other identity documents, visas and stamps of EU Member States and some third countries, and also brief information on the most important security elements of such documents.

The police department also uses the Slovak and Czech database of lost and stolen travel documents.

At the regional level, the SR uses a system on the basis of which a police officer who receives the application for a residence permit has a suspicion that the document he/she has received is forged, altered, invalid, stolen, etc. and is not able to confirm the genuineness thereof using technical and other means, he/she would contact the appointed contact person (qualified to inspect documents) for the given region who is competent to prepare expert opinions in such cases.

In 2012, the SR did not implement any regularisation mechanisms related to irregular migration.

## 4.2 Return

The Act on Residence of Aliens is the basic piece of legislation in this area. The new Act on Residence of Aliens which entered into effect on 01 January 2012 brought several changes to the returns agenda.

In order to ensure full compatibility between the national legislation and European legislation in the field of return policy, the transposition of specific provisions of *Directive 2008/115/EC of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals* (Return Directive) has been modified. Compared to the previous provisions, the definition of administrative expulsion has been extended to the alien's obligation to leave to the EU Member State which has granted the residence permit in the case a decision on administrative expulsion has been made. With regard to the general provisions on administrative expulsion, the act has introduced the obligation to also state the country to which the alien is expelled in case it is not possible to determine that country, and to impose the prohibition of entry if the deadline for departure has not been determined. Given the procedural guarantees provided by the Return Directive, legal assistance provided to third-country nationals can now be ensured not only by a lawyer, but also by any other representative the alien chooses<sup>101</sup>, provided that such representative is a physical person with full capacity for legal acts. A third-country national can also be represented by the staff of the Centre for Legal Assistance in compliance

<sup>101</sup> An amendment to the Civil Procedure Code entered into effect on 01 January 2013; under this amendment, representation in asylum and detention matters in judicial proceedings is only possible through lawyers.

with Act No. 327/2005 Coll. on Provision of Legal Assistance to Persons in Material Need and on Changes and Amendments to Some Acts and on Changes and Amendments to Act No. 455/1991 Coll. on Trade Licensing (Trade Licensing Act).

Further to the needs arising from the application of the legislation, the new Act on Residence of Aliens has modified the right of the police to carry out personal search and search of possessions within the proceedings related to the administrative expulsion of a third-country national from the territory of the SR. This right has a preventative nature and its purpose is to find out, by means of search, whether an alien holds items that could threaten the security of persons or property, or, for example, medicines he/she uses, but has forgotten to state this fact. A police officer is obliged to draw an official report on the search and a list of taken items, and gives a copy of the report to the alien. The police must return the withheld items after a decision on administrative expulsion has been made, if the alien has not been detained, except for financial resources used to cover the costs related to administrative expulsion and items the possession of which is contrary to the legislation of the SR.

Another right introduced in the new act is the right to bring an alien to the police department. This new provision gives the police the right to bring an alien to the police department in case a police officer finds out, upon examining the alien's stay, facts that give grounds for administrative expulsion of the alien from the territory of the SR. The need to define this right in law has arisen from the practical application of the law, since the alien's personal presence in the administrative expulsion proceedings is inevitable. It is regarded an important procedural tool to ensure the course and purpose of the proceedings.

The reasons for executing a decision on administrative expulsion of a third-country national by the police department have also been modified.

With regard to detentions of third-country nationals, the new Act on Residence of Aliens, compared to the previous wording, defines a new term "risk of escape". Though there are reasons for detention, the police department may decide, instead of detaining a third-country national, to impose on that alien the obligation to report his/her stay or to give a bail (alternatives to detention). The act also specifies the conditions under which such measures can be implemented. If the conditions are violated, the police department shall decide on the detention of the third-country national and on bail forfeiture if a bail has been given.

The draft amendment to the Act on Residence of Aliens which is expected to enter into force on 01 May 2013 should bring further changes in this field, especially in respect of voluntary returns. In this context it should be noted that the SR also provides the possibility to take use of voluntary return.

In the SR, the implementation of the *Voluntary Returns Programme* started with the signature of the *Agreement of 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 Rejected Asylum Applicants and Irregular Migrants to Their Countries of Origin*. Besides this agreement, the Act on Residence of Aliens also constitutes a legal base for the execution of voluntary returns.

In 2012, voluntary returns in the SR were carried out exclusively by the IOM in close cooperation with the BBAP PFP through an on-going project '**Assistance in the return and reintegration of rejected asylum applicants and irregular migrants from the Slovak Republic to their countries of ori-**

**gin III'** financed from the European Return Fund. The main objective of the project is to give irregular migrants and rejected asylum applicants the possibility of a humane, organised and cost-effective return and reintegration in the country of origin through the programme of assisted voluntary returns. Besides returns and return assistance, the project activities have included individual pre-return counselling, financial contribution to basic living needs, and post-return reintegration assistance through the preparation and implementation of approved business plans, help in seeking a job, provision of material assistance, legal counselling, training support, help with accommodation, or health assistance. In 2012, the help-line 0850 211 262 and a website on voluntary returns continued to operate. The IOM as project implementer has actively worked in asylum and detention facilities, and has informed the target group about the possibility of return to the country of origin and obtain post-return reintegration assistance. Through the anonymous helpline 0850, IOM employees provide callers with basic information about the return programme and individual consultations for aliens who have already participated in the programme.<sup>102</sup>

In 2012, 74 persons applied for voluntary return, and 54 returns were executed.

The total number of reintegrations in the country of origin in 2012 reached 27. Most grants were provided to returnees from Vietnam, Moldova and Armenia. Returnees are mostly interested in material assistance in the form of reconstruction of houses and flats, or purchase of household accessories or motorcycles (15 cases). In eight cases, assistance was granted to start business, either through entry into partnership with an established company, or on an individual basis. In two cases, the IOM helped migrants in ensuring temporary accommodation, and two

migrants used their reintegration grants for educational activities.<sup>103</sup>

**Table 4 in Annex 2** presents an overview of reintegration assistance of the SR provided in 2012.

Besides voluntary returns as such and related measures, the European Return Fund financed other projects in the field of forced returns, legal representation of detained foreigners, or training for the police, such as:

**Complex coverage of personal needs of third-country nationals in police detention facilities for aliens within the SR** – the main objective of the project is to ensure appropriate and decent conditions for third-country nationals by providing basic, supplementary and accompanying services and overall facilitation of their stay in the police detention facilities for aliens (PDFAs) in Medveďov and Sečovce. The project activities mainly focus on social care and counselling, health care and psychological care, including care for vulnerable groups of persons, measures to satisfy other special needs of persons who need special care, and provision of material assistance.<sup>104</sup>

**Legal assistance to aliens in PDFAs** – the project activities aim to ensure access of detained aliens to legal assistance by raising their awareness about their legal status and ensuring the enforcement of the legal rights of third-country nationals staying in PDFAs within Slovakia.<sup>105</sup>

**Enhancing the organisation and execution of forced returns and improving the conditions for the execution of migrants' returns to their countries of origin III** – the principal project objective is to improve the organisation and execution of forced returns and to implement measures to satisfy aliens' special

<sup>102</sup> For more information see [www.iom.avr.sk](http://www.iom.avr.sk) (consulted on 28/11/2012).

<sup>103</sup> The statistical data was provided by IOM.

<sup>104</sup> For more details see [www.shr.sk](http://www.shr.sk) (consulted on 28/11/2012).

<sup>105</sup> For more details see [www.hrl.sk](http://www.hrl.sk) (consulted on 28/11/2012).



needs before and during the execution of their return. Besides providing migrants with information on the contents of the decision on administrative expulsion, on the legal conditions of their stay and detention in the territory of the SR, their rights, obligations and conditions while staying in police detention facilities for aliens, and on obtaining emergency travel documents and visas needed to enter the country of destination or transit country, the project also ensures, during the preparatory and implementation stage of return operations, interpreting and translation services with the aim to speed up the process of identification and facilitate communication between the facilities and the person to be returned, as well as health care and food.<sup>106</sup>

**Enhancing the capacities and improving the skills of the staff of the Border and Aliens Police of the Mol SR** – the project has sought to improve the knowledge and enhance the capacities concerning multi-cultural differences and subsequent upgrade of the skills of the Border and Aliens Police staff carrying out tasks related to return management in the handling of stress situations during the interviewing of aliens, and in the dealing with crisis situations during the preparation and execution of forced returns. The training courses improved the qualification of a total of 527 participants – BBAP PFP staff who are involved in the management and execution of returns within the SR.<sup>107</sup>

**Foreign language training for the Border and Aliens Police staff (English, Russian, Vietnamese, Chinese)** – the project objective is to improve language proficiency in English, Russian, Chinese and Vietnamese among the police who directly communicate with third-country nationals.<sup>108</sup>

With regard to returns, the SR also develops cooperation at the international level through joint air return operations where it has so far acted exclusively in the position of a participating country given the current number and citizenship of the target group of third-country nationals as subjects of return at the respective moment according to the national legislation<sup>109</sup>, or through the Voluntary Return European Network (VREN). The activities of the network were launched in January 2012. The project was prepared by the IOM together with 15 EU Member States<sup>110</sup> and with EC support. The project seeks to create a Voluntary Return European Network with the cooperation of 27 Member States, Norway, Switzerland and the main countries of transit and origin. The network has been created for the needs of EU Member States, Norway and Switzerland, including all actors dealing with voluntary returns. The contents and the activities of this work are prepared by governmental, non-governmental and international institutions and local organisations experienced in voluntary returns and reintegration of migrants in their countries of origin. All stakeholders have access to the web platform which serves for information exchange, sharing and coordination among the individual partners. The platform works on the basis of an e-community forum which contains information and knowledge of regional and national character related to voluntary returns and is available to the members of the network and to the public. The platform can also respond to various queries by VREN network users through two parallel interfaces—one for registered members and another one for the general public.

<sup>106</sup> This information was provided by the Foreign Aid Department of the Mol SR.

<sup>107</sup> For more details see [www.ivs.sk](http://www.ivs.sk) (consulted on 07/02/2013).

<sup>108</sup> For more details see [www.plusacademia.sk](http://www.plusacademia.sk) (consulted on 07/02/2013).

<sup>109</sup> In 2012, the SR did not participate at any joint air return operation.

<sup>110</sup> The following Member States: Austria, Bulgaria, Czech Republic, Finland, France, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Portugal, Slovakia, Spain, Switzerland.



Cooperation is also developed through participation at the working group meetings of the EU Council and EC committees, for example, SCIFA committee – Strategic Committee for Migration, Borders and Asylum, HLWG – working group of the EU Council for integration, migration and expulsion, or expert committee for readmission.

**Table 5 in Annex 2** presents an overview of executed forced returns and voluntary returns in the SR in 2012.



## International Protection including Asylum

In 2012, the declining trend in the number of submitted asylum applications changed, as this number increased to 732 in 2012 compared to 2011 and the year before.<sup>111</sup> Against the previous year, the number of asylum applicants who were granted asylum was bigger: a total of 32 applicants were granted asylum in 2012 compared to the year 2011 when the MO Mol SR granted asylum to 12 applicants (in comparison, 15 asylums were granted in 2010).<sup>112</sup> On the other hand, the MO Mol SR granted 103 subsidiary protections, which is a comparable number to the one in 2011 when subsidiary protection was provided in 91 cases. In 2012, the procedure was suspended in 334 cases, which represents an increase compared to 2011 when asylum was rejected in 186 cases.<sup>113</sup>

**Table 6 in Annex 2** provides an overview of the trends in asylum policy from 2009 to 2012.

In 2012, asylum applicants from Somalia represented again one of the most numerous nationalities of asylum applicants in the SR. In this regard, the MO Mol SR raised an ad-hoc query within EMN concerning Member States policies for the assessment of asylum applications and returns of applicants from Somalia with the aim to obtain new experience and apply it in practice. The received information was mainly used in the appeal procedures at courts, though it should be considered only as complementary information, as each case is assessed individually.

In 2012, no legislative changes occurred in the field of international protection. Changes are presumed to happen in 2013 when the amended Act on Residence of Aliens is expected to enter into force on 01 May 2013, amending inter alia the Act on Asylum and other laws of the SR (e.g. Act on Administrative Fees, Civil

<sup>111</sup> For more statistics see <http://www.minv.sk/?statistiky-20> (consulted on 10/01/2013).

<sup>112</sup> The statistics of the MO Mol SR is available at <http://www.minv.sk/?statistiky-20> (consulted on 10/01/2013).

<sup>113</sup> The statistics of the MO Mol SR is available at [www.minv.sk/?statistiky-20](http://www.minv.sk/?statistiky-20) (consulted on 10/01/2013).

Procedure Code, Police Force Act, Act on Court Seats and Court Districts. This amendment aims to transpose into the legislation of the SR Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its reach to beneficiaries of international protection. The changes in the Act on Asylum should modify the provisions on the solution of problems that occur during the asylum granting procedure. Among other things, it is proposed to extend the reasons for the cancellation of asylum and suspension of the asylum procedure, change the conditions for the cancellation of subsidiary protection, and extend the reasons for the cancellation thereof.<sup>114</sup> A special legislative process will be used to change the Act on Employment Services which is expected to cancel the need to hold an employment permit for persons under subsidiary protection, and to classify this group of aliens as disadvantaged job seekers.

Just as other areas of migration, international protection is also a subject of MP Action Plans. The individual measures are continuously implemented in the context of the new EU legislation and policies under preparation (for more details see sub-chapter 5.1) and co-operation within EASO (for more details refer to sub-chapter 5.2) and with other associations and groups.

In 2012, the SR had the first opportunity to test the use of language analyses; the first five analyses were made through the GDISC remote interpreting project in cooperation with Malta. Language analyses were also conducted with applicants from Somalia as the country of origin.

At regional level, we should mention the exchange of information and practical experience in asylum issues by means of personal

(informal) contacts among experts specialised in the individual countries of origin from various Member States through rather formalised networks, such as MedCOI (Medical Countries of Origin Project), ECS (European Countries of Origin Sponsorship Project), or DISCS (Document Information System of Civil Status).

Bilateral cooperation also contributes to the enhancement of national capacities related to the countries of origin, mainly through joint training activities and exchange of practical experience (e.g. individually in cooperation with the Czech Republic, Finland or Latvia).

The ENARO network (European Network of Asylum Reception Organisations) also contributes to the enhancement of national capacities through practical cooperation in the field of asylum. The MO Mol SR was accepted as ENARO member in 2009, and has been successfully involved in expert exchanges of workers ensuring reception of asylum applicants in asylum facilities (the last visit was paid by a representative of the Hungarian Office for Immigration and Nationality on 07–19 October 2012; the topic of the visit was the relations of the reception centre with the local community).

The MO Mol SR contributed to the raising of awareness on migration and asylum issues among citizens, especially with regard to work with vulnerable groups at Pohoda festival in July 2012 by installing an information desk in cooperation with a relevant non-governmental organisation Society of Goodwill. The festival visitors were informed about the migration policy of the SR, trafficking in human beings, and also about social work and legal counselling provided in asylum facilities with an emphasis on vulnerable groups. Many festival visitors addressed the desk with specific questions, and discussed and positively evaluated the presence of a state institution at this event and the willingness to speak openly about these issues with the festival visitors.

<sup>114</sup> For more details see <http://www.minv.sk/?tlacove-spravy&sprava=od-maja-2013-sa-rozsiri-okruh-statnych-prislusnikov-tretich-krajin-ktori-mozu-ziskat-na-slovensku-dlhodoby-pobyt> (consulted on 10/01/2013).

## 5.1 Common European Asylum System

The package of directives as part of the Common European Asylum System is at different stages of approval at European level. The SR has been actively involved in all negotiations on the individual proposals for the asylum package and has been raising comments. The transposition of the individual directives at the national level is expected in the period 2013–14 at the earliest.

In 2012, two projects have been implemented within the European Refugee Fund. These projects promote the development of the Common European Asylum System, in particular:

**Better quality of life for all IV** – the project focuses on an overall improvement of the situation and quality of life of asylum applicants staying in the asylum facility in Rohovce in Western Slovakia and in the police detention facility for aliens in Medved'ov through the provision of basic, supplementary and accompanying services (social care and counselling, health care and psychological care, legal counselling and assistance, training, language preparation, and also material assistance, interpreting and translations). These services are also provided by asylum applicants who took up employment or entered a similar employment relationship and who can be accommodated outside of asylum facilities.<sup>115</sup>

**AZYL.SK IV – Law, Assistance, Protection** – this project has been implemented in asylum facilities in Central and Eastern Slovakia, more precisely in accommodation centre in Opatovská Nová Ves and in reception centre in Humenné and in the police detention facilities for aliens in Sečovce. The project seeks to provide legal, social and psychological counselling and assistance, as well as training activities (Slovak language training, general education and promotion of working skills),

material assistance, and interpreting and translation services. For more information see also sub-chapters 6.1 and 6.2.<sup>116</sup>

## 5.2 Cooperation with the European Asylum Support Office

Since the launch of the EASO work (the first meeting of the EASO Management Board was held in November 2010), the SR has been involved in various EASO activities. Besides participation at meetings at various levels, such as: Management Board – (4 meetings in 2012); working groups of the national contact points for the EAC (European Asylum Curriculum), AIP (Asylum Intervention Pool), and interpreting; specific workshops (on Syria, Afghanistan, unaccompanied minors, resettlement); the SR has also participated at the EASO training activities within EAC (face-to-face training on the procedural directive module), activities of the asylum support teams (e.g. for Greece), or in the reference group for countries of origin.

The SR has made available eight experts (employees of the MO Mol SR) to eight profiles of the reserve asylum support team pursuant to Article 15 of the EASO Regulation (No. 439/2010); some employees have been appointed to several profiles at the same time. Since November 2011, the SR has deployed an employee of the MO Mol SR as an expert to the support team for Greece in four cycles, specifically for the following activities: 7.6.2. – asylum support team to help the Greek Ministry of Healthcare and Social Services, developing the management of the reception system (three cycles – November 2011, December 2011 and January/February 2012); and 8.4.4, 8.4.5, 8.4.6: First Contact Centre – management building for the identification of training needs and preparation of manuals and an action plan of expert training courses for the employees of entry reception services for migrants (one cycle October/November 2012).

<sup>115</sup> For more information see [www.shr.sk](http://www.shr.sk) (consulted on 28/11/2012).

<sup>116</sup> For more information see [www.sldv.sk](http://www.sldv.sk) (consulted on 28/11/2012).

As of today, the SR has not requested support by EASO (deployment of a support team to Slovakia). The cooperation with the EASO staff is very good, which is proven by the provision of information on training courses (e.g. support in organising a regional training event through EAC together with the Czech Republic in October 2012), or by the coordination of the collection of information on countries of origin or various administrative support.

### 5.3 Intra-EU Solidarity including Relocation

The SR has become a partner country, through the MO Mol SR, to the pilot project of internal relocation of persons under international protection in Malta (EUREMA). The Partnership Declaration was signed on 14 December 2009. Under the EUREMA project, the SR committed itself to receive from Malta ten persons under international protection, these being families and single parents with children. In spite of the effort by the SR, this commitment was not fulfilled.

In 2011, the EC decided to extent the project. The second stage of EUREMA II project was launched in January 2012 and is expected to last until the middle of 2013. The project will continue to be financed from ERF funds, and the Member States involved in the project (SR, Bulgaria, Hungary, Lithuania, Poland, and Romania) plan to relocate 91 persons in total. The SR reiterated its commitment to accept ten persons. The persons under international protection in Malta have not shown any interest in being relocated to the SR in this project stage as well.

### 5.4 Cooperation with Third Countries including Resettlement

Further to the *trilateral agreement between the Government of the SR, the UNHCR and the IOM on the humanitarian transfer through the*

*Slovak Republic of refugees who need international protection* of 31 January 2012, the SR executed its fourth humanitarian transfer of 35 refugees from Eritrea, Somalia, Ethiopia, and Iraq (31 adults and four minors). 44 Afghani refugees from Iran (12 families – 26 mothers and 18 children) came to the SR on 19 April 2012.

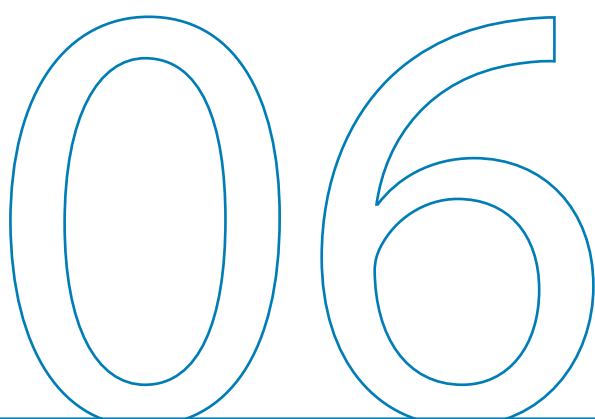
On 21 June 2012, the Government of the SR, the UNHCR and the IOM signed a new trilateral agreement *on the humanitarian transfer through the Slovak Republic of refugees who need international protection* in effect from 24 June 2012. Under this agreement, the SR received 50 refugees (27 adults and 23 children) from Somalia, Ethiopia, Sudan, Iraq and Eritrea on 19 July 2012. On 09 October 2012, the SR received a group of 51 persons from Somalia, 30 of them being children. All these cases concern refugees who are gradually resettled to third countries.<sup>117</sup>

During their stay, the MO Mol SR provides these persons with complex services, accommodation, food and basic hygienic needs. The costs incurred in connection with their stay are partly covered from the ERF funds; health and social care for refugees is provided by the UNHCR, and the transfer as such is ensured by the IOM.

The SR in light of cooperation with third countries in this area supports all activities that could help relieve the situation in Syria and in the neighbouring regions. The SR also supports the creation of regional programmes of protection for the most affected countries of the region and all actions aimed to prevent possible secondary movements of refugees.

<sup>117</sup> These information and statistics were provided by the MO Mol SR.





## Unaccompanied Minors and Other Vulnerable Groups

This chapter presents an overview of measures concerning care for unaccompanied minors and other vulnerable groups, either in the national or the EU context. Given the fact that this group of persons is very small in Slovakia, the mass media do not report on this issue and no public discussions are conducted. The cooperation is run at the expert level, in particular through projects financed by the EU. All measures of legislative and political nature related to this field were implemented in the previous periods, as a consequence of which no important developments in this area were reported in 2012.

### 6.1 Unaccompanied Minors

In 2012, the SR has continued implementing the regional project entitled **Improving the quality of guardianship and care for unaccompanied minors—asylum applicants—in Central European countries**. This project seeks to improve the quality of guardianship for unaccompanied minor asylum applicants and the harmonisation of standards for care provided to this target group in accordance with the EU Action Plan for Unaccompanied Minors, relevant EU directives and Convention on the Rights of the Child.

Seven countries, including Slovakia, have been involved in the project: Bulgaria, the Czech Republic, Poland, Slovenia, Romania, and Hungary. In the first stage, national reports on guardianship in each of these countries were compiled. The second project stage focused on the training of trainers for the purpose of national training courses for guardians. The third project stage represented national training courses for guardians and people working with unaccompanied minors, and compilation of a training manual.

In the SR, a two-day training course was held within the third stage of the project with the participation of the representatives of MoL-SAF SR, COLSAF, and MO Mol SR – decision-makers, social workers working in the facili-

ties of the MO Mol SR, employees of relevant foster homes, and guardians who are employees of the competent labour offices. The training was divided into several main blocks: international law aspects; national legislation; trafficking in human beings; personal skills of people working with unaccompanied minors; the psychological aspects of work with unaccompanied minors; exchange of experience among actors working in this area, etc.

Upon the initiative of the director of the foster home for unaccompanied minors, the MO Mol SR organised a working meeting on this topic in June 2012. Besides representatives of the foster home for unaccompanied minors in Horné Orechové and the MO Mol SR (including camp managers and social workers), the meeting was also attended by representatives of COLSAF, MoLSAF SR and non-governmental organisations. The participants to the meeting discussed current problems and issues, for example, the differing regimes for minors in foster homes and facilities of the MO Mol SR, or trafficking in human beings in cases where there is a suspicion that a minor person has become the victim of such crime.

In September 2012, a small thematic meeting of the representatives of selected entities working in the field of migration and asylum was organised in the framework of EMN activities. The meeting focused on the cooperation of state institutions with selected Slovak non-governmental organisations which actively work in the field of migration and asylum. The meeting was also attended by entities working with unaccompanied minors. The discussion on the current and long-term practical issues related to care for clients in the field of asylum and migration was based on case reports provided by non-governmental organisations and COLSAF guardians upon request by the MO Mol SR.

Specific care for this target group has been also provided by non-governmental organisations thanks also to ERF funds.

Unaccompanied minors are paid special attention in the **ASAP III** project funded from ERF which focuses on the social and economic integration of aliens with asylum and subsidiary protection into the general population in Slovakia with special emphasis on vulnerable persons. Since care for unaccompanied minors falls under the competence of the local offices of labour, social affairs and family which ensure their basic living needs through foster homes, the support offered through the ASAP III project only has a complementary nature. The project therefore puts emphasis on the provision of social and psychological counselling. The provision of social counselling mainly consists of giving information on actual life after leaving the foster home and bringing clients' expectations and possibilities closer to reality.<sup>118</sup>

With regard to the implementation of the **AZYL.SK IV** project (see also sub-chapter 5.1), main emphasis is put on vulnerable groups, including unaccompanied minors. Social workers meet them since the first day of their entry into the asylum procedure, and provide them with counselling and assistance, thus creating more personal ties than in the case of guardians or decision-makers. The project also includes cooperation with a psychologist who can, together with social workers, provide better orientation to minors and set out more realistic aims for the next period. During the stay in asylum facilities, the project also focuses on training: Slovak language training, education activities outside of asylum facilities, such as Leisure Time Centres, or attendance of various training courses. The project also supports the development of their skills and talent through art therapy within the possibilities available to asylum facilities. Emphasis is also put on the handling of basic skills, such as washing, ironing, cooking, etc. Social workers also monitor the basic needs of unaccompanied minors, such as clothing, hygienic needs, etc.

<sup>118</sup> For more information see [www.etp.sk](http://www.etp.sk) (consulted on 07/02/2013).

The project **AZYL.SK IV** provides legal assistance to asylum applicants in Central and Eastern Slovakia with an accent on vulnerable groups, including unaccompanied minor asylum applicants (legal representation has so far been secured in 100 per cent of all cases). Lawyers are present already at the making of a statement at the police authorities, and subsequently they represent the minors until termination of the asylum procedure. They carry out all legal acts they are entitled to under the legislation. Lawyers inform the guardians on the course of the asylum procedure, and in cooperation with the guardians and social workers they help solving problems that occur throughout the asylum procedure.<sup>119</sup>

At the national level, the **BAKHITA II** project deals with unaccompanied minors (see also sub-chapter 3.5). This project seeks to provide, *inter alia*, psychological and pedagogical care (Slovak language courses) to unaccompanied minors directly at the foster home for unaccompanied minors in Horné Orechové and foster home in Medzilaborce.<sup>120</sup>

The issues concerning unaccompanied minors were also dealt by the EASO at a specific meeting also with the representatives of the SR. This meeting discussed and evaluated the current practices of EU Member States in this field; the outcomes of the meeting should serve as a basis for preparing a manual on age determination and EU instructions. These two documents should offer to the Member States guidance on how to proceed with unaccompanied minors, especially with regard to age determination. Future changes concerning unaccompanied minors are expected to be made in the period 2013–14 at the earliest.

**Table 7 in Annex 2** provides an overview of the numbers of unaccompanied minors in the SR in 2012.

<sup>119</sup> For more information see [www.sldv.sk](http://www.sldv.sk) (consulted on 28/11/2012).

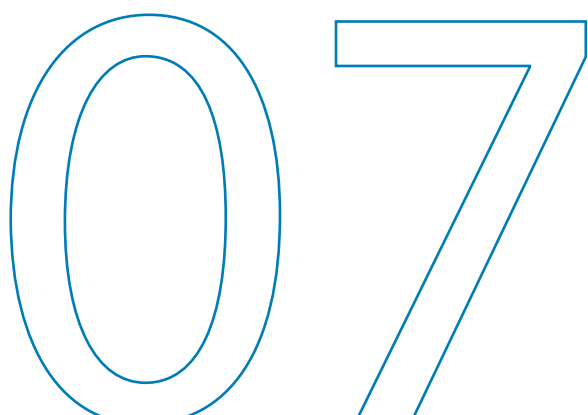
<sup>120</sup> For more details see [www.charita.sk/stranky/o-projekte-2](http://www.charita.sk/stranky/o-projekte-2) (consulted on 28/11/2012).

## 6.2 Other Vulnerable Groups

The ERF funds under the **AZYL.SK IV** project (information about the project is also provided in sub-chapters 5.1 and 6.1) were also used to ensure protected housing for disadvantaged persons in the asylum facility Opatovská Nová Ves in the period from December 2011 to February 2012. Protected housing consists of independent housing units—two-room studio apartments with their own sanitary facilities. The layout of the apartments allows variable accommodation of different types of clients according to the nature of their handicap (social, psychical or health). At the same time, it is the only facility with a barrier-free design among accommodation centres for asylum applicants within the SR, thus enabling access for clients with motion disorders (patients suffering monoparesis or paraplegia), as well as for clients with moderate up to medium spastic and non-spastic disabilities (DMO).<sup>121</sup>

For economic reasons, it was inevitable to make maximum use of internal resources and to involve asylum applicants into building works. Clients evaluated their involvement in building works highly positive, and this activity has also contributed to the promotion of their working habits and skills. The meaningful use of the time of clients has also had a positive effect on their psychical conditions and on the elimination of stress and conflict situations among individual groups. The opening of the possibilities for personal self-realisation of clients appeared to be a strong socialising incentive, and the involvement in building works largely increased the self-confidence of clients and their feeling of satisfaction from self-realisation.

<sup>121</sup> For more details see [www.sldv.sk](http://www.sldv.sk) (consulted on 28/11/2012).



## Actions Against Trafficking in Human Beings

Further to Government Resolution No. 668 of 07 September 2005 on the Government Activities Report in 2005 which focused on the prevention and suppression of trafficking in human beings, a national coordinator for combatting 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>122</sup> At present, the *National Programme to Combat Trafficking in Human Beings for the Period 2011–14* is in place, as approved by Government Resolution No. 96/2011.

Actions against human trafficking are also incorporated in the MP and related Action Plans and are based on the national Programme to Combat Trafficking in Human Beings.

From the legislative and political points of view, several changes were observed in this area in 2012.

The new Act on Residence of Aliens has brought along certain legislative changes compared to the previous legislation covering the fight against trafficking in human beings. Under the new Act on Residence of Aliens, a victim of human trafficking can be granted tolerated stay for a maximum period of 90 days. This period can be extended to another 30 days in the given case. During this period, a third-country national who has become the victim of trafficking in human beings and who is at least 18 years old can decide whether he/she would cooperate with law enforce-

<sup>122</sup> This cross-sectoral group is the advisory, initiative and co-ordination 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, MoESRS SR, Ministry of Finance of the SR, Government Office of the SR, Office of the Government Plenipotentiary of the Slovak Republic for Roma communities, General Prosecution of the SR, Association of Towns and Municipalities of Slovakia, and IOM. The third sector is also included in this expert group through the representations of non-governmental organisations.

ment authorities in the clarification of the crime related to trafficking in human beings. Tolerated stay would legalise the illegal stay of the victim in the territory of the SR, and is also considered as a period for recovery of the victim. If the victim decides to cooperate with the law enforcement authorities, the police department shall, upon request of the law enforcement authority, grant tolerated stay for a minimum period of 180 days, also repeatedly, in case his/her presence in the territory is inevitable for the purposes of criminal proceedings. The police department shall not grant any tolerated stay to a victim of trafficking in human beings if it is demonstrated that the applicant has not abandoned or has restored, out of his/her own will, contacts with persons suspicious of committing a crime related to human trafficking.

In 2012, proposals for changes in the internal regulations of the MoI SR have been prepared and adopted. These changes concerned the work and activities of the expert group and multi-disciplinary working groups targeting fight against human trafficking.

At the same time, after the ratification of the Council of Europe Convention on Action against Trafficking in Human Beings, the SR has been monitored by and cooperates with the Group of Experts on Action against Trafficking in Human Beings (GRETA). In the framework of this cooperation, the SR develops efforts to implement the expert group's recommendations in actions combating human trafficking. At the same time, a report on meeting the minimum standards in the fight against trafficking in human beings was presented to the US Congress each year. Since 2011, the SR has been listed in the 1st group of states.<sup>123</sup> Directive 2011/36/EU of the European Parliament

and of the Council of 05 April 2011 on preventing and combating trafficking in human beings and protecting its victims, and replacing Council Framework Decision 2002/629/SVV is expected to be implemented by 06 April 2013. In this regard, the SR is preparing measures to ensure harmonisation of its acts and other legal regulations with the directive (e.g. amendments to Act No. 300/2005 Coll. Criminal Code and Act No. 301/2005 Coll. Criminal Order; Decree of the Minister of Interior of the Slovak Republic No. 47/2008 on the Implementation of the Programme of Support and Protection of the Victims of Trafficking in Human Beings as Amended by Decree of the Ministry of Interior of the Slovak Republic No. 170/2010, etc.). In connection with the drafting of the Penal Act, the SR raised an ad hoc query under EMN to obtain information from other Member States on the transposition of Article 8 of Directive 2011/36/EU. The obtained information was used to draft the amendment.

The fight against human trafficking within the SR is contained in several legal regulations, with the following regulations being the most relevant ones to describe the development in 2012:

- Order of the Ministry of Interior of the SR No. 126 of 24 September 2012 on the Group of Experts on Action against Trafficking in Human Beings;
- Order of the State Secretary of the MoI SR No. 51/2011 of 30 March 2011 on Establishing Multi-disciplinary Working Groups on Action against Trafficking in Human Beings in the Wording of Order of the State Secretary of the MoI SR No. 27/2012;
- Internal Regulation of the MoI SR of 31 May 2012 on issuing methodological guidelines to ensure identification of potential victims of trafficking in human beings under the competence of the MoI SR. This instruction specifies the conditions for the identification of potential victims of human trafficking—asylum applicants—

<sup>123</sup> The full report is available at <http://www.state.gov/j/tip/rls/tiprpt/2012/index.htm> (consulted on 29/11/2012). The first group represents the top category, which means that the country responds to the issues related to trafficking, and the government has developed all necessary efforts to solve this problem, and meets the minimum legislative standards for the protection of the victims of trafficking.



for the employees of the MO Mol SR, and the purpose of this instruction is:

- to specify the actions related to the identification of potential victims by the employees of the MO Mol SR;
- to specify the actions for the employees of the MO Mol SR in case it is discovered that the asylum applicant within the SR is a potential victim.

At the same time, a manual for carrying out first-line and second-line control with a focus on the identification and detection of possible victims of human trafficking and of traffickers in human beings has been prepared in 2012 in the framework of Frontex activities and with the participation of experts from the BBAP PFP. This manual, together with training activities, will be incorporated into the execution of first-line and second-line control on the external border of the SR.

The number of entities able to recognise signs of human trafficking is being increased through training activities focused on the identification of human trafficking and help to victims pursuant to the National Programme for Combating Trafficking in Human Beings 2011–14. A total of 331 persons have been trained in 2012 under the task no. 2.2 of the National Action Plan for Combating Trafficking in Human Beings 2011–14. Under the project Prevention and an Extended Harmonised System of Collection of Data on Human Trafficking, a total of 123 persons have been trained on trafficking in human beings with a focus on forced labour. In 2012, in line with the pre-deployment preparation of consuls, 31 persons in total have been trained on human trafficking issues.<sup>124</sup>

Also in 2012, the Border and Aliens Police staff carried out screening in order to identify third-country nationals who have become victims of human trafficking. They performed

screening in the cases of entry of persons through the external border and during the interrogation of third-country nationals—irregular migrants—detained in connection with their illegal state border crossing, or asylum applicants in the SR detained at the border crossing point. The Aliens Police staff have performed screening aimed at the identification of victims mainly in contact with irregular migrants where there has been a suspicion of committing a crime.

In 2012, the Programme of Support and Protection of the Victims of Human Trafficking continued to be implemented, while the scope and the quality of services provided to national and international victims of trafficking in human beings are laid down in Decree of the Ministry of Interior of the SR No. 47/2008 on Ensuring a Programme of Support to and Protection of the Victims of Human Trafficking in the Wording of the Decree of the Minister of Interior of the SR No. 170/2010 on the implementation of the Programme of Support to and Protection of the Victims of Human Trafficking. In line with the principles of equality and non-discrimination, both categories of victims are provided with services at the same level and according to their individual needs, while care for foreign victims requires more measures relating to language barriers, legalisation of an alien's stay, and voluntary return to the country of origin.

In 2012, 22 persons were incorporated in the Programme to whom a complex help was provided from partner nongovernmental and international organisations. At present, there are a total of 37 persons involved in the Programme.<sup>125</sup>

At the same time a methodological tool defining the actions for all stakeholders in providing help to the victims of human trafficking was been published and distributed in 2012,

<sup>124</sup> The information and statistical data were provided by the Information Centre for Combatting Trafficking in Human Beings and Crime Prevention of the Office of the Minister of Interior of the SR.

<sup>125</sup> This information and the statistical data were provided by the Information Centre for Combatting Trafficking in Human Beings and Crime Prevention of the Office of the Minister of Interior of the SR.

with a special focus on the specific features of actions concerning victims of human trafficking who are aliens or minors.

In 2012, the SR continued operating the national helpline for the victims of human trafficking 0800 800 818, which helped, among other things, identifying some victims of trafficking in human beings.

An important element in the fight against trafficking in human beings is preventative activities, work with the target group and various targeted campaigns. In 2012, several activities of this kind were organised in the SR.

**Preventive documentary film entitled 0800800818**, which was produced in 2011 and had its premiere in the Slovak Television on 22 May 2012. This film was followed by a discussion of experts. The film 0800800818 was also presented to the public within the film festival Jeden svet (One World) on 03 December 2012 and 07 December 2012.<sup>126</sup> A specific methodological material was prepared for the film, which can be used in practical prevention by various target groups. In this context, the film is also used during training activities organised under the task no. 2.2 of the National Action Plan for Combating Human Trafficking 2011–14 and in the framework of the project Prevention and an Extended Harmonised System for Collection of Data on Human Trafficking.<sup>127</sup>

### **Communication campaign 'You Can Become a Slave without Information'**

In 2012, the second stage of the communication campaign 'You Can Become a Slave without Information' has been implemented under the project **Prevention and an Extended Harmonised System for the Collection of Data on Human Trafficking**, financed by

the EC. After a three-month broadcasting of the television and radio spots with the title *You Can Become a Slave without Information* (October–December 2011 in the Slovak Radio and on the regional channels of Radio Regina, Radio Expres, STV 1, STV 2 and TV JOJ), the TV spot promoting the national helpline for the victims of human trafficking 0800 800 818 was uploaded to the server of the Association of Local TV Stations from April to June 2012, from which it was broadcasted free of charge in the different Slovak regions. 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, sportky.sk and 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. The TV spot 'You Can Become a Slave without Information' is also available in electronic form. In August 2012, the Focus, s.r.o. agency conducted a public opinion poll on human trafficking. The opinion poll sought to find out the success rate of the campaign 'You Can Become a Slave without Information'. Within the survey, 1,083 Slovak citizens of over 15 years of age were asked five questions about the campaign. The questions focused on respondents' associations with the term trafficking/human trafficking, identification of the phone number 0800800818, and associations with the sentence 'You Can Become a Slave without Information', as well as experience with work abroad throughout the past four years. According to the survey, up to 46 per cent

<sup>126</sup> The film can be viewed on the website [www.youtube.com](http://www.youtube.com) with English subtitles.

<sup>127</sup> The film was produced by IOM and directed by Marcel Pázman thanks to the support of the Government Council of the SR for Crime Prevention, Embassy of the United Kingdom of Great Britain and Northern Ireland, and Embassy of the Kingdom of the Netherlands.

of respondents saw a link between human trafficking and prostitution, and 33 per cent between human trafficking and sale of people for unremunerated work. 88 per cent of respondents were not familiar with the national helpline for victims of human trafficking. Respondents who had worked abroad during the previous four years identified the helpline more frequently than those who had not worked abroad. The campaign slogan 'You Can Become a Slave without Information' was unfamiliar to 84 per cent of respondents. The majority of associations stick to the combination: to be informed, to have information in life. Only 5 per cent of respondents were able to attribute this slogan to trafficking in human beings. Again, better results were obtained among those respondents who had worked abroad. 16 per cent of all respondents observed the media campaign broadcasted in TV and radio, predominantly those who had worked abroad during the past four years. From among respondents who joined the survey, every tenth person had worked abroad during the past four years. In spite of that, up to 89 per cent of all respondents did not have any experience with work abroad.

### **Campaign 'Do You Know What Your Children Is Doing Right Now?'**

This campaign addressed youth and their parents.<sup>128</sup> Posters made by pupils of secondary utility art design schools thematically motivated by various dangers, among others also 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 are exhibited in the form of 30 posters all around Slovakia, especially in hospitals and big shopping centres. At the same time, a simple brochure with advice for parents whose children decide to work abroad or on starting alcohol, drug or other addiction has been

distributed in hospitals, at secondary schools and in information centres. The brochure will also be distributed during organised training events and travelling exhibitions in big shopping centres and during numerous activities for adults and teenagers in this field in 2013.

### **Campaign on Foreigners' Rights**

For the purposes of the campaign on foreigners' rights, CDs with the VITA programme have been produced and distributed to all BBAP PFP departments and foster homes in Horné Orechové and Medzilaborce for unaccompanied minors. The CDs aim to facilitate initial communication with foreigners. The VITA CD was created by the United Nations Global Initiative to Fight Human Trafficking (UN.GIFT).

The information centre with its seat in Košice (working within the Mol SR structure) trained, together with the IOM, 196 employees of the BBAP PFP in the period from March to April 2012 on the identification of the victims of human trafficking. The participants to the training were also presented the VITA CD. Also, 100 posters and 500 leaflets with information for potential victims of human trafficking were printed in the framework of the Programme of Support to and Protection of the victims of Human Trafficking. This promotion material with information texts is available in six language versions (Slovak, English, French, Russian, Arabic, and Chinese). The communication campaign included simulated detention of foreigners organised in the adjacent area of the border crossing point with Ukraine in Vyšné Nemecké on 07 September 2012, which raised much media attention. Over 20 representatives of electronic and printed media participated in this activity. The press conference after the end of the simulated detention raised the same big interest. The topic of the press conference focused on explaining the rights of foreigners – victims of human trafficking by the Mol SR.

<sup>128</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).

### European Day against Human Trafficking

Within the European Day against Human Trafficking (18 October 2012), a press conference, opening of the exhibition 'Do You Know What Your Child Is Doing Right Now?' in the premises of the historical town council in Košice, and a theatre performance *Vtáčatko* (Little Bird) on human trafficking for sexual exploitation purposes under the auspices of the Mayor of Košice were organised.

The broadcasting of the TV and radio spot 'About a Wondering Egg' (*Ako išlo vajce na vandrovanie*—the title is taken from a classic Slovak fairy-tale) on Channel 1, Channel 2, Radio Slovensko and Radio Regina until 31 December 2012 has also had a preventive character. The TV spot was distributed on CDs to preventive police officers, teachers, foster homes and cooperating state and non-governmental organisations. In addition, the campaign promoting the national helpline for the victims of human trafficking 0800 800 818 appears on 24 billboards all over Slovakia from 01 October 2012 to 31 December 2012.

**Table 8 in Annex 2** provides an overview of promotion materials on human trafficking in the SR published in 2012.

Trafficking in human beings is one of the most frequently mentioned and discussed topics in the Slovak mass media with regard to migration, either under the campaigns described above<sup>129</sup> or in the context of the European Anti-Trafficking Day<sup>130</sup> (for more details also refer to sub-chapter 2.2) or cases of detection or investigation of human trafficking crimes<sup>131</sup>.

<sup>129</sup> For example, *oPeniazoch.sk*, IOM distribuuje do škôl film o obeť obchodovania s ľuďmi, available at <http://openiazoch.zoznam.sk/> (consulted on 24/10/2012), or article from 14/08/2012 in *Šarm* weekly under the title *Otroci*.

<sup>130</sup> For example, *Korzar* daily, *Východné Slovensko dominuje v obchode s ľuďmi*, available at <http://kosice.korzar.sme.sk/c/6570472/vychodne-slovensko-dominuje-v-obchode-s-ludmi.html> (consulted on 10/01/2013), or *HNonline*, *Obchod s ľuďmi je aj slovenský problém, upozorňuje charita*, available at <http://hnonline.sk/slovensko/c1-57996230-obchod-s-ludmi-je-aj-slovensky-problem-upozorňuje-charita> (consulted on 10/01/2013).

<sup>131</sup> For example, *Korzar* daily, *Na hranici ukázali techniku na*

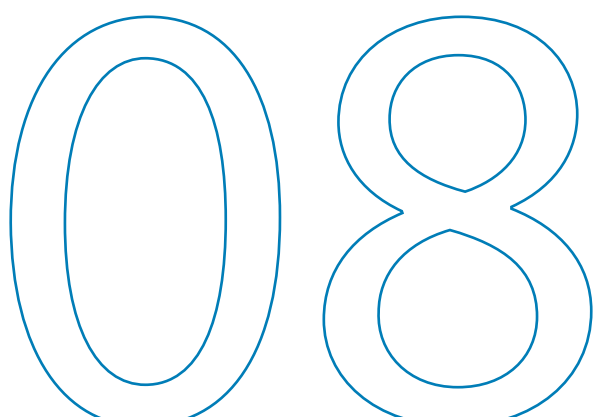
In 2012, NUCIM BBAP PFP officers investigated one case of particularly serious crime, bringing charge against six persons for the criminal offence of establishing, masterminding and supporting a terrorist group under Art. 296 of the Criminal Code, for a particularly serious criminal offence of trafficking in human beings under Art. 179, par. 1, letter d), par. 4, letter c), and par. 5, letter a) of the Criminal Act, and the joinder particularly serious criminal offence of legalisation of proceeds of crime under Art. 233, par. 1, letters a) and b), and par. 4, letter a) of the Criminal Code. This case was documented in close cooperation and under surveillance of the Special Prosecutor's Office of the Public Prosecution of the SR.<sup>132</sup>

**Tables 9 and 10 in Annex 2** present an overview of persons prosecuted and investigated for human trafficking crimes in the SR in 2012 and data on criminal activity.

At the same time in order to ensure complex and effective fulfilment of tasks arising from the National Programme for Combating Human Trafficking 2011–14, adopted by Government Resolution No. 96 of 16 February 2011, an Agreement on Cooperation in the execution of controls of business entities enabling illegal work was signed between the Mol SR and the National Labour Inspectorate. The agreement came into force on 13 April 2012.

*zásahy proti migrantom*, available at <http://michalovce.korzar.sme.sk/c/6525218/na-hranici-ukazali-techniku-na-zasahy-proti-migrantom.html> (consulted on 10/01/2013).

<sup>132</sup> This information and statistics were provided by BBAP PFP.



## Migration and Development Policy

On 04 March 2009, the Government of the SR approved the *Middle-Term Strategy of Official Development Aid of the Slovak Republic for the Period 2009–13*. This conceptual/strategic document represents the basis for all planning and programming documents on official development aid for this period. The strategy reflects the developing foreign policy interests of the SR, the changes achieved by the SR as a new donor since 2003, including completion of the development aid system, experience obtained from the provision of development aid, and Slovakia's commitments arising from its EU membership.<sup>133</sup>

Further to the Middle-Term Strategy of Official Development Aid of the SR 2009–13, the SR produces *National Programmes of Official Development Aid of the SR* each year. The National Programme 2012 emphasises that with regard to the international commitments taken up by the SR, the project proposals will take into consideration the commitment to increase coherence between migration and development policies. This topic is one of the cross-sectional priorities considered in the selection of all development cooperation projects of the SR. By providing development aid the SR has long supported the improvement of the economic and social situation of the population of third countries, thus seeking to prevent unwanted migration

In 2012, the following projects were supported from the official development aid of the SR through the CETIR programme of the MoFEA SR (Centre for the Transfer of Experience on Integration and Reforms).

- *Schengen Area and migration control, issuance of biometric documents* – study visit by representatives of the MoFA and State Migration Service of Ukraine, and
- *Irregular migration* – visit by experts from Moldova in the SR.

<sup>133</sup> Potočková, I., Annual Report on Migration and Asylum Policies 2010 Slovak Republic, European Migration Network, Bratislava, 2011.



The following projects were supported through micro-grants (contribution of max. EUR 5,000 per project):

- Diplomatic mission in Ankara – *Assistance to internally displaced persons in Georgia who suffered damages as a result of floods*
- Diplomatic mission in Baghdad – *Building of a water reservoir for the Domiz refugee camp on the Iraqi-Syrian border*

Under humanitarian aid, the SR also provided the following contributions<sup>134</sup>:

- Financial contribution to the Turkish government to solve the situation of Syrian refugees;
- Material humanitarian aid to Syrian refugees in Jordan;
- Material humanitarian aid for the refugee camp Konik near Podgorica, Montenegro;
- Financial contribution to the Sarajevo process through the Development Bank of the Council of Europe.

Besides the above mentioned funds, the SR granted a humanitarian contribution of EUR 10,000 to Syrian refugees in 2012. This contribution was used to build, through the IOM, a water reservoir with a capacity of 15,000 litres for over 3,000 inhabitants of the refugee camp Domiz in the north of Iraq. In addition to that, financial humanitarian aid of EUR 25,000 was provided to UNHCR in Geneva for a complex solution of the situation of Syrian refugees in all countries of destination (Iraq, Jordan, Lebanon and Turkey).

Further to the Middle-Term Strategy of Official Development Aid of the SR 2009–13, the *National Strategy for Global Education 2012–16* was produced. This strategy lists migration as one of the main topics of global education.

Migration and development issues are also contained in the MP Action Plans. Their im-

plementation runs in the context of the Middle-Term Strategy and cooperation with third countries and international organisations in the field of relocation and displacement (for more details see sub-chapters 5.3 and 5.4).

<sup>134</sup> At a total amount of EUR 245,000. Information provided by MoFEA SR.



## Implementation of EU Legislation

This chapter provides an overview of the impacts of EU legislation on the national legislation and on its changes and amendments, as well as about the debates and discussions at the level of policy makers or the expert public in this field.

### 9.1 Transposition of EU legislation 2012

*Directive 2008/115/EC of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (Returns Directive)*

- Transposition period: 24 December 2011 (Art. 13, par. 4: 24 December 2011)
- Current state: Art. 13, par. 3 was transposed by Act No. 404/2011 Coll. on Residence of Aliens and on Changes and Amendments to Some Acts (Art. 76 and 77) and by Act No. 332/2011 Coll. on Changing and Amending Act No. 327/2005 Coll. on the Provision of Legal Assistance to People in Material Need and on Changes and Amendments to Act No. 586/2003 Coll. on Advocacy and on Changes and Amendments to Act No. 455/1991 Coll. on Trade Licensing as Amended by Act No. 8/2005 Coll. as Amended and Changing and Amendment some Acts with effect from 01 January 2012.

With regard to the transposition of the Returns Directive<sup>135</sup>, the competence of the Legal Assistance Centre in the second-instance proceedings in matters concerning administrative expulsion of aliens was introduced with effect from 01 January 2012.<sup>136</sup> A physical person has the right to be provid-

<sup>135</sup> Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals (Returns Directive).

<sup>136</sup> Act No. 332/2011 Coll. on Changing and Amending Act No. 327/2005 Coll. on the Provision of Legal Assistance to People in Material Need and on Changes and Amendments to Act No. 586/2003 Coll. on Advocacy and on Changes and Amendments to Act No. 455/1991 Coll. on Trade Licensing as Amended by Act No. 8/2005 Coll. as Amended and on Changing and Amending Some Acts with effect as of 01 January 2012.

ed with legal assistance in the administrative expulsion proceedings if he/she is a third-country national under the Act on Residence of Aliens; has requested legal assistance; does not have a chosen representative for the proceedings under which that person requests legal assistance; is in the situation of material need; and the police department of the BBAP PFP has issued a decision on administrative expulsion. The applicant must file the application for legal assistance immediately in the Centre or at the police department to which the third-country national has been brought. The Centre for Legal Assistance shall perform immediate legal assistance acts, in particular file an appeal, even in case the application is not complete. The Centre for Legal Assistance shall review the situation of material need only in case the applicant had permitted residence in the SR immediately before the issue of the decision on administrative expulsion. Legal assistance in the administrative expulsion proceedings is provided even after the decision on administrative expulsion has been cancelled<sup>137</sup>.

*Directive 2004/38/EC of the European Parliament and of the Council of 29 April 2004 on the right of citizens of the Union and their family members to move and reside freely within the territory of the Member States amending Regulation (EEC) No 1612/68 and repealing Directives 64/221/EEC, 68/360/EEC, 72/194/EEC, 73/148/EEC, 75/34/EEC, 75/35/EEC, 90/364/EEC, 90/365/EEC and 93/96/EEC*

- Transposition period: 30 June 2006
- Current state: full transposition of Art. 3, par. 2, letter b) by Act No. 404/2011 Coll. on Residence of Aliens and on Changes and Amendments to Some Acts (Art. 2, par. 5, letter g) with effect from 01 January 2012.

<sup>137</sup> Act No. 327/2005 Coll. on the Provision of Legal Assistance to People in Material Need and on Changes and Amendments to Act No. 586/2003 Coll. on Advocacy and on Changes and Amendments to Act No. 455/1991 Coll. on Trade Licensing as Amended by Act No. 8/2005 Coll.

Art. 2, par. 5, letter g) of the Act on Residence of Aliens extends the definition of the family member of a Union citizen and his/her partner with whom the Union citizen is in a permanent, duly certified relationship. This represents full transposition of Art. 3, par. 2, letter b) of Directive 2004/38/EC. The SR has not used yet the possibility to transpose Art. 2, par. 2, letter b) of this Directive concerning registered partnership given the fact that the Slovak legislation does not deem registered partnership equivalent to marriage. The partner of an EU citizen shall prove his/her family relationship with the EU citizen with a document certifying that their relationship lasts, is of permanent nature, and is duly certified, or can prove this fact by any other suitable way.

Third-country nationals who are considered family members of a Union citizen include third-country nationals who have and use the right of residence of a family member of a Union citizen in another EU Member State in which the Union citizen is a citizen of the SR with whom the third-country national returns to reside or joins him/her to reside back to the SR. The extent of the family ties to the citizen of the SR is the same as in the case of other citizens of EU Member States. This category of persons is based on the Communication of the Commission to the European Parliament and the Council on guidelines for a better transposition and application of Directive 2004/38/EC on the rights of citizens of the Union citizens and their family members to move and reside freely within the territory of the Member States. By including these persons in the category of family members of a Union citizen the legislation of the SR has been harmonised with the European legislation.<sup>138</sup>

<sup>138</sup> Explanatory memorandum to the draft Act on Residence of Aliens, available at: <http://www.nrsr.sk/web/Default.aspx?sid=zakony/cpt&ZakZborID=13&CisObdobia=5&ID=457> (consulted on 16/12/2012).

## 9.2 Experiences, debates in (non-)implementation of EU legislation

In 2012, no other major discussions at the political or expert level took place on the implementation of EU legislation in the national law in the field of migration and asylum compared to the year 2011 when hundreds of comments from the expert public were submitted within the inter-departmental consultation procedure on the draft Act on Residence of Aliens, which resulted in the adoption of the act. The amendment to the Act on Residence of Aliens which was subject to the consultation procedure in 2012 and is currently discussed by the government has not open a wider public or political discussion, and the discussion has been only conducted at the level of ministries.

# ANNEX 1

## Methodology and Definitions

### Annex 1.1 Methodology

The Annual Report on Migration and Asylum Policies in the Slovak Republic 2012 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 Mol SR, in particular from the BBAP PFP, MO Mol SR, Information Centre for the Fight against Trafficking in Human Beings and Crime Prevention of the Office of the Minister of Interior SR, FAD Mol 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:

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

Potočková, *Annual Report on Migration and Asylum Policies 2010 Slovak Republic*, European Migration Network, Bratislava, 2011.

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

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

Mrlianová, Ulrichová, Zollerová, *Practical Measures to Combat Illegal Migration in the Slovak Republic*, European Migration Network, Bratislava, 2011.

Domonkos, Páleník, Radvanský, *Satisfying Labour Demand through Migration in the Slovak Republic*, European Migration Network, Bratislava, 2010.

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

In 2012, IOM as the coordinator of the EMN National Contact Point started cooperating with the press agency in the preparation 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.

The description of the parliamentary discussions and reports in the mass media with an impact on the developments in migration and asylum issues has been traditionally problematic. In spite of the fact that the year 2012 was an election year, no important discussions on migration and asylum were held in the parliament or at the political scene. This report therefore brings only shorter references to the migration issues presented in the media and on the activities conducted by the third sector and international organisations in the SR.



## 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 which entered into effect on 01 January 2012.

Unlike the former wording of the Act on Residence of Aliens under which both the nationals of the European Economic Area (or EU) and third-country nationals were considered aliens in accordance with the national legislation, the new Act on Residence of Aliens introduces, in Art. 2, par. 4, 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. 1, par. 2 of the Act on Residence of Aliens, and not to the term *alien* or *foreigner* according to the EMN Glossary.<sup>139</sup>

The study also uses the term *migrant* which, in line with the EMN Glossary, can be consid-

ered 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 2012, neither the mass media nor the expert public paid increased attention to migration issues as compared to previous years.

<sup>139</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: European Migration Network, Asylum and Migration Glossary – a tool for better comparability, January 2010, p. 12.

## ANNEX 2

### Statistics

**Table 1 Issued residence permits by purpose in 2012**

Issued permits total	Issued residence permits by reason			
	Family reasons	Education reasons	Remunerated activities reasons	Other reasons
4,506	1,223	617	1,914	752

Source: BBAP PFP

**Table 2 Visas issued by the SR by type in 2012**

Visas total	Type of visa	
	Schengen visas	National visas
	74,661	1,175

Source: MoFEA SR

**Table 3 Irregular migration within the territory of the SR in 2011 and 2012**

Type of irregular migration	Year	
	2011	2012
ISBC	390	658
IS	829	821
Total	1,219	1,479

Source: BBAP PFP

ISBC – Illegal state border crossing

IS – Illegal stay

**Table 4 Overview of granted reintegration assistance by the SR by beneficiary's country of origin and type of assistance in 2012**

Type of assistance	Number of reintegrations in the given field	Country of origin
House or flat reconstruction, e.g. installation of bathroom facilities, gas boiler, purchase of furniture, etc.	9	1xUkraine, 4xMoldova, 2xArmenia, 1xRussia, 1xUN 1244 Kosovo
Purchase of a motorcycle	4	4xVietnam
Purchase of clothes, personal computer	1	1xRussia
Purchase of a cow for milk	1	1xUN 1244 Kosovo
Farm (orchard, purchase of cows, pigs)	3	1xMoldova, 1xVietnam, 1xThailand
Clothes shop	1	1xIran
Partnership (car repair, car rental, electronics selling, mill for spices)	4	2xVietnam 1xChina 1xNepal
Course to obtain a driving licence, PC course	2	1xFYR Macedonia, 1xTurkey
Flat rental	2	2xArmenia

Source: IOM

**Table 5 Executed returns from the SR by type and country of origin in 2012**

Nationality	Returned as part of forced return measures	Returned voluntarily	Among third-country nationals returned voluntarily, the number of third-country nationals returned as part of an assisted return programme
Afghanistan	5	0	0
Albania	1	0	0
Algeria	1	0	0
Armenia	2	4	4
China	5	4	4
Eritrea	2	0	0
Georgia	24	1	1
India	0	1	1
Iran	2	0	0
Kazakhstan	0	1	0

Kenya	1	0	0
FYR Macedonia	2	1	1
Moldova	55	11	11
Nepal	0	1	1
Nigeria	1	0	0
Territories not specified elsewhere (Kosovo)	1	9	9
Pakistan	0	1	1
Ivory Coast	1	0	0
Russia	10	9	4
Sierra Leone	1	0	0
Somalia	5	0	0
Serbia	0	1	1
Thailand	0	1	1
Turkey	2	1	1
Ukraine	147	19	2
USA	0	4	4
Vietnam	5	8	8
Total	273	77	54

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.

Returned voluntarily – includes cases when a third country national voluntarily fulfilled the obligation to leave the territory of the SR in the set deadline stated in the decision on administrative expulsion and those who were returned within the AVR programme.

**Table 6 Decisions on asylum applications in the period 2009–12 in the SR**

Year	Asylum applications	Granted asylum	Non-granted asylum	Granted/non-granted subsidiary protection	Stopped proceedings	Granted citizenship
2009	822	14	330	98/165	460	1
2010	541	15	180	57/104	361	3
2011	491	12	186	91/48	270	7
2012	732	32	334	104/153	383	0

Source: MO Mol SR

**Table 7 Unaccompanied minors in the SR in 2012**

Total	Unaccompanied minors not applying for asylum	Unaccompanied minors applying for asylum
	146	31

Source: MoLSAF SR and MO Mol SR

The column on persons applying for asylum represents the number of persons registered as unaccompanied minors at the time of filing their applications. This column also represents the sum of these persons per individual months. This number does not necessarily correspond with the statistics as of the end of the year (e.g. they could reach full age during the year, or it could be found out that they were not minors, etc.).

**Table 8 Overview of promotion materials on trafficking in human beings in 2012**

No.	Title of promotion material	Circulation
1.	Brochure – Do You Know What Your Child Is Doing Right Now?	10, 000
2.	Methodological tool explaining the procedures for all stakeholders in providing assistance to the victims of human trafficking with a special focus on the specific features of the procedures relating to foreign victims and child victims of human trafficking	1,000
3.	A3 posters – Woman for sale	50
4.	A3 posters – Man with hands on his face	50
5.	A5 information leaflets – Woman for sale	250
6.	A5 information leaflets – Man with hands on his face	250
7.	DVD duplicates of a media spot	250
8.	DVD duplicates of the VITA programme	200
9.	National Programme for Combating Human Trafficking 2011–14 in Slovak language	700
10.	National Programme for Combating Human Trafficking 2011–14 in English language	100

Source: Mol SR



**Table 9 Persons prosecuted and investigated for crimes related to human trafficking in the SR in 2012**

Data on prosecuted and investigated persons	
<b>Total</b>	16
Closed criminal prosecutions	7
Plea bargaining	1
Stayed criminal prosecution	6
Interrupted criminal prosecution	-

Source: Mol SR

**Table 10 Overview of crimes related to human trafficking in the SR in 2012**

Data on crimes by articles		
Art. 179 (1) <sup>140</sup>	Disclosed	19
	Clarified	2
	I.e.	10.53 %
	Clarified retrospectively	4
Art. 179 (2) <sup>141</sup>	Disclosed	4
	Clarified	0
	I.e.	-
	Clarified retrospectively	1
Total per Art. 179 <sup>142</sup>	Disclosed	23
	Clarified	2
	I.e.	8.7%
	Clarified retrospectively	6

Source: Mol SR,

140 Art. 179 (1) of the Penal Code reads as follows: "Any person who, by using fraudulent practices, a trick, restriction of personal freedom, violence, threatened violence, threat of grievous bodily harm or other forms of coercion, by accepting or offering monetary payment or other benefits in order to get approval of a person on whom another person depends, or by misusing his powers, or abusing of defencelessness or other vulnerable position, entices, transports, harbours, hands over or takes over another person, even upon his consent, for the purposes of his prostitution or another form of sexual exploitation, including pornography, forced labour or domestic slavery, slavery or practices similar to slavery, bondage, taking of organs, tissues or cells or other forms of exploitation, shall be liable to a term of imprisonment of four to ten years."

141 Art. 179 (2) of the Penal Code reads as follows: "The same sentence as referred to in paragraph 1 shall be imposed on any person who entices, transports, harbours, hands over or takes over a person under eighteen years of age, even upon his consent, for the purposes of his prostitution or other form of sexual exploitation, including pornography, forced labour or domestic slavery, slavery or practices similar to slavery, bondage, taking of organs, tissues or cells or other forms of exploitation."

142 Art. 179 of the Penal Code concerns crimes related to trafficking in human beings.

# ANNEX 3

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