

The Organisation of Asylum and Migration Policies

Factsheet: Slovak Republic

NOTE

This factsheet provides an overview from the EMN study on Organisation of Asylum and Migration Policies in the Slovak Republic and was updated in February 2016.

1. Introduction

This factsheet provides an overview of how asylum and migration policies are organised in the *Slovak Republic*, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on information provided in the EMN Study on *The Organisation of Asylum and Migration Policies in the Slovak Republic*, as at December 2008 and updated in May 2010, July 2012 and July 2014. The Study was based on desk research: key sources were the Ministry of Interior (including its Migration Office and Bureau of Border and Alien Police of the Police Force Presidium), the Ministry of Labour, Social Affairs and Family and International Organization for Migration (IOM).

2. Overview of organisation of political, legislative and institutional framework

2.1 The political system and institutional context

Aspects of migration and asylum fall under the auspices of three ministries: Ministry of Interior (MoI), Ministry of Foreign and European Affairs (MoFEA), and Ministry of Labour, Social Affairs and Family (MoLSAF). MoI implements relevant policies mainly through the Migration Office and the Bureau of Border and Alien Police of the Police Force Presidium. MoI (and its respective sections) was designated as Responsible Authority for the Internal Security Fund and Asylum, Migration and Integration Fund for the period 2014-2020. MoLSAF establishes legal norms and regulation for employing foreigners in the SR and sets up criteria for entry into the Slovak labour market. Under this Ministry is also the Sub-department of Migration and Integration of Foreigners. The Central Office of Labour, Social Affairs and Family coordinates and directs the work of 46 subordinate regional labour offices dealing with, besides others, granting/non-granting of work permits. The Centre for Legal Assistance under the Ministry of Justice provides free legal assistance to asylum seekers appealing negative decisions and free legal assistance in the second stage of appeals procedure of administrative expulsion. The UN High Commissioner for Refugees provides assistance to asylum seekers and recognised refugees within the SR, and it also exerts control and monitoring duties. IOM implements Assisted Voluntary Return and Reintegration Programme, deals with integration of foreigners and assistance to victims of trafficking in human beings. Otherwise, active NGOs working in the field are the Human Rights League, the Slovak Humanitarian Council, OZ Marginal.

2.2 The legal framework

Laws relevant to migration and asylum are passed by the National Council - the Parliament - and enacted by the Government. Asylum is covered by the Act No. 480/2002 Coll. on Asylum and on Changes and Amendments of Some Acts. Act No. 404/2011 Coll. on Residence of Aliens and on Changes and Amendments of Some Acts governs the field of entry and residence of foreigners and their basic rights and obligations. Employment of foreigners is governed by the Act No. 5/2004 on Employment Services and on changes and Amendments of Some Acts as Amended. There are also relevant acts covering recognition of qualifications, citizenship, illegal employment and illegal work, health care etc.

3. Development of migration and international protection systems

Legislative changes have been made to transpose EU directives.

In August 2011, the new Migration Policy with the Perspective until 2020 was approved by the Government, in January 2014 the first Integration Policy of the Slovak Republic was adopted, replacing the Concept of Foreigners Integration in the Slovak Republic from 2009, and in February 2016 the draft National Strategy of Human Rights Protection and Promotion in the Slovak Republic was also approved by the Government.

4. Organisation of policy

4.1 Overview of migration and international protection policy

Granting Schengen and national visas is in the competence of the MoFEA SR and the Slovak embassies and consulates abroad. The applications for residence have to be filed in person (with the exception of immobile applicants and when waiving this requirement is in the interest of the Slovak Republic) at the authority designated by law according to the applicant's legal status. Applications are accepted by the Slovak embassies abroad or the responsible aliens police departments whose jurisdiction includes the applicant's intended place of residence in Slovakia. Granting residence permits, registering residence as well as detecting and preventing illegal migration is overseen by the respective Aliens Police Departments of the Bureau of Border and Alien Police of the Police Force Presidium. As for entry procedures, the legislation distinguishes between temporary residence and permanent residence.

A temporary residence is principally granted for a period exceeding 90 days. The purposes for a temporary residence include: employment (including seasonal work), business, study, special activity (e.g. lecturing, art, sports), research and development, family reunification, duties as a member of civilian units of the armed forces, status of a Slovak living abroad and a status of a person with a long term residence in another Member State. Temporary residence is also a residence on the basis of an EU Blue Card. The Act on Residence of Aliens differentiates between permanent residence for five years, permanent residence for unlimited period and long-term residence. The permanent residence for five years shall be granted mainly for the purpose of family reunification or if it is in the interest of the SR. Additionally, an alien may apply for tolerated stay for specific purposes defined by the law. There are no lawfully fixed conditions regarding integration, but it can be included as a factor in decisions to extend residence permits.

There are no specific entry requirements for asylum applicants - applicants remain under the care of the Migration Office who reviews the applications. A decision must be given within three months.

Access to the labour market consists of two steps: granting a work permit and subsequently a temporary residence permit for the purpose of employment. A work permit is not required if the foreigner holds a permanent residence permit, a temporary residence permit for the purpose of a family reunification for more than 12 months, for the purpose of study or if he/she maintains the status of a Slovak living abroad. A work permit and a temporary residence permit for the purpose of employment may only be applied for the specific activity for which it was granted. Asylum applicants who can enter the labour market, if they have not received a decision within nine months since lodging their application, do not require a work permit. Persons granted asylum, subsidiary protection or temporary shelter have also access to employment without a permit.

Administrative expulsions are carried out by the police and judicial expulsions are issued by the court. Detention may be used in this procedure. Forced expulsions may be accompanied by an entry ban for e.g. 1 year if the person refuses to prove his/her identity in a credible way up to 10 years if the third-country national constitutes a serious danger to the security of the state or public policy. A foreigner without legal stay can use an Assisted Voluntary Return and Reintegration Programme (AVRR) implemented by IOM.

4.2 Links with other policies

There are links between migration issues and foreign, development, employment and social policies. Hence, MoFEA has built partnerships with some countries of origin of illegal migration or assist (potential) migrants in countries of origin. Otherwise it is primarily health care or problems related to the employment of foreigners from third countries which are the primary issues linking migration with other policy areas.

5. Analysis of asylum and migration systems

Even though Slovakia has not been a primary country of destination for many migrants, there has been a need to implement projects in the field of migration and asylum, e.g. to establish and maintain counselling centres for migrants. As an essential step forward can be considered the adoption of the first Integration Policy of the Slovak Republic (2014) and as well as of Migration Policy (2011). Several legislative changes have been made in recent years in relation to the transposition of EU Directives and it is assessed that the transposition of EU legislation contributes to establishment of the common European standards in the field of migration and asylum.

Slovak Republic 2016

Institutional Framework for Immigration and Asylum Policies in the Slovak Republic★

