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ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN THE SLOVAK REPUBLIC OVERVIEW

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INTRODUCTION

This document provides basic overview of how migration and asylum policies for third country nationals (TCNs) in the **Slovak Republic (SK)** are organised from the point of view of institutions and their mutual relations. The overview is based on information provided by the Slovak Republic in **January 2025**.

OVERVIEW OF ORGANISATION OF INSTITUTIONAL AND LEGISLATIVE FRAMEWORK



THE INSTITUTIONAL CONTEXT

Policies and measures in migration and international protection of the TCNs are in the SK mainly the responsibility of these three ministries:

- Ministry of Interior (MoI),
- Ministry of Labour, Social Affairs and Family (MoLSAF), and
- Ministry of Foreign and European Affairs (MoFEA).

MoI creates and implements policies in the area of border management, legal and irregular migration including combatting migrant smuggling, as well as international protection, citizenship, return and the fight against trafficking in human beings. It implements its agenda primarily via:

- Bureau of Border and Foreign Police of the Police Force Presidium (BBFP PFP), which is responsible mainly for border control, visa practice, entry, exit, residence, checks and returns of foreigners, as well as countering human trafficking, irregular migration and smuggling. It also analysis risks and travel documents, publishes statistics, and implements some tasks related to asylum process and the Dublin Regulation.

In relation to the war in Ukraine, the BBFP PFP is responsible for the registration of temporary protection.

- Migration Office, which is responsible for the reception and basic care for asylum seekers in asylum facilities, decides on granting of international protection (i.e. asylum and subsidiary protection) as a first instance administrative body, implements the Dublin Regulation, analyses information on countries of origin, publishes statistics and coordinates the creation of migration policy of the state. Through non-governmental organisations (currently the Slovak Humanitarian Council) it also provides additional care for asylum seekers and participates in the integration of persons with granted international protection.

The Office decides on the provision of temporary protection in special cases (in case of the birth of the child and for persons who arrived without documents), and marking the termination of the temporary protection

including termination by its cancellation. In the asylum facilities also beneficiaries of temporary protection have been accommodated and provided with food and selected services by the non-governmental and international organisations.

- The Crisis Management Section coordinates preparations for civil protection and conducts training to obtain professional competence in the field of civil protection. It participates in the provision and reception of humanitarian assistance and provides emergency accommodation (temporary housing for persons at risk or persons affected by the consequences of an extraordinary event), including the beneficiaries of temporary protection.

The MoI provides allowances for accommodation of beneficiaries of temporary protection to individuals, legal entities that do not do business in the area of accommodation, as well as to municipalities and self-governing regions.

In autumn 2023, the position of Advisor to the Minister of the Interior for Internal Security was created, whose agenda also covers irregular migration.

MoI serves also as the Steering Body for the EU Home Affairs Funds for the period 2021 – 2027 which includes the Asylum, Migration and Integration Fund (AMIF), Internal Security Fund (ISF), and Border Management and Visa Instrument (BMVI). MoI also held the position of the Responsible Body for the Home Affairs Funds for the years 2014 –2020.

MoLSAF coordinates labour migration, national integration policy and Inter-ministerial Expert Commission for Labour Migration and Integration of Foreigners (MEKOMIC). It draws up legal regulations on social care and employment of foreigners and entry criteria for specific categories of TCNs into the Slovak labour market. Among its competencies is also the care for unaccompanied minors. The scope of the MoLSAF includes:

- Centre for Labour, Social Affairs and Family, which coordinates 46 labour offices deciding, inter alia, on work permits for the TCNs, maintains central record and statistics on employment of foreigners, and provides care for unaccompanied minors; and

- National Labour Inspectorate, which manages and controls eight regional labor inspectorates, unifies and rationalizes the working methods of labor inspectors. These labor inspection bodies, which together with BBFP PFP participate in the protection of employees at work, especially in measures against illegal employment and poor working conditions of foreigners in Slovakia.

MoLSAF provides financial and non-financial assistance and support to beneficiaries of temporary protection, unaccompanied minors, and families. It ensures immediate access to labour market, provides employment services to beneficiaries of temporary protection and supports their employability.

MoFEA as part of the consular agenda issues visas and accepts applications for residence or citizenship for foreigners through consulates and embassies of the SK. It coordinates development cooperation and humanitarian assistance of the SK. It builds partnerships with the countries of origin of irregular migrants and helps (potential) forced migrants in other countries. MoFEA is responsible for the external dimension of migration. They cooperate with international organisations that assist migrants including refugees in Slovakia.

Ministry of Health covers the field of healthcare for foreigners including beneficiaries of temporary protection. It operates the recognition of documents on further education (specialisations and certified work activities) obtained in the territory of non-EU countries. In 2024, the SK established a permanent Committee for Psychosocial Support in the Field of Mental Health under the Government Council of the Slovak Republic for Mental Health. Attention is paid to the needs and planning of services for vulnerable target groups, including migrants, especially in increasing the availability of mental health care services and psychosocial support.

Ministry of Education is responsible mainly for education of foreigners, their integration into the Slovak education system and recognition of their education and professional qualifications. They prepared support materials and webinars to help with the adaptation of beneficiaries of temporary protection to schools in the SK. They deal with legislation ensuring the compulsory education for

beneficiaries of international protection as well as facilitating the employment of teaching staff from Ukraine. They provide free language courses for adult beneficiaries of international protection and focus on the institutionalization of the teaching of the Slovak language as a foreign language, including the development of standards, certifications etc.

Inter-ministerial coordination of migration and integration policy of the SK is implemented within these platforms:

- Steering Board for Migration, Integration, and Inclusion of Foreigners, coordinated by the Migration Office;
- Inter-Ministerial Expert Commission for Labour Migration and Integration of Foreigners (MEKOMIC), which is an advisory body to the Minister of Labour, Social Affairs and Family;
- Steering Board for Implementation of European Integrated Border Management, which was created at the end of 2022 and coordinates the fulfilment of tasks contained in the relevant national strategy for years 2023 to 2026 (see below); and
- Interdepartmental Working Group for Coordinating Employment of Third-Country Nationals, which was established at the end of 2023. The Research and Innovation Agency (VAIA) also operates under the Office of the Government of the Slovak Republic from 2021 as the executor of Component 9 of the Recovery and Resilience Plan with responsibility for the reform of management, evaluation and support in the field of science, research and innovation, which also includes the field of attracting foreign talent.

Other responsible state institutions are:

- The Legal Aid Centre, which provides free legal assistance and representation in asylum matters, in proceedings on administrative expulsion or detention of TCNs or an asylum seeker. It also provides legal assistance in these matters in proceedings before a court in administrative judiciary and in proceedings before the Constitutional Court of the SK.
- The Public Defender of Rights (ombudsperson), who, as an independent body of the SK, protects the fundamental rights and freedoms of persons, including foreigners, in

proceedings before public authorities, if their actions, decisions or inactions are in conflict with the law (police detention centers for foreigners, police apprehension cells, designated areas, institutions for the execution of detention, institutions for the execution of prison sentences, psychiatric wards and other places where persons are restricted in their freedom). It also fulfills the role of the National Preventive Mechanism against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (NPM - OPCAT).

- Statistical Office, which processes and harmonises numerical data on foreigners with EU and UN standards and documents approved by the Slovak government and coordinates its work with Eurostat. It also processes data on foreign migration and organises censuses, which forms basis for the processing of population statistics between two censuses.

Administrative courts and Supreme Administrative Court review the legality of decisions of the Migration Office and bodies within the competence of BBFP PFP.

On its territory, the SK in the area of migration cooperates with the following international intergovernmental organisations:

- International Organization for Migration (IOM), which, among other things, provides counselling to TCNs through the IOM Migration Information Centre, implements Assisted Voluntary Return and Reintegration Program (AVRR) and coordinates the European Migration Network (EMN) in Slovakia.
- The Office of the United Nations High Commissioner for Refugees (UNHCR), which has the right of access to an asylum seeker and, with his or her consent, to an asylum procedure.

Since the outbreak of the war in Ukraine, UNHCR, the United Nations Children's Fund (UNICEF) and the International Federation of Red Cross and Red Crescent (IFRC) have been present in Slovakia. The office of the World Health Organization (WHO) has reinforced its presence in Slovakia. All organisations coordinate their activities in regular working groups and inter-institutional meetings.

Among active non-profit organisations in Slovakia in the area of migration and integration in 2024 were mainly Centrum pre výskum etnicity a kultúry, Človek v ohrození / Člověk v tísni, IPčko, Liga za duševné zdravie, Liga za ľudské práva, Mareena, Marginal, Nadácia Milana Šimečku, Nitrianska komunitná nadácia/COMIN, Slovenská humanitná rada a Slovenská katolícka charita, Slovenský Červený kríž, and Tenenet as well as multiple community grass-root based migrant organisations.

LEGAL FRAMEWORK

In the field of migration the Slovak Republic draws from several strategic documents:

- ✓ Migration Policy of the Slovak Republic with a view to 2025 (2021);
- ✓ Slovakia's Recovery Plan: Component 9 – More efficient management and strengthening of research, development and innovation funding; Component 10 – Attracting and Retaining Talent; Component 16 – Fighting corruption and protecting the population (2021);
- ✓ Integration Policy of the Slovak Republic (2014);
- ✓ Strategy of Labour Mobility for Foreigners in the Slovak Republic (2018),
- ✓ Economic Policy Strategy until 2030 (2018);
- ✓ National Strategy for Integrated Border Management for 2023 to 2026 (2022);
- ✓ National Strategy for the Promotion and Protection of Human Rights (2015);
- ✓ National Implementation Plan of the Slovak Republic for the Reform of Asylum and Migration Policy (2024).

Laws relevant to migration and international protection are approved by the National Council of the Slovak Republic (the Parliament). These are in particular:

- ✓ Act No. 404/2011 Coll. on the Residence of Foreigners, which regulates, inter alia, entry of foreigners, their stay and basic rights and obligations, or expulsion;
- ✓ Act No. 5/2004 Coll. on Employment Services, which regulates the employment of foreigners; and
- ✓ Act No. 480/2002 Coll. on Asylum, which regulates, inter alia, asylum proceeding and sets out the procedure for provision of temporary protection.

Other laws deal with e.g. professional qualifications, citizenship, illegal work and illegal employment, health care, etc.

Since the outbreak of the war in Ukraine, the international community has been responding to the needs of refugees in Slovakia through an inter-agency planning, coordination and fundraising tool, which is regularly updated:

- Ukraine Situation Regional Refugee Response Plan January – December 2024 (January 2024)

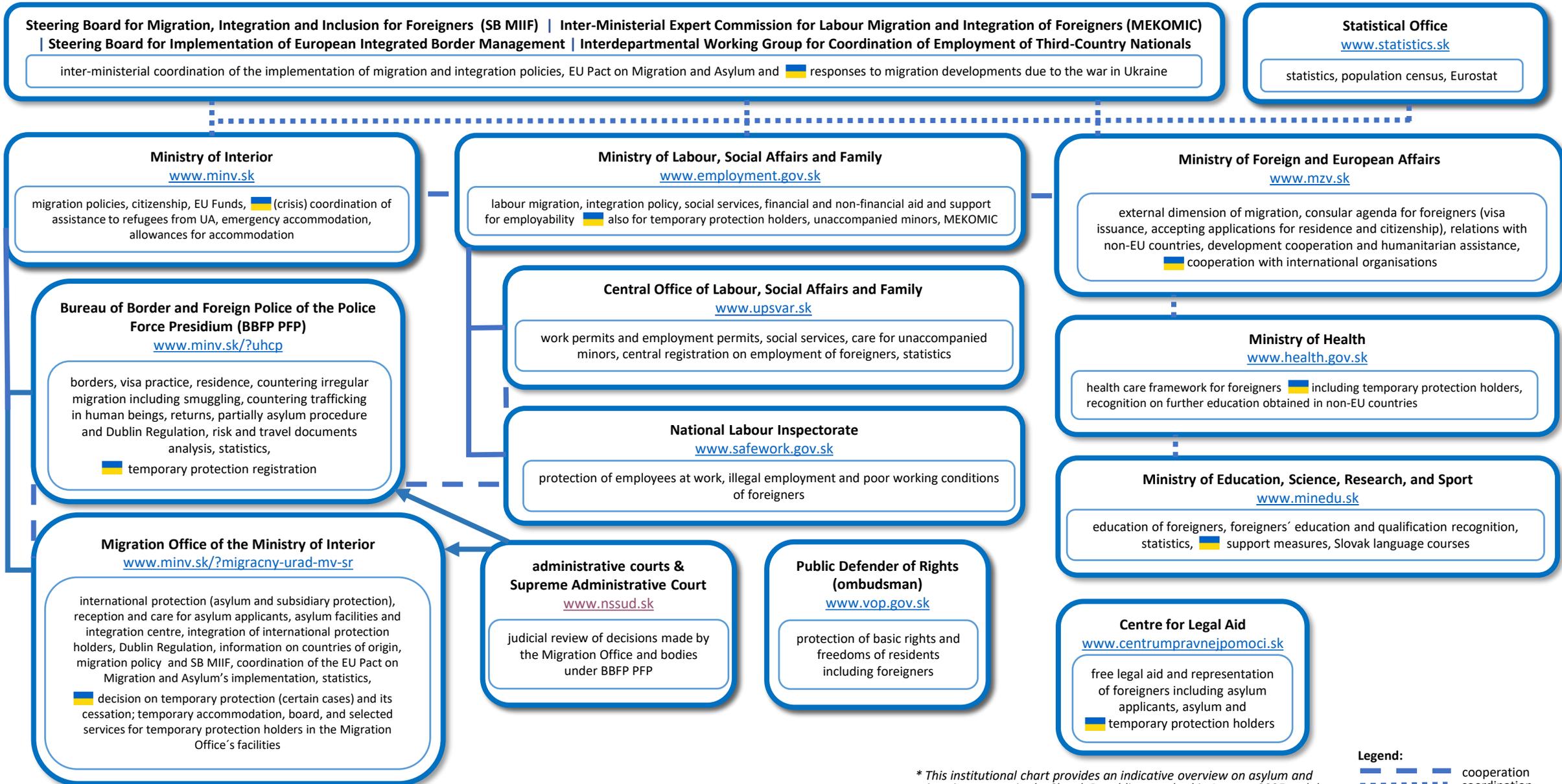
whose coordinator is UNHCR in cooperation with other UN agencies, Slovak Republic, and humanitarian partners. An updated document for the years 2025-2026 is to be presented in February 2025.

Of the two strategic, legally non-binding documents that the UN adopted in the area of migration and refugees in 2018, the SK supported the Global Compact on Refugees. SK has not joined the Global Compact for Safe, Orderly and Regular Migration.



INSTITUTIONAL CHART

The current institutional chart forms an annex to this overview.



* This institutional chart provides an indicative overview on asylum and migration system in the Slovak Republic consulted in January 2025 and does not represent its complete structure.