



EMN FOCUSSED STUDY 2014

Admitting third-country nationals for business purposes - contribution of the Slovak Republic

Top-line "Factsheet" (National Contribution)

National contribution (one page only)

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

Immigrant business persons represent a group of migrants with a significant impact on the economic growth of the Slovak Republic. The support for the inflow of foreign investments has therefore become one of the priorities of the Government of the Slovak Republic, as specified in the Manifesto of the Government of the Slovak Republic for the years 2012–2016. In spite of this fact, the number of immigrant business persons in Slovakia is relatively low. In 2012, there were 2,339 immigrant business persons with temporary residence for business purposes in Slovakia, which constituted approx. 16% in the total number of third-country nationals. The share of business persons travelling to Slovakia with a Schengen or national visa is even smaller – 4.8%.

The different sections of this study deal with the legislative and political framework regulating the attracting and admission of third-country nationals to the Slovak territory for the purpose of running business activities, the schemes of providing state aid to immigrant business persons, as well as measures implemented by Slovakia to detect, monitor and prevent the potential misuse of this type of residence.

Section 1, which examines the programmes to attract immigrant business persons and the legislation regulating their residence in the Slovak territory is divided into three parts according to the categories of third-country nationals analysed by the study in line with its specifications.

The first part of this section is supposed to tackle immigrant investors, i.e. persons who were granted a residence permit for the purpose of making a financial investment either in financial products or in a business but without being personally involved in the day to day operations or in the management of business. However, this category of third-country nationals is not entitled to obtain a residence permit in Slovakia, as a result of which no policies or programmes to attract them to Slovakia exist.

The second part of this section deals with immigrant business owners, i.e. third-country nationals who would be granted residence in the Slovak territory for the purpose of setting up or taking over a business and being involved in its management, or for self-employment. This part analyses the possibilities of providing state aid to immigrant business owners under Act No. 561/2007 Coll. on Investment Aid and on changes and amendments to some acts, as amended, and the conditions of granting temporary or permanent residence and the facts which are essential for renewing these types of residence.

The third part of this section deals with other immigrant business persons. This category includes intra-corporate transferees, graduate trainees, contractual service suppliers, independent professionals, business visitors and business sellers, i.e. natural persons temporarily providing services under the General Agreement on Trade and Services (GATS). Slovakia has no programmes in place to attract this category of immigrant

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business persons. At the same time, the majority of these persons, with the exception of business visitors, business sellers and part of independent professionals, falls under the labour migration category in Slovakia.

Section 2 describes the measures aimed to detect, monitor and prevent potential misuse of the migration of business persons from third countries, the responsible authorities, their coordination and the consequences for immigrant business persons arising from the breach of obligations in this field.

Section 3 draws attention to the evaluation of the existing programmes to attract immigrant business persons. During the reference period 2009-2013 there were no publicly available government documents elaborated analysing the effectiveness of attracting immigrant business persons or the impacts of immigrant business persons on the economic and social development of the society. The existing evaluation studies are mostly prepared by independent experts, and the subject of these studies is narrower, focusing on analysing the effectiveness of providing state aid.

Section 4 of the study aims to describe examples of good practice. This section, however, is not applicable to Slovakia, as there are no programmes in place with the sole objective of attracting third-country nationals to conduct their business activities in Slovakia.

The annex to this study provides available statistics on the size of the different categories of immigrant business persons coming to Slovakia during the reference period 2009-2013 and on the average time needed to obtain a visa and a residence, to change the purpose of residence, and to register a business in Slovakia.

Section 1: National frameworks for admitting third-country nationals for business purposes

For the national policies, the questionnaire asks first for information about the national policies in relation to **immigrant investors** (Sections 1.1 – 1.2), then for **immigrant business owners** (1.3 - 1.4) and finally for **other business persons** (Sections 1.5 – 1.6)

Section 1.1: Immigrant investors: overview of national policies

*This section asks for information on the national institutional framework and the main policy objectives in relation to **immigrant investors** from third-countries. It will provide a mapping of the national stakeholders involved in the design and implementation of the policies to attract such investors, and the incentives that apply.*

The Slovak Republic ("SR") does not have any policies in place to attract immigrant investors (as defined in the specification of this study¹) to its territory. Act No. 404/2011 Coll. on Residence of Aliens and on changes and amendments to some acts, as amended (hereinafter referred to as the "Act on Residence of Aliens") as the basic piece of legislation regulating the entry and residence of third-country nationals in the Slovak territory does not define the term "immigrant investor", as a result of which it does not allow this category of third-country nationals to obtain residence in Slovakia solely on the basis of making an investment.

Sections 1.1 and 1.2 of this study are therefore not applicable to Slovakia.

EMN NCPs are asked to answer the following questions, at times guided by a non-exhaustive list of prompts.

Q1. How does the national legislation of your Member State define immigrant investors?

¹ Persons who would be granted residence on the grounds of making a financial investment in financial products or in a business without being personally involved in the day to day operations or in the management of business. This category of third-country nationals is not entitled to obtain residence in Slovakia.

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N/A

Q2a. Does your Member State have a specific policy, programme or scheme for immigrant investors?

N/A

Q2b. If yes, please provide more information about the specific policy, programme or scheme, including a) the name of the policy / programme / scheme: b) its main policy objectives (Neutral, pro-active); whether it targets c) specific investment types e.g. real estate, transfer of capital, national funds / bonds, business investments, endowment to public projects, mixed investments, joint ventures, etc. or d) economic sectors / geographical areas / strategic partners; and whether e) a quota / limitation system is in place to govern the number of entries or permits that can be issued to migrant investors? N/A

a) Name of policy / programme and legal basis

b) Main policy objectives

c) Type of investment (e.g. real estate, transfer of capital, national funds / bonds, business investments, endowment to public projects, mixed investments, joint ventures, etc.)

d) Priority national economic sectors / priority national geographical areas / countries of origin targeted / strategic partners required.

e) Quotas in place

Q3a. What is/are the main actor(s) and institution(s) involved in the development of policies to attract immigrant investors? If multiple authorities are involved, how are they coordinated? Is there an official mandate – e.g. an Action Plan – governing the involvement of these authorities?

N/A

Q3b. Which actor / institution is responsible for the promotion of the policy with the target group?

N/A

Q4a. Does your Member State have specific measures in place to attract immigrant investors?

N/A

Q4b. If yes, Please complete the table below with regard to the (applicable) policy measures in place to attract immigrant investors in your Member State. N/A

Measures	Brief description of the measure in the Member State
What do these specific measures entail? (active promotion / information dissemination / campaigns / events including in third	

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countries, etc.)	
Does a list of specific procedural facilitations for admission exist? If yes, please explain what they entail (reduced costs, shortened processing time, reduced documentary requirements, minimum residence period required (per year), possibility of renewal, etc.)	
Are there specific tax incentives? (benefits, exemptions, etc.)	
Does the possibility exist for immigrant investors to be accompanied by family members? Are family members allowed to access the labour market?	
Are immigrant investors granted access to social benefits?	
Are immigrant investors granted access to citizenship?	
Other (please state)	

Q5a Does your Member State have any bilateral or other agreements in place with Third Countries to attract immigrant investors?

N/A

Q5b. Does your Member State share information with other Member States? Does your Member State consult other Member States on the issuing of the documents listed in Q4.b to immigrant investors?

N/A

Section 1.2: Immigrant investors national policies: pre-arrival stage (admission criteria) and stay (renewal)

Section 1.2 aims at providing an overview of the admission criteria applied by Member States in order admit immigrant investors from third-countries to the national territory. The section also examines whether Member States require investors to submit an investment plan and the specific procedures in place with regard to this. Finally, this section touches upon also criteria linked to the renewal / withdrawal of their residence permit / long-stay visa.

EMN NCPs are asked to provide their answers to the questions below.

Q6a. Please indicate which of the list act as criteria to admit immigrant investors in your Member State in the table below. All listed requirements imply a Yes/No answer: in affirmative cases, EMN NCPs are asked to describe the criteria. If possible, EMN NCPs should also explain whether the same criteria apply to third-country nationals

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admitted to the national territory under a different immigration channel (family reunification, study, etc.) but willing to change their status into immigrant investors. [N/A](#)

Admission criteria	Explanation	Do the same criteria apply to third-country nationals present in your Member State who have another status and are willing to change it into investor?
Minimum financial amount to invest (please indicate the financial amounts applied to each of the investment types identified above in Question 2b point c)		
Investment plan If Yes, please complete the table in Q6b		
Expected Impact of proposed investment in the Member State (economy, public life etc.)		
Minimum Education / Professional skills		
Language knowledge (certification, pre-entry tests, mandatory courses, etc.)		
Age requirement for applicants (minimum / maximum)		
Security / health / background checks in place (origin of investment, fraud checks, previous bogus activities, etc.)		
Other (please state)		

Q6b. In case an investment plan is required, EMN NCPs are asked to complete the table below. All listed requirements imply a Yes/No answer: in affirmative cases, EMN NCPs are asked to describe the requirements with additional information. [N/A](#)

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Investment plan requirements	Explanation
Information required on legal aspects of the investment.	
Information required on the commercial and financial aspects (nature of the investment, origin of the capital to invest, target groups, preliminary contracts, performance indicators, etc.)	
National institution responsible for the assessment/ approval	
Duration of examination / due diligence phase	
Documentation required (If a list exists, please report it here)	
Review period	
Other	

Q7. If the criteria for admission are satisfied what initial document is issued? Please provide any detail on:

- type of document issued (e.g. short-stay visa, authorisation to stay, long-stay visa, residence permit, etc.)
- its duration
- whether it is longer than the usual duration which applies to other categories of third-country nationals
- whether its validity differs (and how) from its renewal.

N/A

Q8. Where and by which institution / organisation (internal or abroad) are the documents issued? (e.g. diplomatic mission in the third country; other responsible representative; intermediary agency, etc.)

N/A

Q9. EMN NCPs are asked to provide information on the criteria to be met in case of extension of the document issued for the stay of immigrant investors. Please provide details of the type of document issued and its duration. N/A

Renewal criteria	Explanation
What are the requirements related to the purpose of stay (investment) that need to be	

met in order to prolong/extend the initial authorisation of stay/ long-stay visa/residence permit?	
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Section 1.3: Immigrant business owners: overview of national policies

*This section asks for information on the national institutional framework and the main policy objectives in relation to **immigrant business owners** from third-countries. It will provide a mapping of the national stakeholders involved in the design and implementation of the policies to attract business owners, and the incentives that apply.*

Slovakia has no policies in place with the sole purpose of attracting and admitting “immigrant business owners” to its territory. The state aid scheme under Act No. 561/2007 Coll. on Investment Aid and on changes and amendments to some acts, as detailed in the text below, applies to all entrepreneurs irrespective of their nationality, i.e. the same rules apply to entrepreneurs from third countries, from the European Union and from the SR.

The fulfilment of the conditions for obtaining investment aid does not represent any advantage for an immigrant business owner when obtaining a residence permit in Slovakia. Certain benefits for immigrant business owners are considered only in case they obtain a certificate of major investment under Act No. 175/1999 Coll. on Certain Measures Concerning Preparation of Major Investments and on changes and amendments to some acts, as amended. Under this act, major investment means an undertaking, the development of which is organised by a resident legal entity, as long as

- a) the funds necessary for the development of the undertaking achieve not less than EUR 100 million of capital investments (EUR 50 million, if the undertaking is developed in a district in which the registered unemployment rate reached at least 15%);
- b) it is important for the national economy, or its implementation or execution will create at least 300 new jobs; and
- c) the Government of the SR decides that the implementation of the project is in the public interest; or
- d) it is an undertaking, the execution of which is essential to ensure operations within a major investment with technical, technological or logistic links, and the Government of the SR decides that the implementation of the project is in the public interest.

EMN NCPs are asked to answer the following questions, at times guided by a non-exhaustive list of prompts.

Q9. How does the national legislation of your Member State define immigrant business owners?

The Slovak legislation does not contain any legal definition of the term “immigrant business owner”. The definition can be based on several legal regulations, in particular Act No. 513/1991 Coll. Commercial Code, as amended, under which “an entrepreneur” under this act is:

- a) a person entered in the Business Register;
- b) a person conducting business on the basis of a trade licence;
- c) a person conducting business on the basis of other than a trade licence under special regulations;
- d) a natural person engaged in agricultural production and entered in the register under a special regulation.²

Under the Act on Residence of Aliens, temporary residence for business purposes can be granted to a “third-country national who

- a) is conducting business or will be conducting business in the territory of the Slovak Republic as a natural

² Art. 2(2) of Act No. 513/1991 Coll. Commercial Code, as amended.

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person, or

b) is acting or will be acting on behalf of an undertaking or cooperative, and is not in employment relationship.”³

Hence, “immigrant business owner” in the Slovak context means a third-country national who is conducting business or intends to conduct business in the Slovak territory as a natural person or is/will be the statutory representative of an undertaking or a cooperative entered in the Business Register of the SR, and is not in an employment relationship with the undertaking or the cooperative. For the purposes of granting temporary residence, it is not important whether the statutory representative is a partner to the undertaking. On the other hand, the very fact that the third-country national is a partner to an undertaking or a member of a cooperative is not sufficient to obtain the legal status of a third-country national holding a temporary residence permit for business purposes.

Q10a. Does your Member State have a specific policy, programme or scheme for immigrant business owners?

Yes

Q10b. If yes, please provide more information about the specific policy, programme or scheme, including a) the name of the policy / programme / scheme: b) its main policy objectives (Neutral, pro-active); whether it targets c) specific type of businesses and / or d) economic sectors / geographical areas / strategic partners; and whether d) a quota / limitation system is in place to govern the number of entries or permits that can be issued to immigrant business owners?

a) Name of policy / programme

Act No. 561/2007 Coll. on Investment Aid and on changes and amendments to some acts, as amended (hereinafter referred to as the “Act on Investment Aid”)

b) Main policy objectives

To grant regional investment aid and aid to increase employment.

c) Type of business (e.g. any specific sector, knowledge-based sector, start-up / spin-off, etc.)

Not determined.

d) Priority national economic sectors / priority national geographical areas / countries of origin targeted / strategic partners required.

Supported economic sectors/activities:

- industrial production;
- technology centres (places for conducting development or innovation of high-tech products, technologies or production processes, provided that the development or innovation does not include ordinary or regular modifications to products, production lines, manufacturing procedures, existing services and other operations in progress, even if such modifications may represent improvements; production process is not considered an activity of the technology centre);⁴
- strategic services centres (places providing services with high added value, places supporting the employment of qualified experts in centres for software development, expert solution centres, centres for the preparation of modified high-tech and customer support centres, where the services include, without limitation, finance, purchasing, information technology, human resources and customer care)⁵;
- tourism.

Supported regions

Under the Act on Investment Aid, support is provided to all regions in the Slovak Republic. The intensity of

³ Art. 22(1) of the Act on Residence of Aliens.

⁴ Art. 3(f) of the Act on Investment Aid.

⁵ Art. 3(g) of the Act on Investment Aid.

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support depends on the unemployment rate in the given region. For this purposes, each Slovak region is included in one of the three zones (from less than 100% of the average unemployment rate up to more than 135% of the average unemployment rate). The zoning is reviewed on an annual basis.

Countries of origin targeted

Not determined.

Strategic partners required

Not required.

e) Quotas in place

Not determined.

Q11a. What is/are the main actor(s) and institution(s) involved in the development of policies to attract immigrant business owners? If multiple authorities are involved, how are they coordinated? Is there an official mandate – e.g. an Action Plan – governing the involvement of these authorities?

Ministry of Economy of the SR ("MoE SR")

11b. Which actor / institution is responsible for the promotion of the policy with the target group?

Slovak Investment and Trade Development Agency ("SARIO")

Q12a. Does your Member State have specific measures to attract immigrant business owners?

Yes

Q12b. If yes, Please complete the table below with regard to the policy measures in place to attract immigrant business owners in your Member State.

Measures	Brief description of the measure in the Member State
<p>What do these specific measures entail? (active promotion / information dissemination / campaigns / events including in third countries, etc.)</p>	<ul style="list-style-type: none"> - presentation of Slovakia at investment seminars, expert fora and fairs promoting selected countries, regions or specific sectors at home and abroad; - foreign business trips by SARIO in cooperation with the Ministry of Economy of the SR ("MoE SR"), the Ministry of Foreign and European Affairs of the SR ("MoFEA SR") and Office of the President of the SR; - foreign business trips to meet identified investors (companies considered to be important); - organising investment seminars abroad by SARIO, in cooperation with Slovak embassies abroad, local chambers of commerce and industrial unions and partners with contacts to businesses willing to invest in Slovakia; - publishing activities by SARIO (materials for official promotion of the country for economic purposes); - articles in expert literature, promotion of Slovakia through advertising in renowned magazines; - responses to queries by clients and their consultants comparing the conditions of investing in Slovakia and in the neighbouring countries – SARIO collects data on the business environment, such as: information on the labour market, labour force availability in the region, tax issues, forms of state aid, information on available real estates on the basis of

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	<p>clients' specifications;</p> <ul style="list-style-type: none"> - publishing of current information and data on the conditions of investing and running business in Slovakia on the SARIO website; - publishing of SARIO newsletters;
<p>Does a list of specific procedural facilitations for admission exist? If yes, please explain what they entail (reduced costs, shortened processing time, reduced documentary requirements, minimum residence period required (per year), possibility of renewal, etc.)</p>	<p>Special conditions apply only to those immigrant business owners who were recognised as major foreign investors (obtained the certificate of major investment).</p> <p>Differences concerning applications for temporary residence for business purposes:</p> <ul style="list-style-type: none"> - the applicant is not required to prove the financial coverage of his/her business activities; - the document proving accommodation can be older than 90 days (also with respect to the applicant's children and spouse); - the granting of residence is decided by the competent aliens police department ("APD") within a shortened period of 30 days from the delivery of the application and all accompanying documents. <p>An immigrant business owner recognised as a major foreign investor is also entitled to apply for permanent residence for five years (in Slovakia's interest), which is granted in a shortened period of 30 days.</p>
<p>Do specific support measures exist? (financial / logistic, business support to applicants to establish a business plan, recognition of qualification etc.)</p>	<p>Immigrant business owners can, if they intend to set up a business in Slovakia, use the services of SARIO free of charge, consisting of complex counselling and assistance in preparing the investment plan and obtaining investment aid.</p> <p>Provide, that the conditions stipulated in the Act on Investment Aid are met, investment aid can be granted in the form of:</p> <ul style="list-style-type: none"> - a subsidy for the acquisition of tangible and intangible fixed assets; - an income tax relief; - contribution for creating new jobs; - transfer of immovable property or exchange of immovable property at a price lower than the general asset value.
<p>Are there specific tax incentives? (benefits, exemptions, etc.)</p>	<p>Provided that the conditions of the Act on Investment Aid are met, the immigrant business owner can be granted an income tax relief. The maximum intensity depends on the type of the activity and on the region in which the business is located.</p>
<p>Are immigrant business owners granted access to social benefits?</p>	<p>Access to social benefits is guaranteed under the same conditions as to other third-country nationals residing in Slovakia.</p>
<p>Are immigrant business owners granted access to citizenship?</p>	<p>Access to citizenship is guaranteed under the same conditions as to other foreigners. In case an immigrant business owner significantly contributed to Slovakia's economic development, s/he can be granted citizenship under special conditions (without the need to meet the set period of permanent residence in Slovakia and to prove Slovak language skills). The law, however, does not specify what is considered a significant contribution to Slovakia's economic development.</p>
<p>Does the possibility exist for immigrant business owners to be accompanied by</p>	<p>Family reunification is possible under the same conditions as in the case of other third-country nationals residing in Slovakia. With respect to family members (spouse, children) of persons representing or working for major</p>

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family members? Are family members allowed to access the labour market?	foreign investors, the granting of residence is decided in a shortened period of 30 days from delivery of the application and accompanying documents. Access of family members to the labour market is guaranteed under the same conditions as to the family members of other third-country nationals residing in Slovakia.
Other (please state)	N/A

Q13a Does your Member State have any bilateral or other agreements in place with Third Countries to attract immigrant business owners?

No.

Q13b. Does your Member State share information and coordinate its policies with other Member States? Does your Member State consult other Member States on the issuing of the documents listed in Q15 to immigrant business owners?

Slovakia does not have any partnerships formally concluded in this field with any other EU Member State. Cooperation is developed on an ad-hoc basis, especially with regard to activities related to the presentation of investment possibilities within the region.

Section 1.4: Immigrant business owners national policies: pre-arrival stage (admission criteria) and stay (renewal)

Section 1.4 aims at providing an overview of the admission criteria applied by Member States in order admit immigrant business owners from third-countries to the national territory. The section also examines whether Member States require business owners to submit a business plan and the specific procedures in place with regard to this. Finally, this section touches upon also criteria linked to the renewal / withdrawal of their residence permit / long-stay visa.

EMN NCPs are asked to provide their answers to the questions below.

Q14a. Please indicate the criteria to admit immigrant business owners in your Member State in the table below. All listed requirements imply a Yes/No answer: in affirmative cases, EMN NCPs are asked to describe the criteria. If possible, EMN NCPs should also explain whether the same criteria apply to third-country nationals admitted to the national territory under a different immigration channel (family reunification, study, etc.) but willing to change their status into immigrant investors. If possible, EMN NCPs should also explain whether the same criteria apply to third-country nationals admitted to the national territory under a different immigration channel (family reunification, study, etc.) but willing to change their status into immigrant investors.

Admission criteria	Explanation	Do the same criteria apply to third-country nationals present in your Member State who have another status and are willing to change it into business owners?
Evidence of entrepreneurial skills (experience in running businesses, turnover of activities in the country of origin, etc.)	Not required.	The same conditions apply to the change of the type of residence or purpose of temporary residence for business purposes. Temporary residence is tied to a single purpose. In case a third-country national intends to conduct activity other than the activity for which the

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		temporary residence permit was granted, s/he is required to file a new application for temporary residence.
Minimum level of educational achievement / professional skills (please specify)	Not required.	The same conditions apply to the change of the type of residence or purpose of temporary residence for business purposes.
Evidence of capital (minimum sum required)	<p>Temporary residence for business purposes</p> <p>A natural person – entrepreneur is required to prove the financial coverage of the business activities in the amount corresponding to 20-fold the subsistence minimum⁶ (EUR 3,961.80); a statutory representative of an undertaking is required to prove the amount corresponding to 100-fold the subsistence minimum (EUR 19,809).</p> <p>A third-country national acting or intending to act on behalf of a major foreign investor is not required to prove the financial coverage of the business activities.</p> <p>Permanent residence for 5 years</p> <p>For permanent residence in Slovakia's interest, a third-country national is only required to prove the financial coverage of his/her stay, and is not required to prove the financial coverage of the business activities.</p>	The same conditions apply to the change of the type of residence or purpose of temporary residence for business purposes.
Contribution to the economy / employment of the Member State (national interest, "jobs - created", contribution to specific sector, innovativeness of activity, introduction of new technologies, etc.)	<p>Temporary residence for business purposes</p> <p>When deciding on the application for temporary residence for business purposes, the police department takes into account, among other things, Slovakia's economic interests, especially contribution of the economic activities of the third-country national to the Slovak economy. In the case of immigrant business owners who are not yet established in the Slovak territory, the decision on granting temporary residence for business purposes is based on the opinion of the MoE SR. The MoE SR would issue its opinion on the</p>	A third-country national entering an existing undertaking (established in Slovakia) is not required to attach the business plan to his/her application for temporary residence; the purpose of residence needs to be proven by a document certifying the right to run business (e.g. extract from the Business Register in which the applicant is stated as the undertaking's registered agent, the articles of association signed by all founders, whereas the third-country national is stated as the undertaking's registered agent and the founders' signatures are officially verified.

⁶ The amounts of subsistence minimum are specified in Act No. 601/2003 Coll. on Subsistence Minimum and on changes and amendments to some acts, as amended. The amounts of subsistence minimum change on a yearly basis. As of 1 July 2014, the subsistence minimum amount per adult person was EUR 198.09.

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	<p>business owner's (third-country national's) contribution to Slovakia's economic interests by assessing the business plan. This means in practice that if a third-country national proves the purpose of residence by presenting his/her business plan, the police department would ask for the opinion of the MoE SR in order to find out whether the applicant's business activity would contribute to Slovakia's economic interests.</p> <p>Permanent residence for 5 years</p> <p>An immigrant business owner can be directly granted permanent residence for five years, if it is in Slovakia's interest. The granting of residence is decided by the competent aliens police department ("APD") on the basis of a confirmation issued by the MoE SR to entrepreneurs who were issued a certificate of major foreign investment.</p>	
Business plan <i>If a business plan is required, please complete the table in Q14b</i>	It is required.	The business plan is just one of the possibilities of proving the purpose of residence in Slovakia by third-country nationals legally residing in Slovakia.
Language knowledge (certification, pre-entry tests, mandatory courses, etc.)	Not required.	The same conditions apply to the change of the type of residence or purpose of temporary residence for business purposes.
Age requirement for applicants (minimum / maximum)	18 years.	The same conditions apply to the change of the type of residence or purpose of temporary residence for business purposes.
Insurance requirement (personal and/or for the investment)	Not required.	The same conditions apply to the change of the type of residence or purpose of temporary residence for business purposes.
Security / background checks in place (fraud checks, tax avoidance, previous bogus activities, money origin / money laundering, etc.)	A third-country national applying for temporary residence for business purposes is required to attach to the application a document proving his/her integrity. Integrity is to be proven by an extract from the criminal records of the country of which the alien is a national and of the country in which the third-country national resided for more than 90 days during six consecutive months throughout the past three years. At this stage, the applicant's integrity is assessed by the police department. For the purposes of granting residence, a person of good repute is the one who did not commit any act qualified as wilful	When changing the type of residence or the purpose of temporary residence, a third-country national is not required to attach to the application for temporary residence a document proving his/her integrity, if such document was attached to the application for previous residence.

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	crime in Slovakia, was not sentenced for such act, and the period since his/her punishment required to extinguish the punishment expired.	
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Q14b. In case a business plan is required, EMN NCPs are asked to complete the table below. All listed requirements imply a Yes/No answer: in affirmative cases, EMN NCPs are asked to describe the requirements with additional information:

Business plan	Explanation
National institution responsible for the approval / Self-assessment	MoE SR.
Information required on legal aspects of the business (form of the business, principal activity, subsidiary of existing activity)	Information in the form of business and trade activities are required.
Information required on the commercial and financial aspects (type of business / services, origin of the capital to invest, target groups, preliminary contracts, nature of the investment, performance indicators, feasibility analysis, etc.)	<p>The requirements for the business plan are defined by the Central Office of Labour, Social Affairs and Family ("COLSAF") in an internal regulation under Art. 49(3) and (7) of Act No. 5/2004 Coll. on Employment Services and on changes and amendments to some acts (hereinafter referred to as the "Act on Employment Services").</p> <p>The minimum extent of the business plan is 5 pages, and the business plan must contain the following information:</p> <ol style="list-style-type: none"> 1. Information about applicant (professional CV, information about school attendance, history of jobs, skills and competences, attendances of courses and traineeships, document proving the highest education attained); 2. Description of the plan (subject of the business activity, description of the product of the activity, services); 3. Process of the business plan implementation (basic idea of the business plan and timetable); 4. Place of implementation of the plan (space, information on non-residential premises, rental relationships, etc., technical and organisational conditions of the business plan implementation); 5. Marketing information (information on the market within the locality, estimated size of production of the business activity, advertising, competition, marketing goals); 6. Strengths and weaknesses of the business plan; 7. Financial prognosis (overall financial prognosis of the project and cash-flow for at least three years; estimated costs and revenues, own share in total finance; other sources of financing); 8. Additional information (information that increase the business plan credibility, e.g. letter of intent, certificates, confirmations, proposed price lists, etc.); 9. Calculation of estimated costs.
Duration of examination of the business plan	30 working days.

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Documentation required (please provide a list of the documents required)	No special documents are required, with the exception of the ones listed in the previous rows of this table.
Review period	After approval the business plan is no more reviewed.
Other	N/A

Q15. If the criteria for admission are satisfied what initial document is issued? Please provide any detail on:

- type of document issued (e.g. short-stay visa, authorisation to stay, long-stay visa, residence permit, etc.),
- its duration
- whether it is longer than the usual duration which applies to other categories of third-country nationals
- whether its validity differs (and how) from its renewal.

In principle, Slovakia grants to immigrant business owners (third-country nationals) temporary residence for business purposes for the estimated period and for up to three years, which corresponds to the duration of temporary residence granted for other purposes (2-5 years). The police department can extend temporary residence for business purposes for a maximum of three years, even repeatedly.

An immigrant business owner holding a certificate of major investment is granted permanent residence for five years and subsequently for an indefinite period of time.

Q16. Where and by which institution / organisation (internal or abroad) are the documents issued? (e.g. diplomatic mission in the third country; other responsible representative; intermediary agency, etc.)

An immigrant business owner is required to submit the application for temporary or permanent residence in person at the diplomatic mission accredited for the country which issued his/her travel document, or at the diplomatic mission accredited for the country in which s/he resides, or in person through the APD, provided that s/he resides in Slovakia legally.

The residence agenda is dealt by the competent police department according to the place of residence or anticipated place of residence.

Q17. EMN NCPs are asked to complete the information requested in the table below in relation to registration of businesses by immigrant business owners in your Member State:

Registration of businesses by immigrant business owners in your Member State	Explanation
National institution responsible for the registration of the business in the Member State	<p>Immigrant business owners in Slovakia are registered in the Business Register of the SR. The Business Register is kept by district courts at the seats of regional courts. The competence of the courts keeping the registers of companies is determined according to the seat of the legal entity, the place of business performance, or the domicile of the natural person, or according to the location of the facility or of its organisational unit in the case of foreign entities.</p> <p>Natural persons – entrepreneurs who are required to be entered in the Business Register are entered in special registers depending on the type of activities performed. For example, trade licence holders coming from EU or OECD Member States are not required to be mandatorily registered in the Business Register. They are registered in the Trade Register of the SR kept by the Ministry of Interior of the SR ("MoI SR").</p>
Type of business (main business, subsidiary or branch. Please explain)	The Business Register contains mandatory records of business companies (joint stock companies, partnerships, limited partnerships, limited liability

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whether it is a transparent or non-transparent entity for tax reasons, i.e. determining if the business owners registers himself/herself as an individual or as a legal entity).	<p>companies), cooperatives and other legal entities under special regulations.</p> <p>Natural persons with permanent residence in Slovakia, who run business on the basis of a trade licence or other than a trade licence under special regulations, or are engaged in agricultural production and are kept in records under special regulations, are entered in the Business Register at their own request, or if required by law.</p> <p>The Business Register also contains records of foreign persons: natural persons with permanent residence outside of the Slovak territory, or legal entities having their registered seat outside of the Slovak territory and a facility or organisational unit within the Slovak territory.</p> <p>The information entered in the Business Register refer to the registered subject (business name; registered seat of legal entity or domicile and place of business of the natural person if other than the domicile; business identification number; business activity; and legal form of the legal entity), and to its statutory representatives (name and domicile of the person(s) acting as statutory bodies or members of statutory bodies, indicating the way of acting on behalf of the legal entity). Depending on the type of undertaking, information on partners and members of supervisory boards are also entered in the Business Register.</p>
Place of registration of business (in the Member State or in the country of origin / a third country. Is it mandatory for a third country national to be present in a country when registering a business or can this be done outside (using an agent / third party)?	The application must be lodged at the court keeping the register of companies in Slovakia. The third-country national is not required to be present in person. The application can also be lodged through an attorney or by electronic means; in this case, the application must be signed by guaranteed electronic signature.
Main requirements for registration of business (capital, employees. Please state whether the requirements is different from that applied to EU nationals)	<p>The requirements for registration of immigrant business owners are identical to the requirements for registration of EU nationals. They are only required to prove sufficient capital of the undertaking. The amount of the capital depends on the type of the undertaking.</p> <p>There is a different arrangement for individuals – entrepreneurs (natural persons). EU and OECD nationals are not required to be mandatorily registered in the Business Register.</p>
Does your Member State impose restrictions to admit immigrant business owners based on the type of business, the specific sector or their country of origin?	Slovakia does not apply any restrictive measures in this area.
Other (Health, etc.)	N/A

Q18. EMN NCPs are asked to provide information on the criteria to be met in case of extension of the document issued for the stay of immigrant business owners. Please provide details of the type of document issued and its duration.

Renewal criteria	Explanation
What are the requirements related to the purpose of stay (business) that need to be met in order to prolong/extend the initial authorisation of stay/ long-stay visa/residence permit?	<p>The immigrant business owner is required to prove the purpose of residence when applying for extending his/her temporary residence for business purposes with a trade licence (if it is a third-country national running business in Slovakia as a natural person), or with a document confirming the authorisation to run business, namely:</p> <ul style="list-style-type: none"> - a trade licence, if it is a national of an OECD Member State;

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	<ul style="list-style-type: none"> - a trade licence and entry in the Business Register as a foreign undertaking or organisational unit of a foreign undertaking, if it is a third-country national from a non-OECD Member State; - other authorisation to run business under special regulations (e.g. licences); - extract from the respective Business Register in which the third-country national is recorded as registered agent of the undertaking, or - extract from the respective Business Register and minutes from the General Assembly at which the third-country national with temporary residence for business purposes participated as registered agent of the company or cooperative. <p>The granting of permanent residence for an indefinite period of time follows up on permanent residence granted for five years. In addition to the application for permanent residence for an indefinite period of time, the APD may request the third-country national to present a statutory declaration confirming that the reasons for granting permanent residence persist.</p>
<p>Is there a requirement that a business is active during the extension of permits?</p> <p>If so, what indicators are used to assess this? (Volumes of turnover, amount of paid taxes, staff employed, compliance of immigrant investors and their investment, etc.)</p> <p>Who assesses this information?</p>	<p>The fact that the business activities of an immigrant business owner at the time of renewing his/her residence persist can be deduced from the documents to be attached to the application. These documents include a confirmation of having satisfied all tax and custom liabilities, health insurance and social insurance payments and contributions to old-age pension saving from the given business and from all undertakings and cooperatives on behalf of which s/he acts.</p> <p>If it is a natural person – entrepreneur, s/he is required to prove income after tax from the business activities of the previous tax period at least at an amount corresponding to 20-fold the subsistence minimum. If the third-country national did not run any business during the entire previous tax period, s/he is required to prove his/her income after tax corresponding to twice the subsistence minimum amount per each month of residence of the previous tax period by means of a confirmation of the amount of his/her personal income after tax issued by the tax office or the individual's tax return.</p> <p>In case the third-country national was not authorised to run business in the previous tax period, s/he is required to prove the financial coverage of his/her residence in the amount corresponding to 10-fold the subsistence minimum by means of a confirmation of the balance of the bank account opened for business purposes.</p> <p>The statutory representative of an undertaking is required to prove the income after tax of the undertaking or cooperative, on behalf of which s/he acts, for the previous tax period at a minimum amount corresponding to 60-fold the subsistence minimum. If the third-country national did not run business during the entire previous tax period, s/he is required to prove income after tax of 5-times the subsistence minimum per each month of residence during the previous tax period. This shall be proven by:</p> <ol style="list-style-type: none"> 1. a confirmation of the amount of revenues, costs, tax base and corporate tax issued by the tax office or by a corporate income tax return, if the third-country national is co-owner of an undertaking (e.g. a partner); 2. a confirmation of the amount of profit after tax of the legal entity issued by the tax office, or by a corporate income tax return, if the third-country national is the statutory representative of an undertaking (e.g.

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	<p>registered agent).</p> <p>If the third-country national acts on behalf of several undertakings or cooperatives, the requirement for the amount of profit after taxation must be met by at least one of the undertakings or cooperatives on behalf of which s/he acts.</p> <p>If the third-country national was not authorised to act on behalf of an undertaking or a cooperative during the previous tax period, s/he is required to prove the financial coverage of the business activity with an amount corresponding to 30-fold the subsistence minimum by means of a confirmation of the balance of the bank account opened for business purposes.</p> <p>The third-country national is required to lodge the application for renewal of temporary residence at the competent APD according to the applicant's place of residence in Slovakia. If the third-country national meets the conditions for renewal of his/her temporary residence, the APD would approve the application for renewal of temporary residence and send to the third-country national a written notice thereof, stating the date of renewal and expiry date of temporary residence.</p> <p>If the statutory representative of an undertaking is not able to prove the required profit after taxation of the undertaking or of the cooperative on behalf of which s/he acts, the APD would request the opinion of the MoE SR on whether the business activity of the undertaking or cooperative contributes to Slovakia's economic interests. In such case, the MoE SR assesses the amount of paid tax, the wage costs and the capital of the undertaking.</p> <p>The APD can renew temporary residence for business purposes also in case the undertaking or the cooperative on behalf of which the third-country national acts failed to produce profits after tax during the previous tax period, but according to the opinion of the MoE SR the business activity of the undertaking or cooperative contributes to Slovakia's economic interests.</p>
<p>Are there time-related requirements during which a business needs to have been started up, taxes paid and staff employed in order to get the validity of the document extended?</p>	<p>The requirements for starting up a business by an immigrant business owner are defined indirectly. Subjects mandatorily entered in the Business Register (natural persons – entrepreneurs from a country of origin other than OECD countries, and legal entities) are required to deliver the extract from the Business Register to the competent APD within 60 days from taking over the residence permit. The extract from the Business Register certifies that the natural person – entrepreneur is authorised to run business in the Slovak Republic (from the date of entry in the Business Register), or that the legal entity, of which the applicant is the statutory representative, has been set up. The APD may extend the deadline for submitting the extract from the Business Register by 60 days on the basis of a written application of the third-country national. If the third-country national requests extension of the set period for objective reasons, the application must be submitted to the APD in time, i.e. by expiry of the set period of 60 days. If the third-country national submits the application after expiry of the set period, the deadline for submitting the extract from the Business Register may not be extended.</p> <p>Temporary residence for business purposes can be renewed only in case the entrepreneur is actually running business activities (making profits after tax at the minimum set amount), or on the basis of the opinion of the MoE SR stating that the entrepreneur's business activity contributes to Slovakia's economic interests.</p> <p>No other time-related requirements exist, such as the period of employing workers.</p>

*Admitting third-country nationals for business purposes*Section A1.5: Other business persons: overview of national policies

This section examines the conditions for the admission of **other third-country nationals who travel to the EU for business reasons** ("other business persons"). These categories include (but are not limited to) the temporary admission of third-country nationals under international trade agreements (i.e. the pre-defined six "Mode 4" categories tackled by the EU free-trade agreements listed in Annex 2). Other business persons may be admitted either on a short-stay visa or long-stay visa. EMN NCPs are asked to indicate if and how these categories are defined by the national legalisation of their Member State. They are required to indicate whether they are targeted by specific policies (programmes, schemes), whether they are admitted and registered as such in their administrative practices and/or separately from those entering via different migration channels.

EMN NCPs are also requested to provide information on current admission criteria, including the length of their stay, any other specific eligibility condition and collect available data.

Q19. How are the following categories (listed in Annex 2) defined under the national legislation of your Member State?

Categories of other business persons	Definitions
<i>Business visitors for establishment purposes (BVEP)</i>	A person working in a managerial position in a legal entity (manager), who is responsible for establishing the business representation of the service provider in Slovakia, but is not performing direct sale or provision of services in case the service provider has its registered seat in the territory of another Member State of the World Trade Organisation ("WTO") and has no representation, branch office or subsidiary in Slovakia.
<i>Intra-corporate transferees (ICT)⁷</i>	<p>The Agreement establishing the WTO, No. 152/2000 Coll., Annex 1B General Agreement on Trade in Services – Schedule of specific commitments of the SR contains a commitment that the Slovak Republic will grant work permits irrespective of the labour market situation upon the meeting of the conditions under which it must be a worker posted to perform work in the Slovak territory by means of an intra-corporate transfer, and that such worker has been employed by the posting legal entity for at least one year immediately preceding such movement as:</p> <ol style="list-style-type: none"> 1. Essential senior executive – a person working within a legal entity who primarily directs the management of the establishment or one of its departments and who receive only general supervision or direction principally from the board of directors or stockholders. Executives would not directly perform tasks related to the actual provisions of the services of the establishment. 2. Specialist – a person working within a legal entity who possesses high or uncommon qualifications and knowledge essential to the establishment's service, research equipment techniques or management.
<i>Business sellers (BS)</i>	This category of persons is not defined in Slovakia. It is, however, assumed that it refers to third-country nationals travelling to Slovakia on the basis of a Schengen or a national visa upon invitation from their business partners.
<i>Independent professionals (IP)</i>	<p>Under the Act on Employment Services, Slovakia differentiates between independent professionals depending on whether the admitting organisation was provided investment aid or not:</p> <ol style="list-style-type: none"> 1. A third-country national who ensures delivery of goods or services for an undertaking which was provided investment aid on the basis of a business contract, and delivers such goods or performs assembling, warranty and repair works, works

⁷ For intra-corporate transferees, please indicate where the scope of current legislation and the definition used therein differ from Directive 2014/66/EU on intra-corporate transferees.

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	<p>related to the setting of production equipment systems, programming works or professional training activities throughout the period for which the decision on approval of investment aid was issued.⁸</p> <p>2. A third-country national who ensures delivery of goods or services on the basis of a business contract, and delivers such goods or performs assembling, warranty and repair works, works related to the setting of production equipment systems, programming works or professional training activities, provided that the period of his/her work relationship or posting for work performance does not exceed a total of 90 days in a calendar year.⁹</p>
<i>Contractual services suppliers (CSS)</i>	<p>The Act on Employment Services implies that Slovakia differentiates between such workers depending on the registered seat of the posting employer:</p> <p>1. A third-country national who is in a work relationship with an employer which has its registered seat or seat of its organisational unit with competence to enter into contract of employment outside of the Slovak territory and posts such worker to perform work in Slovakia on the basis of a contract concluded with a legal entity or an individual.¹⁰</p> <p>2. A third-country national who was posted by his/her employer with registered seat in an EU/EEA Member State or in the Swiss Confederation under services delivered by this employer.¹¹</p>
<i>Graduate trainees (GT)</i>	A third-country national to be employed for a specified period of time to increase his/her qualification in the given field of work, maximum for a period of one year. ¹²
<i>Other (please describe)</i>	N/A

Q20. Does your Member State have a specific policy (programme, scheme) for other business persons as defined by the study template? EMN NCPs are asked to complete only the sections that are relevant to their national context.

Categories of other business persons	Is there a specific policy, for this categories of other business persons? Is it based on tailored multilateral/bilateral trade agreements with third countries?	Name of policy / programme	What are its main policy objectives (include info on priority national economic sectors / geographical areas / countries of origin if relevant)	Are there any quotas in place?
<i>Business visitors for establishment purposes (BVEP)</i>	No	N/A	N/A	N/A
<i>Intra-corporate transferees (ICT)</i>	No	N/A	N/A	N/A
<i>Business</i>	No	N/A	N/A	N/A

⁸ Art. 23a(1)(y) of the Act on Employment Services.

⁹ Art. 23a(1)(m) of the Act on Employment Services.

¹⁰ Art. 22(8) of the Act on Employment Services.

¹¹ Art. 23a(1)(w) of the Act on Employment Services.

¹² Art. 23a(1)(u) of the Act on Employment Services.

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<i>sellers (BS)</i>				
<i>Independent professionals (IP)</i>	No	N/A	N/A	N/A
<i>Contractual services suppliers (CSS)</i>	No	N/A	N/A	N/A
<i>Graduate trainees (GT)</i>	No	N/A	N/A	N/A
<i>Other (please describe)</i>	No	N/A	N/A	N/A

Q21. Considering the specific policy (programme, scheme) in the previous question, what are the actor(s) and institution(s) involved in the development and implementation of policies on other business persons? If multiple authorities are involved, how are they coordinated? Is there an official mandate – e.g. an Action Plan - governing the involvement of these authorities? Which actor / institution is responsible for the promotion of such policy abroad?

Categories of other business persons	Actors/institutions involved in the development of these policies	Actors/institutions involved in the implementation of these policies	If multiple authorities are involved, how do they coordinate?	Is there an official mandate governing their roles?	Actors/institutions responsible for the promotion of such policy abroad
<i>Business visitors for establishment purposes (BVEP)</i>	N/A	N/A	N/A	N/A	N/A
<i>Intra-corporate transferees (ICT)</i>	N/A	N/A	N/A	N/A	N/A
<i>Business sellers (BS)</i>	N/A	N/A	N/A	N/A	N/A
<i>Independent professionals (IP)</i>	N/A	N/A	N/A	N/A	N/A
<i>Contractual services suppliers (CSS)</i>	N/A	N/A	N/A	N/A	N/A

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Graduate trainees (GT)	N/A	N/A	N/A	N/A	N/A
Other (please describe)	N/A	N/A	N/A	N/A	N/A

Section 1.6: Other business persons national policies: pre-arrival stage (admission criteria) and stay (renewal)

Section 1.6 aims at providing an overview of the admission criteria applied by Member States in order admit subcategories within other business persons from third-countries to the national territory.

Q22. What are the criteria for the admission of other business persons to your Member State? Please answer by completing the table below entering in the last column also useful information on any pre-entry assessment which may be required (labour market test, proof of minimum period of employment, evidence of commitment to return after the temporary stay, minimum education / professional skills, language knowledge, qualifications/certifications, entry quotas, age requirement, insurance requirement, etc.).

Categories of other business persons	Are these categories admitted/en dored in your systems (under a different name)? (Yes/No)	If yes, under which name are they registered in your systems?	What is the maximum duration of their stay?	What kind of document is issued when admitting other business person?	Is there a (exhaustive) <u>list</u> of admission criteria? If yes, please indicate the criteria.
Business visitors for establishment purposes (BVEP)	Yes	Third-country nationals granted a Schengen or national visa	90 days 1 year	Schengen visa National visa	Documents under Regulation (EC) No. 810/2009, where the purpose of stay is proven primarily by an invitation from a business partner in Slovakia. To obtain a national visa, the applicant is required to present his/her valid travel document, a colour photo sized 3x3.5cm, a document confirming the purpose of stay, a health insurance document and other documents required for making a decision on the national visa application. The purpose of stay should primarily be proven by an invitation from a business partner in Slovakia.
Intra-corporate transferees (ICT)	Yes	Intra-corporate transfer in accordance with WTO agreements	2 years with the possibility of repeated extension,	Temporary residence for the purpose of employment	To obtain the work permit, the applicant is required to prove the relationship between the posting company and the receiving company, and prove

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			always for up to 2 years		that the posted worker falls under one of the categories according to the definition (essential senior executive or specialist). S/he is required to present a document on intra-corporate transfer, the decision on recognition of qualifications in Slovakia or a document on the highest education attained. The labour market situation is not taken into account when deciding on granting the work permit.
<i>Business sellers (BS)</i>	Yes	Third-country nationals granted a Schengen or national visa	90 days 1 year	Schengen visa National visa	Documents under Regulation (EC) No. 810/2009, where the purpose of stay is proven primarily by an invitation from a business partner in Slovakia or other documents under Annex II (A) of the regulation. To obtain a national visa, the applicant is required to present his/her valid travel document, a colour photo sized 3x3.5cm, a document confirming the purpose of stay, a health insurance document and other documents required for making a decision on the national visa application. The purpose of stay should primarily be proven by an invitation from a business partner in Slovakia.
<i>Independent professionals (IP)</i>	1. Yes	1. Third-country nationals with temporary residence for the purpose of employment, who are not required to hold a work permit	2 years with the possibility of extending the stay to up to 3 years	Temporary residence for the purpose of employment	During the validity of the decision on approval of investment aid to the admitting company, the third-country national performing assembling, warranty and repair works, works related to the setting of manufacturing equipment systems, programming works or professional training activities is not required to hold a work permit. Such third-country national is not required to hold a temporary residence permit during 90 days from the start of his/her stay in Slovakia. The purpose of stay for granting temporary residence must be proven by the employer's confirmation that

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					the third-country national will perform activities which do not require a work permit, or under an international treaty by which Slovakia is bound and which stipulates that no work permit is needed to admit a third-country national to work.
	2. Yes	2. Third-country nationals granted a Schengen or national visa	90 days 90 days	Schengen visa National visa	Documents under Regulation (EC) No. 810/2009, where the purpose of stay is proven primarily by a contract on provision of services to a business partner in Slovakia. To obtain a national visa, the applicant is required to present his/her valid travel document, a colour photo sized 3x3.5cm, a document confirming the purpose of stay, a health insurance document and other documents required for making a decision on the national visa application. The purpose of stay should primarily be proven by an invitation from a business partner in Slovakia.
<i>Contractual services suppliers (CSS)</i>	1. Yes	1. Third-country nationals with temporary residence for the purpose of employment, who have been granted temporary residence for the purpose of employment without examining the labour market situation	2 years with the possibility of repeated extension always for up to 2 years. The maximum period of posting may not exceed 48 months during 5 consecutive years.	Temporary residence for the purpose of employment	The work permit is granted without considering the labour market situation, on the basis of previously negotiated and approved number of posted employees, their professions and period of posting. The applicant is required to present the service contract, the decision on recognition of the document on qualifications in Slovakia or a document certifying the highest level of attained education.
	2. Yes	2. Third-country nationals with temporary residence for the purpose of employment, who are not required to hold a work permit	2 years	Temporary residence for the purpose of employment	A third-country national posted to deliver services by an employer with registered seat in an EU/EEA Member State or in the Swiss Confederation is not required to hold a work permit. Such third-country national is not required to hold a temporary residence permit for the purpose of employment during 90 days from the start

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					<p>of his/her stay in Slovakia.</p> <p>The purpose of stay for granting temporary residence must be proven by the employer's confirmation that the third-country national will perform activities which do not require a work permit, or by an international treaty by which Slovakia is bound and which stipulates that no work permit is needed to admit a third-country national to work.</p>
Graduate trainees (GT)	No	N/A	1 year	Temporary residence for the purpose of employment	<p>Work permit is not required. The purpose of stay for granting temporary residence must be proven by the employer's confirmation that the third-country national will perform activities which do not require a work permit, or by an international treaty by which Slovakia is bound and which stipulates that no work permit is needed to admit a third-country national to work.</p>
Other (please describe)	N/A	N/A	N/A	N/A	N/A

Q23. EMN NCPs are asked to provide information on the criteria to be met in case of extension of the document issued for the stay of other business persons. Please provide details of the type of document issued and its duration.

Categories of other business persons	What are the requirements related to the purpose of stay (business) that need to be met in order to prolong/extend the initial documents issued?
Business visitors for establishment purposes (BVEP)	<p>The Schengen visa can only be extended for reasons and in the way stipulated in Regulation (EC) No. 810/2009.</p> <p>The national visa cannot be extended.</p>
Intra-corporate transferees (ICT)	<p>The basic prerequisite for renewing temporary residence for the purpose of employment is extending the validity of the work permit. The work permit can be extended by a maximum of two years, even repeatedly, if the reasons for granting such permit persist. The condition for extending the work permit is that the job is performed at the same employer and at the same workplace.</p>
Business sellers (BS)	<p>The Schengen visa can only be extended for reasons and in the way stipulated in Regulation (EC) No. 810/2009.</p> <p>The national visa cannot be extended.</p>
Independent professionals (IP)	<p>1. Temporary residence for the purpose of employment may be renewed for up to 3 years, even repeatedly. The applicant is required to prove the purpose of residence by the employer's confirmation that the applicant will perform activities which do not</p>

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	<p>require holding a work permit, or by an international treaty by which Slovakia is bound and which stipulates that no work permit is needed to admit a third-country national to work.</p> <p>2. The Schengen visa can only be extended for reasons and in the way stipulated in Regulation (EC) No. 810/2009.</p> <p>The national visa cannot be extended.</p>
Contractual services suppliers (CSS)	<p>1. The basic prerequisite for renewing temporary residence for the purpose of employment is extending the validity of the work permit. The work permit can be extended, if the reasons for granting such permit persist. The total duration of the work permit may not exceed 48 months during five consecutive years.</p> <p>2. Temporary residence for the purpose of employment may be renewed for up to 3 years, even repeatedly. The applicant is required to prove the purpose of residence by the employer's confirmation that the applicant will perform activities which do not require holding a work permit, or by an international treaty by which Slovakia is bound and which stipulates that no work permit is needed to admit a third-country national to work.</p>
Graduate trainees (GT)	<p>A graduate trainee may be employed in Slovakia without the need to obtain a work permit for up to one year. The renewal of temporary residence for the purpose of employment is therefore possible only in case the residence permit was granted for a period shorter than one year, and may only be renewed so as the total duration of his/her stay in Slovakia does not exceed one year. The graduate trainee is required to prove the purpose of stay by the employer's confirmation that the applicant will perform activities which do not require holding a work permit, or by an international treaty by which Slovakia is bound and which stipulates that no work permit is needed to admit a third-country national to work.</p>
Other (please describe)	N/A

Section 2: Measures to prevent misuse / abuse of immigration channels for business purposes

This section aims to provide an overview of the measures carried out by Member States for monitoring, detecting and preventing misuse of the migration channels in place for **immigrant investors, immigrant business owners and other business persons** and to explore and map the specific mechanisms in place. EMN NCPs are asked to describe the procedures involved and to provide information on the challenges associated to the detecting, monitoring and preventing misuses, and to distinguish where relevant between the different categories (if the mechanisms are different). This Sections aim to identify also the criteria for withdrawing

Q24. Please provide the following information with respect to the prevention and detection of misuse abuse of immigration channels for immigrant investors, business owners and other business persons at admission stage and during stay. EMN NCPs are first asked to provide the definitions of misuse and abuse according to their national legislation and identify differences where possible.

Issue	Immigrant investors	Business owners	Other business persons
<p>Does your national legislation provide for a definition of misuse and and/or abuse?</p> <p>If yes, do they differ? Please describe</p> <p>If no, how are they defined in practice?</p>	N/A	<p>The Slovak legislation does not provide for a legal definition of misuse of (temporary) residence. In practice, misuse of temporary residence means the performance of activities other than</p>	<p>The Slovak legislation does not provide for a legal definition of misuse of visa or (temporary) residence. In practice, misuse of visa or temporary residence means the</p>

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		the ones for which temporary residence in Slovakia was granted.	performance of activities other than the ones for which visa or temporary residence was granted in Slovakia.
What are the specific measures in place in the Member States to monitor, detect and prevent misuse/abuse at admission stage? (in addition to the criteria to be satisfied as reported under Sections 1.2)	N/A	<ul style="list-style-type: none"> - Assessment of the business plan - Assessment of the financial coverage of the business activity - Assessment of integrity - Evaluation of obtained data and intelligence information about the applicant 	<ul style="list-style-type: none"> - Process of assessment of the visa application - Assessment of integrity - Evaluation of obtained data and intelligence information about the applicant
<p>What are the entities responsible for the monitoring of compliance of immigrant business owners and immigrant investors and what are their specific responsibilities? (Labour Inspectorate, Labour Exchange office, Tax authorities, Ministry of Interior, Migration services)</p> <p>Does a national referral mechanism (or its equivalent) exist? (Yes/No).</p> <p>If yes, how is information shared between stakeholders involved?</p> <p>Is there an obligation to inform about misuse/abuse identified by other institution (migration services, police, tax authority, etc.)</p>	N/A	<p>BBAP PFP – control of the legality of stay, of the fulfilment of the conditions of stay and of compliance with the obligations arising from the Act on Residence of Aliens</p> <p>COLSAF, labour offices, labour inspectorates – control of illegal work and illegal employment</p> <p>Trade Licensing Office – control of compliance with the obligations arising from the Trade Licensing Act and special regulations, if refer to trade business.</p> <p>Financial Administration – tax control</p> <p>The competent authorities usually do not deliver the results of the control to other authorities. An exception to this rule is the Trade Licensing Office, which, upon detecting facts that can pose a threat to life, health, safety of</p>	<p>BBAP PFP – control of the legality of stay, of the fulfilment of the conditions of stay and of compliance with the obligations arising from the Act on Residence of Aliens</p> <p>COLSAF, labour offices, labour inspectorates – control of illegal work and illegal employment</p> <p>The competent authorities usually do not deliver the results of the control to other authorities. Controls are usually conducted in a coordinated way, with the involvement of the BBAP PFP, labour offices and labour inspectorates.</p>

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		<p>persons, the environment and work conditions, is obliged to inform the competent state authorities thereof.</p> <p>With regard to third-country nationals, controls are usually conducted in a coordinated way, with the participation of several authorities, such as the BBAP PFP, the labour office and labour inspectorate, or the Trade Licensing Office.</p>	
What is the frequency of control?	N/A	Controls are conducted on an irregular basis.	Controls are conducted on an irregular basis.
What are the main sectors where misuse/abuse occurs? (real estate, transfer of capital, national funds / bonds, business investments, etc.) Please list the top three	N/A	Statistics is not available.	Statistics is not available.
If misuse/abuse is detected, what are the penalties imposed on the third-country national concerned (withdrawal of long-stay visa/residence permit, loss of any other related right/benefit, loss of the certificate of establishment, legal proceedings, fines, removal order, confiscation of activities/revenues, etc.)	N/A	Cancellation of residence Administrative expulsion	Cancellation of visa Cancellation of residence Administrative expulsion
What other circumstances might result in the withdrawal / non-renewal of a long-stay visa / residence permit?	N/A	Withdrawal - termination of business activity; - threat to national security, public order or public health; - the third-country national provided untrue or misleading information or presented fraudulent documents or the documents of another person; - the third-country national fails to	Withdrawal - termination of employment; - threat to national security, public order or public health; - the third-country national provided untrue or misleading information or presented fraudulent documents or the documents of another person; - the third-country national fails to

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		<p>present a document certifying that s/he does not suffer from a disease threatening public health;</p> <ul style="list-style-type: none"> - the third-country national has seriously or recurrently breached the obligation under the Act on Residence of Aliens; - the office of labour, social affairs and family cancels the confirmation of the possibility to fill a vacancy; <p>Non-renewal</p> <ul style="list-style-type: none"> - Failure to produce profit after tax in the set amount; - the renewal of temporary residence is not in public interest; 	<p>present a document certifying that s/he does not suffer from a disease threatening public health;</p> <ul style="list-style-type: none"> - the third-country national has seriously or recurrently breached the obligation under the Act on Residence of Aliens; - cancellation of the work permit
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Q25a. Is there any evidence of the effectiveness of the measures used in your Member State to monitor, detect and prevent misuse / abuse and the problems/challenges faced (lack of instruments, lack of cross-analysis, access to data, etc.)?

No.

In Slovakia there are no reports or studies evaluating the effectiveness of the mechanisms used to control, detect and prevent misuse of residence by immigrant business persons. According to the COLSAF data, no single case occurred in 2009–2013 of withdrawing the work permit to a third-country national considered other business persons under the specifications of this study. In the reference period 2009–2013, temporary residence for the purpose of employment was cancelled in 90 cases.

Q25b. If yes, please indicate to which business persons the evidence refers to (investors, business owners, other business people) and please summarise the main findings here and include a reference to the source in an annex to your national report.

N/A

Section 3: Evaluation of policies to admit third-country nationals for business purposes, challenges and barriers

This section aims to explore the impact of policies to admit **immigrant investors** (Section 3.1), **business owners** (Section 3.2) and **other business people** (Section 3.3) on the economy / society of the Member States. In particular, the questions below aim to understand to what extent such policies (programmes or schemes) have been evaluated and what are the results achieved.

Section 3.1: Immigrant investors

This Section is not applicable in the Slovak context.

Q26a. Have any evaluations or studies in your Member State considered the effectiveness of national policies to attract immigrant investors?

N/A

Q26b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State in this regard (media reporting, media debates, assessment by experts etc.).

N/A

Q27a. Have any evaluations or studies in your Member State considered the effectiveness of the national policies to attract immigrant investors to the growth of the national economy and/or in competing with other larger economies, and have specific indicators been developed?

N/A

Q27b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State in this regard (media reporting, media debates, assessment by experts etc.).

N/A

Q28a. Have any evaluations or studies in your Member State considered the impact of the national policies to attract immigrant investors on other social issues (employment, access to housing, discrimination, etc.) and have specific indicators been developed?

N/A

Q28b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State in this regard (media reporting, media debates, assessment by experts etc.).

N/A

Q29. What evidence exists (policy documents, political discourses, media coverage, NGO campaigns, case law examples etc.) that immigrant investors are perceived as abusing national migration rules in your Member State?

N/A

Section 3.2: Business owners

Q30a. Have any evaluations or studies in your Member State considered the effectiveness of national policies to attract immigrant business owners?

No.

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In Slovakia there are no publicly available studies at governmental level evaluating the effectiveness of existing policies to attract immigrant business owners. For the purposes of evaluation, the MoE SR compiles internal documents as a reference for possible legislative changes. These documents are not public, however.

The attracting of immigrant business persons is tackled to a much larger extent by experts, think-tanks and non-governmental organisations, which focus their attention mainly on analysing the effectiveness of providing investment incentives (see below).

Q30b If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State and provide any examples of good practice in this regard.

The effectiveness of the arrangement of the instruments to attract immigrant business owners can be indirectly evaluated on the basis of the statistics of the National Bank of Slovakia, which annually compiles data on inflows and outflows of foreign direct investments by the country of origin of investors, investment sector, and regional distribution of investments within Slovakia.

The statistics are available at <http://www.nbs.sk/sk/statisticke-udaje/statistika-platobnej-bilancie/priame-zahranicne-investicie>

In 2010, the Institute of Economic Research of the Slovak Academy of Sciences published a study "*Analysis of state tools to support foreign investments and proposal for their optimisation*", aimed to propose measures to optimise the functioning of the system of support of entrepreneurs, eliminate negative impacts of economic incentives on competition, find new forms of support to entrepreneurs, and create an automated model for calculation of the effectiveness of the use of economic incentives to attract foreign entrepreneurs.

The study is available at <http://ekonom.sav.sk/sk/publikacie/analyza-nastrojov-stat-u-pri-podpore-zahranicnych-investicii-a-navrh-ich-optimalizacie-p146>

In 2013, the economic think-tank INESS published a study "*Investment incentives – Creating new values, or redistributing the existing ones?*", the author of which evaluates economic incentives as tools that violate the market principles and are expensive and non-effective in the Slovak context. The author proposes alternative measures, such as reduction of the corporate income tax, progressive reduction of the tax burden for the low-income population, or incentive auctions.

The publication is available at <http://www.iness.sk/stranka/8037-INESS-Policy-Note-Investicne-stimuly.html>

Q31a. Have any evaluations or studies in your Member State considered the effectiveness of the national policies to attract immigrant business owners to the growth of the national economy, and/or in competing with other larger economies, and have specific indicators been developed?

For this question please consider also the contribution of immigrant business owners who are already present on the territory of your Member State.

No.

Q31b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State and provide any examples of good practice in this regard.

In 2008, the MoE SR submitted to the Government of the SR the document "*The effectiveness of investment incentives with regard to regional and economic developments of the Slovak Republic from 01 January 2001 to 30 June 2006, and from 01 July 2006 to 31 December 2007*". This analysis, though it does not focus specifically on entrepreneurs from third countries, suggests that by providing investment incentives in the reference period 2001–2007 Slovakia attracted 84 investors who were expected to invest a total of SKK 165.9 bill. (EUR 5.5 bill.) and create a total of 34,783 new jobs by 2016. Every single euro invested is expected to bring profit of EUR 3.899. The costs per new job attained SKK 1.817 mil. (EUR 60,300). The document is available at:

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<http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=10598>

In 2011, the MoE SR submitted to the Government of the SR the document *"Report on the use of state aid in the form of investment incentives and investment aid under Act No. 565/2001 Coll. on Investment Incentives and on changes and amendments to some acts, as amended, and under Act No. 561/2007 Coll. on Investment Aid and on changes and amendments to some acts, as amended"*. The document contains statistics on the number of approved projects of domestic and foreign applicants, the amount of planned eligible expenditures, the number of planned new jobs, the forms of state aid, and on the regional distribution of investment aid. The document is available at:

<http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=19027>

The INESS study mentioned above (Q30b), which does not differentiate between entrepreneurs, states that *"in the period 2002 – 2012, investment incentives were provided to 113 entities. The total amount of approved aid reached almost EUR 1.3 billion, and 45,346 new jobs were promised to be created, which represents average costs of EUR 30,504 per promised job. The eligible expenditures of investments attained EUR 6.7 billion, which means that investment incentives covered approx. 21% of the costs. The funds are spent throughout a certain period of time, usually 10 years."*¹³

Q32a. Have any evaluations or studies in your Member State considered the impact of the national policies to attract immigrant business owners on other social issues (employment social security, discrimination, etc.) and have specific indicators been developed?

No.

Q32b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State in this regard (media reporting, media debates, assessment by experts etc.).

N/A

Q33. What evidence exists (policy documents, political discourses, media coverage, NGO campaigns, case law examples etc.) that immigrant business owners are perceived as abusing national migration rules in your Member State?

In general, immigrant business owners are not considered a category of foreigners that would be increasingly perceived as abusing migration rules. The available statistics suggest that the misuse of this type of residence is rare. During the reference period 2009–2013, temporary residence for business purposes was cancelled in 90 cases only, which constitutes approx. 2.3% relative to the number of temporary residence permits granted for this purpose. Moreover, not all cases of cancellation of temporary residence were due to misuse (the reason for cancellation of temporary residence included, for example, the fact that the third-country national stayed outside of Slovakia for longer periods of time, or the third-country national failed to present a document certifying that s/he does not suffer from a disease threatening public health).

In practice, there are cases where third-country nationals fail to meet the purpose of temporary residence and perform activities other than the ones for which temporary residence was granted, or seriously or repeatedly breach the obligations stipulated in the Act on Residence of Aliens.

Section 3.3: Other business persons

¹³ Vlachynský, M.: Investičné stimuly. INESS Policy Note1/2014, p. 2

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Q34a. Have any evaluations or studies in your Member State considered the effectiveness of national policies to attract other business persons?

N/A

Q34b If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State and provide any examples of good practice in this regard.

N/A

Q35a. Have any evaluations or studies in your Member State considered the effectiveness of the national policies to attract other business persons to the growth of the national economy, and/or in competing with other larger economies, and have specific indicators been developed?

N/A

Q35b. If yes, please summarise the main findings here and include a reference to the evaluation or study in an annex to your national report.

If no, please provide also any other evidence/indicator that may be available in your Member State and provide any examples of good practice in this regard.

N/A

Q36. Does any evidence exist on the impact of other business persons on increased volume of trade, increased mobility, increased visibility, etc. for your Member State? EMN NCPs are asked to corroborate information provided with any available data or source.

In Slovakia there are not available any studies or statistics, on the basis of which it would be possible to evaluate the impact of this category of third-country nationals on the volume of trade, increased mobility and visibility of Slovakia or development of the business environment in Slovakia.

Q37. What evidence exists (policy documents, political discourses, media coverage, NGO campaigns, case law examples etc.) that other business persons are perceived as abusing national migration rules in your Member State?

There is no available information implying that this category of third-country nationals misuse the national migration rules. On the contrary, the COLSAF data show that no single case of cancellation of the work permit of a third-country national from this category of foreigners was reported during the reference period 2009–2013.

Section 3.4: Challenges and obstacles to admitting third country nationals for business purposes

This Section examines the existing challenges and obstacles for the design and implementation of specific policies aiming to attract immigrant investors, immigrant business owners and other business persons and those challenges and barriers reported by the business community. EMN NCPs are asked to address any obstacle to their admission (eligibility criteria, investment plan, business plan, obtaining visa, etc.) or to other macro-level areas such as visa policy, education, trade, etc.).

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EMN NCPs are asked to present the findings and analysis of any existing studies / evaluations or evidence collected in any other way and to provide any available statistics in the corresponding tables Annex 1.

Q38. What are the main challenges related to the admission of immigrant investors, immigrant business owner and other business persons in your Member State?

Categories of other business persons	Challenges for national stakeholders associated with the design and implementation of policies for other business persons. <i>If possible studies should be included (sourced as appropriate).</i>	Challenges for applicant at both admission (pre-arrival) and stay stages (e.g. documentation required, waiting times, restrictions, etc.) <i>If possible, the views of the business community, of the immigrant community and studies should be included (sourced as appropriate).</i>
<i>Immigrant investors</i>	N/A	N/A
<i>Immigrant business owners</i>	No studies evaluating the existing situation and recommending legislative changes are available. The existing studies refer exclusively to measures concerning investment incentives.	<p>According to Canadian entrepreneurs, the main obstacle with regard to entry to Slovakia is the administrative burden of some procedures and the frequently changing legislation, mainly in the field of labour law, which is becoming non-transparent and little flexible. Canadian entrepreneurs staying in Slovakia for longer see some problems in the duration of court proceedings, poor law enforcement, and a language barrier in some Slovak regions. What is perceived positively is the gradual reduction of the administrative burden of some processes, smaller bureaucracy and the education level of employees. As for enhancing investments, the work of SARIO, improved awareness and the approach of state authorities are viewed positively.¹⁴</p> <p>Japanese entrepreneurs consider it problematic that Slovak authorities often ask them to have documents apostilled while these cannot be apostilled in Japan (e.g. diplomas from private higher education institutions); other obstacles include general medical checks without considering the risk level of the country of origin, and the fact that electronic communication with the APD is not possible, mainly with regard to the reporting of stay after arrival in the Slovak territory or change of address and accommodation, cancellation of residence in case the foreigner returns to his/her country of origin, the reporting of intended continuous stay outside Slovakia for more than 30 days, etc. The granting of residence for up to 2 years for managers of companies which employ workers, but fail to meet the conditions for being qualified as investments in the Slovakia's interest is also viewed negatively. In this respect, it would be</p>

¹⁴ Source: President of the Canadian Chamber of Commerce in Slovakia Mr. Joseph M. Burza replying to the questionnaire survey.

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		beneficial if the managers of companies from non-risk countries obtained residence permits for longer periods (e.g. 5 years). The tools offered by Slovak programmes with regard to business support are important to Japanese entrepreneurs, though they do not consider them a crucial factor when deciding on the location for their investments. ¹⁵
<i>Business visitors for establishment purposes (BVEP)</i>	No studies evaluating the existing situation and recommending legislative changes are available.	The measures described in this part on immigrant business owners apply as appropriate.
<i>Intra-corporate transferees (ICT)</i>	Implementation of Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.	The measures described in this part on immigrant business owners apply as appropriate.
<i>Business sellers (BS)</i>	No studies evaluating the existing situation and recommending legislative changes are available.	The measures described in this part on immigrant business owners apply as appropriate.
<i>Independent professionals (IP)</i>	No studies evaluating the existing situation and recommending legislative changes are available.	The measures described in this part on immigrant business owners apply as appropriate.
<i>Contractual services suppliers (CSS)</i>	No studies evaluating the existing situation and recommending legislative changes are available.	The measures described in this part on immigrant business owners apply as appropriate.
<i>Graduate trainees (GT)</i>	Implementation of Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.	The measures described in this part on immigrant business owners apply as appropriate.
<i>Other (please describe)</i>	N/A	N/A

Section A4: Good practices and lessons learned

This Synthesis report will highlight any good practices of Member States that have successfully attracted and facilitated the arrival of immigrant investors, immigrant business owners and other business persons. This section will also tackle the extent to which these practices have favoured the (positive) contribution of third-country nationals to the national economy and their likelihood to be promoted and replicated in other Member States and also the extent to which has created monitoring mechanisms to detect misuse / abuse of these migration channels.

This section will include also lessons learned from the practical implementation of specific policies, programmes or schemes for the targeted categories of third-country nationals: lessons learned may address also assessments of the expected and/or unintended (positive and negative) consequences of specific policies, programmes or scheme

¹⁵ Source: Slovak-Japanese Chamber of Commerce replying to the questionnaire survey.

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(i.e. A so-called investor programme has facilitated the admission of wealthy third-country nationals to boost national economy in the real-estate sector. However, as consequence, admitted third-country nationals have invested their money but many properties remain empty due to inflated market rates).

If there are specific examples of good practices that you would like to highlight, please do so below:

Slovakia does not have any policies in place to attract third-country nationals for business purposes.

Section 5: Conclusions

The Synthesis Report will outline the key findings, main observations of the Study, present conclusions relevant for policymakers at national and EU level and identify policy pointers for future actions.

Specific conclusions drawn by Member States should be included in the Top Line Factsheet to prevent duplication of efforts.

The Slovak Republic has no policies in place to attract third-country nationals to run their business activities in its territory. The legal arrangement of the system of granting state aid under Act No. 561/2007 Coll. on Investment Aid and on changes and amendments to some acts, as amended, can be considered an exception in this regard. This exception, however, is just partial. Firstly, because this arrangement refers not only to third-country nationals, but to all entrepreneurs irrespective of their nationality and it is not its primary objective to attract immigrant business persons. It therefore does not offer any benefits facilitating the obtaining of residence in the Slovak territory to immigrant business persons. Secondly, this act can only be applied to a certain category of immigrant business persons – to immigrant business owners. And finally, it should be noted that only large businesses are able to meet the conditions for being granted investment aid. Since 2009, investment aid in Slovakia has been granted to only 12 entrepreneurs from third countries.

With regard to the obtaining of residence in the Slovak territory, immigrant business persons can only benefit from a certificate of major investment under Act No. 175/1999 Coll. on Certain Measures Concerning Major Investments and on changes and amendments to some acts. Such entrepreneur may directly obtain permanent residence for five years (contrary to temporary residence for business purposes for entrepreneurs not disposing of such certificate) within a shortened period of up to 30 days. Since 2009, such certificate has been issued to one immigrant business owner only.

Other categories of immigrant business persons are not specified in Slovak law (immigrant investors), or are not considered business persons (intra-corporate transferees, graduate trainees, contractual service suppliers, partially independent professionals), but fall under the labour migration system.

In principle, the obtaining of temporary residence for business purposes depends on sufficient financial coverage of business activity. It is not required to prove language skills, past experience in running business, or the origin of the entrepreneur's capital. What is more demanding is the process of renewal of temporary residence, which is subject to attained profit after tax of 20-fold the subsistence minimum for individuals, and 60-fold the subsistence minimum for statutory representatives of undertakings. Such amounts, however, might not be attained by new entrepreneurs, and can even be liquidating for individuals, as they cannot substitute insufficient amounts of profit after tax with a positive opinion of the MoE SR on the business activity contributing to Slovakia's economic interests.

According to available statistics, the misuse of migration for business purposes in Slovakia does not represent a major problem. During the reference period, only 1% of temporary residence permits for the purpose of employment were cancelled, whereas the reason for cancellation was not necessarily the misuse of the purpose of stay. In addition to that, Slovakia has in place a complex system of control of immigrant business persons with the involvement of the BBAP PFP, the COLSAF, labour offices, labour inspectorates, trade licensing offices, and the Financial Administration. The controls are usually conducted in a coordinated way and with the participation of several authorities.

In Slovakia there are no evaluation studies providing a complex evaluation of the programmes of admission of third-country nationals to Slovakia for business purposes. Several studies were prepared within the non-profit sector, which, however, only dealt with an analysis of the effectiveness of the investment aid system.

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The questionnaire survey conducted among the chambers of commerce in Slovakia for the purposes of this study suggests that immigrant business persons consider the administrative burden of some procedures, the impossibility of electronic communication with the APD and frequent legislative changes to be the important problems of the relevant legal regulation.

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Statistics from Member States will be used in the Synthesis Report to contextualise the statistics provided in this annex.

Table 1: Statistics on immigrant investors and immigrant business owners

Indicators	2009	2010	2011	2012	2013	Source / further information
Statistics on immigrant investors¹⁶						
Number of visa applications (national D-type visas)	N/A	N/A	N/A	N/A	N/A	
Number of visa issued (national D-type visas)	N/A	N/A	N/A	N/A	N/A	
Number of visa refused (national D-type visas)	N/A	N/A	N/A	N/A	N/A	
Number of applications for residence permits (perhaps an estimate e.g. admissions)	N/A	N/A	N/A	N/A	N/A	
Number of residence permits issued (perhaps an estimate e.g. admissions)	N/A	N/A	N/A	N/A	N/A	
Number of residence permits refused / withdrawn (perhaps an estimate e.g. admissions)	N/A	N/A	N/A	N/A	N/A	
Average age of migrant investors who were granted residence permits (and national D-type visas?)	N/A	N/A	N/A	N/A	N/A	
Statistics on immigrant business owners¹⁷						
Number of visa applications (national D-type visas)	N/A	N/A	N/A	N/A	N/A	
Number of visa issued (national D-type visas)	N/A	N/A	N/A	N/A	N/A	
Number of visa refused (national D-type visas)	N/A	N/A	N/A	N/A	N/A	
Number of applications for residence permit	1470	1150	734	696	706	BBAP PFP
Number of residence permits issued (perhaps an estimate e.g. admissions)	1163	831	621	602	628	BBAP PFP
Number of residence permits refused / withdrawn (perhaps an estimate e.g. admissions)	264/17	306/31	106/10	77/21	64/11	BBAP PFP
Number of residence permits reflecting a change of status into business owner (specifying, if possible, from which category – i.e. student, family member, beneficiary of international protection, etc.)	N/A	N/A	N/A	N/A	N/A	Not available.
Average age of immigrant business owners	N/A	N/A	N/A	N/A	39*	Not available. *estimated by BBAP PFP
Statistics on other business persons corresponding to Annex 2 (EU Mode 4 categories) and other business persons as recognised by Member States						
Number of third-country nationals admitted under EU Mode 4 categories or equivalent categories indicated in Q22. If available data can be broken down according to the categories in Annex 2, please provide them in a separate spreadsheet.						Data in required form is not available. In most categories, Slovakia only monitors the inflow and

¹⁶ For Ireland and the United Kingdom, statistics refer to the relevant visas on immigrant investors, but please indicate the name of the visa category to which the data refer to.

¹⁷ For Ireland and the United Kingdom, statistics refer to the relevant visas on business owners, but please indicate the name of the visa category to which the data refer to.

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						outflow of workers on a monthly basis. Available are only data on categories of workers who were issued a work permit.
Number of visa applications (national D-type visas)		42	32	17	14	MoFEA SR
Number of visa issued (national D-type visas)		25	35	15	14	MoFEA SR
Number of visa refused (national D-type visas)		0	0	1	0	MoFEA SR
Number of visa applications (Schengen C-type visas)		3561	4183	4647	6553	MoFEA SR
Number of visa issued (Schengen C-type visas)		3379	4031	4529	6302	MoFEA SR
Number of visa refused (Schengen C-type visas)		146	93	102	181	MoFEA SR

Table 2: indications of the average length of time needed for each of the following indicators

The table below is not intended as having detailed, 'hard' statistics on the average length of time taken, but rather as approximate indications. In case you concrete statistics or data are available however, please provide them separately.

- Please indicate with 'X' the (approximate) average length of time needed for each of the indicators.

Average length of time expected (in days)	A few days	From a few days to a week	Up to two weeks	Up to a month	More than a month
Average time expected between lodging an application and the final decision for a visa application of an <u>immigrant investor (national D-type visa)</u>	N/A				
Average time expected between lodging an application and the final decision for a visa application of an <u>immigrant business owner (national D-type visa)</u>		x			
Average time expected for registering a business (from application to establishment)			x		
If possible to change status: the average time expected for third-country nationals already present in the Member State to change their status into <u>immigrant investor</u> (from family reasons, study reasons, asylum, etc.)	N/A				
If possible to change status: the average time expected for third-country nationals already present in the Member State to change their status into <u>immigrant business owner</u> (from family reasons, study reasons, asylum, etc.)					x

Please indicate if statistics are available on businesses established by immigrant business owners and by Business Visitors for Establishment Purposes (BVEP): (such as total number of businesses established by third-country nationals; number of FTEs created by migrant investors and business owners; number of survived / closed businesses; share of businesses per size (share of 1; 2-10, 11-19, 20-49, 50+ employees). If possible, EMN NCPs are asked to indicate whether data refer to newly admitted business owners or they include also those third-country nationals already living in their Member States

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Not available.

- Please indicate if statistics are available on the economic effects of immigrant investments or businesses (such as the share of migrant investments out of total annual national investments; number of FTEs created/supported as a result of investments by third-country nationals; the tax contribution to the national revenue systems of immigrant business owners and investors; the increased economic ties / trade volumes with specific third countries as a result of immigrant business owners and investors).

Not available.

Annex 2

Table 1: Temporary Movement of Natural Persons under international trade agreements – the EU “Mode 4” categories

Category	Criteria	Length of stay
BVEP: Business visitors for establishment purposes'	<p>Natural persons</p> <ul style="list-style-type: none"> - working in a senior position who: - are responsible for setting up an enterprise, - do not offer or provide services or engage in any other economic activity than required for establishment purposes. - do not receive remuneration from a source located within the host Party. 	Up to 90 days in any twelve month period
ICT: 'Intra-corporate transferees' ¹⁸	<p>Natural persons who:</p> <ul style="list-style-type: none"> - have been employed by a juridical person or have been partners in it for at least one year - are temporarily transferred to an enterprise, the host entity, that may be a subsidiary, branch or head company of the juridical person in the territory of the other Party, 	Up to 3 years

¹⁸ Definition as in Directive 2014/66/EU

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	<p>- belong to one of the following categories:</p> <p>1. Managers:</p> <p>Persons holding a senior position, who primarily direct the management of the host entity, receiving general supervision or guidance principally from the board of directors of the business or equivalent; that position shall include:</p> <ul style="list-style-type: none"> - directing the host entity or a department or sub-division of the host entity - supervising and controlling the work of other supervisory, professional or managerial employees - having the authority to recommend hiring, dismissing or other personnel action;. <p>2. Specialists:</p> <p>Persons working within a juridical person who possess specialised knowledge essential to the host entity's areas of activity, techniques or management. In assessing such knowledge, account shall be taken not only of knowledge specific to the host entity, but also of whether the person has a high level of qualification including adequate professional experience referring to a type of work or activity requiring specific technical knowledge, including possible membership of an accredited profession;</p>	
GT: Graduate trainees / trainee employees¹⁹	Natural persons with a university degree who are transferred to a host entity for career development purposes or in order to obtain training in business techniques or methods, and are paid during the transfer;	Up to 1 year
BS: Business sellers	<p>Natural persons who:</p> <ul style="list-style-type: none"> - are representatives of a services or goods supplier of one Party, - seeking entry and temporary stay in the territory of the other Party for the purpose of negotiating the sale of services or goods, or entering into agreements to sell services or goods for that supplier - do not engage in making direct sales to the general public - do not receive remuneration from a source located within the host Party - nor are they commission agents. 	Up to 90 days in any twelve month period

¹⁹ Directive 2014/66/EU

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CSS: 'Contractual services suppliers'	<p>Natural persons:</p> <ul style="list-style-type: none"> - employed by a juridical person of one Party which itself is not an agency for placement and supply services of personnel nor acting through such an agency, has not established in the territory of the other Party and has concluded a bona fide contract to supply services with a final consumer in the latter Party, requiring the presence on a temporary basis of its employees in that Party, in order to fulfil the contract to provide services - must be engaged in the supply of a service on a temporary basis as employees of a juridical person, which has obtained a service contract not exceeding twelve months. - should be offering such services as employees of the juridical person supplying the services for at least the year immediately preceding the date of submission of an application for entry into the other Party. - must possess, at the date of submission of an application for entry into the other Party, at least three years professional experience in the sector of activity which is the subject of the contract. - must possess a university degree or a qualification demonstrating knowledge of an equivalent level - must possess professional qualifications where this is required to exercise an activity pursuant to the laws, regulations and legal requirements of the Party where the service is supplied. - shall not receive remuneration for the provision of services in the territory of the other Party other than the remuneration paid by the juridical person employing the natural person.. 	<p>A cumulative period of not more than 6 months or, in the case of Luxembourg, 25 weeks in any twelve month period or for the duration of the contract, whichever is less.</p>
IP: 'Independent professionals'	<p>Natural persons:</p> <ul style="list-style-type: none"> - engaged in the supply of a service - established as self-employed in the territory of a Party who have not established in the territory of the other Party - who have concluded a bona fide contract (other than through an agency for placement and supply services of personnel) to supply services with a final consumer in the latter Party, requiring their presence on a temporary basis in that Party in order to fulfil the contract to provide services - must be engaged in the supply of a service on a temporary basis as self-employed persons established in the other Party - must have obtained a service contract for a period not exceeding twelve months. - must possess, at the date of submission of an application for entry into the other Party, at least six years professional experience in the sector of activity which is the subject of the contract. - must possess a university degree or a qualification demonstrating knowledge of an equivalent - must possess professional qualifications where this is required to exercise an activity pursuant to the laws, 	<p>A cumulative period of not more than 6 months or, in the case of Luxembourg, 25 weeks in any twelve month period or for the duration of the contract, whichever is less.</p>

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	regulations or legal requirements of the Party where the service is supplied.	
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