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ANNUAL REPORT ON MIGRATION AND ASYLUM POLICIES SLOVAK REPUBLIC 2014

Annual Report on Migration and Asylum Policies Slovak Republic 2014

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

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Preface

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

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

The Synthesis Report and the individual reports of EU Member States and Norway are available in English on the website www.ec.europa.eu/emn.

The report of the Slovak Republic has been published in Slovak and English. Both versions are available on the website of the Slovak EMN National Contact Point www.emn.sk.

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List of Abbreviations and References

AFIS – Automated Fingerprint Identification System
AMIF – Asylum, Migration and Integration Fund
APD(s) PF – Aliens Police Department(s) of the Police Force
ASQAEM – Asylum Systems Quality Assurance and Evaluation Mechanism
AVR(s) – assisted voluntary return(s)
AVRR – Assisted Voluntary Return and Reintegration Programme
BBAP PFP – Bureau of the Border and Aliens Police of the Police Force Presidium
BCD PF – Border Control Department of the Police Force
CAC – Central Alert Console
Coll. – Collection of Laws of the Slovak Republic
COLSAF – Central Office of Labour, Social Affairs and Family
DAC – OECD Development Assistance Committee
DBAP – Directorate of the Border and Aliens Police
DM(s) – diplomatic mission(s)
EASO – European Asylum Support Office
EBF – European Border Fund
FDQ – Further Developing Asylum Quality
EEA – European Economic Area
EIF – European Fund for the Integration of Third-Country Nationals
EC – European Commission / European Community
EMN – European Migration Network
EP – European Parliament
ERF – European Refugee Fund
EU – European Union
EURES – European Employment Services
EUROSUR – European Border Surveillance System
FAD EPS MoI SR – Foreign Aid Department of the European Programmes Section of the Ministry of Interior of the Slovak Republic
Frontex – European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
GRETA – Group of Experts on Action against Trafficking in Human Beings
ICAO – International Civil Aviation Organization
ICMPD – International Centre for Migration Policy Development
MIC – Migration Information Centre
Integration Policy – Integration Policy of the Slovak Republic
Interpol – International Criminal Police Organisation
IOM – International Organization for Migration
ISF – Internal Security Fund
IVF – International Visegrad Fund
MD SR – Ministry of Defence of the Slovak Republic
MEKOMIC – Inter-Ministerial Expert Committee for Labour Migration and Foreigners' Integration
MEP – Member of the European Parliament
MIC – IOM Migration Information Centre
Migration Policy – Migration Policy of the Slovak Republic: Perspective until 2020
MoLSAF SR – Ministry of Labour, Social Affairs and Family of the Slovak Republic
MO MoI SR – Migration Office of the Ministry of Interior of the Slovak Republic
MoI SR – Ministry of Interior of the Slovak Republic

MoFEA SR – Ministry of Foreign and European Affairs of the Slovak Republic
MS – Member State(s)
NGO(s) – non-governmental organisation(s)
NUCIM BBAP PF – National Unit to Combat Irregular Migration of the Bureau of the Border and Aliens Police of the Police Force Presidium
ODA – official development assistance
OECD – Organisation for Economic Co-operation and Development
OLSAF(s) – office(s) of labour, social affairs and family
OSCE – Organisation for Security and Co-operation in Europe
PDCA(s) – Police Detention Centre(s) for Aliens
PDR – Public Defender of Rights / Ombudsman
PF – Police Force
PFP – Police Force Presidium
REG – Return Expert Group
RF – European Return Fund
RTVS – Radio and Television Slovakia
SIS – Schengen Information System
SMER - SD – SMER – Social Democracy
SO SR – Statistical Office of the Slovak Republic
SR – Slovak Republic
TCN(s) – third-country national(s)
UAM(s) – unaccompanied minor(s)
UN – United Nations
UN.GIFT – United Nations Global Initiative to Fight Human Trafficking
UNHCR – United Nations High Commissioner for Refugees
UNODC – United Nations Office on Drugs and Crime
UNRWA – United Nations Relief and Works Agency for Palestine Refugees
US(A) – United States (of America)
VIS – Visa Information System

Statistics notes (not applicable to Table 3 in the Annex):

(:) – Data unavailable.

(-) – Event does not exist.

Executive Summary

The report informs about the most important changes and developments in the field of migration and asylum in Slovakia in 2014 with a focus on third-country nationals. It observes the changes, developments and activities at the legislative, institutional and practical levels from 01 January 2014 till 31 December 2014, and puts them into the context of EU policies and legislation. In eight chapters, the report tackles issues related to legal migration and mobility, international protection including asylum, unaccompanied minors and other vulnerable groups, combating trafficking in human beings, migration and development, irregular migration including smuggling, and returns. The report also presents selected statistics, which form a separate statistical annex.

With respect to the institutional framework, no substantial changes occurred in Slovakia in 2014 that would have an impact on Slovakia's migration and international protection policies. As for legislation, amendments were adopted to the Act on Residence of Aliens, the Act on Asylum, and the Act on Employment Services, by which Slovakia transposed the Directive on a single application procedure and for a single permit to reside and work in the territory of a Member State.

The strategic documents prepared by Slovakia in 2014 include the first *Integration Policy of the Slovak Republic*, approved by the Slovak Government in January 2014. It is a fundamental programme document on the integration of migrants in Slovakia replacing the *Concept of Foreigners' Integration in the Slovak Republic* from 2009. Another document was the draft *National Strategy of Human Rights Protection and Promotion in the SR*, submitted to the Government for approval in December 2014. The strategy summarises in a separate annex the legal framework for the protection of migrants in Slovakia. The country also worked on the draft *National Programme of the Asylum, Migration and Integration Fund*, and on the draft *National Programme of the Internal Security Fund*. These funds as new financial mechanisms of the EU in the budgetary period 2014–2020 will replace the programme *Solidarity and Management of Migration Flows*.

In 2014, no major discussions on migration and international protection were held either in the parliament or the government or at the political scene as such. Most attention was paid to the security situation in Ukraine, the *National Strategy of Human Rights Protection and Promotion in the SR*, and to the issue of cancellation of the possibility of double citizenship for Slovak nationals acquiring the citizenship of another state. In 2014, migrant rights were addressed by the Public Defender of Rights who launched a survey of handling client applications at the aliens police departments, and submitted two claims to the Constitutional Court of the SR with respect to the Act on Residence of Aliens.

In 2014, irregular migration to Slovakia continued declining mainly due to the measures and technological innovation within border control. Slovakia also reported a decrease in the number of asylum seekers, where the largest groups were constituted by applicants from Afghanistan, Syria, Vietnam and Ukraine. Compared to 2013, the number of voluntary departures was several times higher, and the number of forced returns of irregular migrants and failed asylum seekers slightly increased.

As for care for unaccompanied minors, there was a change with respect to the foster home in which such minors are placed. The specialised *Foster Home for Unaccompanied Minors in Horné Orechové* in Trenčín, opened in 2009, was closed, and its function was taken over by the *Foster Home and Children's Centre in Medzilaborce* in eastern Slovakia.

The *National Programme for Combating Trafficking in Human Beings 2015–2018* was subject to the inter-ministerial consultation procedure which, once approved in 2015, will replace the national programme 2011–2014. In 2014, a new *Regulation of the Ministry of Interior of the SR on implementing the Programme of Support and Protection of Victims of Human Trafficking* came into force. One of the measures set out in this regulation is the provision of care by the Ministry of Interior of the SR to victims of trafficking in human beings during the asylum procedure. According to the previous arrangement, care for this category of persons was provided by cooperating non-governmental and international organisations under the *Programme of Support and Protection of the Victims of Trafficking in Human Beings*.

In the context of migration and development, Slovakia did not conduct any special activities or measures aimed at mainstreaming migration into sectoral policies, mitigating brain-drain, developing cooperation with diasporas, or measures concerning remittances. In 2014, Slovakia continued providing developing countries with support and assistance through projects and contributions of official development aid.

Compared to the previous years, in 2014, the Slovak mass media addressed the issues of migration and international protection to a larger extent, in particular with regard to the situation in the Mediterranean, the Middle East including Syria, and in Ukraine. In the Slovak context, the media mainly tackled irregular migration issues – the fight against smuggling and the control of the external border with Ukraine. None of these topics led to a broader public discussion.



Introduction

The EMN Annual Report on Migration and Asylum Policies informs about the most important changes and developments in the field of migration and asylum in EU Member States and in Norway during a calendar year. The report focuses on third-country nationals, and serves as a reference document for the compilation of the European Commission's *Annual Report on Immigration and Asylum*, to be submitted to the Council of the EU, and for the EASO's *Annual Report on the Situation of Asylum in the EU*.

The report describes the changes, developments and activities at the legislative, institutional and practical levels of migration and international protection in Slovakia from 01 January 2014 till 31 December 2014, putting them in the context of EU policies and legislation. In eight chapters, the report tackles issues of legal migration and mobility, international protection including asylum, unaccompanied minors and other vulnerable groups, combating trafficking in human beings, migration and development, irregular migration including smuggling, and returns. The report also includes selected statistics, which form a separate statistical annex, and bibliography.

The chapter *Overview of the political developments in the field of migration and asylum* provides a general picture which shaped migration policies and legislation in Slovakia in 2014. This overview describes the relevant political, legislative and institutional developments, media discussions, as well as wider developments that influenced the different areas related to migration and international protection.

The chapter *Legal migration and mobility* describes the policy, legislation, measures and activities concerning the satisfying of labour market needs, the facilitation of admission and guaranteeing rights of migrants from third countries, support for students and researchers, and the family reunification instrument. This chapter is also devoted to migration and mobility management, visa policies, the Schengen Area governance, the protection of the national system against fluctuating migration pressures, integration, promotion and provision of information to migrants from third countries, and the awareness-raising about migration.

The chapter *International protection including asylum* contains information on the implementation of the Common European Asylum System (CEAS), institutional and legislative changes, national and European jurisprudence, ensuring the effectiveness and quality of the asylum system, cooperation with the European Asylum Support Office (EASO), intra-EU relocations and resettlement, integration of asylum seekers and persons with granted international protection, and other activities.

The chapter *Unaccompanied minors and other vulnerable groups* addresses the policies, legislation, measures and activities related to admission and care for unaccompanied minor migrants and other vulnerable groups of migrants from third countries.

The chapter *Combating trafficking in human beings* deals with the policies, legislation, international monitoring, national projects, campaigns and other activities, as well as cooperation at bilateral and multilateral levels.

The chapter *Migration and development* provides an overview of the activities and measures for mainstreaming migration into sectoral policies, mitigating brain-drain in the countries of origin, co-operation and work with diasporas and remittances.

The chapter *Irregular migration including smuggling* includes information on external border management, fight against the misuse of legal migration channels, combating the facilitation of irregular migration (smuggling), and on the monitoring and identification of migration routes.

The chapter *Returns* follows up on the chapter on irregular migration, and analyses forced returns and readmissions, voluntary returns and reintegrations, as well as the activities of the EMN Return Expert Group (REG).

Each chapter also presents media releases as sources of information. The text therefore contains links to media references to migration issues and activities carried out by public and self-governing bodies, the third sector and international organisations.

The Annex *National statistics* summarises the statistics for Slovakia on migration and international protection in 2014 in the form of tables. The Annex shows the figures on first residence permits, visas and smuggled persons, reflection periods and residence permits granted to smuggled persons, smugglers, returns, relocations and resettlements, unaccompanied minors and victims of human trafficking from third countries, reflection periods and residence permits granted to victims of human trafficking, and on the numbers of traffickers.

The general structure of the political and legal system in the field of migration and international protection in Slovakia can be found in the EMN study on *Organisation of Asylum and Migration Policies in the Slovak Republic*, updated version from 2014.¹

¹ Source: <http://emn.sk/sk/studie-emn/item/138-organizacia-azylovej-a-migracnej-politiky.html> (consulted on 10/04/2014).

1.1 Methodology

This report has been compiled on the basis of common specifications prepared by EU Member States and the European Commission. In terms of methodology, the report is based on secondary research and has a descriptive nature. Based on the common specifications for all EU Member States and Norway, the EMN publishes several types of publications including the *Annual Report on Migration and Asylum Policies*. European Commission uses the national reports of EU Member States to compile country factsheets and short informs which summarise key findings of selected topics, and enables comparison of the developments in EU Member States.

The report for Slovakia is based on available expert publications, statistics, legislation, Slovakia's strategic documents, internet sources and media monitoring². The reference documents obtained from the Mol SR (namely from the BBAP PFP, MO Mol SR, Department of Foreign and European Affairs of the Office of the Minister of Interior, Information Centre for Combating Trafficking in Human Beings and Crime Prevention of the Mol SR and the FAD EPS Mol SR), MoLSAF SR, COLSAF, MoFEA SR, Ministry of Justice of the SR and IOM also represent an important source of information, just as the documents, publications and websites of other national, European, international and non-governmental institutions. The report also refers to several EMN publications.

1.2 Terms and Definitions

The terms used in this report largely correspond with the definitions in the *EMN Migration and Asylum Glossary*.³ In case the definitions from this glossary cannot be used to explain some terms, the terms are used pursuant to the national or EU legislation (regulations, directives).

Special attention in this report should be paid to the term *alien (foreigner)*, which under the Slovak legislation, namely Art. 2(2) of the Act on Residence of Aliens, is considered anybody who is not a national of the Slovak Republic. According to the EMN Glossary, an alien (foreigner), in the EU context, is a person who is not a national of an EU Member State, and, in the global context, a person who is not a national of a given State. The Slovak legislation designates an alien who is not a national of an EU Member State as *third-country national*.⁴ In this report, the term *alien (foreigner)* is mainly used in texts and statistics which relate or are kept in compliance with the national legislation. In such case, the term *alien* corresponds to the definition under Art. 2(2) of the Act on Residence of Aliens, and not to the definition in the EMN Glossary.

The term *migrant* is also used in the report; unlike the definition in the EMN Glossary⁵, it is used as a synonym of the words *alien* or *third-country national*.

² IOM as the coordinator of the EMN National Contact Point for the Slovak Republic in cooperation with a news agency has been carrying out weekly media monitoring of migration and international protection issues since 2012. The media monitoring is used for preparing EMN publications.

³ Asylum and Migration Glossary 3.0 – a Tool for Better Comparability (2014). European Migration Network. Available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/glossary/index_a_en.htm (consulted on 10/4/2014).

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

⁵ According to the EMN Asylum and Migration Glossary, migrant is defined as follows: "In the global context, a person who is outside the territory of the State of which they are nationals or citizens and who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate. In: Asylum and Migration Glossary 3.0 – a Tool for Better Comparability (2014). European Migration Network, p. 187. Available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/glossary/index_a_en.htm (consulted on 02/04/2015).



Overview of Political Developments in the Field of Migration and Asylum

This chapter provides a general picture which shaped migration policies and legislation in Slovakia in 2014. This overview describes the relevant political, legislative and institutional developments, media discussions, as well as wider developments that influenced the different areas related to migration and international protection.

2.1 General Political and Institutional Developments

Since the last parliamentary elections to the National Council of the Slovak Republic in 2012, Slovakia has been governed by the political party SMER – Social Democracy (SMER-SD). At present, the government has 15 members: Prime Minister, three Deputy Prime-Ministers who also execute the function of ministers (Interior, Finance, Foreign and European Affairs), a Deputy Prime Minister without portfolio responsible for investments, and ten ministers. Minister of Interior, Minister of Labour, Social Affairs and Family, and Minister of Foreign and European Affairs who oversee the agenda of migration and international protection, remained unchanged in 2014. Robert Kaliňák (SMER-SD) continued executing the function of the Minister of Interior; Ján Richter (SMER-SD) held the post of the Minister of Labour, Social Affairs and Family; and Miroslav Lajčák (no party affiliation) was Minister of Foreign and European Affairs. In 2014, there were

changes in the position of the Minister of Economy, Minister of Healthcare and Minister of Education, Sciences, Research and Sports.⁶

In 2014, presidential elections and EP elections were held in Slovakia, as well as elections to municipal self-governing councils (local elections) within which deputies of local councils and town/city districts, and mayors of municipalities and towns were elected.⁷ Unlike in presidential or parliamentary elections, foreigners could vote and run for local elections, as the principal criterion was permanent residence in the Slovak territory, and not the Slovak citizenship. Nationals of other EU MS could vote in the EP elections and run for MEPs.⁸ Migration and international protection topics were absent in the election debates.

The organisational changes in 2014 comprised a shift of the *Information Centre for Combating Trafficking in Human Beings and Crime Prevention* from the Office of the Minister of Interior under the Mol SR (i.e. under the State Secretary of the Mol SR) with effect from 01 May.

2.2 Migration in the Political, Legislative and Media Contexts

In general, given the small number of foreigners in Slovakia, migration and international protection issues constitute a marginal and little discussed topic on the political scene and among the general public. In principle, migration and asylum issues were only tackled by the actors involved (i.e. at the level of state authorities, non-governmental and international organisations).⁹

Policies

In 2014, Slovakia worked on the following strategic documents:

- The first *Integration Policy of the Slovak Republic*, approved by Government Resolution No. 45 of 29 January 2014.¹⁰ It is the fundamental programme document on foreigners' integration in Slovakia, which replaced the *Concept of Foreigners' Integration in the SR* from 2009¹¹ (see also sub-chapter 3.5).
- Draft *National Strategy of Human Rights Protection and Promotion in the SR*, approved by the Government Council for Human Rights, National Minorities and Gender Equity on 01 December 2014, and recommended to the Government¹² for approval. The strategy summarises in a separate chapter the legal framework of the protection of migrants in Slovakia (see also sub-chapter 3.7).¹³
- On 26 November 2014, Slovakia officially submitted to the European Commission the draft *National Programme of the Asylum, Migration and Integration Fund*, and on 01 December 2014,

the draft *National Programme of the Internal Security Fund*.¹⁴ The AMIF and ISF¹⁵ as new EU financial mechanisms in the programming period 2014–2020 will replace the programme *Solidarity and Management of Migration Flows*.¹⁶

In 2014, no substantial discussions on migration and international protection were conducted in Slovakia either in the parliament or government or at the political scene as such. Most of the attention was paid to the security situation in Ukraine, the *National Strategy of Human Rights Protection and Promotion in the SR*, and the cancellation of the possibility of double citizenship for Slovak nationals acquiring the citizenship of another state.

In 2014, the following committees continued their work in the framework of inter-ministerial cooperation and coordination on migration issues:

- *Managing Committee for Migration and Foreigners' Integration*, the secretariat of which prepared in cooperation with the competent departments of the Mol SR an evaluation of the fulfilment of the *Action Plan for the Migration Policy of the SR: Perspective until 2020 in 2012 and 2013* on behalf of the Ministry of Interior, and a new *Migration Policy Action Plan for the years 2014 and 2015*. The Committee also coordinated the work of other ministries and entities involved in updating its action plans. Besides tasks related to the implementation of the Migration and Integration Policy of the SR, the Managing Committee dealt at its two meetings with the preparation of the *National Border Control Management Plan of the SR 2014–2018*, the current situation in the field of migration in Slovakia and in the European context, and with the recent developments in Ukraine and the possible consequences for Slovakia. The Committee also discussed the results of the 65th annual meeting of the *UNHCR Executive Committee* in Geneva, the EMN activities, and the appointment of the new ICMPD General Director.¹⁷
- *Inter-Ministerial Expert Committee for Labour Migration and Foreigners' Integration (MEKOMIC)*¹⁸, which at its two meetings dealt with the *Integration Policy of the SR*, discussed the fulfilment of the related tasks, and shared knowledge and good practice in the field of integration.¹⁹

To support policy creation at the level of the EU and its Member States, Slovakia was involved in 2014 in the activities of the European Migration Network (EMN). The activities of the EMN National Contact Point for the SR²⁰, such as publications²¹, ad-hoc queries²², a national conference (on *Protection and Care for Unaccompanied Children* in 2014), an educational seminar (on *Forced Migration: Causes and Possible Solutions* in 2014), and other expert meetings²³ deal with various topics concerning migration of TCNs, and are designed for the representatives of state and public administration, research institutions and of the academic and non-governmental sectors.²⁴

6 Source: <http://www.vlada.gov.sk/clenovia-vlady/> (consulted on 13/04/2015).

7 Source: <http://www.minv.sk/?volby-a-referendum> (consulted on 13/04/2015).

8 Source: <http://www.minv.sk/?ep-infovotereusk> (consulted on 13/04/2015).

9 Bachtíková, Ulrichová (2014): Annual Report on Migration and Asylum Policies. Slovak Republic 2013. European Migration Network, IOM, Bratislava, p. 70. Available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/annual-policy/2013/24b.slovak_republic_national_policy_report_migration_asylum_2013_sk_version_final.pdf (consulted on 13/04/2015).

10 Source: <http://www.employment.gov.sk/en/integration-foreigners-slovakia/> (consulted on 08/12/2014).

11 Source: <http://www.employment.gov.sk/files/slovensky/ministerstvo/integracia-cudzincov/dokumenty/koncepcia-integracie-cudzincov-slovenskej-republike.pdf> (consulted on 08/12/2014).

12 Source: <http://www.radavladyp.gov.sk/19-rokovanie-rady/> (consulted on 05/12/2014).

13 Chapter on migrants' rights available at [https://www.mzv.sk/App/wcm/media.nsf/vw_ByID/ID_F7DEBE85867B1B1AC1257CEF004B85CD_SK/\\$File/011_strategia_vychodiskovy_material_prava_migrantov.pdf](https://www.mzv.sk/App/wcm/media.nsf/vw_ByID/ID_F7DEBE85867B1B1AC1257CEF004B85CD_SK/$File/011_strategia_vychodiskovy_material_prava_migrantov.pdf) (consulted on 06/12/2014).

14 Source: <http://www.minv.sk/?aktuality-k-amif-isf> (consulted on 13/04/2015).

15 Source: <http://www.minv.sk/?fondy-pre-oblast-vnutornych-zalezitosti-2014-2020> (consulted on 23/04/2015).

16 Information provided by the FAD EPS Mol SR.

17 Information provided by the MO Mol SR.

18 MEKOMIC is a coordination body of MoLSAF SR in the field of migration and integration policy and an advisory body of the Minister of Labour, Social Affairs and Family of the SR. Among its members are experts of central state administration bodies which pursue the aims and implement the measures of the Integration Policy. If needed, MEKOMIC meetings are attended by international and non-governmental organisations.

19 Information provided by the MoLSAF SR.

20 The EMN National Contact Point for the Slovak Republic consists of the Mol SR, the MoLSAF SR, the SO SR, and the IOM as its coordinator.

21 Source: <http://emn.sk/sk/na-stiahnutie-emn/publikacie-emn.html> (consulted on 13/04/2015).

22 Source: <http://emn.sk/sk/aktivita-emn/ad-hoc-otazky.html> (consulted on 13/04/2015).

23 Source: <http://emn.sk/sk/aktivita-emn/stretnutia-a-konferencie.html> (consulted on 13/04/2015).

24 Source: www.emn.sk (consulted on 08/12/2014)

In 2014, the MoI SR in coordination with the MoFEA SR launched preparations for Slovakia's Presidency of the Council of the EU in the second half of 2016.²⁵ The activities of the Slovak Presidency will include, amongst others, the EMN annual conference, the topic of which will be defined in 2015.²⁶

Legislation

In addition to amendments to the Act on Residence of Aliens and the Act on Asylum, Slovakia continued undertaking some measures from the action plans of the Migration Policy. At the end of the year, the *Summary Report on the State of Implementation of the Migration Policy Tasks, Plans and Objectives 2013, and on the Activities of the Managing Committee for Migration and Foreigners' Integration* which evaluates fulfilment of tasks by individual ministries²⁷ was submitted to the inter-ministerial consultation procedure.²⁸

Mass media

The non-governmental sector in cooperation with MoLSAF SR participated in the preparation of a sustainable *Communication Strategy on the Benefits and Positive Aspects of Migration and Integration of Foreigners in Slovakia*. The main reason for the preparation of this strategy was the lack of proactive and positive communication on this topic.²⁹ It is designed for free and non-commercial use by individuals, organisations and institutions willing to participate in creating a positive image about the life of foreigners in everyday society.

Compared to the previous years, the Slovak mass media discussed migration and international protection to a larger extent, mainly in connection with the situation in the Mediterranean³⁰, the Middle East including Syria³¹, and in Ukraine³². The other foreign topics reported by Slovak mass media included the Swiss referendum on restricting immigration to the country,³³ the British debate on immigration³⁴, and the new US strategy against irregular migrants³⁵.

25 Source: http://www.foreign.gov.sk/sk/europske_zalezitosti/predsednictvo_v_rade_eu-slovenske_predsednictvo_v_rade_eu (consulted on 13/04/2015).

26 Information provided by the IOM.

27 MoI SR, Ministry of Finance of the SR, Ministry of Economy of the SR, Ministry of Culture of the SR, MoLSAF SR, Ministry of Justice of the SR, Ministry of Education, Science, Research and Sport of the SR, MoFEA SR, Ministry of Health of the SR, SO SR and Office for the Slovaks Living Abroad.

28 Source: <https://t.justice.gov.sk/Material/MaterialDocuments.aspx?instEID=1&matEID=7787&langEID=1> (consulted on 13/04/2015).

29 Source: <http://www.hrl.sk/aktuality/liga-za-ludske-prava-predstavuje-komunikacnu-strategiu-o-prinosoch-pozitivach-migracie> (consulted on 13/04/2015).

30 Source: e.g. Rekordný rok: K Európe priplávalo najviac imigrantov, available at <http://spravy.pravda.sk/svet/clanok/339044-rekordny-rok-k-brehom-eurovy-priplavalo-najviac-imigrantov-v-historii/>, Smrť na mori neodrádza migrantov, available at <http://www.sme.sk/c/7384417-smrt-na-mori-neodradza-migrantov.html>, Pri talianskych brehoch zachránili 1 400 utečencov z Afriky, available at <http://spravy.pravda.sk/svet/clanok/326785-pri-talianskych-brehoch-zachranili-1-400-utecencov-z-afriky/>, Talianom došla trpezlivosť, končia so zachraňovaním migrantov na mori, available at <http://spravy.pravda.sk/svet/clanok/334935-talianom-dosla-trpezlivost-koncia-so-zachranovanim-migrantov-na-mori/>, Taliansko zaplavujú utečenci. Nigérijčanka na lodi porodila, available at <http://spravy.pravda.sk/svet/clanok/340724-taliansko-stale-zaplavuju-utecenci-nigerijcanka-na-lodi-porodila/>, Iracký parlament odložil voľbu premiéra, rieši utečeneckú krízu, available at <http://spravy.pravda.sk/svet/clanok/325971-iracky-parlament-odlozil-volbu-premiera-riesi-utecenecku-krizu/> (consulted on 13/04/2015).

31 Source: e.g. Európska komisárka vyzvala na prijímanie sýrskych utečencov, available at <http://spravy.pravda.sk/svet/clanok/323193-europska-komisarka-vyzvala-na-prijimanie-syrskych-utecencov/> (consulted on 13/04/2015).

32 Source: e.g. Ukrajinskí utečenci pribúdajú, ich počet je vyšší ako šestina ľudí na Slovensku, available at <http://spravy.pravda.sk/svet/clanok/326607-ukrajinski-utecenci-pribudaju-ich-pocet-je-vysii-ako-sestina-ludi-na-slovensku/>, Moskva sprísni pravidlá pre migrantov z Ukrajiny, available at <http://spravy.pravda.sk/svet/clanok/340898-moskva-sprisni-pravidla-pre-migrantov-z-ukrajiny/> (consulted on 13/04/2015).

33 Source: e.g. Svajčiari v referende odmietli obmedziť prístahovalctvo, available at <http://spravy.pravda.sk/svet/clanok/337955-svajciari-hlasuju-v-referende-o-pristahovalcoch-i-zlate/> (consulted on 13/04/2015).

34 Source: e.g. Briti na práci Slovákov a iných imigrantov zarábajú miliardy. Prečo sa ich boja?, available at <http://www.etrend.sk/ekonomika/briti-na-praci-slovakov-a-nych-imigrantov-zarabaju-miliardy-preco-sa-ich-boja.html>, Britské zdravotníctvo ťažia prístahovalci, available at <http://spravy.pravda.sk/ekonomika/clanok/338793-britske-zdravotnictvo-tazia-pristahovalci/>, Na sociálne dávky budú musieť migranti v Británii zarabať 149 libier týždenne, available at <http://www.sme.sk/c/7109087/na-socialne-davky-budu-musiet-migranti-v-britanii-zarabat-149-libier-tyzdenne.html#ixzz3XD7zuoUO> (consulted on 13/04/2015).

35 Source: e.g. Barack Obama predstavil imigračnú stratégiu, odmenou mu je žaloba, available at <http://www.teraz.sk/zahranicie/barack-obama-imigranti-politika/107210-clanok.html>, Obama chystá reformu imigračnej politiky, available at <http://www.aktuality.sk/clanok/265501/obama-chysta-reformu-imigracnej-politiky/> (consulted on 13/04/2015).

As far as the topics of migration and international protection are concerned in the Slovak context, the mass media informed mainly about irregular migration – fight against smuggling³⁶ and control of the external border with Ukraine³⁷. The media were increasingly following the topics related to trafficking in human beings³⁸, citizenship³⁹, unaccompanied minors⁴⁰ and the activities of PDR with regard to the survey on the handling of clients at the APDs PF⁴¹ and two claims filed to the Constitutional Court of the SR⁴². None of these topics led to wider public discussion.

In the recent years, blogs and partly columns⁴³ on migration and international protection have been published. As for blogs, it is either one-time articles⁴⁴ or a more systematic support of the discussion over migration⁴⁵.

36 Source: e.g. Kaliňák: Ukrajinskí prevádzaci na hraniciach sú agresívnejší, available at <http://www.webnoviny.sk/slovensko/clanok/818296-kalinak-ukrajinski-prevadzaci-na-hraniciach-su-agresivnejši/>, Prevádzáčov so zbraňou je čoraz viac, available at <http://spravy.pravda.sk/domace/clanok/325783-prevadzacov-so-zbranou-je-coraz-viac/>, Zastrelený ukrajinský prevádzáč patril k najbezpečnejším, tvrdí Kaliňák, available at <http://hn.hnonline.sk/slovensko-119/zastreleny-ukrajinsky-prevadzac-patril-k-najbezpecnejším-tvrdi-kalinak-626075> (consulted on 13/04/2015).

37 Source: e.g. Hranicu s Ukrajinou stráži po vstupe do Únie menej viditeľný múr, available at <http://www.sme.sk/c/7186846/hranicu-s-ukrajinou-strazi-po-vstupe-do-unie-menej-viditelny-mur.html#ixzz3XD0tnbil>, V obrazoch: Prísne strážená hranica s Ukrajinou, available at <http://michalovce.korzar.sme.sk/c/7188010-v-obrazoch-prisne-strazena-hranica-s-ukrajinou.html>, Migranti na prekonanie východnej hranice používajú rogalo, available at <http://humenne.korzar.sme.sk/c/7157003/migranti-na-prekonanie-vychodnej-hranice-pouzivaju-rogalo.html>, Hranicu s Ukrajinou chcelo nelegálne prejsť 107 migrantov, available at <http://spravy.pravda.sk/domace/clanok/324988-hranicu-s-ukrajinou-chcelo-nelegalne-prekrocit-107-migrantov/> (consulted on 13/04/2015).

38 Source: e.g. Obchodovanie s ľuďmi je tretí najvýnosnejší nelegálny obchod, available at <http://www.webnoviny.sk/slovensko/clanok/847121-obchodovanie-s-ludmi-je-treti-najvynosnejši-nelegalny-obchod/>, Obchod s ľuďmi sa môže týkať každého, tvrdí ministerstvo, available at <http://www.webnoviny.sk/slovensko/clanok/879191-obchod-s-ludmi-sa-moze-tykat-kazdeho-tvrdi-ministerstvo/>, V prvom polroku 2014 stíhala polícia za obchodovanie s ľuďmi 28 osôb, available at <http://aktualne.atlas.sk/v-prvom-polroku-2014-stihala-policia-za-obchodovanie-s-ludmi-28-osob/dnes/kauzu/> (consulted on 13/04/2015).

39 Source: e.g. Občianstvo budú brať aj ďalej, súd to nezastavil, available at <http://www.sme.sk/c/7388294-obcianstvo-budu-brat-aj-dalej-sud-to-nezastavil.html>, 102-ročná žena sa obráti na Štrasburg pre stratu občianstva, available at <http://www.sme.sk/c/7511155/102-rocna-zena-sa-obrati-na-strasburg-pre-stratu-obcianstva.html#ixzz3XDeJXq7M>, Slovenské občianstvo plánujú vrátiť tým, ktorí oň požiadajú, available at <http://www.sme.sk/c/7064854/slovenske-obcianstvo-planuju-vratit-tym-ktori-on-poziadaju.html> (consulted on 13/04/2015).

40 Source: e.g. Cudzí deti miznú bez stopy, len málo ich zostane na Slovensku, available at <http://www.sme.sk/c/7464397-cudzie-deti-miznu-bez-stopy-len-malo-ich-zostane-na-slovensku.html>, Afganské deti na Slovensku miznú, nevie sa, čo je s nimi, available at <http://www.webnoviny.sk/slovensko/clanok/883276-afganske-deti-na-slovensku-miznu-nevie-sa-co-je-s-nimi/>, Čo sa s nimi deje? Deti z Afganistanu či Somálska na Slovensku miznú, available at <http://spravy.pravda.sk/domace/clanok/334502-co-sa-s-nimi-deje-deti-z-afganistanu-ci-somalska-na-slovensku-miznu/> (consulted on 13/04/2015).

41 Source: e.g. Dubovcová preveruje cudzineckých policajtov, vidí nedostatky, available at <http://www.sme.sk/c/7424471-dubovcova-preveruje-cudzineckych-policajtov-vidi-nedostatky.html>, Nerozumieme, ale pokračujú po slovensky. Na cudzineckej polícii, available at <http://www.sme.sk/c/7103801/nerozumieme-ale-pokracuju-po-slovensky-na-cudzineckej-policii.html> (consulted on 13/04/2015).

42 Source: e.g. Ombudsmanke sa nezdá zákon o cudzincoch, právnik ju podporil, available at <http://www.webnoviny.sk/slovensko/clanok/849076-ombudsmanke-sa-nezda-zakon-o-cudzincoch-pravnik-ju-podporil/>, Ústavný súd odmietol podanie ombudsmanky o pobyte cudzincov, available at <http://www.sme.sk/c/7125108/ustavny-sud-odmietol-podanie-ombudsmanky-o-pobyte-cudzincov.html#ixzz3XDSUAGKu>, Ombudsmanka podala ďalší podnet na ÚS SR pre zákony o cudzincoch, available at <http://www.teraz.sk/slovensko/ombudsmanka-cudzinci-zakony/92257-clanok.html> (consulted on 13/04/2015).

43 Source: e.g. Británia proti imigrantom, available at <http://komentare.sme.sk/c/7339384/britania-proti-imigrantom.html> (consulted on 13/04/2015).

44 Source: e.g. Migranti v mojej obývačke, available at <http://grunmannova.blog.sme.sk/c/359536/migranti-v-mojej-obyvacke.html>, Ako som pozval svoju mamu na Slovensko, available at <http://sotelozumaran.blog.sme.sk/c/355941/ako-som-pozval-svoju-mamu-na-slovensko.html> (consulted on 13/04/2015).

45 Source: e.g. blog of the NGO Human Rights Leagues ligazaludskeprava.blog.sme.sk, e-learning portal Monda.eu mondaeu.blog.sme.sk or an individual smetana.blog.sme.sk (consulted on 13/04/2015).

03

Legal Migration and Mobility

This chapter describes the policy, legislation, measures and activities concerning the satisfying of labour market needs, the facilitation of admission and guaranteeing rights of migrants from third countries, support for students and researchers, and the family reunification instrument. This chapter is also devoted to migration and mobility management, visa policies, the Schengen Area governance, the protection of the national system against fluctuating migration pressures, integration, promotion and provision of information to migrants from third countries, and the awareness-raising about migration.

3.1 Economic Migration

3.1.1 Satisfying Labour Market Needs – Admission Policies and Legislation

Policies

No substantial changes occurred with respect to the labour market policy. In 2014, managed labour migration continued to focus on compensating for the shortages of available labour force on the labour market, in particular on scarce jobs. Slovakia has no quotas or lists of scarce jobs in place when it comes to labour market access. On the other hand, the COLSAF publishes statistics on the situation, development and structure of employment at its website at least once a month, and prepares analyses and prognoses of the labour market developments.⁴⁶

⁴⁶ Source: http://www.upsvar.sk/statistiky.html?page_id=1247 (consulted on 19/12/2014).

In line with the Migration Policy and Integration Policy action plans, the SR plans to prepare a list of scarce jobs, e.g. jobs requiring higher education which are difficult to fill with domestic labour force for longer periods of time. These jobs would not require a labour market test, but job applicant would be required only to prove the education/qualification needed. The COLSAF is implementing the national project *Prognoses of Labour Market Developments in the SR*⁴⁷ which envisages the creation of a complex system of labour market needs forecasting.⁴⁸ During the next year it is also planned to update the legislative and legal framework enabling the entry and residence of selected categories of migrants in the territory of the SR for the purposes of study and performance of economic activities, with implementation deadline by 31 December 2015.⁴⁹

Legislation

In 2014, the following legislative changes concerning admission and employment of TCNs were made:

In the area of labour migration, the legislation concerning employment of TCNs with the place of work performance in the Slovak territory was modified by Act No 495/2013 Coll.⁵⁰ with effect from 01 January 2014. It amended Article 3 of Act No 5/2004 Coll. on Employment Services⁵¹, bringing the following changes:

- Transposition of Directive 2011/98/EU of the EP and of the Council of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State (hereinafter referred to as the “EP and Council Directive 2011/98/EU”) into the Slovak legislation;
- Establishing a single application procedure resulting in a single permit comprising the temporary residence permit and the work permit, and a single application procedure leading to the issuance of the EU Blue Card within a single administrative procedure; this contributed to the simplification and harmonisation of the rules currently in place in EU MS. A more effective process of handling the applications of TCNs for a single residence and work permit within a single place was thus introduced, which significantly facilitated the administrative procedure resulting in the issuance of this individual administrative document. A TCN willing to be employed in the Slovak territory is required to apply for the single residence permit at a police department, which is obliged to also accept incomplete applications. The single residence permit entitles a TCN to reside in the Slovak territory for the purpose of employment.
- Modification of the conditions of granting work permits to TCNs in Slovakia. Work permits are granted by OLSAFs, which also issue confirmations of the possibility to fill a vacancy. The confirmation of the possibility to fill a vacancy corresponding to highly-qualified employment is issued by the COLSAF.
- Regarding integration, access to employment was facilitated for TCNs who successfully completed their studies at a secondary school or higher education institution in Slovakia and hold a residence permit for the purpose of study. Secondary school students have free access to the

⁴⁷ Source: http://www.upsvar.sk/europsky-socialny-fond/narodne-projekty-v-programovom-obdobi-2007-2013/narodny-projekt-prognozy-vyvoja-na-trhu-prace.html?page_id=407731 (consulted on 19/12/2014).

⁴⁸ Action 2.6.2 of the Action Plan of the Integration Policy of the SR in the domain of the MoLSAF SR 2014–2016. Available at <http://www.employment.gov.sk/files/slovensky/ministerstvo/integracia-cudzincov/dokumenty/ap-k-ip-2014-2016.pdf> (consulted on 19/12/2014).

⁴⁹ Action 2. 2. 3. 1 Action Plan of the Migration Policy 2014 and 2015 in the domain of the MoLSAF SR.

⁵⁰ Act No. 495/2013 Coll. on changes and amendments to Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts, as amended.

⁵¹ Act No. 5/2004 Coll. on Employment Services and on changes and amendments to some acts.

labour market of 10 hours per week, and students of higher education institutions can work 20 hours a week, which is an increase in the number of hours worked compared to the previous arrangement.

- Extension of the competencies of the COLSAF by the right to cancel a confirmation of the possibility to fill a vacancy corresponding to highly-qualified employment for the purpose of issuing the EU Blue Card, and to keep the central register of issued and cancelled confirmations of the possibility to fill a vacancy corresponding to highly-qualified employment, issued and cancelled confirmations of the possibility to fill a vacancy, and of issued and withdrawn work permits;
- Extension of the competencies of OLSAFs by the right to cancel a confirmation of the possibility to fill a vacancy (for granting the temporary residence permit for the purpose of employment, i.e. single residence permit) and to keep the register of issued and cancelled confirmations of the possibility to fill a vacancy and of issued and withdrawn work permits;
- For the purposes of the Act of Employment Services, it was determined that employers may only employ TCNs who:
 - have been issued the confirmation of the possibility to fill a vacancy and have been granted temporary residence for the purpose of employment;
 - are holders of the EU Blue Card;
 - have been granted a work permit and temporary residence for the purpose of employment, unless special legislation provides otherwise;
 - have been granted a work permit and temporary residence for the purpose of family reunification;
 - have been granted a work permit and temporary residence of a third-country national with the status of a long-term resident of an EU MS, unless special legislation provides otherwise; or
 - are not required to submit the confirmation of the possibility to fill a vacancy corresponding to highly-qualified employment, the confirmation of the possibility to fill a vacancy, or the work permit.
- Laying down the employers' obligation to inform the OLSAF about vacancies, their number and job descriptions before filing the application for
 - a work permit for certain categories of TCNs;
 - temporary residence for the purpose of employment for a TCN; or
 - for issuing the EU Blue Card for a TCN.
- Laying down the obligation of domestic legal entities or domestic natural persons to have the numbers and professions of posted workers and the period of their posting agreed by the OLSAF before concluding contracts on the posting of TCNs to perform work in the territory of the SR.
- Specification of employers' obligations regarding employment of EU nationals and TCNs.⁵²

With effect from 01 January 2014, employers and temporary employment agencies are not allowed to temporarily assign⁵³ to undertakings for work performance third-country nationals who:

- are holders of the EU Blue Card;
- have been granted temporary residence for the purpose of employment based on a confirmation of the possibility to fill a vacancy;
- have been granted a work permit and temporary residence for the purpose of employment, unless special legislation provides otherwise;
- have been granted a work permit and temporary residence for the purpose of family reunification;

⁵² Information provided by the MoLSAF SR.

⁵³ Temporary assignment is regulated in Art. 58 of the Labour Code (Act No. 311/2001).

- have been granted a work permit and residence permit of a third-country national with the status of long-term resident of an EU Member State, unless special legislation provides otherwise.

The reason for this change is the fact that the confirmation of the possibility to fill a vacancy corresponding to highly-qualified employment, the confirmation of the possibility to fill a vacancy, and the work permit are to be issued for a specific job at a specific employer.

As for planned legislative changes in 2015, amendments to the Act on Residence of Aliens and Act on Employment Services and other relevant acts are likely to commence in connection with the need to transpose:

- Directive 2014/66/EU of the EP 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; and
- Directive 2014/36/EU of the EP and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.

In this context, it will be necessary to define temporary and circular migration, the forms of short-term employment, the conditions of granting permits for seasonal employment of migrants in the same way as to other categories of persons; to create (review) a flexible and effective seasonal migration instrument because of the current low efficiency of temporary residence granted for the purpose of seasonal employment; and to review the labour market needs in the field of seasonal work.⁵⁴

3.1.2 Efforts to Avoid Social Dumping

Social dumping⁵⁵ of TCNs is being mitigated in Slovakia by means of labour market tests. According to the amended Act on Employment Services⁵⁶, OLSAFs issue confirmations of the possibility to fill a vacancy, which include consent to filling the vacancy, provided that the vacancy cannot be filled with a job seeker recorded in the register of job seekers. When granting work permits, the OLSAFs also take into account the labour market situation, unless the Act on Employment Services provides otherwise.⁵⁷

The amendment to the Act on Illegal Work and Illegal Employment with effect from 01 January 2014⁵⁸ re-defined the illegal employment⁵⁹ and illegal work⁶⁰ of third-country nationals mainly in the context of implementing new instruments in this area (e.g. single work and residence permit). Illegal employment and illegal work of third-country nationals is defined as a failure to comply with the conditions of their employment, as laid down in the Act on Employment Services.

⁵⁴ Action 2. 2. 3. 1 Action Plan of the Migration Policy 2014 and 2015 in the domain of the MoLSAF SR.

⁵⁵ Social dumping refers to the practice where workers from third countries are exploited as "cheap labour" in order to increase profit margins of companies. This would entail measures aimed at ensuring recruitment on the domestic labour market, if it is able to meet the demand. It would also entail ensuring equal treatment of third-country workers to nationals and EU citizens as regards working conditions, including pay. Available at <http://www.eurofound.europa.eu/areas/industrialrelations/dictionary/definitions/socialdumping.htm> (consulted on 09/04/2015).

⁵⁶ Act No. 5/2004 Coll. on Employment Services and on changes and amendments to some acts, as amended, in the wording of Act No. 495/2013 Coll., with effect from 01 January 2014.

⁵⁷ Information provided by the MoLSAF SR.

⁵⁸ Act No. 495/2013 Coll. on changes and amendments to Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts, as amended, and on changes and amendments to some acts

⁵⁹ Art. 2(1)(b) of Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on changes and amendments to some acts.

⁶⁰ Art. 2(2)(c) of Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on changes and amendments to some acts.

3.1.3 Facilitating Admission of Migrants to Slovakia

In 2014, Slovakia adopted policies/measures and other incentives to facilitate admission and access of the following categories of migrants:

Highly-qualified workers

Slovakia declares in the strategic documents *Migration Policy of the SR: Perspective until 2020* from 2011 and in the *Integration Policy of the SR* from 2014 its willingness to attract and integrate highly-qualified migrants. Free access for the family members of researchers and highly-qualified migrants to the labour market from the moment of their settling in Slovakia seems to be a motivating factor for these migrants when making a decision about the target country.⁶¹

According to the *Migration Policy Action Plan 2014–2015 in the domain of the MoLSAF SR*, Slovakia adopts policies actively supporting the admission of economic migrants and the employment of migrants from third countries in line with the needs of the national economy and the labour market with an emphasis on admission and employment of highly-qualified workers, researchers and other qualified migrants according to the labour market needs.⁶²

Further to the transposition of EP and Council Directive 2011/98/EU in the Slovak legislation with effect from 01 January 2014, a single application procedure was introduced resulting in a single permit entailing the temporary residence permit and the work permit. The respective legislation also laid down the single application procedure for issuance of the EU Blue Card as a single administrative document. The implementation of these measures contributed to the simplification and harmonisation of the rules that are currently in place in EU Member States (see sub-chapter 3.1.1.).

Intra-corporate transferees

At national level, Slovakia does not have any national scheme in place for intra-corporate transferees. In 2015, it is envisaged to carry out preparatory works in connection with the need to transpose Directive 2014/66/EU of the EP 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.

Seasonal workers

In 2014, Slovakia did not adopt any legislative changes in this field. Temporary residence for the purpose of seasonal employment was defined in the Act on Residence of Aliens in the previous period. In 2015, Slovakia plans to implement the following changes:

The COLSAF can grant a work permit to a TCN to be employed for the purpose of seasonal employment for a maximum period of 180 days during 12 consequent months. Since the work areas that can be covered by seasonal employment are not defined, employers tend to avoid this instrument and employ TCNs using other forms (for example, by means of the single residence permit). The legislator will probably seek to eliminate this deficiency through the transposition

⁶¹ Information provided by the MoLSAF SR.

⁶² Action Plan of the Migration Policy 2014 and 2015 in the domain of the MoLSAF SR. Available at <http://www.employment.gov.sk/files/slovensky/ministerstvo/integracia-cudzincov/dokumenty/vlastny-material-ap-2014-2015.pdf> (consulted on 06/12/2014).

of Directive 2014/36/EU of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, the preparation of which is likely to start in 2015. As indicated in sub-chapter 3.1.1, the MoLSAF SR plans to define temporary and circular migration, the forms of short-term employment, the conditions of granting permits for seasonal employment of migrants in the same way as to other categories of persons; to create (review) a flexible and effective seasonal migration instrument because of the current low efficiency of temporary residence for the purpose of seasonal employment; and to review the labour market needs in the field of seasonal work.⁶³

Entrepreneurs

With regard to the granting of temporary residence to TCNs for the purpose of business⁶⁴, the way of proving this purpose changed with effect from 01 January 2014⁶⁵; according to the new arrangements, applicants are required to present a business plan (in the form required by the Act on Employment Services), a trade licence certificate, or a business licence.

Au-pair

In 2014, Slovakia did not deal separately with this category of migrants in its legislation and policies. The existing legislation does not regulate the special category of au-pairs.

Others

With effect from 01 January 2014⁶⁶, the OLSAF may, under Art. 22 of the Act on Employment Services, by taking into account the labour market situation, grant a work permit to a TCN who:

- will be employed as a sailor on a ship registered in the SR or on a ship sailing under the Slovak flag;
- has been granted temporary residence for the purpose of family reunification within 12 months from the granting of such temporary residence;
- has been granted temporary residence and is a long-term resident of an EU Member State, unless special legislation provides otherwise, within 12 months from the commencement of his/her residence in the Slovak territory.

A work permit shall be granted to a TCN without taking into account the labour market situation, if so provided in an international treaty that is binding for Slovakia. The OLSAF shall grant a work permit also to a TCN who has a labour contract with an employer whose registered seat or the seat of its organisational unit with legal personality for the purpose of employment is outside of the Slovak territory and which posts such employee to perform work in the Slovak territory on the basis of a contract concluded with a legal entity or a natural person. In this case, the OLSAF would grant the permit on the basis of approval of the numbers and professions of posted workers and of the period of their posting with the legal entity or natural person at which the TCN would work.⁶⁷

⁶³ Action 2. 2. 3. 1 Action Plan of the Migration Policy 2014 and 2015 in the domain of the MoLSAF SR.

⁶⁴ Under Art. 22 of Act No. 404/2011 Coll, temporary residence for the purpose of business shall be granted to a third-country national who is conducting business or will conduct business in the territory of the SR as a natural person, or is acting or will act on behalf of a business company or cooperative and is not in a working relationship.

⁶⁵ Act No. 495/2013 Coll. on changing and amending Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts, as amended, and on changes and amendments to some acts amended Art. 32(5) of Act No. 404/2011 Coll.

⁶⁶ Ibidem.

⁶⁷ Information provided by the MoLSAF SR.

3.1.4 Facilitating Admission of Migrants with Legal Residence in the EU Territory to Slovakia

In 2014, Slovakia adopted the following policies/measures to facilitate admission and access to the SR for the following categories of migrants:

Long-term residence

In 2014, an amendment to Act No. 404/2011 Coll. on Residence of Aliens was under preparation; this amendment aims to expand the category of persons who can be granted permanent residence by the police department for an indefinite period of time. The draft amendment expands Art. 46(1)(b) of Act No. 404/2011 on Residence of Aliens⁶⁸ by a new category of TCNs – children under 18 years of age entrusted to the personal care of a TCN with permanent residence granted for an indefinite period of time.⁶⁹ This change will have a positive impact on the ensuring care for TCNs also in case they are entrusted to the personal care of persons who are TCNs with the status of long-term residents for an indefinite period of time⁷⁰.

Intra-EU mobility of TCNs between Member States

A TCN posted to Slovakia by an employer in another Member State for work performance as part of provision of services is not required to hold a work permit. A TCN who is a long-term resident of another Member State needs to have a work permit during the first 12 months from obtaining temporary residence in the Slovak territory; after expiry of this period, such migrant is free to enter the labour market.⁷¹

Others

Act No. 495/2013 Coll.⁷² simplified the conditions concerning the submission of documents that are required together with the application for renewal of temporary residence. In practice, this change simplified the proving of accommodation for TCNs applying for renewal of their temporary residence by enclosing to their first application for temporary residence a rent contract that needs to be valid for at least six months from the date of renewal of temporary residence (Art. 34(9)).⁷³

3.2 Students and Researchers

As noted in sub-chapter 3.1.1, Act No. 495/2013 Coll.⁷⁴ increased, in line with measure 2.2.4.1 of the *Action Plan of the Migration Policy of the SR: Perspective until 2020* and with effect from 01 January 2014, the number of hours from 10 to 20 hours per week that a student of a high-

68 Source: http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/pravne_predpisy/zakony/zakon_404_2011_o_pobyte_cudzincov.pdf (consulted on 08/12/2014).

69 The original wording of this act allowed for the granting of permanent residence for an indefinite period of time to a third-country national who had been granted permanent residence under Art. 43, or to a child under 18 years of age of a third-country national with permanent residence for an indefinite period of time.

70 Information provided by the BBAP PFP.

71 Information provided by the MoLSAF SR.

72 Act No. 495/2013 Coll. on changes and amendments to Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts, as amended, and on changes and amendments to some acts.

73 Information provided by the BBAP PFP.

74 Act No. 495/2013 Coll. on changes and amendments to Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts, as amended, and on changes and amendments to some acts.

er education institution with temporary residence for the purpose of study may work. When entering the Slovak labour market, these TCNs are not required to present the confirmation of the possibility to fill a vacancy corresponding to highly-qualified employment, or the confirmation of the possibility to fill a vacancy, or a work permit.

In addition, this act included TCNs who were granted a work permit without considering the labour market situation and who

- will be employed for a definite period of time for the purpose of increasing their qualification in their respective job for a maximum period of one year;
- are under 26 years of age and will be employed in occasional and time-limited jobs under school exchanges, youth programmes or educational programmes with Slovakia's participation,

in the category of persons without restricted entry to the labour market given the nature of these activities, i.e. upon entering the Slovak labour market they are not required to submit a confirmation of the possibility to fill a vacancy corresponding to highly-qualified employment, or a confirmation of the possibility to fill a vacancy, or a work permit.

Pursuant to this amendment, researchers conducting research and development under a hosting agreement and holding a temporary residence permit for the purpose of research and development may conduct such activities under the Act on Employment Services without the need to obtain a work permit.

3.3 Family Reunification

The amended Act on Employment Services No. 5/2004 Coll. regulates the entry of the family members of TCNs to the labour market in accordance with Council Directive 2003/86/ES of 22 September 2003 on the right to family reunification.

This act also specifies that an employer may employ a TCN with temporary residence for the purpose of family reunification:

1. after expiry of 12 months of continued stay in the Slovak territory from being granted temporary residence for the purpose of family reunification;
2. who is a family member of a holder of the EU Blue Card; or
3. who is a family member of a TCN, if s/he was granted temporary residence for the purpose of research and development and conducts research or development under a hosting agreement.

3.4 Migration and Mobility Management

3.4.1 Visa Policy

On 10 October 2014, the three-year transition period during which it was possible to search the *Visa Information System* (VIS) during border control upon entry only on the basis of the visa sticker number terminated. Since 11 October 2014, the police is obliged to make a check in the VIS

according to the visa sticker number combined with fingerprints, if the person holds a biometric visa (i.e. if it is a person whose fingerprints were taken upon submission of his/her visa application and were entered in the VIS). This measure has a large impact on the procedures at border crossing points, in particular at land borders where persons holding biometric visas (registered in the VIS) must get off from means of transport to have their fingerprints taken.⁷⁵

In 2014, fingerprints started to be collected at the representative missions in Ankara, Baghdad, Belgrade, Canberra, Delhi, Istanbul, Madrid, New York, Ottawa, Pristina, Sarajevo, Sofia, Vienna and Washington. In the forthcoming period, fingerprints will also start to be taken upon visa issuance in Kiev and Uzhgorod (on 29 January 2015), and in Moscow and Sankt Petersburg (on 21 April 2015). The schedule of launch of these procedures is determined by the EU.

As of 27 November 2014, Slovak DMs issued 93,817 visas in total, of which 5,235 were visas with fingerprints taking.⁷⁶

Once all regions are connected to the central VIS, it is planned to switch the VISION consultation network to VIS Mail in 2015. There will be minimum changes in the display within the user interface, though the central VIS is expected to face increased load due to changes in communication. Entire forms will not be sent through VIS Mail, but the data will be downloaded from the central VIS according to application numbers.⁷⁷

In relation to cooperation between MS consular offices and the set-up of joint consular services for visas, Slovakia signed the following visa representation agreements in 2014:

Member State with which the visa representation agreement exists	Country acting as representative
Austria	Austrian visas on behalf of the SR: Jordan, Lebanon, Morocco
Belgium	Belgian visas on behalf of the SR: Democratic Republic of Congo, Burundi Slovak visas on behalf of Belgium: Iraq
Czech Republic	Czech visas on behalf of the SR: Afghanistan, Algeria, Philippines, Ghana, Mongolia, Pakistan, Lebanon (for Syrian nationals) Slovak visas on behalf of the Czech Republic: Cyprus (for third-country nationals)
Hungary	Hungarian visas on behalf of the SR: Albania, Moldova, Saudi Arabia, Yekaterinburg (Russian Federation), Almaty (Kazakhstan)
Latvia	Latvian visas on behalf of the SR: Azerbaijan, Kaliningrad (Russian Federation) Slovak visas on behalf of Latvia: South Korea, Mexico, Romania (for third-country nationals)
Lithuania	Lithuanian visas on behalf of the SR: Georgia Slovak visas on behalf of Lithuania: Shanghai (China)
Poland	Polish visas on behalf of the SR: Armenia
Portugal	Portuguese visas on behalf of the SR: Angola, Guinea-Bissau, Cape Verde, Mozambique, São Tomé and Príncipe, East Timor Slovak visas on behalf of Portugal: Belarus
Slovenia	Slovenian visas on behalf of the SR: Montenegro Slovak visas on behalf of Slovenia: Cyprus, Romania (for third-country nationals), Uzhgorod (Ukraine)
Spain	Spanish visas on behalf of the SR: Haiti, Jamaica, Colombia, Peru
Switzerland	Swiss visas on behalf of the SR: Nepal, Tanzania Slovak visas on behalf of Switzerland: Iraq
Sweden	Swedish visas on behalf of the SR: Nigeria, Liberia, Sierra Leone

⁷⁵ Information provided by the BBAP PFP.

⁷⁶ Information provided by the MoFEA SR.

⁷⁷ Information provided by the BBAP PFP.

3.4.2 Schengen Area Governance

In 2012–2013, Slovakia was again subjected to the Schengen evaluation process together with the Czech Republic, Estonia, Hungary, Malta, Latvia, Lithuania, Poland and Slovenia^{78,79} The evaluation results published at the end of 2013 were highly positive, and in some cases Slovakia was mentioned as the country with the best practice. The recommendations for further improvements in some areas found basis in the updated versions of Schengen Action Plan of the SR 2014.⁸⁰ Due to these results Slovakia started supporting Croatia in its preparation for entry into the Schengen Area.⁸¹

In 2014, the BBAP PFP prepared the draft *National Plan of Border Control Management 2015–2018* (see sub-chapters 8.1.1, 8.1.2 and 8.4), which was subject to the inter-ministerial consultation procedure at the end of the year,⁸² and is envisaged to be approved by the Government in 2015. This new national plan follows up on the National Border Control Management Plan of the SR 2011–2014, which is in place at present, and is aimed to ensure continuity in the process of building integrated border management in Slovakia, and defines Slovakia's main tasks in the development of integrated management of the Slovak borders for the next four years, including completion of static control systems in the northern part of the border with Ukraine (building of a 20km detection monitoring system in the northern part of the external border of the SR and Ukraine⁸³). The challenges in this field are related to the development of the security situation in Ukraine and its impacts on migration through the Slovak-Ukrainian border.

Further to the decision of the EU Court of Justice in Case C 254/11 (Oskar Shomodi), it is planned to modify Art. 4 of the *Agreement between the Slovak Republic and Ukraine on local border traffic*, as well as the related provisions of the Act on Residence of Aliens (Art. 12(2) and 12(4)) which have become obsolete with respect to the given decision. On 07 November 2014, the MoI SR submitted the draft act to the inter-ministerial consultation procedure. This amendment will in 2015, *inter alia*, modify the Act on Residence of Aliens by deleting, further to the decision of the EU Court of Justice in the case C 254/11, the provision limiting the total period of residence of a TCN holding a local border traffic permit.⁸⁴

3.4.3 Ensuring the System Against Fluctuating Migration Pressures

On 03–05 June 2014, the *Green Wave 2014* crisis management training was held with the participation of the representative of the Slovak Armed Forces General Staff and of the MoI SR. This training aimed to practice the procedures of securing and managing waves of refugees from a neighbouring country and adoption of appropriate security measures in the Slovak territory in cooperation with other state authorities and non-governmental organisations.

78 Schengen evaluation is a process through which experts from Schengen Member States evaluate the preparedness of each country for entry into the Schengen Area and proper implementation of the Schengen acquis by existing Schengen countries. The evaluation of each country covers several areas and involves several ministries. The evaluations are held in line with an adopted five-year plan.

79 The first evaluation of Slovakia was held 2006–2007 and was related to Slovakia's preparedness for entering the Schengen Area.

80 Source: <http://www.minv.sk/?tlacove-spravy-2&sprava=slovensko-je-spolahlivym-clenom-schengenskeho-priestoru-uz-sedem-rokov-v-hodnote-niach-obstalo-vyborne> (consulted on 09/04/2015).

81 Source: <http://www.epravo.sk/spravodajstvo/schengenske-hodnotenia-slovenskej-republiky-sa-skoncili-1456.html> (consulted on 09/04/2015).

82 Draft National Border Control Management Plan 2015–2018 available at: <https://lt.justice.gov.sk/Material/MaterialDocuments.aspx?instEID=1&matEID=7835&langEID=1> (consulted on 06/12/2014).

83 Point 27 of the annex to the draft National Border Control Management Plan 2015–2018 available at: <https://lt.justice.gov.sk/Material/MaterialDocuments.aspx?instEID=1&matEID=7835&langEID=1> (consulted on 06/12/2014).

84 Source: <http://www.minv.sk/?tlacove-spravy&sprava=navrh-novely-zakona-o-azyle-sa-zaobera-aj-maloletymi-ziadatelmi-bez-spievodu> (consulted on 07/12/2014).

In 2014, regarding the development of the security situation in Ukraine and possible influx of increased numbers of refugees to the Slovak territory, the development of the security situation at the external border of the SR with Ukraine was continuously monitored by means of the border attorney apparatus (through border attorneys of the SR and Ukraine and their representatives) including the state of entry procedures at the border crossing points with Ukraine and the situation relating to border surveillance. The Crisis Management Section of the MoI SR is provided with continuous concurrence. In the case of a need to deal with negative developments at Slovakia's external border with Ukraine, the Armed Forces of the SR are ready to provide assistance to the competent Police Force units, in particular in coping with increased influxes of refugees from Ukraine and by creating additional accommodation capacities for these refugees (see also Chapter 4).⁸⁵

3.5 Integration

On 29 January 2014, the Slovak Government approved by Resolution No. 45 the first *Integration Policy of the SR*⁸⁶, representing the fundamental programme document on the integration of TCNs in Slovakia and replacing the *Concept of Foreigners' Integration in the SR* of 2009⁸⁷. The objectives, principles and indicators of the Integration Policy of the SR were defined on the basis of several recommendations, and also entail the Common Basic Principles for Immigrant Integration Policy in the EU. In 2014, further to the respective Government Resolution, the relevant authorities detailed this policy by means of action plans in terms of timeframes and factual implementation.⁸⁸ The Integration Policy specifies the measures related to accommodation, culture and society, citizenship, education, employment and social protection, healthcare, regional self-government, and care for UAMs.

3.5.1 Socio-Economic Integration

The Integration Policy of the SR defines the following measures as key areas for further activities of the competent authorities:

Education and enhancing migrants' language skills

The Integration Policy of the SR defines three basic target groups in the field of education with respect to the measures set out in this document: foreigners' children, adult foreigners, and Slovak nationals (e.g. the second generation of migrants).⁸⁹

Housing, social and healthcare services

Regarding healthcare provided to foreigners and asylum seekers, the Integration Policy of the SR aims to improve the level of healthcare, tackle problems (access to healthcare and compensation for healthcare costs) and different barriers (language and cultural ones) that complicate the use of healthcare services by foreigners. The Integration Policy of the SR also supports changes

85 Information provided by the BBAP PFP.

86 Source: <http://www.employment.gov.sk/en/integration-foreigners-slovakia/> (consulted on 08/12/2014).

87 Source: <http://www.employment.gov.sk/files/slovensky/ministerstvo/integracia-cudzincov/dokumenty/koncepcia-integracie-cudzincov-slovenskej-republike.pdf> (consulted on 08/12/2014).

88 Information provided by the MoLSAF SR.

89 Information provided by the MoLSAF SR.

in the health insurance system by ensuring access to health insurance to one of the most vulnerable groups of the population – children of foreigners without health insurance, and foreigners granted tolerated stay due to the existence of the obstacle of administrative expulsion.⁹⁰

The Integration Policy of the SR perceives accommodation as a possible tool of the state's social policy from the first day of foreigner's stay in the Slovak territory. The Integration Policy proposes to develop state housing policy to make it also accessible to foreigners, as well as supports development of the general public rental housing sector, which currently counts for less than 3% of flats according to expert estimates. The Integration Policy of the SR supports access for long-term residents in the SR to services and goods, and therefore considers it necessary to analyse the conditions of foreigners' entitlements, for example, in the field of financing (mortgages), and, accordingly, call the service providers to modify these conditions to bring the legal status of foreigners settled in Slovakia closer to the legal status of Slovak and EEA nationals. The Integration Policy of the SR supports the expansion of the possibilities of temporary or short-term accommodation of TCNs, as well as other groups of population in, for example, social accommodation facilities and shelter-houses within the competence of the MoLSAF SR. The housing allowance depending on the size of the household, type and standard of housing and actual housing costs is also expected to contribute to enhancing the availability of housing.⁹¹

Labour market

The Integration Policy of the SR supports the economic and social integration of all foreigners living in Slovakia. Persistent discrimination and complicated procedures for recognising attained education and qualifications are identified in this document as a serious barrier to job selection. The employment of foreigners in Slovakia is not intended to focus only on covering scarce jobs on the labour market, but it is also planned to ensure support to managed legal migration of qualified labour forces from third countries (students, scientists and researchers, artists, entrepreneurs, as well as groups of Slovaks living abroad).⁹²

As for legislative changes, the amended Act on Employment Services introduced the following changes in 2014:

- Access of TCNs to employment was facilitated; see sub-chapter 3.1.1.
- TCNs who were granted subsidiary protection and i) whose tolerated stay was extended due to the fact that they had become victim of a crime related to trafficking in human beings, ii) were granted tolerated stay to respect their private and family life, iii) were granted tolerated stay due to illegal employment under particularly exploitative work conditions, provided that their presence is necessary for the purposes of criminal proceedings, are not required to present the confirmation of the possibility to fill a vacancy corresponding to highly-qualified employment, the confirmation of the possibility to fill a vacancy, or the work permit.

The amendment to the Act on Asylum, planned in 2015, is envisaged to reduce the period from one year to nine months after the expiry of which asylum seekers will be able to access the labour market.⁹³

⁹⁰ Ibidem.

⁹¹ Ibidem.

⁹² Ibidem.

⁹³ Information provided by the MO Mol SR.

3.5.2 Integration of Specific Groups

The Integration Policy of the SR from 2014 supports the promotion of foreigners' integration by facilitating the administrative procedures related to the obtaining of residence permits and work permits (with particular account of third-country nationals who obtained their university diplomas at Slovak schools).⁹⁴

In addition, the Integration Policy recognises the need to introduce and apply special measures aimed to balance out the disadvantages faced by the most vulnerable groups of persons within the integration process.⁹⁵ In particular, the Integration Policy aims to ease the administrative burden associated with access to the labour market in the case of foreigners granted international protection. The MoLSAF SR considers it necessary to facilitate access of such persons to the labour market and to improve their competitiveness compared to domestic workers. The Integration Policy places emphasis on creating conditions for the re-training of persons granted asylum and persons under subsidiary protection by concrete practical use at local and regional levels. The Integration Policy also stresses the need to ensure appropriate accommodation to foreigners who can be considered vulnerable.⁹⁶

3.5.3 Citizenship and Naturalisation

The conditions of acquiring and losing Slovak citizenship are specified in the Act on Citizenship, which was not updated in 2014.⁹⁷ At the end of the year, the Government and the MoI SR announced their plan to ease the arrangements of this act and to introduce the possibility of returning the Slovak citizenship status to persons who lost it due to the law from 2010^{98,99} Under that law, approved as a reaction to the Hungarian act on simplified granting of double citizenship to foreign Hungarians of 2011, approximately a thousand Slovak nationals who accepted the citizenship of another state lost the Slovak passport.

In September 2014, the Constitutional Court of the SR refused for procedural reasons the claim about the unconstitutional character of the Act on Citizenship which was submitted by the group of 30 parliamentary deputies. The group mainly referred to Art. 5(2) of the Constitution of the SR, under which *"no one shall be deprived of citizenship of the Slovak Republic against his or her will."*¹⁰⁰

3.5.4 Activities at Local Level

After the first self-government in Slovakia¹⁰¹ approved in 2012 the local strategy of migrant integration¹⁰², the Association of Slovak Towns and Municipalities (ZMOS) initiated a project entitled

⁹⁴ Source: <http://www.employment.gov.sk/files/slovensky/ministerstvo/integracia-cudzincov/dokumenty/vlastny-material-integracna-politika-janu-ar-2014.pdf> (consulted on 11/12/2014).

⁹⁵ In particular, applicants for asylum; persons granted international protection; children including unaccompanied minors; women; elderly people; victims of violence; victims of crimes including trafficking in human beings and exploitation; handicapped persons and other vulnerable groups.

⁹⁶ Information provided by the MoLSAF SR.

⁹⁷ Source: <http://www.minv.sk/?statne-obciansvo-1> (consulted on 13/04/2015).

⁹⁸ For further information about the act from 2010 and subsequent developments see Bachtiková, Ulrichová (2014): Annual Report on Migration and Asylum Policies. Slovak Republic 2013. European Migration Network, IOM, Bratislava, p. 17. Available at <http://emn.sk/vyrocné-spravý-emn.html> (consulted on 13/04/2015).

⁹⁹ Source: <http://www.sme.sk/c/7484137/kalinak-stale-studuje-lajcakovu-analyzu-zakona-o-obciansve.html> (consulted on 13/04/2015).

¹⁰⁰ Source: <http://www.teraz.sk/slovensko/us-sr-zamietnutie-dvojake-obciansvo/98342-clanok.html> (consulted on 13/04/2015).

¹⁰¹ Source: http://www.integration.sk/wp-content/uploads/2012/10/08_Prvc3%A1-samosprvc3%A1va-na-Slovensku-prijala-lokvc3%A1Inu-stratvc3%A9giu-integrvc3%A1cie-migrantov.pdf (consulted on 08/12/2014)

¹⁰² Framework Strategy of the Integration of Foreigners living in the Town of Martin, adopted by the Town Council of Martin in September 2012.

BUK: Capacity Building at the Level of Local Territorial Self-Governments in the Field of Integration Policy from April 2014 to June 2015. The project financed from EIF funds aims to provide assistance to local authorities and ZMOS members in managing the integration of TCNs at the level of local territorial self-governments through the testing of pilot measures in five selected towns (Svidník, Snina, Senec, Prievidza, Michalovce) and through other support activities in towns and municipalities.¹⁰³

The *Integration Policy of the SR* of 2014 (see sub-chapter 3.5) introduced the following measures with respect to self-governments:

- elaboration of own regional integration concepts at the level of self-governing regions and of towns within the territory of the given self-governing region;
- awareness raising campaigns by self-governments on institutions working in the field of foreigners' integration within their respective territories in line with their competences in this field;
- better concurrence in acquiring statistics on the numbers of foreigners legally residing within the territory of the respective self-governing region;
- supporting foreigners' active participation and involvement in local activities, including engagement in elected self-governing bodies;
- continuous mapping of the activities of assisting institutions in all Slovak regions by self-governing units and ensuring migrants' awareness about services within the region through an updated multilingual list – to be distributed, for example, at aliens police departments, health insurance companies, etc., and to be made available at the websites of ministries and Slovak DMs.¹⁰⁴

3.5.5 Involvement of Countries of Origin

The MoLSAF SR is currently the expert partner to the IOM project entitled *Headstart: Fostering Integration before Departure*, which aims to enhance capacities in the countries of origin through shared information and good practice with regard to the provision of relevant and effective pre-departure integration services to migrants from third countries coming to the EU by means of improved networking between European countries and target countries and better coordination of pre-departure and post-departure integration services. One of the project outcomes will be a manual on information and counselling centres in the countries of origin.¹⁰⁵

3.5.6 Integration Projects

In 2014, practical measures focused on the integration of foreigners and on exchange of experience were mainly implemented by international and non-governmental organisations under the following projects financed from the EIF¹⁰⁶ (see also sub-chapter 3.5.5):

¹⁰³ Information provided by the FAD EPS Mol SR and other is available at <http://www.zmos.sk/projekt-buk.phtml?id3=94083> (consulted on 08/12/2014).

¹⁰⁴ Source: <http://www.employment.gov.sk/en/> (consulted on 08/12/2014).

¹⁰⁵ Information provided by the MoLSAF SR and other is available at <http://www.headstartproject.eu/> (consulted on 08/12/2014).

¹⁰⁶ Source: <http://www.minv.sk/?podporene-projekty-3> (consulted on 14/04/2015).

a) Projects supporting the integration of foreigners

IOM Migration Information Centre to Support Integration of Migrants in Slovakia (Phase VI and VII)

Since 2006, the IOM Migration Information Centre (MIC) with its offices in Bratislava and Košice has been the first and so far the only information centre in Slovakia providing TCNs with complex services "under one roof" in the field of legal counselling, labour market inclusion and support of migrants' community life.

Individual legal and integration counselling, consultations on the different aspects of life in Slovakia and legislative changes could be obtained in person, by phone, via e-mail, or at the website www.mic.iom.sk, which was regularly updated and was available in three language versions. In 2014, the MIC website recorded a total of 348,285 views, 160,904 visits and 117,999 unique visitors.

Information could be also obtained by means of multilingual brochures and leaflets produced in six languages. The MIC distributed the leaflets and brochures to APDs PF, labour offices, Slovak DMs abroad, DMs of other countries in Slovakia, MIC clients, and other cooperating institutions and organisations.

In 2014, the main activities of the MIC included:

- Legal counselling, labour and social counselling

In 2014, the MIC in Bratislava and Košice provided a total of 4,745 consultations to 2,265 individual clients by means of e-mail, phone or personal consultations. The largest group clients by country of origin was formed by the nationals of Ukraine, the Russian Federation, the USA, and Serbia. The trust of the target group in MIC is proven by the constant growth in the number of clients during the different project periods. During the first four months of the project implementation in 2014, the number of clients increased by 176 individuals against the comparable period of 2013.

The MIC also provided TCNs with legal assistance in the form of preparation and review of filings to administrative authorities, contracts and other legal documents.

- Specialised counselling days for migrants (One Stop Shops)

MIC in Bratislava and Košice prepared a series of days of specialised counselling to migrants (One Stop Shops), held on a regular monthly basis since September 2014. Together with MIC staff, migrants were provided with counselling at a single place by members of APDs PF and by the staff of labour offices, trade licence offices and health insurance companies. Complex counselling was provided to 80 foreigners from more than ten countries.

- Educational and requalification courses

As part of education support, the MIC provided financial contributions to 89 clients to attend requalification courses, thus increasing their chances on the Slovak labour market, which are often reduced due to poorer knowledge of the Slovak language, inability to prove qualification attained in the country of origin, or due to the non-recognition of qualification.

- Open Slovak language course and socio-cultural orientation course

Further to the successful implementation of the pilot programme of Slovak language courses, the MIC continued organising the open Slovak language courses for foreigners in 2014. The courses were attended by a total of 815 persons, and the follow-up courses of social and cultural orientation in Bratislava and Košice were attended by 127 persons.

- Cooperation with foreigners' communities and promotion of inter-cultural exchange

The MIC continued cooperating with the network of cultural mediators¹⁰⁷ by organising 21 multicultural information meetings in 2014 in the form of different social, cultural and sports events aimed to present their culture to the public, enhance the social life of the community, and to communicate relevant information to the community. The information meetings were attended by over 2,100 persons.

- Field work

Within its field work, the MIC in cooperation with the cultural mediators provided information and counselling to 279 clients.

- Workshops for cultural mediators

The MIC prepared workshops for cultural mediators aimed to improve and enhance the activities of foreigners' communities in the area of fundraising and project preparation.

- Sharing of expertise and good practice

In 2014, the MIC was invited by state and non-state organisations from Austria, Malta, Lithuania and Vietnam to share its good practice in connection with the provision of the centre's services. The MIC also provided expert counselling and information and presented its services as part of the preparation of consular staff before their posting to DMs abroad in the MoFEA SR training centre.

The MIC expertise was also used in the provision of consultations and preparation of the *Integration Policy of the SR* and *National Strategy of Human Rights Protection and Promotion in the SR* (namely of the chapter Migrants' rights).¹⁰⁸

Legal counselling on residence and citizenship 4 and 5

The projects of the Human Rights League provide complex legal aid and counselling to migrants legally residing in Slovakia. Among others, the projects also focus on legal assistance and counselling to UAMs.¹⁰⁹

¹⁰⁷ Representatives of migrant associations or informal representatives of migrant communities who have good knowledge of their community and are interested in supporting their fellow countrymen.

¹⁰⁸ Information provided by the IOM.

¹⁰⁹ Source: <http://www.hrl.sk/projekty/pravna-poradna-pre-pobyt-obciansstvo-5> (consulted on 07/04/2015).

Bakhita IV

The project follows up on the *Bakhita Plus* project, which was completed in February 2014, and, in general, on the work of the Slovak Catholic Charity with child refugees, which has been running in Slovakia since 2010 (see sub-chapter 5.1).¹¹⁰

New minorities in images, tones and live

Project by Milan Šimečka Foundation, under which the *Sunday Feast (Nedeľná paráda)* is organised – a multi-genre cultural event held on Sunday and dedicated to minorities living in Slovakia, their gastronomy and culture.¹¹¹

Multicultural fairy-tales

At the end of the year, the project by Intenda Foundation resulted in a book of fairy-tales *From World to World (Zo sveta do sveta)* collected from migrants living in Slovakia. The foundation also organised joint readings for migrants and children at elementary schools across Slovakia. The project included an art competition for children and a discussion meeting on the integration of migrants' children in Slovakia.¹¹²

Multicultural workshops

Following the completion of its previous project *Multicultural fairy-tales*, Intenda Foundation prepared another project to support multicultural dialogue among children, this time in the form of experiential *Media multicultural workshops*. Children are directly involved in activities, which are typical to the cultures of different nations, and migrants living in Slovakia also have the possibility to present their traditional cultural values. It is planned to organise 12 multicultural workshops to be broadcasted by the public RTVS channel. Other communication channels include DVDs distributed to elementary schools for group screenings.¹¹³

The project also includes an information campaign *Multiculturalism from A to Z* aimed to inform about the life and problems of migrants living in Slovakia and about their integration. The campaign will be accompanied by public lectures and an expert conference.¹¹⁴

Improving the labour market and business conditions for third-country nationals

The project of the Slovak Business Agency (National Agency for the Development of Small and Medium-Sized Enterprises until February 2014) aims to describe and evaluate the labour market and the business conditions for TCNs, and to prepare a proposal for measures to improve the economic integration of TCNs. By June 2015, the project is expected:

- to map and analyse the knowledge about the motivation, expectations and experience of TCNs in terms of their work career in Slovakia;

¹¹⁰ Source: <http://www.charita.sk/stranky/pomoc-utecencom> (consulted on 07/04/2015).

¹¹¹ Source: <http://staratrznica.sk/nedelna-parada-pozyva-na-predvianocny-slovansky-charitativny-bazar/> (consulted on 14/04/2015).

¹¹² Source: <http://www.intenda.sk/projekty/multikulturne-rozpravky> (consulted on 14/04/2015).

¹¹³ Source: <http://www.intenda.sk/medialne-multikulturne-dielne> (consulted on 14/04/2015).

¹¹⁴ Source: <http://www.intenda.sk/projekty/nadacia-intenda-zacala-s-realizaciou-medialnych-multikulturnych-dielni-pre-deti> (consulted on 14/04/2015).

- to evaluate the measures promoting the economic integration of TCNs in Slovakia;
- to identify the barriers to the economic integration of TCNs, and to propose measures to eliminate them and to improve the labour market and business conditions for TCNs.¹¹⁵

Integration on the Road

The project by the Local Media Institute focused on secondary school students, seeking to acquaint them with migration and integration issues. The activities included discussions with representatives of migrant communities, the broadcasting of these issues in local and regional TV channels, a final exhibition with a photo-report, and a publication with basic data on the migration policy in Slovakia.¹¹⁶ The project was attended by over 600 students and 11 migrants.¹¹⁷

Times of New Minorities

The continuing project by Milan Šimečka Foundation has long focused on the awareness raising of the Slovak public about the life, culture and traditions of new minorities living in Slovakia and about their position in the Slovak society. In 2014, the foundation organised the 9th edition of the festival *The Week of New Minorities (Fjúžn)*.¹¹⁸

Present, yet (in)visible? The cultural and social integration of foreigners in a local perspective

The research project by the Institute for Public Affairs analysed the social and cultural integration of migrants from third countries at the local levels by means of three anthropological case studies which were summarised in the book *Migranti v meste: prítomní a (ne)viditeľní (Migrants in the Town: Present and (In)Visible)*.¹¹⁹ The Institute also organised an expert discussion forum – *Diversity Forum* – for a wider audience in the form of three multicultural evenings.¹²⁰

b) Projects for experience sharing among experts and reinforcement of their capacities

BUK: Capacity building at the level of local territorial self-governments in the field of integration policy

ZMOS project (see sub-chapter 3.5.4).

Enhancing the intercultural skills and regional cooperation of experts working with migrants in Slovakia V

In 2014, the IOM again organised trainings aimed at capacity building and enhancing intercultural competencies of experts working with migrants in order to improve the quality of services facilitating the migrant integration in Slovakia (the trainings were organised under the project financed by the EIF and the MoI SR). The target group of the trainings were representatives of APDs PF, OLSAF, legal aid centres, district offices, labour inspectorates, as well as towns, mu-

nicipalities, higher territorial units and health insurance companies. The trainings were actively attended by the representatives of migrant communities – so-called cultural mediators – who present their views on life in Slovakia in debates and share their positive experiences and challenges they face upon communication with various institutions. The participants used a publicly available training manual.¹²¹ Some trainings also included counselling days for migrants from third-countries (one stop shop days), during which training participants, together with the MIC staff, provided migrants with information about residence, work and business in Slovakia.¹²²

Integration Forum – a Platform for Open Dialogue on Migration and Integration of Foreigners

In 2014, the Human Rights League continued implementing its projects aimed to create and develop an open platform for mutual exchange of information and experience at national and international levels with the involvement of experts from different fields of migration and integration in Slovakia, including representatives of migrants.¹²³ One of the specific project objectives was to develop a communication strategy and communication tools on migration and integration (see sub-chapter 2.2).¹²⁴

Examples of good practice in educating children of foreigners abroad

The aim of the project implemented since 2013 was to enhance the professional capacities of elementary school teachers and experts in the field of foreigners' children integration in the education system through sharing successful foreign models. In May 2014, a new book was presented in Bratislava: *Educating Children of Foreigners: Inspirations for an Inclusive Education from English Schools (Vzdelávanie detí cudzincov. Inšpirácie pre inkluzívne vzdelávanie z anglických škôl)*.¹²⁵ The book is a compilation of knowledge and experience obtained by Slovak teachers and experts in education during their five-day study visit to London in December 2013. The project was implemented by the Milan Šimečka Foundation.

3.6 Information and Awareness Raising

3.6.1 Legal Migration Conditions and Possibilities/Channels

The current *Migration Policy of the SR* from 2011¹²⁶ and the *Integration Policy of the SR* from 2014 envisage the setting up of information and consultation centres in the countries of origin as one of the measures to improve the pre-departure provision of information to migrants. At present, the provision of relevant information to migrants on the conditions of entry, residence, work, business, study, etc., is covered by the Slovak DMs abroad.

In Slovakia, migrants can obtain information and the required documents at the APDs PF. In October 2014, the APD PF in Bratislava extended its office hours and days due to the increased number of applications for residence.¹²⁷ Migrants from third-countries also use the helpline, per-

¹¹⁵ Source: <http://www.sbagency.sk/zlepsenie-podmienok-na-trhu-prace-a-podnikania-statnych-prislusnikov-tretich-krajin> (consulted on 14/04/2015).

¹¹⁶ Source: <http://www.integruj.sk/> (consulted on 14/04/2015).

¹¹⁷ Source: <http://www.integruj.sk/integracia-na-cestach-relacie/104-integracia-na-cestach-docestovala> (consulted on 14/04/2015).

¹¹⁸ Source: <http://www.nadaciamilanasimecku.sk/index.php?id=141> (consulted on 14.4.2015).

¹¹⁹ Source: [http://www.ivo.sk/7388/sk/aktuality/nova-kniha-ivo-migranti-v-meste-pritomni-a-\(ne\)viditelni](http://www.ivo.sk/7388/sk/aktuality/nova-kniha-ivo-migranti-v-meste-pritomni-a-(ne)viditelni) (consulted on 14/04/2015).

¹²⁰ Source: [http://www.ivo.sk/7024/sk/projekty/pritomni-a-predsa-\(ne\)viditelni?-kultura-a-socialna-integracia-cudzincov-v-lokalnej-perspektive](http://www.ivo.sk/7024/sk/projekty/pritomni-a-predsa-(ne)viditelni?-kultura-a-socialna-integracia-cudzincov-v-lokalnej-perspektive) (consulted on 14/04/2015).

¹²¹ Source: <http://mic.iom.sk/dialog/2014/09/aktualizacia-materialov-treningom-2/> (consulted on 10/12/2014).

¹²² Source: <http://www.iom.sk/en/activities/migrant-integration/training-experts-working-with-migrants> (consulted on 10/12/2014).

¹²³ Source: <http://www.hrl.sk/projekty/forum-integracie-platforma-pre-otvoreny-dialog-o-migracii-integracii-cudzincov> (consulted on 14/04/2015).

¹²⁴ Source: <http://www.hrl.sk/projekty/forum-integracie-platforma-pre-otvoreny-dialog-o-migracii-integracii-cudzincov> (consulted on 14/04/2015).

¹²⁵ Source: <http://www.nadaciamilanasimecku.sk/index.php?id=159> (consulted on 14/04/2015).

¹²⁶ Source: http://emn.sk/sk/na-stiahnutie-emn/ine-dokumenty/item/download/939_c48df7c0117edd44fcef59b76a63015.html (consulted on 10/12/2014).

¹²⁷ Source: <http://bratislava.sme.sk/c/7411202/cudzinecka-policia-rozsiri-strankove-hodiny.html> (consulted on 14.4.2015).

sonal consultations and the website of the IOM Migration Information Centre¹²⁸, where they can obtain up-to-date information including multilingual brochures, as well as the online counselling services of the Human Rights League.¹²⁹ They can also find information at the websites of the MoI SR www.minv.sk, MoFEA SR www.mzv.sk, MoLSAF SR www.employment.gov.sk, OLSAF www.upsvar.sk, and at the EU Immigration Portal, which is regularly updated on behalf of Slovakia, among others, by the EMN, and the EURES network.¹³⁰

In 2014, the MIC was invited by state and non-state organisations from Austria, Malta, Lithuania and Vietnam to share its good practice in connection with the provision of the centre's services. The MIC also provided expert counselling and information and presented its services as part of the preparation of the consular staff before being posted to DMs abroad in the MoFEA SR training centre.¹³¹

In order to improve the quality of services provided as part of migrants' integration support in Slovakia, in 2014 the IOM organised again several trainings aimed at capacity building and enhancing intercultural skills of the representatives of institutions working with migrants. Certain training events also include counselling days for migrants from third countries (one stop shop days), during which participants together with the MIC staff, provide migrants with information about residence, work and business in Slovakia (see sub-chapter 3.5.6).¹³²

3.6.2 Awareness Raising on Migration

*The Integration Policy of the SR*¹³³ from 2014 (see sub-chapter 3.5) supports the use of different communication channels targeting wider audience, including social networks and other new media with the aim to raise public awareness about integration. In line with the integration mainstreaming principle, the Integration Policy promotes the inclusion of foreigners, as well as integration and migration topics into grant schemes supporting different media outputs and art works (e.g. Audio-visual Fund; subsidy system of the Ministry of Culture of the SR – subsidy programme Culture of disadvantaged population groups aimed to support the cultures of disadvantaged groups of the population, including migrants' integration). The respective grant schemes are expected to ensure the possibility of applying for a contribution not only for Slovak nationals, but also for foreigners residing in the Slovak territory and migrant communities.¹³⁴ The Integration Policy also supports the adoption and implementation of measures targeting the suppression of racism, xenophobia, discrimination and other forms of hatred and intolerance towards foreigners. The document considers it necessary to adopt preventative measures, as well as measures fighting against these phenomena in the media and on social networks. In this context, the Integration Policy recognises and emphasises the irreplaceable role of public authorities that are expected to inform about migration and integration topics in a professional, comprehensible and objective manner.

128 Source: <http://mic.iom.sk/en/> (consulted on 10/12/2014).

129 Available at: <http://www.hrl.sk/>

130 Source: <http://www.eures.sk/> (consulted on 14/04/2015).

131 Information provided by the IOM.

132 Source: <http://www.iom.sk/en/activities/migrant-integration/training-experts-working-with-migrants> (consulted on 10/12/2014).

133 Source: http://emn.sk/sk/na-stiahnutie-emn/ine-dokumenty/item/download/937_a88a8633c3c0dd9b6ea669d0b16289ae.html (consulted on 08/12/2014).

134 Information provided by the MoLSAF SR.

In 2014, the non-governmental sector in cooperation with the MoLSAF SR was involved in the preparation of the sustainable *Communication Strategy on the Benefits and Positive Aspects of Migration and Integration of Foreigners in Slovakia*¹³⁵ (see sub-chapter 2.2.).

In the field of education Slovakia implements the *National Strategy for Global Education 2012–2016* which identifies migration and different integration topics among the main areas of global education. It is an official programme document adopted by the Slovak Government.¹³⁶

Some activities of the EMN National Contact Point for the SR¹³⁷, such as the national conference (on *Protection and Care for Unaccompanied Children* in 2014) or the educational seminar (on *Forced Migration: Causes and Possible Solutions* in 2014), deal with different topics on migration of TCNs and present up-to-date information and good practice to state and public administration staff, representatives of research institutions and of the academic and non-governmental sectors. The EMN discussion evening held as part of the EMN educational seminar (entitled *People Forced to Flee* in 2014) was designed also for a wider audience.¹³⁸

As for future activities, the MoLSAF SR is willing to implement, through projects supported by the AMIF funds, professional information campaigns and discussions on migrants' integration with an emphasis on persons under international protection. During the forthcoming period, the ministry also plans to organise expert events and lectures in accredited entities in cooperation with Slovak universities.¹³⁹

3.7 Guaranteeing Migrant Rights

The right to equality and non-discrimination forms part of the Slovak legislation in the form of a general constitutional principle and of the right defined in the Anti-Discrimination Act¹⁴⁰ and related legal regulation falling within the scope of this act. No legislative changes occurred in this area in 2014. It is, however, necessary to mention the Integration Policy of the SR from January 2014, which identifies among its objectives and measures the need for preventive measures aimed to avoid the risk of appearance of an economically, socially and culturally divided society and of closed and excluded migrant communities, while complying with the Slovak legislation.¹⁴¹

The rights of migrants from third countries were actively advocated by the Public Defender of Rights (PDR or Ombudsman)¹⁴², who examined the procedures of the aliens police upon handling foreigners' applications as one of its priorities for 2014.¹⁴³ The two surveys focused on identifying the level of compliance with the fundamental rights and freedoms under the Constitution of the SR and international treaties that are binding for Slovakia (in particular, the right to

135 Source: <http://www.hrl.sk/aktuality/liga-za-ludske-prava-predstavuje-komunikacnu-strategiu-o-prinosoch-pozitivach-migracie> (consulted on 08/12/2014).

136 Source: <http://www.globalnevedelavanie.sk/co-je-gv> (consulted on 08/12/2014).

137 EMN National Contact Point for the Slovak Republic is composed of MoI SR, MoLSAF SR, SO SR and IOM as its coordinator.

138 Source: www.emn.sk (consulted on 08/12/2014 and 14/04/2015).

139 Information provided by the MoLSAF SR.

140 Act No. 365/2004 Coll. on Equal Treatment in Certain Areas and on Protection against Discrimination and on changes and amendments to some acts (Anti-Discrimination Act).

141 Bachtiková, Ulrichová (2014): Annual Report on Migration and Asylum Policies. Slovak Republic 2013. European Migration Network, IOM, Bratislava, p. 28. Available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/annual-policy/2013/24b.slovak_republic_national_policy_report_migration_asylum_2013_sk_version_final.pdf (consulted on 06/12/2014).

142 In 2014, the PDR was Jana Dubovcová. Further information about this independent Slovak authority is available at <http://www.vop.gov.sk/> (consulted on 12/04/2015).

143 Source: <http://www.vop.gov.sk/spravy-z-prieskumov-a-priority-za-rok-2014> (consulted on 12/04/2015).

human dignity, the right to information, the right to judicial and other legal protection, the right to proper treatment, and the right to protection against torture, cruel, inhuman or degrading treatment or punishment, or the application of the principles of good governance). Since it is still an on-going survey, the PDR will publish its findings and the conclusions in 2015.¹⁴⁴ The PDR has conducted this survey in all 12 APDs PF in Slovakia since June, observing the treatment of foreigners by the police, the language skills of the police, the ways of handling of foreigners' applications, the availability of sanitary facilities, the ways of providing and publishing information for foreigners, the conditions of the police officers during the performance of their work, and the APDs PF technical facilities and premises.¹⁴⁵

In 2014, the PDR filed two claims to the Constitutional Court of the SR¹⁴⁶ challenging the compatibility of Art. 120(2) of Act No. 404/2011 Coll. on Residence of Aliens and Art. 52(2) of Act No. 480/2002 Coll. on Asylum with several articles of the Constitution of the SR (Art. 125(4), Art. 130(1)(f), Art. 151 (1), (2) and (6)), Art. 6(1) of the Convention for the Protection of Human Rights and Fundamental Freedoms, and Art. 14(1) of the International Covenant on Civil and Political Rights.¹⁴⁷ According to the PDR, the challenged provisions enable the police departments and the MO Mol SR to justify some of their decisions exclusively by Slovakia's security interests. The provisions therefore fail to comply with the requirements for equality between the parties before courts, other state authorities and public administration authorities.¹⁴⁸ The Constitutional Court of the SR rejected this claim as "filed by a manifestly unauthorised person" in March 2014¹⁴⁹ and as "inadmissible" in December 2014.¹⁵⁰

On 01 December 2014, the Government Council of the SR for Human Rights, National Minorities and Gender Equity approved and recommended to the Government of the SR¹⁵¹ to adopt the draft *National Strategy of Human Rights Protection and Promotion in the SR*, which summarises the legal framework for the protection of migrants in Slovakia in a separate annex.¹⁵² Given the nature of this document, the priorities and tasks concerning migrant rights are formulated in the form of proposals and recommendations prepared by a working group composed of representatives of state authorities, non-governmental and international organisations and the academic community based on parity representation.¹⁵³

144 Report of the Public Defender of Rights 2014 pursuant to Art. 23(1) of the Act No. 564/2001 Coll. on Public Defender of Rights, as amended, p. 87. Available at <http://www.vop.gov.sk/files/sprava.pdf> (consulted on 12/04/2015).

145 Source: <http://agentury.sme.sk/c/7429103/robi-prieskum-na-cudzineckej-policii-zistila-nedostatky.html> (consulted on 12/04/2015).

146 Under Art. 125(1)(a) of the Constitution of the Slovak Republic, the Constitutional Court of the SR decides on the compatibility of laws with the Constitution, constitutional laws and international treaties to which a consent was given by the National Council of the Slovak Republic and which were ratified and promulgated in a manner laid down by law.

147 Collection of Findings and Rulings of the Constitutional Court of the Slovak Republic for July 2014 – Plenary. Available at http://portal.concourt.sk/download/attachments/19267603/Prehľad_2014-03_PL.pdf?version=1&modificationDate=1399304807000 (consulted on 12/04/2015).

148 Source: <http://www.webnoviny.sk/slovensko/clanok/849076-ombudsmanke-sa-nezda-zakon-o-cudzincoch-pravnik-ju-podporil/> (consulted on 12/04/2015).

149 Collection of Findings and Rulings of the Constitutional Court of the Slovak Republic for July 2014 – Plenary. Available at http://portal.concourt.sk/download/attachments/19267603/Prehľad_2014-03_PL.pdf?version=1&modificationDate=1399304807000 (consulted on 12/04/2015).

150 Source: <http://www.parameter.sk/sk/sekcia/spravy/2014/12/17/us-sr-odmietol-podanie-jany-dubovcovej-o-pobyte-cudzincov> (consulted on 12/04/2015).

151 Source: <http://www.radavladyp.gov.sk/19-rokovanie-rady/> (consulted on 05/12/2014).

152 The chapter on migrants' rights is available at [https://www.mzv.sk/App/wcm/media.nsf/vw_ByID/ID_F7DEBE85867B1B1AC1257CEF004B-85CD_SK/\\$File/011_strategia_vychodiskovy_material_prava_migrantov.pdf](https://www.mzv.sk/App/wcm/media.nsf/vw_ByID/ID_F7DEBE85867B1B1AC1257CEF004B-85CD_SK/$File/011_strategia_vychodiskovy_material_prava_migrantov.pdf) (consulted on 06/12/2014).

153 Information provided by the MO Mol SR.

04

International Protection Including Asylum

This chapter contains information on the implementation of the Common European Asylum System (CEAS), institutional and legislative changes, national and European jurisprudence, ensuring the effectiveness and quality of the asylum system, cooperation with the European Asylum Support Office (EASO), intra-EU relocations and resettlement, integration of asylum seekers and persons with granted international protection, and other activities.

In 2014, Slovakia did not record increase in numbers of asylum applications. Their number declined from 441 in 2013 to 331. In 2014, Slovakia granted 99 subsidiary protections and 14 asylums, suspended the asylum procedures in 163 cases, and rejected asylum in 197 cases. Among the most numerous groups were applicants from Afghanistan, Syria, Vietnam and Ukraine. As for applicants from Somalia, Slovakia again reported a decline compared to the previous years – from 222 to 57 applicants in 2013 and 19 applicants in 2014.¹⁵⁴

In response to the situation in Ukraine and the potential influx of refugees to Slovakia, the Government declared its readiness to accept and place in the Slovak territory approximately one thousand migrants, while this number could increase to up to ten thousand. Slovakia also offered to Ukraine health assistance within the Slovak territory, which was used by the Ukrainian side¹⁵⁵ (see also sub-chapter 3.4.3 and Chapter 7).

154 Source: <http://www.minv.sk/?statistiky-20> (consulted on 08/04/2015).

155 Source: <http://www.vlada.gov.sk/robert-fico-vyvoj-na-ukrajine-sledujeme-sme-pripraveni-promptne-reagovat/> (consulted on 08/04/2015).

4.1 Common European Asylum System (CEAS)

The MoI SR submitted to the inter-ministerial consultation procedure a draft **amendment to Act No. 480/2002 Coll. on Asylum**¹⁵⁶, which is expected to be approved and enter into effect in 2015. The reason for presenting this draft act is, in particular, transposition of Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) and Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast). The deadline for the transposition of both directives is 20 July 2015, except for Article 31(3) to (5) of Directive 2013/32/EU referring to the time limits for issuing a decision and to their extension; in this case, the deadline for transposition is 20 July 2018.

The same draft act, which is expected to amend the Act on Asylum in 2015, will also amend Act No. 404/2011 Coll. on Residence of Aliens¹⁵⁷, the Code of Civil Procedure and Act No. 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship,¹⁵⁸ proposing, *inter alia*, to unify the provision of care for unaccompanied minors and minor asylum seekers in facilities for social and legal protection of children and social guardianship (this task arises from the National Action Plan for Children 2013–2017).¹⁵⁹

Regarding Dublin procedures, a new EP and Council Regulation (EU) No. 604/2013 604/2013¹⁶⁰ entered into effect. This regulation is directly applicable, and no transposition into national legislation is needed. From the point of view of practice, Amendment 495/2013 Coll. to Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts introduced a new procedure on transferring foreigners to other Member States in the context of the explicit obligation to inform about the decision on transfer of a TCN residing in a Member State territory without authorisation to the responsible Member State.

Act No. 495/2013 Coll. changing and amending Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts, as amended, in effect from 01 January 2014, introduced a new provision on detaining asylum seekers in compliance with the EU legislation. The new provision 88(a)¹⁶¹ of Act No. 404/2012 Coll. on Residence of Aliens and on changes and amendments to some acts, as amended, stipulates the reasons for detaining asylum seekers, and the total duration of detention changed to “for the time necessary” for the purpose of executing expulsion and may not exceed six months. An exception in this respect is detention on the grounds of a threat to state security or public order; in this case, detention can be extended by 12 months.¹⁶²

¹⁵⁶ Act No. 495/2013 Coll. on changes and amendments to Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts, as amended, and on changes and amendments to some acts.

¹⁵⁷ Act No. 404/2011 Coll. on Residence of Aliens and on changes and amendments to some acts, as amended.

¹⁵⁸ Act No. 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship and on changes and amendments to some acts.

¹⁵⁹ Information provided by the MO MoI SR.

¹⁶⁰ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

¹⁶¹ Under Art. 88 of Act No. 404/2011 Coll., the police officer may detain an asylum seeker, provided that no other less serious means for achieving the purpose of detention can be used,

a) to detect or verify his/her identity or nationality;

b) to find out the facts on which his/her application for asylum is based and which could not be obtained without detention, in particular if there is a risk of absconding;

c) if it is a third-country national detained under Art. 88(1)/a) or (b), who lodged the asylum application, if there are justified reasons to believe that s/he lodged the asylum application with the aim to delay or hamper his/her administrative expulsion;

d) if it is necessary on the grounds of threat to state security or public order; or

e) for reason under Art. 88(1)(c).

¹⁶² Information provided by the BBAP PFP.

Act No. 495/2013 Coll. changing and amending Act No. 480/2002 Coll. on Asylum amended Article 22(2) of the latter. This change was based on practical requirements and on the decision of the Regional Court in Prešov 11Scud/1/2011-116 of 13 January 2012, as well as on the finding of the Constitutional Court II US147/2013-50 of October 2013, and refers to the application of Article 22(1) of Act No. 480/2002 Coll. in connection with Article 19(1)(i) and /3) of that act. Further to this change, the right of asylum seekers to stay in the Slovak territory is tied to the decision on granting asylum. If the decision issued in the asylum procedure is enforceable, the applicant shall not be authorised to stay in the Slovak territory under Act No. 480/2002 Coll., and unless s/he is granted a residence permit under Act No. 404/2011 Coll. on Residence of Aliens, s/he would obtain the status of a person staying in the Slovak territory without authorisation with the possibility of applying the relevant provision of Act No. 404/2011 Coll. on Residence of Aliens with respect to such foreigner.

4.2 Institutional and Legislative Changes

With effect from 01 January 2014, Act No. 495/2013 Coll.¹⁶³ transposed into the national legislation Directive 2011/95/EU of the EP and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast). The changes arising from this amendment to the Act on Asylum are based not only on the obligation to transpose Directive 2011/95/EU, but also on practical needs:

- The transposition of Article 22 of Directive 2011/95/EU introduced provisions on informing persons granted asylum or subsidiary protection about their rights and obligations.
- The start of the asylum procedure was specified with regard to a child born in the Slovak territory to an asylum seeker, to a person granted asylum, or to a foreigner under subsidiary protection. For reasons of clarity, it was stipulated that in case a child is born to an asylum seeker, to a person granted asylum, or to a foreigner under subsidiary protection in the Slovak territory, such child shall not be considered an asylum seeker, if the child acquires Slovak citizenship by birth.
- The category of persons to be granted asylum for the purpose of family reunification with an unaccompanied minor asylum seeker was extended.
- The provision referring to non-granting of asylum changed on the basis of the exclusion clause under Article 1 of the Geneva Convention and Article 12(1)(a) of Directive 2011/95/EU.
- In connection with the transposition of Article 8 of Directive 2011/95/EU on internal protection (alternative to internal resettlement), the respective reason for non-granting asylum was modified. According to the new provision, the MoI SR shall, *inter alia*, not grant asylum if the applicant has no well-founded fear of being persecuted in a part of the country of origin, or has access to protection against persecution, or can safely and legally travel and gain admittance to that part of the country of origin and can be expected to settle there; the MoI SR, when assessing well-founded fear of being persecuted or access to protection, takes into consideration the general circumstances in the given part of the country of origin and the personal conditions of the applicant. The reason for non-granting of subsidiary protection was amended accordingly.

¹⁶³ Act No. 495/2013 Coll. changing and amending Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts, as amended, and on changes and amendments to some acts.

- The category of persons to be granted subsidiary protection for the purpose of family reunification with an unaccompanied minor under subsidiary protection was extended. Under the new arrangement, the minor foreigner must give his/her written consent to family reunification.
- A new reason was introduced for cancellation of asylum on humanitarian grounds or on the grounds of family reunification. This provision refers to cases where the asylum seeker is granted a different type of asylum than the one granted previously, or where s/he is granted permanent residence.
- The circumstances assessed by the MOI SR upon withdrawing asylum were updated.
- The act changed the provision on cancellation of subsidiary protection on the grounds that the circumstances under which the subsidiary protection was granted changed, ceased to exist or changed in such way that there is no further need to provide such protection. This provision shall not apply if the foreigner granted subsidiary protection provides serious reasons based on previous serious harm due to which s/he refuses the protection of the state which is the foreigner's country of origin.
- The provisions on protection against persecution or serious harm were amended.
- It was stipulated that subsidiary protection can be extended by two years instead of one year, as defined under the previous arrangement.
- The act excluded the possibility to appeal against the decision on granting asylum, the decision on non-granting asylum with regard to the provision of subsidiary protection, and against the decision on extension of subsidiary protection.
- Under the act, a foreigner under subsidiary protection can be accommodated in an accommodation centre for the time needed on the basis of his/her written request. Under this arrangement, the foreigner is required to appropriately cover the expenses of his/her stay.
- The procedure related to transfer to another state was modified in compliance with EP and Council Regulation 604/2013/EU¹⁶⁴ with regard to foreigners illegally staying in the Slovak territory and seeking asylum in another Member State or whose asylum application was rejected by a final decision in that state or who withdrew their asylum application.¹⁶⁵

In 2014, the MOI SR worked on the preparation of another amendment to the Act on Asylum, which will also amend the Code of Civil Procedure, the Act on Social and Legal Protection of Children and on Social Guardianship, and the Act on Residence of Aliens mainly in connection with the obligation to transpose Directive 2013/32/EU of the EP and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) and Directive 2013/33/EU of the EP and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast). The draft amendment was submitted to the inter-ministerial consultation procedure on 07 November 2014. The changes are expected to enter into effect on 01 July 2015, once passed by the Government and the Parliament.¹⁶⁶ The following changes are envisaged by the draft amendment:

- The placement of unaccompanied minors, on behalf of whom the asylum application is lodged by guardians appointed by court. See sub-chapter 6.1.

¹⁶⁴ Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast).

¹⁶⁵ Information provided by the MOI SR.

¹⁶⁶ Source: <http://www.minv.sk/?tlacove-spravy&sprava=navrh-novely-zakona-o-azyle-sa-zaobera-aj-maloletymi-ziadatelmi-bez-sprivedu> (consulted on 06/12/2014).

- Reduction of the period from one year to nine months after the expiry of which asylum applicants can access the labour market;
- Conducting interviews and ensuring interpreting by a same-sex person at the asylum seeker's request, if possible, and not only for reasons deserving particular attention, as stipulated in the existing act;
- Laying down an exception from the right of asylum seekers to stay in the Slovak territory;
- Laying down a special procedure for asylum seekers in need of special procedural safeguards;
- New arrangement on the making of decisions on repeated asylum applications;
- Changes concerning the right to an effective remedy. When reviewing the lawfulness of a decision on asylum and subsidiary protection, the court will take into account the matter of facts at the time of publishing or issuing the decision. Under the existing arrangement, the court takes into account, when reviewing the lawfulness of a decision, the matter of facts at the time of issuing the appealed decision;
- Extension of the category of persons to whom the police department would issue a passport, such as TCNs who obtained long-term residence on the basis of subsidiary protection;
- Provision of information on the possibility to request asylum. Police officers at border crossing points or in PDCAs will inform foreigners about the possibility to request asylum.¹⁶⁷

4.3 National and European Jurisprudence

Even though court decisions do not constitute a source of law in the legal system of the SR, the Supreme Court of the SR publishes its decision of major importance in the Collection of Opinions of the Supreme Court and Decisions of the Courts of the SR, and, in principle, such decisions enjoy respect and acceptance by courts of lower instance when deciding on similar cases. In this context, we can mention the legal opinion of the Supreme Court of the SR concerning international protection (Decision 1Sza/6/2013 of 24 September 2013), published in the Collection of Opinions of the Supreme Court and Decisions of the Courts of the SR No. 5/2014 (this decision is from 2013, but was published in the collection of opinions and decisions in 2014). According to this decision, if a detained foreigner requests international protection, this shall result in termination of detention under Article 15 of the Return Directive 2008/115, as stated by the EU Court of Justice in its decision of 30 May 2013, and the police department shall be obliged to release the foreigner without undue delay; hence, the reasons for originally detaining the foreigner would automatically cease to exist. If, nevertheless, the police department comes to the conclusion that the request for international protection seeks a certain purpose (lodged solely for the purpose of delaying or even hampering the enforcement of the decision on expulsion), it can repeatedly decide under Article 90(1)(d) of Act No. 404/2011 Coll. on Residence of Aliens and on changes and amendments to some acts that the reasons for previous decision persist in spite of the fact that the foreigners requested international protection. The police department is due to explain in its decision the particular reasons justifying the detention of the foreigner after s/he filed the request for international protection. It should be noted, though, that such a court decision can be considered partly superseded due to the adoption of Act No. 495/2013 Coll., which introduced particular reasons for detention of asylum seekers in Act No. 404/2011 Coll. on Residence of Aliens (Article 88a).¹⁶⁸

¹⁶⁷ Source: <https://it.justice.gov.sk/Material/MaterialDocuments.aspx?instEID=-1&matEID=7771&langEID=1> (consulted on 07/12/2014).

¹⁶⁸ Information provided by the MOI SR.

With respect to the impacts of the decisions of the Court of Justice of the European Union (CJEU) on national jurisprudence and international protection policies, the MO Mol SR takes into account the case-law of the EU Court of Justice, including interpretation thereof, though no special policies were adopted in 2014 in connection with the decisions of this court published in 2014 (joint cases C-148/13 to C-150/13, and cases C-285/12, C-604/12 and C-79/13).¹⁶⁹

4.4 Efficiency and Quality of the Asylum System

In 2014, the MO Mol SR continued applying a control mechanism of the Slovak asylum system on a half-year basis in line with the Annual Plan of the MO Mol SR 2014. The controls were conducted on the basis of the ASQAEM and FDQ project forms¹⁷⁰, which specify the performance and quality improvement criteria by points. The control focused on the quality and timeliness of the decision-making process, fight against unjustified applications and on the timeliness of the handling of applications, the demonstration of credibility and assessment of the extent of prosecution of the applicant, detection of applicants' identity and verification of their documents through the BBAP PFP units, and assessment of alternatives to serious harm in the case of return to the country of origin. The results of these controls were presented at the work meetings with the aim to further improve the decision-making process.¹⁷¹

4.5 Cooperation with the European Asylum Support Office (EASO)

In 2014, Slovakia participated at 29 EASO meetings at different levels, including expert meetings of the EASO Board of Directors.

In the framework of EASO activities, new national trainers were trained on the following modules: Interviewing Children, Inclusion, and Common European Asylum System (CEAS). In addition to that, national training activities were organised for the MO Mol SR staff on Interviewing Children, and a training course on Interviewing Vulnerable Persons was launched. The MO Mol SR staff members were also involved in the update or preparation of new training modules – update of the module Information on the country of origin (COI) and preparation of a new module Reception.

With regard to solidarity actions, Slovakia was actively engaged in providing assistance to EU Member States under excessive pressure by sending two experts to Asylum Support Teams in Bulgaria in 2014. An expert of the Migration Office of the MO Mol SR undertook two missions to Bulgaria as part of the EASO Asylum Support Team, facilitating the creation of reception conditions in compliance with EU standards. Another expert from the FAD EPS MO Mol SR participated in two missions to Bulgaria aimed to assist in the AMIF implementation.¹⁷²

4.6 Relocations within the EU and Resettlements

Slovakia is involved in resettlement initiatives only on a voluntary ad-hoc basis, and is currently not planning to join the Joint EU programme on resettlement. Slovakia resettles to its territory

¹⁶⁹ Ibidem.

¹⁷⁰ Source: <http://www.unhcr-centraleurope.org/sk/co-robime/zabezpecenie-pravnej-ochrany/urcovanie-statutu-utecenca.html> (consulted on 07/12/2014).

¹⁷¹ Information provided by the MO Mol SR.

¹⁷² Information provided by the MO Mol SR.

refugees from Cuba, and carries out humanitarian transfers through its territory as part of the resettlement of refugees to third countries (see below).

In 2014, no refugee was resettled to the Slovak territory (see **Table 7 in the Statistical Annex**), and Slovakia did not join any relocation programme (see **Table 6 in the Statistical Annex**).

Under the trilateral *Agreement between the Government of the SR, the UNHCR and the IOM on humanitarian transfer of refugees in need of international protection through the SR* (the previous agreement was signed on 24 June 2013 for a period of 15 months; the new agreement valid until 31 December 2015 was signed on 18 July 2014), Slovakia provided temporary shelter to 273 new refugees within its territory (270 refugees were evacuated to Slovakia, and three refugees were born in Slovakia). 191 of the evacuated refugees were Somalis, and were evacuated to Slovakia from Yemen and Eritrea. 64 refugees of Afghan nationality were transferred to Slovakia from Iran, and 15 refugees of Ethiopian nationality were evacuated from Yemen and Eritrea. All of them were refugees who were gradually resettled to third countries. During their stay, which is partly covered from ERF funds, SR provides them with full service, accommodation, food and basic sanitary products. Healthcare and social care for refugees is provided by the UNHCR. The IOM is responsible for the transfer of refugees to Slovakia and from Slovakia to the country of resettlement, for medical checks and courses of cultural orientation for the purpose of resettlement.

Slovakia is one of the three countries in the world (along with Romania and the Philippines) which help refugees in this manner. Assistance is provided to persons who are forced to urgently leave the country of their temporary residence due to deterioration of their situation and immediate threat to their lives or health, in particular vulnerable persons, such as single women with children or families with children.¹⁷³

4.7 Integration of Asylum Seekers and Persons with Granted International Protection

Slovakia facilitates the integration of migrants who are asylum seekers or have been granted international protection through projects financed from EU funds. As for **asylum seekers**, the following ERF projects were implemented in particular:

The project of the Slovak Humanitarian Council Better Quality of Life for All V sought to provide basic, complementary and accompanying services to asylum seekers. These services were provided to migrants in the MO Mol SR facility, in the Accommodation Centre in Rohovce, and in the PDCA Medvedov (legal assistance only), as well as to asylum seekers accommodated outside of the MO Mol SR facilities (legal assistance only).¹⁷⁴

Under the continuing project of the Rovné Municipality – Assistance to Asylum Seekers II, asylum seekers were provided with legal assistance, social and psychological care, complementary healthcare (in addition to the one provided by the MO Mol SR), material assistance and supporting services in the form of translations and interpreting during asylum procedures in the Recep-

¹⁷³ Information provided by the IOM. General information about the programme is available at <http://www.iom.sk/en/activities/resettlement-of-refugees> (consulted on 07/12/2014).

¹⁷⁴ Source: <http://www.shr.sk/utecenci.htm> (consulted on 07/04/2015).

tion Centre in Humenné and in the Accommodation Centre in Opatovská Nová Ves. The project was also implemented in the PDCA Sečovce in the form of legal counselling.¹⁷⁵

In 2014, assistance to **persons under international protection** was provided mainly through the following ERF projects:

The continuing OZ Marginal project **STEP II** provided migrants with granted international protection in the Slovak territory with social, material, financial, psychological and legal assistance.¹⁷⁶

The **Rafael** project, by which the Slovak Catholic Charity extended its scope of activities in 2014, provided migrants with granted international protection in the Slovak territory, with comprehensive services including social and legal counselling, assistance with adequate accommodation, and Slovak language training.¹⁷⁷

The ERF also financially supported **one-time activities on the occasion of the World Refugee Day** which were held in several Slovak towns from 17 to 20 June 2014. Among main events actively promoted in Slovak mass media were the *Umbrella March* and a friendship football match. These events were organised by NGOs working with refugees in Slovakia in cooperation with the MO Mol SR, the Institute for Intercultural Dialogue, and the Milan Šimečka Foundation.¹⁷⁸

4.8 Other Activities

The IOM as the EMN coordinator in Slovakia organised the third edition of the EMN educational seminar entitled *Forced Migration – Causes and Possible Solutions*. The seminar was held in Bratislava on 19–21 August 2014, and addressed the following topics: causes of contemporary displacement and current situation with regard to forced migration, asylum and other forms of international protection globally and in the EU, resettlement as a vital tool of international protection, and refugee hotspots in the Mediterranean region. Among 12 lecturers were Slovak and foreign experts from renowned universities, state institutions, the non-governmental sector and international organisations. The seminar was attended by almost 60 participants from the state administration, third sector, academia and embassies.¹⁷⁹

Within the educational seminar mentioned above IOM held in Bratislava a discussion evening *People Forced to Flee* about forced migration, its causes, refugees and possibilities to help related to current conflicts and crises around the world. The public discussion led by international experts was preceded by the screening of a foreign documentary.¹⁸⁰

¹⁷⁵ Source: <http://www.rovne.eu/projekt.html> (consulted on 07/04/2015).

¹⁷⁶ Source: <http://www.minv.sk/?podporene-projekty-1> (consulted on 07/04/2015).

¹⁷⁷ Source: <http://www.charita.sk/stranky/pomoc-migrantom> (consulted on 07/04/2015).

¹⁷⁸ Source: <http://aktualne.atlas.sk/na-svetovy-den-utecencov-chcu-mimovladky-priblizit-zivot-migrantov/slovensko/spolocnost/> (consulted on 08/04/2015).

¹⁷⁹ Source: <http://emn.sk/sk/aktivita-emn/stretnutia-a-konferencie/156-ba-seminar-august-2014.html> (consulted on 08/04/2015).

¹⁸⁰ Source: <http://emn.sk/sk/aktivita-emn/stretnutia-a-konferencie/159-diskusny-vecer-emn-2014.html> (consulted on 08/04/2015).

05

Unaccompanied Minors and Other Vulnerable Groups

This chapter addresses the policies, legislation, measures and activities related to admission and care for unaccompanied minor migrants and other vulnerable groups of migrants from third countries.

5.1 Unaccompanied Minors

The statistics on the number of UAMs confirm a declining trend in 2014. The Mol SR and the MoLSAF SR recorded low numbers of UAMs in the recent years. In 2013, asylum procedures with unaccompanied minor asylum seekers were initiated in 5 cases, in 11 cases in 2014. The number of UAMs not applying for asylum decreased from 70 in 2013 to 10 in 2014. The respective statistics are presented in **Table 8 in the Statistical Annex**. In 2014, a total of 20 UAMs were apprehended upon illegal state border crossing and unauthorised stay, which is less by more than a half compared to the previous year.¹⁸¹

¹⁸¹ Source: Statistical Overview of Regular and Irregular Migration in the Slovak Republic in 2014. Available at http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocniky/rok_2014/2014-rocenka-UHCP-SK.pdf (consulted on 07/04/2015).

In 2014, UAMs were tackled in several strategic and legislative documents:

One of the chapters of the *Integration Policy of the SR* from 2014, which is Slovakia's strategic document on integration (see sub-chapter 3.5), focuses on UAMs and their integration. The other chapters are also about the education and language training of UAMs and foreigners' children.¹⁸²

On 01 December 2014, the Government Council of the SR for Human Rights, National Minorities and Gender Equity approved and recommended to the Government of the SR to adopt the draft *National Strategy of Human Rights Protection and Promotion in the SR* (see sub-chapter 3.7), which deals, among others, with migrant rights, including UAMs, in a separate chapter.¹⁸³

A draft legislative amendment concerning the placement of UAMs, on whose behalf asylum applications are lodged by their guardians appointed by court, was subject to the inter-ministerial consultation procedure at the end of 2014. The draft amendment, which is expected to be approved and enter into effect in 2015, stipulates that UAMs will stay in facilities for social and legal protection of children and social guardianship also during the asylum procedure. This means that they will not be moved to the asylum facilities of the MoI SR for the purposes of the asylum procedure, and will not be burdened by changed environments or different facility regimes. The new legal arrangement will thus serve better the interests of minors, and fully complies with the respective EU directive. In order to ensure the best care for young adults, UAMs reaching the age of majority during the asylum procedure will be able to stay in the facility for social and legal protection of children and social guardianship on the basis of a concluded agreement.¹⁸⁴ The draft amendment also introduces the obligation of a foster home to create conditions for UAMs meeting representatives of international organisations.¹⁸⁵

In 2014, there was a change with respect to the foster home in which UAMs are placed. The specialised *Foster Home for Unaccompanied Minors in Horné Orechové* near Trenčín, opened in 2009, was closed, and its function was taken over by the *Foster Home and Children's Centre in Medzilaborce* in eastern Slovakia.¹⁸⁶

The activities in this field were also facilitated by national projects financed from EU funds:

The *Bakhita IV* project (supported through the EIF)¹⁸⁷ is implemented by the Slovak Catholic Charity. This project follows up on the previous projects of this organisation, which focused on work with minor refugees. The current project ensures psychological, pedagogical and social counselling to UAMs in the *Foster Home and Children's Centre in Medzilaborce*, concentrating on their optimal psychosocial development and adaptation in an unfamiliar environment. The expert team consists of a psychologist, a social counsellor, and a teacher. The task of the psychologist is to analyse the psychological needs and to conduct therapy to mitigate the bad psychological conditions of UAMs. The teacher is responsible for Slovak language teaching in appropriate

182 Source: <http://www.employment.gov.sk/files/slovensky/ministerstvo/integracia-cudzincov/dokumenty/vlastny-material-integracna-politika-januar-2014.pdf> (consulted on 08/04/2015).

183 Source: [http://www.mzv.sk/servlet/content?MT=/App/WCM/main.nsf/vw_ByID/ID_EA7419BDE7ECAA99C1257B4A002DA134_SK&OpenDocument=Y&LANG=SK&TG=BlankMaster&URL=/App/WCM/Aktualit.nsf/\(vw_ByID\)/ID_9E2D921A7FE60CAAC1257DA1005D8971](http://www.mzv.sk/servlet/content?MT=/App/WCM/main.nsf/vw_ByID/ID_EA7419BDE7ECAA99C1257B4A002DA134_SK&OpenDocument=Y&LANG=SK&TG=BlankMaster&URL=/App/WCM/Aktualit.nsf/(vw_ByID)/ID_9E2D921A7FE60CAAC1257DA1005D8971); <http://www.radavladyp.gov.sk/19-rokovanie-rady/> (consulted on 07/12/2014).

184 Information provided by the MoLSAF SR and MO MoI SR.

185 Source: <http://www.minv.sk/?tlacove-spravy&sprava=poslanci-rokuju-o-novele-zakona-o-azyle-ktory-riesi-aj-maloletych-ziadatelov-bez-sprievodu> (consulted on 8.4.2015).

186 Source: <http://dedmedzilaborce.webnode.sk/o-nas/> (consulted on 07/04/2015)

187 Source: <http://www.minv.sk/?podporene-projekty-3> (consulted on 07/04/2015).

form. The organising of cognitive and educational activities is the role of the social counsellor.¹⁸⁸ The project *Legal counselling on residence and citizenship 5* (supported through the EIF)¹⁸⁹, implemented since July 2014, follows up on the project of the Human Rights League with the same title, which, among others, focuses on legal assistance and counselling to UAMs.¹⁹⁰ In addition, brochures in several language versions are published for this category of migrants (see sub-chapter 3.5.6).

Through the project *Assistance to asylum seekers II* (financed from the ERF), the Rovné Municipality ensures the provision of legal assistance, social and psychological care as well as complementary healthcare (in addition to the healthcare provided by the MO MoI SR) and material assistance to asylum seekers including vulnerable groups of applicants such as UAMs. The project also ensures support services, like translations and interpreting during asylum procedures.¹⁹¹

In 2014, the protection of and care for UAMs was the topic of the following national activities:

A *roundtable* was held on 22 October 2014 on missing unaccompanied minor foreigners from foster homes in Slovakia. The roundtable was attended by representatives of state authorities and the non-governmental sector, as well as by representatives of international organisations and foreign experts. A position paper¹⁹² produced by the Human Rights League NGO on the basis of its research was presented at the meeting. This position paper maps the situation in this field as the first document of this kind, and describes the findings, recommendations and good practice from other countries.¹⁹³

On 10 December 2014, the IOM as the coordinator of the EMN National Contact Point for the SR organised a conference in Bratislava under the title *Protection and Care for Unaccompanied Children* under the auspices of Ján Richter, Minister of Labour, Social Affairs and Family of the SR. At the conference, the EMN presented its newest study *Policies, Practice and Statistics on Unaccompanied Children in Slovakia*.¹⁹⁴ Foreign experts presented the development of the system and the current state of care for UAMs, the determination of the child's best interest, risk assessment, age determination and the prevention of absconding in the Czech Republic, Ireland and Austria.¹⁹⁵

188 Source: <http://www.charita.sk/stranky/pomoc-utecencom> (consulted on 07/04/2015).

189 Source: <http://www.minv.sk/?podporene-projekty-3> (consulted on 07/04/2015).

190 Source: <http://www.hrl.sk/projekty/pravna-poradna-pre-pobyt-obciansvo-5> (consulted on 07/04/2015).

191 Source: <http://www.rovne.eu/projekt.html> (consulted on 07/04/2015).

192 Source: http://www.hrl.sk/sites/default/files/publications/pozicny_dokument.pdf (consulted on 07/04/2015).

193 Information provided by the IOM and others, including a short documentary, which is available at: <http://www.sme.sk/c/7464397/cudzie-deti-miznu-bez-stopy-len-malo-ich-zostane-na-slovensku.html> (consulted on 07/04/2015).

194 The study describes the institutional and legislative framework of care for unaccompanied children in the Slovak Republic, their entry, reception and integration measures, including accommodation and material support, access to legal aid, health care and education. In addition, the study analyses the possibilities of a durable solution for unaccompanied minors, the issue of disappearance of UAMs and their escape from foster homes, the existing measures after reaching 18 years of age, and their return and reintegration. The study provides relevant statistical information from 2009 to 2013. Available at <http://emn.sk/sk/studie-emn/item/287-politiky-prax-a-statistiky-o-maloletych-bez-sprievodu.html> (consulted on 07/04/2015).

195 Source: <http://emn.sk/sk/aktivita-emn/stretnutia-a-konferencie/192-konferencia-emn-december-2014.html> (consulted on 07/04/2015).

5.2 Other Vulnerable Groups

In 2014, protection of and assistance to vulnerable groups was part of the following strategic and legislative documents:

The amendment to the Act on Social Services¹⁹⁶, which entered into effect on 01 January 2014, introduced a new system of categorisation of social services, defining new types of social services and professional activities provided, among others, to TCNs, such as field social services for crisis intervention¹⁹⁷ and community centres¹⁹⁸.

On 1 January 2014, a new Act on Assistance in Material Need¹⁹⁹ entered into effect. This act refers, *inter alia*, to foreigners residing in the Slovak territory under a special regulation or an international treaty that is binding for Slovakia (for example, Act on Asylum and Act on Residence of Aliens). Once the conditions are met, the assistance provided to adult natural persons capable of work and to jointly assessed members of the household in material need consists of the benefit in material need and allowances (housing allowance, dependent child allowance, etc.). Under the new legislation, the benefit in material need of EUR 61.60 may only be paid to adult persons who are capable of work and carry out the activities offered (minor municipal services, voluntary activities, activities to prevent emergency situations or elimination of the effects of such situations) of 32 hours per month, or work 32 hours under a legal relationship establishing income from dependent work. If the adult person capable of work decides not to take use of the municipality's offer and refuses to participate in the activity offered, the household allowance is reduced by EUR 61.60.²⁰⁰

The planned amendment to the Act on Asylum, to be approved and to enter into effect in 2015, will introduce the identification of special needs of vulnerable persons (e.g. minors, disabled persons, pregnant women, etc.). Their needs will be taken into account in the creation of appropriate conditions for accommodation and care.²⁰¹

As noted in sub-chapter 3.7, the Government Council of the SR for Human Rights, National Minorities and Gender Equity approved and recommended to the Government of the SR in December 2014 to adopt the *National Strategy of Human Rights Protection and Promotion*, which addresses migrant rights in a separate chapter, including vulnerable groups.²⁰²

The needs of vulnerable groups of migrants have been long satisfied by the non-governmental sector with EU financial support. This type of national projects represents an important supplement to state measures in this area. In 2014, the following projects were implemented:

¹⁹⁶ Amendment to Act No. 448/2008 Coll. on Social Services and on changes and amendments to Act No. 455/1991 Coll. on Trade Licensing (Trade Licence Act) as amended in the wording of Act No. 317/2009 Coll., Finding of the Constitutional Court of the SR No. 332/2010 Coll. and in the wording of Act No. 551/2010 Coll. and Act No. 50/2012 Coll. and Act No. 413/2012 Coll. and Act No. 485/2013 Coll.

¹⁹⁷ To be paid to natural persons who are in an adverse social situation, and targets persons in need of help, as well as preventative activities, social counselling, assistance in the enforcement of rights and interests protected by law, etc.

¹⁹⁸ New type of social service facilities providing social counselling, assistance in the enforcement of rights and interests protected by law, assistance in preparation for school attendance and school education, and accompanying children to/from school facilities – these services can be provided by means of mobile social services through a community centre, or by field social services under a field programme.

¹⁹⁹ Act No. 417/2013 Coll. on Assistance in Material Need and on changes and amendments to some acts.

²⁰⁰ Information provided by the MoLSAF SR.

²⁰¹ Source: <http://www.minv.sk/?tlacove-spravysprava=poslanci-rokuju-o-novele-zakona-o-azyle-ktory-riesi-aj-maloletych-ziadatelov-bez-sprievodu> (consulted on 07/04/2015).

²⁰² Source: [http://www.mzv.sk/servlet/content?MT=/App/WCM/main.nsf/vw_ByID/ID_EA7419BDE7ECAA99C1257B4A002DA134_SK&OpenDocument=Y&LANG=SK&TG=BlankMaster&URL=/App/WCM/Aktualit.nsf/\(vw_ByID\)/ID_9E2D921A7FE60CAAC1257DA1005D8971](http://www.mzv.sk/servlet/content?MT=/App/WCM/main.nsf/vw_ByID/ID_EA7419BDE7ECAA99C1257B4A002DA134_SK&OpenDocument=Y&LANG=SK&TG=BlankMaster&URL=/App/WCM/Aktualit.nsf/(vw_ByID)/ID_9E2D921A7FE60CAAC1257DA1005D8971); <http://www.radavladyp.gov.sk/19-rokovanie-rady/> (consulted on 07/12/2014).

Among projects financed from the ERF²⁰³, vulnerable groups were tackled by the project *Rovné Municipality – Assistance to Asylum Seekers II* (see sub-chapter 4.7). Under this project, this category of migrants was provided with legal assistance, social and psychological care, complementary healthcare (in addition to healthcare provided by the MO Mol SR), material assistance and support services in the form of translations and interpreting during asylum procedures in the Reception Centre in Humenné and the Accommodation Centre in Opatovská Nová Ves, which accommodate preferably vulnerable persons.²⁰⁴

In 2014, vulnerable persons under international protection were also addressed by the projects *STEP I, STEP II, Better Quality of Life for All V and Rafael* (see sub-chapter 4.7).

²⁰³ Source: <http://www.minv.sk/?o-europskom-fonde-pre-navrat> (consulted on 07/04/2015)

²⁰⁴ Source: <http://www.rovne.eu/projekt.html> (consulted on 07/04/2015)

06

Countering Trafficking in Human Beings

This chapter deals with policies, legislation, international monitoring, national projects, campaigns and other activities, as well as cooperation at bilateral and multilateral levels.

Slovakia is a country of origin, a transit country and also a country of destination for trafficking in human beings.²⁰⁵ The number of identified foreign victims of human trafficking is low. In 2014, one victim of human trafficking, a non-Slovak national, was identified (see **Tables 9 and 10 in the Statistical Annex**). The process of identification of (potential) victims of trafficking in human beings in Slovakia, including the *Programme of Support and Protection of Victims of Trafficking in Human Beings*, is detailed in several strategic, legislative and methodological documents, which were followed also in 2014. State as well as non-governmental/inter-governmental organisations (including foreign organisations or organisations working abroad), and victims as such or their family members can inform about potential victims of human trafficking (Slovak or foreign nationals). They can do so through the free *National Helpline for Victims of Trafficking 0800 800 818*.²⁰⁶

²⁰⁵ Source: <http://www.minv.sk/?obchodovanie-s-ludmi-a-slovenska-republika> (consulted on 22/04/2015)

²⁰⁶ Information provided by the IOM.

6.1 Legislation, Policies and International Monitoring

Because of the need to implement Directive 2011/36/EU of the EP and of the Council on preventing and combating trafficking in human beings and protecting its victims, replacing Council Framework Decision 2002/629/JHA, and to incorporate changes arising from practical application, the Mol SR approved on 19 December 2013 a new *Regulation of the Mol SR of 19 December 2013 implementing the Programme of Support and Protection of Victims of Trafficking in Human Beings*, which entered into effect on 01 January 2014.²⁰⁷ Article 4(7) of this Regulation introduced a new measure targeting victims of trafficking in human beings during the asylum procedure, under which these persons are provided care through the Mol SR. Under the previous arrangement, care for this category of persons was provided by service providers (or cooperating non-governmental and international organisations).

In 2014, an amendment to Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts, as amended, was under preparation. Under this amendment,²⁰⁸ the Mol SR is obliged to create appropriate conditions for accommodation and care for foreigners in asylum facilities, including providing protection to victims of human trafficking.

The *National Programme of Combating Trafficking in Human Beings 2015–2018* was subject to the inter-ministerial consultation procedure. Once approved in 2015, this document will replace the National Programme 2011–2014. No major changes have been made in the draft National Programme. The document contains the originally set objectives and plans to be continued in the next period 2015–2018.

On 01 December 2014, the Government Council of the SR for Human Rights, National Minorities and Gender Equity approved and recommended to the Government of the SR to adopt the *National Strategy of Human Rights Protection and Promotion in the SR* (see sub-section 3.7), which addresses migrant rights in a separate chapter, including human trafficking victims.²⁰⁹

The situation in Slovakia with respect to combating trafficking in human beings was monitored by GRETA experts on 25–28 November 2014. As part of their monitoring visit, they met the representatives of state institutions, non-governmental, and international organisations involved in counter-trafficking and providing assistance to victims of human trafficking in Slovakia. The results of the second round of the monitoring will be available in June 2015. The first round of the assessment of Slovakia by GRETA was held in 2010.²¹⁰ According to the last *Trafficking in Persons Report*, published by the US State Department each year, Slovakia was again in the first group of countries meeting the minimum standards for elimination of human trafficking.²¹¹

²⁰⁷ The Slovak legislation does not regulate the procedure for the detection and identification of victims of human trafficking. The general measures are defined in the internal management acts of the Mol SR (i.e. regulations, orders, instructions), which are binding for the bodies concerned, and in manuals and guidelines. The basic documents in this area include the new Regulation of the Mol SR of 19 December 2013 implementing the programme of support and protection of victims of trafficking in human beings.

²⁰⁸ Version KM-OPVA-2014/002855 published on 05/11/2014. Available at <http://www.minv.sk/?pripomienkove-konanie-rok-2014> (consulted on 07/12/2014).

²⁰⁹ Source: [http://www.mzv.sk/servlet/content?MT=/App/WCM/main.nsf/vw_ByID/ID_EA7419BDE7ECAA99C1257B4A002DA134_SK&OpenDocument=Y&LANG=SK&TG=BlankMaster&URL=/App/WCM/Aktualit.nsf/\(vw_ByID\)/ID_9E2D921A7FE60CAAC1257DA1005D8971](http://www.mzv.sk/servlet/content?MT=/App/WCM/main.nsf/vw_ByID/ID_EA7419BDE7ECAA99C1257B4A002DA134_SK&OpenDocument=Y&LANG=SK&TG=BlankMaster&URL=/App/WCM/Aktualit.nsf/(vw_ByID)/ID_9E2D921A7FE60CAAC1257DA1005D8971); <http://www.radavladyp.gov.sk/19-rokovanie-rady/> (consulted on 07/12/2014).

²¹⁰ Source: <http://www.minv.sk/?aktuality-19&sprava=situaciu-v-sr-v-oblasti-boja-proti-obchodovaniu-s-ludmi-monitorovali-zahranicni-experti> (consulted on 07/04/2015).

²¹¹ Source: <http://www.minv.sk/?aktuality-19&sprava=v-boji-proti-obchodovaniu-s-ludmi-aj-tento-rok-slovenska-republika-obhajila-poziciu> (consulted on 22/04/2015).

6.2 National Projects, Campaigns and Other Activities

In 2014, several activities, events and training courses were held with a focus on capacity building, development of the national reference mechanism, exchange of information, and the raising of awareness about this phenomenon. These activities did not specifically focus on the target group of TCNs – victims of human trafficking. Since some of them have a general nature or can be applicable/used with respect to all human trafficking victims irrespective of their citizenship, below is an overview of some of the activities:

In 2014, Slovakia again provided the possibility to report potential victims of trafficking in human beings or to obtain preventive information on how not to become the victim of crime through the free [National Helpline for Victims of Human Trafficking](#) 0800 800 818. This service has been provided continuously since 2008. Since 15 December 2014, the helpline has been operated by Dotyk Slovak Crisis Centre.²¹² Until 15 December 2014, this free helpline was run by the IOM. Since the end of this activity, IOM has provided preventive information on protection against human trafficking at the phone number 0915 951 274. Both numbers can be contacted also by nationals of other countries.²¹³

Under the on-going project [Reinforcing joint measures to prevent forced labour of the members of Roma communities and development of the reference mechanism](#)²¹⁴ (2013–2014) implemented by the MoI SR with the support of the EC, a total of 286 persons were trained in 2014: specialist officers dealing with Roma communities from all Regional Directorates of the PF, social workers from several regions as well as representatives of NGOs, Roman Catholic Church, COLSAF, OLSAFs, labour inspectorates and Office of the Plenipotentiary of the Government of the SR for Roma Communities. The participants were trained by the staff of the Information Centre for Trafficking in Human Beings and Crime Prevention of the MoI SR, and by the staff of the Crime Prevention Department of the Office of the Minister of Interior, and were presented broader information on trafficking in human beings and offered the possibility to join the reference mechanism.²¹⁵

Another activity carried out under this project was an [international conference under the same title](#) held in Bratislava on 16–17 October 2014 on the occasion of the EU Anti-Trafficking Day. The conference included lectures by experts from Slovakia, Belgium, Hungary, Latvia and the United Kingdom as one of the most frequent countries of destination with reported cases of exploitation of Slovak nationals. The aim of the conference was to exchange practical experience and knowledge on human trafficking with a focus on support and protection of victims of trafficking, detection of this type of crime, prevention and partnership in counter-trafficking.²¹⁶

Issues relating to trafficking in human beings form an integral part of the preparation of consular staff before being posted abroad, and retraining activities on this topic are held regularly in half-year intervals. Within the pre-departure preparation of consuls, the Information Centre for Combating Trafficking in Human Beings and Crime Prevention of the MoI SR retrained, in cooperation with the IOM and the MoFEA SR, 24 staff members of the MoFEA SR in total in 2014.

²¹² Source: <http://www.dotyk.sk/06-linka/index.php> (consulted on 07/04/2015).

²¹³ Information provided by the IOM.

²¹⁴ Source: http://www.minv.sk/swift_data/source/mvsr/obchodovanie_ludmi/o%20projekte.pdf (consulted on 07/04/2015).

²¹⁵ Source: <http://www.minv.sk/?tlacove-spravy&sprava=18-oktober-europsky-den-boja-proti-obchodovaniu-s-ludmi> (consulted on 07/04/2015).

²¹⁶ Source: <http://www.minv.sk/?tlacove-spravy&sprava=neustale-posilnovanie-spoluprace-a-zvysovanie-povedomia-v-oblasti-obchodovania-s-ludmi-sa-javi-ako-klucove> (consulted on 07/04/2015).

In cooperation with the MD SR, the MoI SR incorporated human trafficking issues in the regular cycle of preparation of armed forces staff deployed to foreign missions.²¹⁷ The pilot training courses were held in September and October 2014, and the next ones were organised in December 2014. Approximately 200 members of the MD SR peace missions were trained in total.²¹⁸

The MoI SR also trained selected staff members of the PDCA Sečovce.²¹⁹

In 2014, negotiations were held between the MoI SR and the Judicial Academy of the SR on enhancing the knowledge of judges, prosecutors and investigators on increasing the perceptivity during investigation and judicial proceedings in cases of trafficking in human beings. The pilot training is planned to be organised in the 2nd half of 2015.²²⁰

With the support of the UK Embassy, also the IOM devoted itself to training activities for field social workers on prevention of human trafficking.²²¹ In total, 24 persons were trained in 2014.²²²

On 04–06 November 2014, the Human Rights League organised a training event for lawyers under the title *Access to Justice and Advocating the Rights of Human Trafficking Victims*. Attended by international and domestic experts, the training programme focused on the different aspects of human trafficking, such as detection of cases of human trafficking, related legal arrangements, the ways of clarifying and proving of cases of trafficking, the obstacles to filing charges, attitudes to victims, culturally aware communication with victims, protection of victims during criminal procedures, preparation of victims for hearing, the main risks and obstacles to investigation and prosecution from the point of view of victims' rights, and others. This training course is planned to continue in 2015.

On 17 June 2014, IOM as coordinator of the EMN National Contact Point for the SR organised in Bratislava a *Presentation meeting on the EMN study Identification of Victims of Trafficking in Human Beings in International Protection and Forced Return Procedures in the Slovak Republic and the EU Synthesis Report*. The meeting was attended by representatives of non-profit organisations working in the field of combating human trafficking in Slovakia.²²³

On the occasion of the EU Anti-Trafficking Day in Slovakia, a film festival on human trafficking was held for the first time on 17 October 2014. Besides Bratislava, the pilot festival project [Together against Trafficking](#) was also held in London. The festival offered a set of various Slovak and foreign movies, including an accompanying programme and a panel discussion. The festival was organised by the Slovak Catholic Charity in cooperation with the IOM, foreign partners Stop The Traffik and Unchosen, and with the support of the MoI SR.²²⁴

In 2014, the campaign [GIFT BOX Slovakia – People are not for sale](#) was launched at various Slovak cities and events (including the largest labour fair Job Expo 2014, Pohoda Festival and the

²¹⁷ Source: <http://www.minv.sk/?tlacove-spravy&sprava=k-problematike-obchodovania-s-ludmi-experti-rezortu-vnutra-vyskolili-uz-tri-stovky-pracovnikov> (consulted on 07/04/2015).

²¹⁸ Information provided by the MoI SR.

²¹⁹ Information provided by the MoI SR.

²²⁰ Information provided by the MoI SR.

²²¹ Source: <http://iom.sk/sk/aktivita/boj-proti-obchodovaniu-s-ludmi/budovanie-kapacit-a-vzdelavanie> (consulted on 07/04/2015).

²²² Information provided by the IOM.

²²³ Source: <http://emn.sk/sk/aktivita-emn/stretnutia-a-konferencie/177-prezentacne-stretnutie-o-studii-emn-identifikacia-obeti-obchodovania-s-ludmi-v-procese-medzinarodnej-ochrany-a-nutenych-navratov-v-sr-bratislava-17-juna-2014.html> (consulted on 07/04/2015).

²²⁴ Source: <http://www.obchodsludmi.sk/festival/> (consulted on 07/04/2015).

film festival Together against Trafficking in October 2014). The campaign draws attention to the phenomenon of modern slavery, and is run by the Slovak Catholic Charity with the support of the Mol SR and in cooperation with Stop The Traffik and UN.GIFT.²²⁵

The IOM information campaign *Don't become a slave!*, aimed to help victims of trafficking, was run from October 2014 till January 2015 in Slovak, Czech and Polish regions reporting the highest numbers of victims of trafficking. The campaign promoted helplines which can be contacted by anyone considering to work abroad and who are at the risk of becoming or became the human trafficking victims. The project was financially supported by the IVF.²²⁶

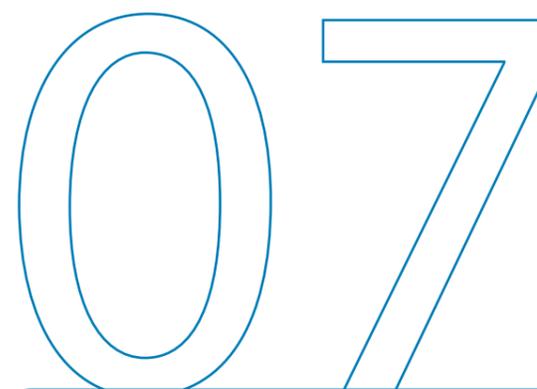
The campaign *Two Small Girls* was launched by the Slovak Catholic Charity in November 2014. The main campaign element is a short animated film on human trafficking for the purposes of sexual exploitation, and a manual for teachers and social workers. The film is broadcasted in public means of transport across Slovak regions. The campaign includes training events for teachers and social workers, interactive workshops for pupils and students, and film evenings accompanied by discussions.²²⁷

6.3 Cooperation at Bilateral and Multilateral Levels

Slovakia obtains information on combating human trafficking from international and European institutions, such as the OSCE, the UN, the Council of Europe, EU institutions, including the EC, and Frontex. Slovakia also cooperates with the IOM, UNODC and ICMPD.

In 2014, Slovakia participated at several international projects on combating trafficking in human beings, supporting the return of trafficked persons, and preventing further trafficking. The police also collaborated with the police attachés of other countries within the Interpol.

At present, Slovakia does not cooperate with any source country of human trafficking. On the other hand, the PF cooperates with countries of destination (the UK, Germany, Austria), in which Slovak nationals are becoming victims of trafficking.



Migration and Development

This chapter provides an overview of the activities and measures for mainstreaming migration into sectoral policies, mitigating brain-drain in the countries of origin, co-operation and work with diasporas and remittances.

In 2014, Slovakia did not undertake any special activities or measures to promote the development impacts of migration.

As for Slovakia's development policy, the MoFEA SR acts as the authority responsible for the management and coordination of development assistance in Slovakia, the main contact point for the strategy development and creation of development policy within the national system, as well as the national coordinator of official development assistance (ODA).²²⁸ Development aid is managed through the *Coordination Committee for Official Development Assistance of the SR*, which is the advisory body to the Deputy Prime Minister and Minister of Foreign and European Affairs. The agenda of this Committee includes the harmonisation of the aims of different national policies with the aims of the development cooperation policies. The Committee meets under the State Secretary of the MoFEA SR, i.e. it meets at the level of state secretaries. Its members are representatives of ministries and other central state administration authorities involved in Slovakia's development assistance.²²⁹

²²⁸ Source: <http://www.slovakaid.sk/> (consulted on 07/04/2015).

²²⁹ Bachtiková, Ulrichová (2014): Annual Report on Migration and Asylum Policies. Slovak Republic 2013. European Migration Network, IOM, Bratislava. Available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/annual-policy/2013/24b_slovak_republic_national_policy_report_migration_asylum_2013_sk_version_final.pdf (consulted on 06/12/2014).

²²⁵ Source: <http://www.obchodsludmi.sk/giftbox/mapa.php> (consulted on 07/04/2015).

²²⁶ Source: <http://iom.sk/sk/aktivita/boj-proti-obchodovaniu-s-ludmi/kampan-proti-obchodovaniu-s-ludmi-sk-cr-pl> (consulted on 07/04/2015).

²²⁷ Source: <http://www.obchodsludmi.sk/dvemaledievcata/o-kampani.php> (consulted on 22/04/2015).

With respect to development aid, Slovakia adopted a new *Middle-Term Strategy of Development Cooperation of the SR 2014–2018*, which serves as a basis for the annual *National Programme of Official Development Aid of the SR*. The document reflects Slovakia's position as a donor country and full-fledged OECD/DAC member since September 2013. The strategy recognises the principle of coherence of development policies and the fact that the ODA is not the only financial source of support of third countries' development, and that other development flows, including remittances, also have a significant impact on improving the level and quality of life in third countries. Slovakia would therefore seek to map these flows.²³⁰ The strategy defines the following ten territorial priorities for Slovakia: Afghanistan, Kenya, Moldova, Albania, Belarus, Bosnia and Herzegovina, Georgia, Kosovo²³¹, Ukraine and South Sudan.²³²

In 2014, in addition to development projects²³³, the ODA of the SR responded to the war conflict in Syria, the crisis in Ukraine, floods in the Western Balkans, and the ebola virus in Western Africa. Through the *Humanitarian Aid Programme* Slovakia provided financial contributions and material assistance in the total amount of EUR 936,474. The largest amount of humanitarian aid was provided to Bosnia and Herzegovina (EUR 346,225) and Ukraine (over EUR 200,000, including healthcare to Ukrainian nationals in the Slovak territory). EUR 50,000 was provided as a financial contribution to Syrian refugees in Jordan and Lebanon through the UNHCR, EUR 40,000 to UNRWA in Palestine, and EUR 20,000 to Kurdish refugees in Iraq through the IOM.²³⁴

Slovakia supports the strengthening of synergies between migration and development policy, and in 2014 participated in international dialogues, including the *Global Forum on Migration and Development* or the *UN High-level Dialogue on International Migration and Development*.

In the framework of cooperation with partner/third countries in the field of economic migration, the MoLSAF SR prepared, in cooperation with the MoI SR and the MoFEA SR, a new *Work Leave Programme for Taiwanese Participants in the Slovak territory*, following similar programmes with New Zealand and Canada. The programme was approved by the Slovak Government on 27 August 2014, and was officially launched on 23 October 2014. This programme aims to facilitate the administrative procedures upon entry and residence of young Slovak and Taiwanese nationals aged 18–35 years, who intend, apart from spending their holiday in the other country, to study and/or work occasionally. The maximum period of the total stay of the participant is 12 months with a work permit issued for six months and with maximum duration of the study of six months. The number of programme participants from Taiwan is 100 per year. The programme can be used only once. Other similar programmes are at the stage of preparation.²³⁵

230 Source: [https://www.mzv.sk/App/wcm/media.nsf/vw_ByID/ID_ED145C5550B3C46AC1257C6300524794_SK/\\$File/Strednodoba%20strategia%20ODA%20SR%202014-2018_SK_11_02_2014.pdf](https://www.mzv.sk/App/wcm/media.nsf/vw_ByID/ID_ED145C5550B3C46AC1257C6300524794_SK/$File/Strednodoba%20strategia%20ODA%20SR%202014-2018_SK_11_02_2014.pdf) (consulted on 07/12/2014).

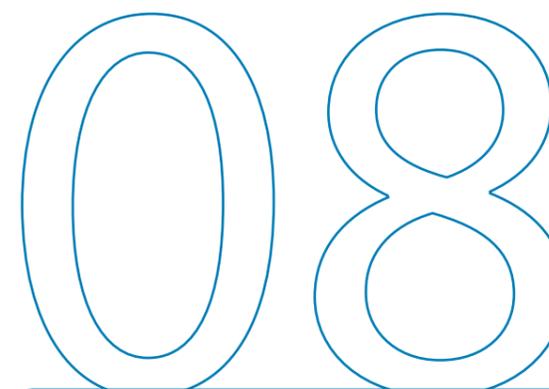
231 As defined by UN Security Council Resolution 1244/99.

232 Source: [https://www.mzv.sk/App/wcm/media.nsf/vw_ByID/ID_ED145C5550B3C46AC1257C6300524794_SK/\\$File/Strednodoba%20strategia%20ODA%20SR%202014-2018_SK_11_02_2014.pdf](https://www.mzv.sk/App/wcm/media.nsf/vw_ByID/ID_ED145C5550B3C46AC1257C6300524794_SK/$File/Strednodoba%20strategia%20ODA%20SR%202014-2018_SK_11_02_2014.pdf) (consulted on 22/04/2015).

233 Source: <http://www.slovakaid.sk/sk/interaktivna-mapa> (consulted on 22/04/2015).

234 Information provided by the MoFEA SR.

235 Information provided by the MoLSAF SR.



Irregular Migration Including Smuggling

This chapter contains information on external border management, fight against the misuse of legal migration channels, combating the facilitation of irregular migration (smuggling), and on the monitoring and identification of migration routes.

The strategic documents on irregular migration in Slovakia are the *National Border Management Plan of the SR 2011–2014* and the continuously updated *Schengen Action Plan of the SR*.

Overall, irregular migration in Slovakia continued declining in 2014, mainly due to the border control measures and technological innovation.

8.1 Enhanced Border Management at the External Borders

Regarding external border control (at the border with Ukraine and international airports in Bratislava, Košice and Poprad), the SR continued building new systems and adopting measures to combat irregular migration and other criminal actions related to border crossing.²³⁶

At the external land border with Ukraine, Slovakia has continued building fixed detection systems for the detection of unauthorised border crossing. During the past two years, an under-

236 Source: <http://www.minv.sk/?tlacove-spravy-2&sprava=slovensko-je-spolahlivym-clenom-schengenskeho-priestoru-uz-sedem-rokov-v-hodnote-niach-obstalo-vyborne> (consulted on 09/04/2015).

ground detection cable and the *Radiobarrier* detection system were installed in some other parts of the northern section of the external border with Ukraine at a total length of 17.5km. Hence, in 2014, fixed technical systems were used to monitor 53km of the external border with Ukraine (the total length of the border with Ukraine is 98km). In the next years, Slovakia plans to continue developing the system so that the entire external border with Ukraine is covered by this fixed detection system.²³⁷

In the past years, including 2014, Slovakia performed extensive technical innovation of the means for the detection of irregular migration. This innovation was financed from EU funds, especially from the EBF and the RF (see sub-chapter 8.1.1).²³⁸

Slovakia fulfilled all tasks arising from the recent changes in the Schengen acquis. Among these tasks were, for example, the launch of the EUROSUR system at the DBAP Sobrance (since 02 December 2014) and mandatory control of TCNs' fingerprints in the VIS (since 11 October 2014).

The gradual implementation of the measures described above is reflected in the continuous decline in the pressure on Slovakia's external border. While in 2008 (after entering the Schengen Area) Slovakia reported 1,034 illegal external border crossings²³⁹, in 2013, it was 398, and in 2014 the total number of illegal crossings reached 240.²⁴⁰

After the completion of pilot projects in 2013, the official collection of new statistics for the EC was launched in 2014:

- monthly data on legal flows of persons travelling through the border crossing points at the external border;
- monthly data on intra-Schengen routes of irregular migrants.²⁴¹

In January 2014, the Frontex Executive Director and the Director of the Operations Department got acquainted with the progress made by the SR in building the integrated management of the EU external borders. With the Deputy Prime Minister and Minister of Interior of the SR they discussed the existing state of control of the Slovak-Ukrainian border and the progress made in securing this border. Subsequent discussion with the BBAP PFP Director focused on the current issues of the EU external border protection and perspectives of the border and aliens police service development.²⁴²

8.1.1 Border Control Measures

EU Entry Exit system

Slovakia supports the set-up of a system of TCNs' entry and exit registrations.

237 Source: <http://www.minv.sk/?tlacove-spravy-2&sprava=slovensko-je-spolahlivym-clenom-schengenskeho-priestoru-uz-sedem-rokov-v-hodnote-niach-obstalo-vyborne> (consulted on 09/04/2015).

238 Source: <http://www.minv.sk/?podporene-projekty-4> (consulted on 09/04/2015).

239 Source: <http://www.minv.sk/?rok-2008-1> (consulted on 09/04/2015).

240 Source: http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocniky/rok_2014/2014-rocenka-UHCP-SK.pdf (consulted on 09/04/2015).

241 Information provided by the BBAP PFP.

242 Source: <http://www.minv.sk/?tlacove-spravy-2&sprava=vykonny-riaditel-agentury-frontex-navstivil-slovensko-ukrajinsku-statnu-hranicu> (consulted on 09/04/2015).

Under Priority 1 of the EBF²⁴³ *Supporting further gradual building of an integrated system of external borders administration in the context of the check of persons and external borders surveillance*, three BBAP PFP projects were implemented:

- Improving the protection of Slovakia's external land border with Ukraine by means of a perimeter cable and mobile observation towers: The project aimed to acquire and install an underground perimeter cable within the northern section of the Slovak-Ukraine border, namely within the Ulič BCD PF, Ublá BCD PF and BCD PF Podhorod' sections. The implementation of this project improved the technical protection of the northern part of the Slovak state border with Ukraine by additional 11,094m. The project was implemented from 01 February 2013 till 30 June 2014.
- Improving the protection of external land border of the SR with Ukraine by extending the Radiobarrier detection system and by means of special photo-trap technical devices: The project aimed to extend the Radiobarrier detection system by purchasing a mobile set composed of detection elements, camera sub-system components, communication and connection nodes which were deployed along Slovakia's external land border with Ukraine as well as special detection devices. The project was implemented from 01 February 2013 till 30 June 2014.
- Acquisition of modern cars to ensure more effective border surveillance and control: This project, aimed to upgrade the technology, focused on purchasing medium and large cars and quadricycles. The project was implemented from 15 June 2013 till 30 June 2014.²⁴⁴

EU Registered Traveller Programme

Slovakia supports the launch of the *Registered Traveller Programme* at European level.

Under Priority 4 of the EBF²⁴⁵ *Supporting the building of information systems needed to implement the EU legal instruments in the field of external borders and visas*, the Criminology and Expertise Institute of the PFP SR project Mobile fingerprints identification – ensuring technical equipment for the automated identification of persons to improve the check of persons at Slovakia's external land border with Ukraine and at international airports was implemented. This project was aimed to acquire a central module for mobile identification of the AFIS system as well as 26 mobile devices for the check of documents and biometry/fingerprints for the AFIS system. The MoFEA SR project Replacement and completion of hardware components of the national part of the VIS system at Slovak DMs was aimed to acquire and install hardware at three DMs – Washington, Moscow and Uzhgorod.²⁴⁶

Schengen Information System (SIS II)

In 2013 and 2014, the BBAP PFP participated in the adjustment of the CAC due to the launch of biometry control in the central VIS (VIS CS). The development of new information systems and changes in the platforms of used information systems is constantly resulting in new tasks in this area, as a result of which the CAC is expected to be further developed in the forthcoming period.

243 Implemented in 2014 in the framework of the EBF Annual Programme 2012. Available at <http://www.minv.sk/?podporene-projekty-4> (consulted on 17/12/2014).

244 Information provided by the FAD EPS MoI SR.

245 Implemented in 2014 in the framework of the EBF Annual Programme 2012. Available at <http://www.minv.sk/?podporene-projekty-4> (consulted on 17/12/2014).

246 Information provided by the FAD EPS MoI SR.

Under Priority 5 of the EBF²⁴⁷ *Supporting effective and efficient implementation of EU legal instruments in the field of external borders and visas, in particular the Schengen Border Code and the European Visa Code*, the project of the Bureau of International Police Cooperation of the PFP SR *Re-training of the PF staff in the field of external borders and international cooperation with a focus on SIS* was implemented. The project aimed to retrain 800 trainers in external borders and international cooperation with a focus on SIS, who would subsequently train other 14,200 members of the PF. The project also comprised the building of nine multi-media classrooms for further education of the PF staff members.²⁴⁸

European Border Surveillance System (EUROSUR)

With regard to the EUROSUR system development, Slovakia takes all necessary measures for its full implementation in line with the EU requirements (EC and Frontex). Further to the requirements arising from the EU regulation on EUROSUR, the *EUROSUR National Coordination Centre in the SR* was established at the DBAP Sobrance, being responsible for the exchange of information among all bodies responsible for the surveillance of the external borders at national level as well as with other national coordination centres of EU MS (Schengen Area) and Frontex.²⁴⁹

Trainings and policies

The BBAP PFP prepared the draft *National Border Control Management Plan of the SR 2015–2018*²⁵⁰, which was subject to the inter-ministerial consultation procedure at the end of 2014 and is expected to be approved by the Slovak Government at the beginning of 2015. This document is the main strategic document for the development of Integrated Border Management in the SR and follows up on the national plan 2010–2014 (see sub-chapters 3.4.2, 8.1.2 and 8.4). The measures identified in the document include, for example, the completion of static control systems at the northern section of the border with Ukraine (instalment of a 20km detection monitoring system in the northern section of Slovakia's external border with Ukraine²⁵¹), monitoring of the security situation development at Slovakia's external border with Ukraine and increasing the BCD PF headcount within the DBAP Sobrance in case of its deterioration, completion and renewal of camera systems at Schengen airports (in Bratislava, Poprad and Košice), etc.²⁵²

8.1.2 Cooperation with Third Countries in the Area of Border Management

No agreement in the area of bilateral and multilateral cooperation between the SR and third countries which would be aimed at strengthening the operational capacity in combating irregular migration and external borders control was signed in 2014.

²⁴⁷ Implemented in 2014 in the framework of the EBF Annual Programme 2012. Available at <http://www.minv.sk/?podporene-projekty-4> (consulted on 17/12/2014).

²⁴⁸ Information provided by the FAD EPS Mol SR.

²⁴⁹ Draft National Border Control Management Plan of the SR 2015–2018, p. 19. Available at <https://lt.justice.gov.sk/Document/DocumentDetails.aspx?instEID=-1&matEID=7835&docEID=402114&docFormEID=1&docTypeEID=1&langEID=1&tStamp=20141120154251733> (consulted on 07/12/2014).

²⁵⁰ Draft National Border Control Management Plan of the SR 2015–2018. Available at <https://lt.justice.gov.sk/Material/MaterialDocuments.aspx?instEID=-1&matEID=7835&langEID=1> (consulted on 06/12/2014).

²⁵¹ Point 27 of the annex to the draft National Border Management Plan of the SR 2015 - 2018. Available at: <https://lt.justice.gov.sk/Material/MaterialDocuments.aspx?instEID=-1&matEID=7835&langEID=1> (consulted on 06/12/2014).

²⁵² Information provided by the BBAP PFP.

The draft *National Border Control Management Plan of the SR 2015–2018*²⁵³ (see sub-chapters 3.4.2, 8.1.1 and 8.4) envisages an amendment to the Article 22 of the *Treaty between the SR and Ukraine on the Slovak-Ukrainian state border regime, on cooperation and on mutual assistance in border issues* enabling sailing in boundary waters throughout the day (at present, it is possible only from dawn to sunset). This amendment seeks to ensure the possibility of effective detection of cigarette smuggling through the common boundary waters with Ukraine.

In 2014, border experts from the Mol SR became members of the advisory committee involved in the protection of the US and Mexico land border. The cooperation with the US includes information sharing and technology testing.²⁵⁴

8.2 Combating Misuse of Legal Migration Channels

8.2.1 Visa Liberalisation

In 2014, no measures were undertaken to monitor the effects of the visa free regime in Slovakia.

The entry into effect of Regulation (EU) No. 259/2014 of the EP and of the Council of 3 April 2014 amending Council Regulation (EC) No. 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement liberalised the visa regime for the nationals of Moldova. Since 28 April 2014, holders of biometric passports issued by the Republic of Moldova are exempt from the visa obligation for intended stays not exceeding 90 days in line with the standards of the ICAO.

Since the entry into effect of this regulation, Slovakia denied entry to four nationals of Moldova who were in possession of biometric passports, but were not able to justify the purpose of their intended stay under Article 5(1)(c) of Regulation 562/2006 of the EP and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code). This suggests that Slovakia did not record any negative effects of this measure.

Amendment by the Act No. 495/2013 Coll. introduced a change to Art. 22(1) of Act No. 480/2002 Coll. on Asylum based on the requirements which arose from the application practice as well as on the decision of the Regional Court in Prešov 11Scud/1/2011-116 of 13 January 2012 and the Constitutional Court's finding II US147/2013-50 of October 2013. Among other things, this change relates to the application of Art. 22(1) of Act No. 480/2002 Coll. in connection with Art. 19(1)(i) and 19(3) of this Act. According to this amendment, the asylum seekers' right to stay in the Slovak territory is tied to the decision on the asylum application. If it is decided not to grant asylum and the decision becomes enforceable, the applicant is not entitled to stay in the Slovak territory under Act No. 480/2002 Coll., and unless s/he was granted a residence permit under Act No. 404/2011 Coll., such applicant becomes, from the day of enforceability of such decision, a person illegally staying in the Slovak territory, and can be treated in accordance with the relevant provisions of Act No. 404/2011 Coll.

²⁵³ Source: <https://lt.justice.gov.sk/Material/MaterialDocuments.aspx?instEID=-1&matEID=7835&langEID=1> (consulted on 06/12/2014).

²⁵⁴ Source: <http://www.sme.sk/c/7572491/slovaci-pomahaju-americanom-strazit-mexicku-hranicu.html> (consulted on 07/04/2015).

The amendment to Act No. 404/2011 Coll. on Residence of Aliens, which is expected to be approved and enter into effect in 2015, proposes to modify Art. 77(4) further to Art. 22(1) of Act No. 480/2002 Coll. on Asylum with regard to the submission of repeated asylum applications by TCNs.²⁵⁵

8.2.2 Family Reunification

No legislative changes were made in this area in Slovakia in 2014. As for the number of cases of misuse of family reunification in 2014, the NUCIM BBAP PFP recorded 14 complaints referring to suspicions of misuse of family reunification; charges were brought against 23 persons in seven cases pursuant to Art. 356 of the Criminal Code^{256, 257}.

8.2.3 Study

No legislative changes were made in this area in Slovakia in 2014.

As for data, Slovakia observed sporadic cases of misuse of the temporary residence permit for the study purpose, where the respective persons did not aim to study in the Slovak territory, but to obtain freedom of movement within the EU through this type of residence and the benefits accompanying this type of residence, such as the right to conduct business, get employment and health insurance, and ultimately the Slovak citizenship. Various forms of misuse of this instrument were recorded: during study at language schools, PhD studies, fictitious school attendance, accelerated study, repeated changes in study programmes, or cooperation with school bodies. Given the low number of such cases Slovakia does not keep statistics in this area.²⁵⁸ In general, any misuse of the temporary residence permit for the purpose of study results in the cancellation of residence or non-renewal of residence, which is, however, not recorded as misuse of this instrument.

8.2.4 Falsified or Forged Travel Documents

In 2014, Slovakia identified 114 persons with falsified or forged travel, residence and other documents. In these cases, a total of 65 falsified documents and 130 falsified border crossing stamps were detected.²⁵⁹

In order to prevent the submission of false documents on attained education, the amended Act on Employment Services with effect from 01 January 2014 lays down the obligation to have the documents submitted by TCNs officially verified in the country of their issue by means of an apostil (in case the country is signatory to the *Convention of 05 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents*) or superlegalisation.

²⁵⁵ Information provided by the BBAP PFP.

²⁵⁶ Art. 356 of the Criminal Code: Any person who, with the intention of obtaining financial or other material benefit for himself or another either directly or indirectly, enables or helps a person who is neither a citizen of the SR nor the national of another EU MS or of a contracting state to the EEA Agreement, nor a person with permanent residence in their territory, to stay in the territory of the SR, or of another EU MS or of a contracting state to the EEA Agreement or get an illegal job, shall be liable to a term of imprisonment of two to eight years.

²⁵⁷ Information provided by the BBAP PFP.

²⁵⁸ In 2014, the NUCIM BBAP PFP did not deal with any cases of misuse of migration for the purpose of study, as no cases of organising this phenomenon were recorded in the SR, and no cases qualified as smuggling of migrants under Art. 355 or 356 of the Criminal Code occurred.

²⁵⁹ Information provided by the BBAP PFP.

According to the draft *National Border Control Management Plan of the SR 2015–2018* (see sub-chapters 3.4.2, 8.1.1, 8.1.2 and 8.4), the task for the forthcoming period will be to continue posting advisors on documents to the Consulate General of the SR in Uzhgorod (Slovakia has regularly posted such advisors since 2007). In this context, it will be necessary to replace the technical devices used to check the authenticity of documents. It will also be necessary to complete the electronic database of specimens of documents from different countries of the world at the forensic unit of the Criminology and Expertise Institute of the PF and to supply a chromatic luminescence system for examining documents, a digital optical device for examining and identifying records, and a portable spectral video device. These activities will be financed from the EU funds.

8.3 The Fight Against Facilitation of Irregular Migration (Smuggling)

Since 2008, BBAP PFP staff members have performed operative and inspection activities at selected Slovak DMs abroad (with respect to the visa and residence agenda with the aim to prevent irregular migration). These activities include the detection of allegations of abuses of power by public officials and smuggling of migrants. Since 2015, the operative and inspection activities will be accompanied by training courses for DM staff with the aim to eliminate errors in receiving visa applications and applications for residence permits, and to improve information exchange to prevent irregular migration of TCNs.²⁶⁰

In September 2014, a study visit was made to Bratislava, Slovakia and negotiations were held under the project Cooperation in Combating Irregular Migration in the Framework of Eastern Partnership – Supporting the Implementation of the Prague Process Action Plan (EaP-SIPPAP). The visit was attended by the representatives of Armenia, Azerbaijan, Belarus, Georgia, Moldova and Ukraine.²⁶¹

According to national statistics of 2014, 356 smuggled persons were identified, 81 smugglers were arrested, and 36 smugglers were convicted (see **Tables 3 and 4 in the Statistical Annex**).

8.4 Monitoring and Identification of Migration Routes

In 2014, Slovakia did not undertake any special measures to monitor and gather information on migration routes.

The role of immigration liaison officers has so far been exercised by police attachés posted to some third countries (in line with EU legislation²⁶²), namely to the Russian Federation, the Republic of Serbia and Ukraine. According to the draft *National Border Control Management Plan of the SR 2015–2018* (see sub-chapters 3.4.2, 8.1.1, 8.1.2 and 8.4) and its annexes, it turned out in practice that police attachés cannot fully substitute the work of immigration liaison officers, especially in countries with an increased risk of irregular migration, as NLOs have expertise in the given field and are specialised in combating irregular migration, which cannot be exercised by

²⁶⁰ Draft National Border Control Management Plan of the SR 2015–2018, p. 13. Available at <https://lt.justice.gov.sk/Document/DocumentDetails.aspx?instEID=1&matEID=7835&docEID=402114&docFormEID=1&docTypeEID=1&langEID=1&Stamp=20141120154251733> (consulted on 07/12/2014).

²⁶¹ Source: <http://eap-sippap.eu/en/news/227-20140915-en> (consulted on 07/12/2014).

²⁶² Art. 1(2) of Council Regulation (EC) 377/2004 as amended by Regulation (EU) 493/2011.

police attachés with different duties. In order to reduce the costs of subsequent returns of third-country nationals to their countries of origin, it is proposed to gradually post NLOs to Slovak DMs in selected third countries as follows: to the Slovak DM in Kiev in 2015 (since it has long recorded the highest load and the highest number of applicants for visas and residence permits in Slovakia with increasing problems related to the submission of supporting documents issued in the home country); and other three NLOs are planned to be posted to Slovak DMs in third countries with increased migration risks in 2016–2018.



Returns

This chapter follows up on the chapter on irregular migration, and analyses forced returns and readmissions, voluntary returns and reintegrations, as well as the activities of the *EMN Return Expert Group* (REG).

During the programming period 2014–2020, the SR will implement measures to ensure swift, sustainable and effective returns of persons which were issued a decision on administrative or judicial expulsion through the new AMIF fund. Slovakia's priority is to ensure appropriate and decent returns irrespective of whether the migrants choose to return to their countries of origin voluntarily or under the forced return procedure. Voluntary return is the preferred form of return with the possibility of being provided reintegration assistance, which contributes to the sustainability of return. The planned activities will follow up on the activities carried out under the RF during the programming period 2008–2013.²⁶³ The fundamental piece of legislation in the return field is the Act on Residence of Aliens, the amendment to which entered into effect on 01 January 2014.

In 2014, Slovakia carried out 275 forced returns, 362 voluntary departures of irregular migrants and unsuccessful asylum seekers, and 57 AVRr through the IOM. Under the AVRr programme, the IOM provided reintegration assistance to a total of 30 individuals or entire families. This suggests a multifold increase in the number of voluntary departures compared to 2013, and a slight growth in the number of forced returns (see **Table 5 in the Statistical Annex**).

²⁶³ Information provided by the FAD EPS MoI SR.

9.1 Forced Returns and Readmissions

The forced returns agenda is covered by the BBAP PFP which implemented the following projects under the RF in 2014: Forced returns, Modernisation and equipment of the PDCA Medved'ov and PDCA Sečovce premises, and Capacity building. The project Education of BBAP PFP staff in English and Russian language was organised by Plus Academia n.o.²⁶⁴

In general, the non-governmental sector provides TCNs placed in PDCAs with legal information as well as legal counselling and representation in administrative or judicial procedures. In 2014, two projects were implemented under the RF: the GARANT 1 and 2 projects by the OZ Marginal and the Slovak Humanitarian Council's project entitled Complex coverage of the special needs of TCNs in PDCAs in the SR II.²⁶⁵ In addition to this kind of assistance, social and psychological care, healthcare, education, material assistance and other supporting services are also provided under the projects.²⁶⁶

As for legislation, an amendment to Act No. 495/2013 Coll.²⁶⁷ modified the Art. 84 of the Act No. 404/2011 Coll. on Residence of Aliens by inserting a new par. 9 which follows up on the Art. 84(8). This provision specifies in what phases it is possible to perform control of the enforcement of a decision on administrative expulsion. This change was introduced in connection with the Commission report on the state of implementation of EP and Council Directive 2008/115/EC and with the aim to bring the respective provision of Act No. 404/2011 Coll. in compliance with EP and Council Directive 2008/115/EC, as the previous provision regulating the control of the enforcement of decisions on administrative expulsion appeared to be insufficient.²⁶⁸

In 2014, irregular migration and returns were also tackled by the EMN whose member for the SR is also the BBAP PFP. The EMN published the following studies on behalf of the SR, which served for the needs of the EC and based on which European synthesis reports were compiled:

- *Good Practices in the Return and Reintegration of Irregular Migrants: Entry Bans Policy and Use of Readmission Agreements by the SR* – The study analyses to what extent the SR uses the entry bans and readmission agreements within its return policy. Specifically, the study describes legal framework and practical application of both instruments and their synergies with reintegration assistance which ensures sustainable return of irregular migrants to their countries of origin. The study includes current statistics related to irregular migration and returns.
- *Detention and Alternatives to Detention in the Context of the Migration Policy of the SR* – The study specifies the legislative framework and good practice in the field of detention and alternatives to detention of TCNs, while discussing the reasons for detention and release from detention. It provides mapping of detention facilities types as well as conditions in detention. The impact of detention and alternatives to detention on returns and granting of international protection is also analysed.^{269 and 270}

²⁶⁴ Source: <http://www.minv.sk/?podporene-projekty-2> (consulted on 09/04/2015).

²⁶⁵ Source: <http://www.minv.sk/?podporene-projekty-2> (consulted on 09/04/2015).

²⁶⁶ Bachtíková, Ulrichová (2014): Annual Report on Migration and Asylum Policies. Slovak Republic 2013. European Migration Network, IOM, Bratislava, p. 65. Available at <http://emn.sk/sk/vyrocne-spravy-emn.html> (consulted on 09/04/2015).

²⁶⁷ Act No. 495/2013 Coll. on changes and amendments to Act No. 480/2002 Coll. on Asylum and on changes and amendments to some acts, as amended, and on changes and amendments to some acts.

²⁶⁸ Information provided by the BBAP PFP.

²⁶⁹ Source: <http://emn.sk/sk/studie-emn.html> (consulted on 09/04/2015).

²⁷⁰ Source: <http://iom.sk/publikacie#cat2> (consulted on 09/04/2015).

Readmission agreements represent an important tool of the EU and its MS for effective returning of TCNs residing in the EU without authorisation to third countries. Readmission agreements also constitute the basis for cooperation between the SR and EU Member States, as well as between the EU and third countries in managing migration and asylum. In 2014, the SR did not conclude any new bilateral readmission agreement but worked on implementing protocols for the following EU readmission agreements:

EU Readmission Agreement	National development in Slovakia	Date of Agreement
Agreement between the EC and Ukraine on the readmission of persons	Exchange of drafts of the bilateral implementing protocol via correspondence.	-
Agreement between the EC and Bosnia and Herzegovina on the readmission of persons residing without authorisation	The implementing protocol is expected to be signed in 2015.	-
Agreement between the EC and the Former Yugoslav Republic of Macedonia on the readmission of persons residing without authorisation	The implementing protocol was signed on 16 December 2014 and will come into force once the parties to the agreement notify each other about having fulfilled the conditions for implementing the Agreement at national level.	-
Agreement between the EU and Georgia on the readmission of persons residing without authorisation	The implementing protocol is expected to be signed in 2015.	-

In 2014, the cooperation in the field of bilateral readmission agreements and agreements concluded at EU level ran in a standard manner and in accordance with the provisions of the respective agreements and implementing protocols. The bilateral cooperation with Ukraine with respect to readmissions is regularly evaluated at the meetings of border attorneys, and was positively evaluated also at the meeting of the chief border attorneys of the SR and Ukraine in 2014. In order to conclude bilateral protocol between the SR and Ukraine to implement the *Agreement between the EC and Ukraine on the readmission of persons* the drafts of the bilateral protocol continued to be exchanged.

At EU level, Slovak experts regularly attended and were involved in the preparation of texts of readmission agreements at the level of the Council of the EU working groups and within joint readmission committees organised by the EC.

In order to support the implementation of readmission agreements, the SR was involved in the pilot project Preventing and combating irregular migration which was carried out under the *Prague Process* initiative in 2012–2014. The project focused on combating irregular migration through the sharing of knowledge mainly on concluding readmission agreements and organising returns.²⁷¹

²⁷¹ Information provided by the BBAP PFP.

9.2 Voluntary Returns and Reintegrations

Voluntary returns from Slovakia and subsequent reintegrations in third countries are carried out exclusively by the IOM in cooperation with the BBAP PFP. Assistance under the AVRR programme has been provided by the IOM in Slovakia since 1998 based on the *Agreement on Cooperation between the IOM and the Ministry of Interior of the SR on the assistance with the return of unsuccessful asylum seekers and irregular migrants to the country of origin*. Under the existing project *Voluntary return and reintegration in the country of origin*²⁷², financed from the RF, the IOM assists with informing of the target group about AVRs, safe return of a foreigner home, and reintegration of a foreigner in the country of origin.²⁷³

In 2014, IOM carried out 57 voluntary returns to 20 countries of origin, most of them to Vietnam (19.30% of the total number of returns in 2014), Ukraine (17.54%), India (10.53%) and to Georgia, Iraq, Macedonia, Mexico and Moldova (5.26% each). For the first time since 2004, the IOM assisted in the voluntary returns of migrants to Kenya, Mexico and Nigeria.²⁷⁴ Based on the comparison of the age of migrants, returnees aged 31 – 50 (59.65%) and 18 – 30 (38.60%) prevailed. Foreigners over 51 years of age accounted for 1.75% of all returnees in 2014. The share of males was 85.96% and females 14.04%.²⁷⁵

The AVRR programme also includes assistance provided by the IOM to migrants after returning home. In 2014, the IOM provided *reintegration assistance* in total to 30 individuals or entire families who were returned by the IOM to Afghanistan, Brazil, Georgia, China, India, Iraq, FYROM, Mexico, Moldova, Namibia, Pakistan, Russian Federation, Serbia, Turkey, Ukraine and Vietnam. This support was mostly used for setting up small business start-ups and for covering the migrants' basic needs – material assistance and temporary accommodation.²⁷⁶

In 2014, the IOM continued in operating the *information helpline 0850 211 262* (providing basic information on the return programme and individual consultations to migrants registered in the programme) as well as the website on voluntary returns, was actively involved in asylum and detention facilities of the MoI SR and across Slovakia according to the demand of the target group, and informed the target group about the possibility to return to the country of origin on a voluntary basis with IOM assistance and obtain reintegration assistance after returning to their country of origin. The IOM also continued in producing short documentary films depicting stories of migrants after being provided with reintegration allowances. The films are available at the websites www.avr.iom.sk, www.iom.sk and www.youtube.com.²⁷⁷

With regard to legislative changes, an amendment to the Act on Residence of Aliens No. 404/2011 Coll. entered into effect on 10 January 2014, under which the police department:

- shall carry out administrative expulsion of a TCN residing in the Slovak territory without authorisation;²⁷⁸

272 Source: <http://www.minv.sk/?podporene-projekty-2> (consulted on 09/04/2015).

273 Source: http://avr.iom.sk/index.php?option=com_content&view=article&id=74&Itemid=346&lang=sk (consulted on 09/04/2015).

274 Source: http://avr.iom.sk/index.php?option=com_content&view=article&id=376:v-roku-2014-iom-pomohla-57-migrantom-pri-navrate-do-20-krajin&catid=16:aktuality&lang=sk&Itemid=345 (consulted on 09/04/2015).

275 Source: http://avr.iom.sk/index.php?option=com_content&view=category&layout=blog&id=18&Itemid=368&lang=sk (consulted on 09/04/2015).

276 Information provided by the IOM and other information is available at http://avr.iom.sk/index.php?option=com_content&view=article&id=376:v-roku-2014-iom-pomohla-57-migrantom-pri-navrate-do-20-krajin&catid=16:aktuality&lang=sk&Itemid=345 (consulted on 09/04/2015).

277 Source: http://avr.iom.sk/index.php?option=com_content&view=category&layout=blog&id=20&Itemid=379&lang=sk (consulted on 09/04/2015).

278 Art. 82(1)(b) of Act No. 404/2011 Coll. on Residence of Aliens.

- shall instruct the TCN immediately upon detention in the language a TCN understands, or in the language reasonably believed to be understood, about the possibility of applying for an AVR;²⁷⁹
- shall issue a decision on administrative expulsion without imposing an entry ban, if a TCN comes to the police department voluntarily and applies for a return to his/her home country under the AVRR programme.²⁸⁰

In relation to the updated internal BBAP PFP guideline on the obligation to instruct the TCN on the possibility of using the AVRR programme, the IOM organised trainings and instruction sessions to the staff members of all 12 APDs PF with the aim to strengthen the concurrence of aliens police staff in informing the target group about the AVRR programme.²⁸¹

In order to ensure the widest and highest quality of dissemination of the information about the possibility of voluntary return to the country of origin, the IOM prepared new information materials for TCNs in several language versions. After BBAP PFP's approval materials acquired the form of an official instruction and became a part of:

- the internal guideline of the BBAP PFP guideline on the obligation to instruct TCNs on the AVRR programme pursuant to the Act on Residence of Aliens;
- the decision on administrative expulsion.²⁸²

9.3 EMN Return Expert Group (REG)

In 2014, the *Return Expert Group (REG)* was set up within the EMN to share information and good practice among EU Member States (except for Denmark), Norway and the EC in the field of forced and voluntary return and reintegration of irregular migrants in their countries of origin or other third countries. An expert from the BBAP PFP together with an expert from the IOM were appointed to the group.

The main publications of the REG from 2014 include:

- *Emn Return Expert Group Directory: Connecting Return Experts Across Europe*²⁸³;
- *Incentives to Return to a Third Country and Support Provided to Migrants for their Reintegration*;
- *Practical Approaches and Good Practices in Return and Reintegration to Afghanistan and Pakistan*;
- *Challenges and Good Practices in the Return and Reintegration of Irregular Migrants to Western Africa* (document compiled in 2014 and published in January 2015)²⁸⁴.

279 Art. 90(1)(e) of Act No. 404/2011 Coll. on Residence of Aliens.

280 Art. 82(9) of Act No. 404/2011 Coll. on Residence of Aliens.

281 Information provided by the IOM.

282 Information provided by the IOM.

283 Source: <http://emn.sk/sk/studie-emn/item/308-adresar-emn-pre-oblast-navratov-spajanie-expertov-na-navraty-v-europe.html> (consulted on 09/04/2015).

284 Source: <http://emn.sk/sk/na-stiahnutie-emn/publikacie-emn/itemlist/category/56-informy-emn.html> (consulted on 09/04/2015).

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Annex: National Statistics

The Annex contains migration and international protection statistics for 2014.²⁸⁵ National statistics for Slovakia are apart from Eurostat available mainly in the yearly statistical overviews of BBAP PFP²⁸⁶, yearly statistical reports of MO Mol SR²⁸⁷, statistics of COLSAF²⁸⁸ and SO SR²⁸⁹. Basic statistical data on migration in Slovakia provide *EMN Country Factsheets*²⁹⁰ or the website of the IOM Office in the SR²⁹¹.

Statistics listed below form so called *Statistical Annex of the EMN Annual Report on Migration and Asylum Policies (Part 1)* which is yearly compiled by EU Member States to feed into European Commission's *Annual Report on Immigration and Asylum*²⁹² as well as EASO's *Annual Report on the Situation of Asylum in the European Union*²⁹³.

Table 1: Number of first residence permits issued by the Slovak Republic to third-country nationals in 2014 by reason²⁹⁴ and gender

Gender / Reason	Total	Family formation and reunification	Education and study	Remunerated activities	Other ²⁹⁵
Total	5,556	1,776	1,055	1,765	960
Female	2,324	:	:	:	:
Male	3,232	:	:	:	:

Source: BBAP PFP.

²⁸⁵ Source: http://ec.europa.eu/eurostat/statistics-explained/index.php/Migration_and_migrant_population_statistics (consulted on 02/04/2015).

²⁸⁶ Source: <http://www.minv.sk/?rocnky> (consulted on 02/04/2015).

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²⁸⁹ Source: http://slovak.statistics.sk/wps/portal/ext/themes/demography/population/news/tut/p/b1/jZFNDslgEEbP4gkYWiy4pFUp2m-ChtioB04Ux9T_ReH6pdmUIdXaE94ZvBmTRGtIL_Wz29aO5XupTe7bRVIPJ4hhzYHEVgKTK4LnWYo6JAzYOgB_F4ctXZgJyyXNhZgQDGXa-B2j9Kss_14luMUilirJiOpwo6Px8JTQDIBIYgiSp6UZ6TAEHv6X3_NA60-LPOAjlPkkWUxdvCRgRRYFALjzPYDPF1GP74Ce_Ctk34hvA2_A90V9Q1pvi-pL2dHBTqPR63qHifkS3c9nWGhp5IHwweAGIOOkH/dl4/d5/L2dBISEvZ0FBIS9nQSEh/ (consulted on 02/04/2015).

²⁹⁰ Source: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/factsheets/index_en.htm (consulted on 02/04/2015).

²⁹¹ Source: <http://www.iom.sk/sk/migracia/migracia-na-slovensku> (consulted on 02/04/2015).

²⁹² The last 5th annual report available at http://www.europarl.europa.eu/meetdocs/2014_2019/documents/com/com_com%282014%290288_/com_com%282014%290288_en.pdf (consulted on 02/04/2015).

²⁹³ All annual reports available at <http://easo.europa.eu/asylum-trends-analysis/annual-report/> (consulted on 02/04/2015).

²⁹⁴ Reasons for issuing residence are in accordance with the respective EU legislation (Commission Regulation (EU) No. 216/2010 of 15 March 2010 implementing Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection, as regards the definitions of categories of the reasons for the residence permits) and are divided into four categories: 1. Family formation and reunification, 2. Education and study, 3. Remunerated activities, and 4. Other reasons. National types of and reasons for residence permits are divided into these four categories.

²⁹⁵ The category "Others" includes the following categories of temporary residence: temporary residence – special activity – providing health-care and accompanying a TCN who is provided healthcare; temporary residence – execution of duties by civilian units of armed forces; permanent residence for an indefinite period of time (if needed due to providing protection and assistance to a witness under a special regulation; or to a stateless person for reasons worth considering; or to an adult person with granted tolerated stay as UAMs, and who for a minimum period of three years studied at school within the territory of the SR); some types of tolerated stay; subsidiary protection; and asylum.

Table 2: Number of visas issued by the Slovak Republic to third-country nationals in 2014 by type and gender

Gender / Type	(Schengen) short stay visas (A, C and LTV types of visa)		National visas (D type of visa)	
	Issued to TCNs coming directly from a third country	Issued to TCNs resident in another EU Member State	Issued to TCNs coming directly from a third country	Issued to TCNs resident in another EU Member State
Total	68,310	527	872	0
Female	31,777	359	463	0
Male	36,533	168	409	0

Source: MoFEA SR.

Notes: A type of visa – airport transit visa

C type of visa – tourist visa

D type of visa – national visa

LTV visa – visa with limited territorial validity

Table 3: Number of third-country nationals identified as smuggled persons, number of reflection periods provided to smuggled persons, and number of residence permits granted to smuggled persons in the Slovak Republic in 2014²⁹⁶

	Total	Female	Male
Number of third-country nationals identified as smuggled persons	356	:	:
Number of reflection periods provided to smuggled persons (e.g. in accordance with Directive 2004/81/EC if implemented for smuggled persons)	-	-	-
Number of residence permits granted to smuggled persons (e.g. in accordance with Directive 2004/81/EC if implemented for smuggled persons)	-	-	-

Source: BBAP PFP.

(:) Unavailable data (in the cases documented by the NUCIM BBAP PFP, only the nationality of irregular migrants and the relation to the crime for which a charge was brought against the smugglers are recorded).

(-) Not implemented for smuggled persons in the Slovak Republic.

²⁹⁶ According to the Art. 355 and Art. 356 of the Act No. 300/2005 Coll. Criminal Code, smuggling is defined as follows:

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

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

Table 4: Number of smugglers arrested as suspects or otherwise involved in a criminal proceeding and number of smugglers convicted in the Slovak Republic in 2014

	Arrested / otherwise involved in a criminal proceeding	Convicted
Total	81	36
Charge brought under Art. 206, par. 1 of Act No. 301/2005 Coll. Criminal Procedure Code	52	:
Criminal prosecution initiated under Art. 199, par. 1 of Act No. 301/2005 Coll. of the Criminal Procedure Code	29	:
Convicted under Art. 355 of new Criminal Code No. 300/2005 Coll.	-	26
Convicted under Art. 171, par. 1(a) of old Criminal Code No. 140/1961 Coll.	-	10

Source: BBAP PFP and Ministry of Justice of the SR.

Table 5: Number of third-country nationals returned from the Slovak Republic in 2014 by type, country of return and gender

Country of return / Type and gender	Returned as part of forced return measures*				Returned voluntarily (incl. AVRs)**				Returned within AVRs			
	Total	F	M	MIN	Total	F	M	MIN	Total	F	M	MIN
Afghanistan	70	11	43	16	0	0	0	0	1***	0	1	0
Albania	2	0	2	0	0	0	0	0	0	0	0	0
Angola	2	0	2	0	0	0	0	0	0	0	0	0
Bangladesh	2	0	2	0	0	0	0	0	0	0	0	0
Belarus	0	0	0	0	3	0	3	0	0	0	0	0
Bosnia & Herzegovina	2	0	2	0	0	0	0	0	0	0	0	0
Brasilia	0	0	0	0	1	1	0	0	1	1	0	0
China	3	2	1	0	1	0	1	0	1	0	1	0

Country of return / Type and gender	Returned as part of forced return measures*				Returned voluntarily (incl. AVRs)**				Returned within AVRs			
	Total	F	M	MIN	Total	F	M	MIN	Total	F	M	MIN
Columbia	1	1	0	0	0	0	0	0	0	0	0	0
Democratic Republic of Congo	1	0	1	0	0	0	0	0	0	0	0	0
Egypt	0	0	0	0	1	0	1	0	1	0	1	0
FYR Macedonia	1	0	1	0	3	0	3	0	3	0	3	0
Gambia	0	0	0	0	1	0	1	0	0	0	0	0
Georgia	10	0	9	1	3	0	3	0	3	0	3	0
India	0	0	0	0	6	2	4	0	6	2	4	0
Iraq	0	0	0	0	3	1	2	0	3	1	2	0
Israel	1	0	1	0	0	0	0	0	0	0	0	0
Kenya	0	0	0	0	2	0	2	0	2	0	2	0
Kosovo****	16	1	15	0	1	0	1	0	1	0	1	0
Libya	2	0	2	0	0	0	0	0	0	0	0	0
Mexico	0	0	0	0	3	1	2	0	3	1	2	0
Moldova	2	0	2	0	4	0	4	0	3	0	3	0
Mongolia	1	0	1	0	0	0	0	0	0	0	0	0
Namibia	0	0	0	0	1	0	1	0	1	0	1	0
Niger	1	0	1	0	1	0	1	0	1	0	1	0
Pakistan	1	0	1	0	1	0	1	0	1	0	1	0
Palestine	6	0	6	0	0	0	0	0	0	0	0	0
Russia	4	0	4	0	12	0	12	0	2	0	2	0
Saudi Arabia	0	0	0	0	1	0	1	0	0	0	0	0

Country of return / Type and gender	Returned as part of forced return measures*				Returned voluntarily (incl. AVRs)**				Returned within AVRs			
	Total	F	M	MIN	Total	F	M	MIN	Total	F	M	MIN
Senegal	0	0	0	0	1	0	1	0	0	0	0	0
Serbia	0	0	0	0	1	0	1	0	1	0	1	0
Somalia	4	2	1	1	0	0	0	0	0	0	0	0
Syria	23	0	23	0	0	0	0	0	0	0	0	0
Tadzhikistan	1	0	1	0	0	0	0	0	0	0	0	0
Turkey	3	0	3	0	2	0	2	0	2	0	2	0
Ukraine	100	16	84	0	354	114	239	1	10	2	8	0
USA	0	0	0	0	1	0	1	0	0	0	0	0
Vietnam	16	0	16	0	11	1	10	0	11	1	10	0
Total	275	33	224	18	418	120	297	1	57	8	49	0

Source: BBAP PFP²⁹⁷ and IOM.

* Forced return – This category does not contain voluntary departures from the territory of the SR via border crossing point, such persons are included in the category “Returned voluntarily”. This category, however, includes cases where irregular stay was detected at the border crossing point when leaving the SR and where such foreigners were imposed a decision on administrative expulsion which was then carried out by TCN’s leave of the territory of the SR through the border crossing point (refers almost exclusively to Ukrainian nationals).

** Returned voluntarily – This category includes voluntary departures of TCNs from the territory of the SR via border crossing point (a TCN voluntarily met the obligation to leave the territory of the SR within the set deadline stated in the decision on administrative expulsion issued due to his/her irregular stay within the Slovak territory) and AVRs.

*** This return is not included in the category “Returned voluntarily” because the decision on administrative expulsion was not issued.

**** As defined by UN Security Council Resolution 1244/99.

F – females

M – males

MIN – minors

AVRs – assisted voluntary returns

Table 6: Number of third-country nationals relocated to the Slovak Republic in 2014 by EU Member State, country of origin and gender

EU Member State / Country of origin and gender	Total	Female	Male	Top 3 countries of origin of TCNs
Total	-	-	-	-

Source: MO Mol SR.

²⁹⁷ The statistical data for 2014 was compiled by BBAP PFP on the basis of data provided to Eurostat in compliance with the Art. 7.1. of the Regulation No. 862/2007 on Community Statistics on Migration and International Protection and with current technical instructions of Eurostat (Technical Guidelines for the Data Collection – Enforcement of Immigration Legislation EIL Statistics).

Table 7: Number of third-country nationals resettled in the Slovak Republic in 2014 by sending country and gender

Sending country / Gender	Total	Female	Male
Total	0	0	0

Source: MO Mol SR.

Table 8: Number of unaccompanied minors from third countries in the Slovak Republic in 2014 by legal status and gender

Unaccompanied minors not applying for asylum			Unaccompanied minors applying for asylum		
Total	Female	Male	Total	Female	Male
10	0	10	11	0	11

Source: MO Mol SR and MoLSAF SR.

Table 9: Number of human trafficking victims from third countries, number of reflection periods granted to human trafficking victims from third countries, and number of residence permits requested by and granted to human trafficking victims from third countries in the Slovak Republic in 2014

	Total	Female	Male
TCNs presumed to be victims of trafficking in human beings (presumed victims)²⁹⁸	0	0	0
Age			
Over 18 years of age	0	0	0
Under 18 years of age	0	0	0
Form of exploitation ²⁹⁹			
Sexual exploitation	0	0	0
Labour exploitation	0	0	0
Other	0	0	0
Citizenship (top 3 countries)	0	0	0

²⁹⁸ Presumed victims are persons who fulfil the definition of victim of trafficking in human being, as outlined in Directive 2011/36/EU, but whom have not been formally identified by the relevant authorities (i.e. the national person/body authorised to formally identify victims).

²⁹⁹ More than one form of exploitation may be associated with each victim, therefore the statistics presented in this section may not necessarily agree with the overall totals entered above.

TCNs identified as victims of trafficking in human beings (identified victims) ³⁰⁰		1	1	0
Age	Over 18 years of age	1	1	0
	Under 18 years of age	0	0	0
Form of exploitation ³⁰¹	Sexual exploitation	1	1	0
	Labour exploitation	0	0	0
	Other	0	0	0
Citizenship (top 3 countries)		Ukraine	Ukraine	0
Reflection periods granted		0	0	0
Directive 2004/81/EC		0	0	0
Other		0	0	0
Residence permits requested		0	0	0
Directive 2004/81/EC		0	0	0
Other (e.g. humanitarian grounds etc.)		0	0	0
Residence permits granted		0	0	0
Directive 2004/81/EC		0	0	0
Other (e.g. humanitarian grounds etc.)		0	0	0

Source: BBAP PFP and Mol SR.

Table 10: Number of traffickers arrested as suspects or otherwise involved in a criminal proceeding and number of traffickers convicted in the Slovak Republic in 2014

	Arrested / otherwise involved in a criminal proceeding	Convicted
Total	39	23
Under Art. 246 of old Criminal Code No. 140/1961 Coll.	-	14
Under Art. 179 of new Criminal Code No. 300/2005 Coll.	-	9

Source: Ministry of Justice of the SR and BBAP PFP.

³⁰⁰ Identified victims are those who have been formally identified by the relevant authority (i.e. the national person/body authorised to formally identify victims).

³⁰¹ More than one form of exploitation may be associated with each victim, therefore the statistics presented in this section may not necessarily agree with the overall totals entered above.



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