



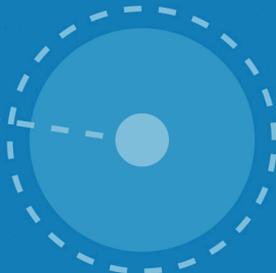
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Mgr. Zuzana Bargerová and JUDr. Zuzana Številová

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# ANNUAL REPORT ON MIGRATION AND ASYLUM POLICIES 2008

## SLOVAK REPUBLIC



# Annual Report on Migration and Asylum Policies 2008 Slovak Republic

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Annual Report for the European Migration Network

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## Preface

This report was compiled by the IOM International Organization for Migration Bratislava in its function as the National Contact Point (NCP) of the Slovak Republic in the European Migration Network (EMN). This national report follows the common outline and methodology prepared by the European Migration Network. The report was compiled by external experts contracted by IOM in 2009.

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# Executive Summary

The Annual Report on Migration and Asylum Policies 2008 has been prepared on the initiative of the European Commission within the framework of the European Migration Network's activities. The structure and the contents of the chapters follow the specification set by the European Commission. The specification is identical for all EU Member States.

The Annual Policy Report describes the main events, changes and developments in the field of migration and asylum in the Slovak Republic in the period from 1 January 2008 to 31 December 2008.

The Report is divided into three main chapters: 1. General description of the political development in Slovakia in 2008; 2. Organisation of the legal system in the Slovak Republic and the legal framework of the studied area in 2008; 3. Implementation of the relevant EU legislation. The Report also includes an Annex.

The first chapter outlines the basic political development in Slovakia in 2008 and the main events that affected the field of migration and asylum. The second chapter studies in detail the most important events in the particular fields of interest – immigration control and monitoring, asylum law, unaccompanied minors, economic migration and other forms of legal migration, the citizenship rights, illegal immigration and actions against human trafficking, check and establishment of one's identity. The final third chapter provides an overview of the relevant EU legislation adopted.

The Annex contains a list of used sources and statistical data.

The Annual Policy Report implies that 2008 was the first year after the Slovak Republic entered into the Schengen Area. The country fulfilled all the tasks arising from its membership in the

Schengen Area in 2008, with special emphasis on protecting the border between the Slovak Republic and Ukraine, which became the external border of the EU. The statistics and the statements and reports of state authorities suggest satisfaction with the first year of Slovakia's membership in the common Schengen Area.

The year 2008 in the Slovak Republic was characterised by further decrease of the pressure on the state borders – decline in the number of asylum seekers and reduction of illegal migration (considering the statistics on the recorded cases of illegal migration).

The development in the field of migration at the end of 2008 began to be affected by the global financial crises, initially mainly in relation to the labour migration. The impact of the financial crisis will only be possible to analyse in the 2009 Report, since the financial crisis affected Slovakia at a later stage and has been fully manifested in 2009.

In 2008, the Slovak Republic continued to transpose the EU Directives. With regards to the transposition of Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research, several amendments were made to the Act on Stay of Aliens. The amendments specifically concerned the legal status of foreign nationals studying and conducting scientific and research activities in the Slovak Republic. The Act on Asylum was substantially changed by transposing the Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status.

Illegal migration, state security and immigration for the purpose of work were issues that attracted most of the public and media attention. The Report also provides a brief overview of media

monitoring in this field. The public debates on migration, integration and asylum were principally conducted in the form of expert events, without a major involvement by the public.



## The Political Development in the Slovak Republic

### 1.1 General structure of the political system and the institutional context relevant for migration and asylum. The development in 2008

The Slovak Republic (hereinafter referred to as the "SR") is a parliamentary democracy. The highest bodies of the state power and representatives of the political system in the SR are the National Council of the SR, the Government of the SR and the President of the SR. Laws, including laws relevant to migration and asylum, are endorsed by the National Council of the SR – the Parliament, which is the constitutional and legislative body of the Slovak Republic. Laws enter into force after being signed by the President of the SR and published in the Collection of Laws. The Government of the SR as the highest executive body is composed of the Prime Minister, four Vice-Prime Ministers and 14 ministers, while three of them holding the posts of Vice-Prime Ministers. Although almost all ministries have at least a marginal relation to some specific aspects of migration or asylum, from the institutional point of view migration falls in the competency of three ministries: the Ministry of Interior of the SR, the Ministry of Foreign Affairs of the SR, and the Ministry of Labour, Social Affairs and Family of the SR.<sup>1</sup>

From 2006, three parliamentary parties form the government coalition: SMER – Social Democracy, the Movement for a Democratic Slovakia (HZDS) and the Slovak National Party (SNS).

The Ministry of Interior of the SR is competent mainly in the field of legal and illegal migration through its Migration Office, and the Bureau of Border and Alien Police.<sup>2</sup> The Ministry of Labour, Social Affairs and Family of the SR<sup>3</sup> is re-

1 GRETHE GULIČOVÁ, M. – BARGEROVÁ, Z. Organisation of Asylum and Migration Policy in the Slovak Republic. Bratislava, 2008, p. 7.

2 The Minister of Interior in 2008 was Mr. Robert Kaliňák (SMER – Social Democracy).

3 The Minister of Labour, Social Affairs and Family was Ms Viera Tomanová (SMER – Social Democracy).

sponsible by means of its specific department<sup>4</sup> established in 2007 for the area of legal migration and integration of foreigners. Another field of activity of the Labour Ministry is social care for unaccompanied minors and other categories of foreigners, asylum seekers etc. The Ministry of Foreign Affairs of the SR<sup>5</sup> is responsible, through its diplomatic offices abroad, for the issuance of visas and acceptance of applications for residence permit in the SR. It also assists in the return procedure of minor migrants and the preparation of readmission agreements.

*For more detailed information refer to the Study on the Organisation of Asylum and Migration Policies in the Slovak Republic.<sup>6</sup>*

### 1.2 General political development in the Slovak Republic

In 2008, no fundamental changes occurred in the Slovak politics that would affect the field of migration and asylum. No national or regional elections were held during the year, and no personal political changes were made in the field of migration and asylum.

### 1.3 Institutional development

In 2008, changes occurred in the development of national policy, especially regarding the integration of foreigners.<sup>7</sup> Considering the tendency of a raising number of migrants settling down in

4 Department for the Migration and Integration of Foreigners of the MoLSAF (under the International Relations Section of the MoLSAF).

5 The Minister of Foreign Affairs of the SR in 2008 was Mr. Ján Kubiš (SMER – Social Democracy).

6 GRETHE GULIČOVÁ, M. – BARGEROVÁ, Z. 2008. Organisation of Asylum and Migration Policy in the Slovak Republic., Bratislava, 2008. [online]. [consulted on 13 June 2009]. Available online at: <http://emn.sarenet.es/Downloads/prepareShowFiles.do?sessionId=67FB68-D636B462A77E078DCEFB9E9EDD5?directoryID=114>.

7 The issue of the integration of foreigners in the SR was dealt by the document entitled "Complex Solution of the Integration Process of Foreigners with the Refugee Status", adopted by the Government of the SR by its Resolution No. 105 of 16 February 1996. The Government of the SR endorsed in 2005 by its Resolution No. 11 the Migration Policy Concept of the SR, which for the first time defined the fundamental objectives, principles, policies and instruments of the migration policy.

the Slovak Republic after its accession into the European Union and the increased necessity to admit migrant workers from third countries, there was a need to adopt a comprehensive document responding to the new trends in migration. The Government of the SR therefore assigned by the Government Resolution No. 390 of 11 June 2008 to the Minister of Labour, Social Affairs and Family of the SR, the Vice-Prime Minister of the SR, and the Minister of Interior of the SR the task "to take effective measures to ensure the process of the integration of migrants into the society with an emphasis on an efficient use of financial resources from the European Union funds and sources". At the same time, the expert Inter-Departmental Commission on Labour Migration and Integration of Foreigners<sup>8</sup> (MEKOM-IC) at the MoLSAF SR was assigned the task to prepare and discuss a draft integration policy concept and submit it to the Government of the SR for approval. The MEKOMIC working group held meetings throughout the year 2008 by means of its five working sub-groups with the aim to prepare and improve the measures listed in the concept of the integration of foreigners in the SR in the field of the legislation which regulates the foreign nationals' residence, in the field of employment, access to healthcare and social security, housing and education of the foreigners.<sup>9</sup>

According to the "Summary report on the state of fulfilment of the tasks resulting from the migration policy concept - implementation by the individual ministries in 2008", changes were made as of 1 August 2008 in the organisational structure of the Bureau of Border and Alien Police of the Ministry of Interior of the Slovak Republic. These changes were related to Slovakia's membership in the EU, its entry into the Schengen Area, and also to the necessity to improve the practical performance of the border police service with an emphasis on the external border and gradual

8 MEKOMIC was established by the Decision of the Minister of Labour, Social Affairs and Family No. 55/2007 of 30 November 2007.

9 The members of MEKOMIC are, besides the representatives of state authorities, also the representatives of international and non-governmental organizations, self-governments, the Association of Towns and Municipalities, the academia and important communities of foreigners living in the SR.

shift of the competencies on the internal borders. The organisational measures taken resulted in the cancellation of the basic border police service units at the internal border (28 border police departments). All the competencies of the border police service at the internal border were shifted to the public order police service, and to the alien police service in the event of a temporary restoration of the internal border control.<sup>10</sup>

In 2008, there were on-going preparations for establishing the Immigration and Naturalisation Office of the SR with the objective to improve the management of migration. After its establishment, this Office will address the overall spectrum of issues connected with the lives of foreigners in the Slovak Republic from their arrival to their leave from the Slovak territory.

*For more detailed information on the institutional framework refer to the Study on the Organisation of Asylum and Migration Policies in the Slovak Republic.<sup>11</sup>*

<sup>10</sup> The inter-department working commission for the coordination of the process of fulfilment of tasks and activities resulting from the implementation of the migration policy concept of the Slovak Republic. Summary report on the state of fulfilment of the tasks resulting from the migration policy concept - implementation by the individual ministries in 2008. [online]. Submitted to the Government of the SR for discussion on 24 June 2009. Part of the Government's Resolution No. 467/2009. [consulted on 01 July 2009]. Available online at: <[https://lt.justice.gov.sk/\(S\(v3yq32qslkdnlom1hccc5q55\)\)/Attachment/vlastnymat.rtf?instEID=-1&attEID=9279&docEID=54586&matEID=1381&langEID=1&tStamp=20090422143249640](https://lt.justice.gov.sk/(S(v3yq32qslkdnlom1hccc5q55))/Attachment/vlastnymat.rtf?instEID=-1&attEID=9279&docEID=54586&matEID=1381&langEID=1&tStamp=20090422143249640)> p. 6, par. 4 – 5.

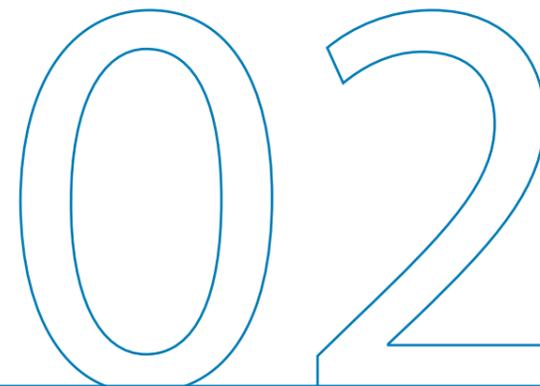
<sup>11</sup> GRETHE GULIČOVÁ, M. – BARGEROVÁ, Z. Organizácia azylovej a migračnej politiky v SR. Bratislava. [consulted on 13 June 2009]. Available online at: <<http://emn.sarenet.es/Downloads/prepareShowFiles.do?sessionid=67FB68D636B462A77E078DCEFB9EDD5?directoryID=114>>.

## 2.1 General structure of the legal framework in the area of migration and asylum

The legal status of the nationals of the Slovak Republic, including foreigners, is defined primarily by the fundamental law of the state – the Constitution of the Slovak Republic No. 460/1992 Coll. (hereinafter referred to as the “Constitution”).

Migration and asylum are regulated primarily by the following legal norms:

- Act No. 48/2002 Coll. on Stay of Aliens and on amending and supplementing certain acts, as amended (hereinafter referred to as the “Act on Stay of Aliens”), which lays down the conditions for the entry and stay of foreigner nationals in the Slovak Republic. The authorities competent in this field are the Mol SR, and the MoFA SR within the defined scope. The local Alien Police Units of the Mol SR decide in the procedures of granting or renewal of residence permits within the statutory period;
- Act No. 480/2002 Coll. on Asylum and on amending and supplementing certain acts, as amended (hereinafter referred to as the “Act on Asylum”), which lays down in particular the rights and obligations of asylum seekers and foreign nationals who were granted subsidiary protection, as well as asylum seekers, and the conditions for granting asylum, subsidiary protection and temporary shelter to foreigners. The competent body in this field is the Migration Office of the Mol SR, which, among others, decides on the granting of asylum or other forms of international protection;
- Act No. 99/1963 Coll. Code of Civil Procedure as amended, regulating the proceedings concerning actions against legal decisions of administrative bodies, or legal remedies against invalid decisions of administrative bodies. These also include proceedings in actions against the decisions of Alien Police Units and legal remedies against the decisions of the MO of the Mol SR in asylum matters. Legal remedies against the decisions of the MO of Mol



## Policy and Legislative Development in the Area of Migration and Asylum

SR in Slovakia are decided by regional courts – the Regional Court of Bratislava or the Regional Court of Košice (Act No. 371/2004 Coll. on Seats and Court Circuits of the Slovak Republic and on amending and supplementing Act No.99/1963 Coll. Code of Civil Procedure as amended). Remedies against the judicial decisions of regional courts are assessed by the Supreme Court of the SR. Regional courts decide in matters of Alien Police decisions according to the seat of the particular Alien Police Unit;

- Act No. 5/2004 Coll. on Employment Services and on amending and supplementing certain acts, as amended (hereinafter referred to as the “Act on Employment Services”), which lays down, among others, the conditions for employing foreigners in the Slovak Republic, and defines the cases when no work permit is required for employment. Third-country nationals with permanent residence in the SR and the nationals of the EU and EEA Member States do not need such permit. The Act stipulates other exemptions, too. The amended parts of the Act on Employment Services concern the legal arrangements for employing foreign nationals and entered into effect on 1 May 2008. The Office of Labour, Social Affairs and Family of the SR decides on the application for the work permit within a period of 30 days, which is a body subordinated to the MoLSAF SR;
- Act No. 305/2005 Coll. on Social and Legal Protection of Children and on Social Guardianship as amended, which, among others, stipulates the conditions for social and legal protection of unaccompanied minors in the SR;
- Act No. 40/1993 Coll. on Citizenship of the Slovak Republic (hereinafter referred to as the “Act on Citizenship”), which regulates the process of acquiring citizenship of the SR, including the conditions for granting citizenship upon application by a foreign national. The applicant shall file his/her application for citizenship at the district office in the seat of a region, at a diplomatic mission or at a consular office. The Ministry of Interior decides

on the application for citizenship of the SR within 24 months from the delivery of the application to the General Internal Administration Department.

The rights and duties of foreigners are further regulated by a wide variety of legal norms relating to the particular aspects of their lives in the Slovak Republic, such as access to healthcare, education, social security etc.

## 2.2 Overview of the main policy and legislative debates

In 2008, mainly expert discussions and coordination activities were conducted under the Ministry of Labour, Social Affairs and Family of the SR and the Ministry of Interior of the SR, which have had an impact on the development and legislative changes in the field of asylum, migration policy and integration of foreigners in the long term:

1. A working commission for the coordination of procedures on fulfilment of the tasks and activities resulting from the Implementation of the Migration Policy Concept of the SR (as adopted by the Resolution of the Government of the Slovak Republic No. 11 of 12 January 2005) meets in the framework of the Migration Office of the MoI SR. This commission consists of the representatives of the MoI SR, MoFA SR, Ministry of Justice of the SR, MoLSAF SR, Ministry of Education of the SR, Ministry of Finance of the SR and Ministry of Healthcare of the SR, as well as of the Government Office, Statistical Office, Association of Cities and Towns of Slovakia, United Nations High Commissioner for Refugees (hereinafter referred to as the “UNHCR”), International Organisation for Migration (hereinafter referred to as the “IOM”) and the Human Rights League.<sup>12</sup>
2. In 2008, the second Inter-Departmental Commission MEKOMIC, led by the Depart-

<sup>12</sup> The Migration Policy Concept of the Slovak Republic was adopted by Resolution of the Government of the Slovak Republic No. 11 of 12 January 2005.

ment of Migration and Integration of Foreigners at the MoLSAF SR (hereinafter referred to as the “DMIF”), dealt with the issue of social security of migrant workers, integration of foreigners living in the SR, and preparation of the government concept of the integration of foreigners in the SR (refer to chapter 1.3).

The other expert discussions, media events and other activities of non-political character but with a major or minor impact on the development in the field of foreigners’ integration, labour migration and asylum included, for example, the following events:

IOM issued the publication “Integrácia migrantov v Slovenskej republike: Odporúčania a výzvy pre tvorcov politik” (Integration of Migrants in the Slovak Republic: Recommendations and Challenges for Policy Makers)<sup>13</sup>, which contains an institutional and legal analysis of the integration of migrants into society in the SR, including proposals for particular measures in the most important areas of migrants’ integration – residence, employment, healthcare and granting of citizenship, as well as integration policy in the Slovak Republic in general.<sup>14</sup> Along with the preparation of the publication, the first draft of the concept of foreigners’ integration in the Slovak Republic was elaborated. Some of the data and recommendations of the authors of the publication were also used in the preparation of the draft concept of foreigners’ integration in the SR.

The coverage of the phenomenon of migration by the Slovak media increased compared to the previous years, especially in relation to the entry of the SR into the Schengen Area, but also in the context of humanitarian migration, employment of migrants and the negative aspects of migration, such as illegal migration and illegal

<sup>13</sup> BARGEROVÁ, Z. – DIVINSKÝ, B. Integrácia migrantov v Slovenskej republike. Výzvy a odporúčania pre tvorcov politik. Bratislava: IOM, 2008, 154 p. ISBN 978-80-970012-4-7.

<sup>14</sup> CSERESOVÁ, L. Book review: Migrácia. In Zahraničná politika. [online]. 12 December 2008. [Consulted on 09 June 2009]. Available online at: <www.zahranicnapolitika.sk/?id=721&id=683>.

employment of foreigners.

The media also dealt with the situation in the Slovak labour market, which changed substantially during the year.<sup>15</sup> In the first half of the year they mainly pointed out the increasing need of the Slovak employers to seek labour forces abroad and the lack of qualified workers for different type of scarce jobs. At the end of 2008, they began to emphasise the impacts of the economic crisis on the labour market.

In spite of the media interest in the discussion on the arrival and settlement of immigrants in Slovakia, labour migration and the labour market needs, the public clearly missed a wider discussion on asylum, migration and integration policy.

In 2008, the UNHCR in cooperation with the Human Rights League organised a strategic roundtable discussion on the current state of access to and use of information about the countries of origin (hereinafter referred to as the “COI”) by asylum seekers and foreigners in the SR (on 30 June 2008 and 10 December 2008). The discussion was attended by the representatives of governmental and non-governmental organisations dealing with the issue of seeking and use of information on the countries of origin in

<sup>15</sup> [http://spravy.pravda.sk/policia-si-chce-posvietit-na-cudzincovy0-sk\\_domace.asp?c=A080205\\_175902\\_sk\\_domace\\_p12](http://spravy.pravda.sk/policia-si-chce-posvietit-na-cudzincovy0-sk_domace.asp?c=A080205_175902_sk_domace_p12).  
[http://spravy.pravda.sk/slovensko-dalo-viac-azylov-je-ale-prisne-fdh-sk\\_domace.asp?c=A080120\\_104303\\_sk\\_domace\\_p23](http://spravy.pravda.sk/slovensko-dalo-viac-azylov-je-ale-prisne-fdh-sk_domace.asp?c=A080120_104303_sk_domace_p23).  
[www.tyzden.sk/sk/tema/zivot\\_ako\\_z\\_rozpravky\\_.php?searchstring=;www.tyzden.sk/sk/ekonomika/barbari\\_alebo\\_geniovia\\_.php?searchstring=](http://www.tyzden.sk/sk/tema/zivot_ako_z_rozpravky_.php?searchstring=;www.tyzden.sk/sk/ekonomika/barbari_alebo_geniovia_.php?searchstring=)  
[http://nazory.pravda.sk/a-vsetko-bude-inak-0ma-/sk-nana.asp?c=A090402\\_205045\\_sk-nana\\_p29](http://nazory.pravda.sk/a-vsetko-bude-inak-0ma-/sk-nana.asp?c=A090402_205045_sk-nana_p29).  
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[http://profesia.pravda.sk/firmy-chcu-zamestnat-viac-cudzincov-d73-/sk-prludz.asp?c=A080925\\_121908\\_sk-prludz\\_p01](http://profesia.pravda.sk/firmy-chcu-zamestnat-viac-cudzincov-d73-/sk-prludz.asp?c=A080925_121908_sk-prludz_p01).  
[http://profesia.pravda.sk/ako-zvladnut-tim-z-viacerych-narodnosti-fdz-/sk-prludz.asp?c=A080818\\_080229\\_sk-prludz\\_p01](http://profesia.pravda.sk/ako-zvladnut-tim-z-viacerych-narodnosti-fdz-/sk-prludz.asp?c=A080818_080229_sk-prludz_p01).  
[http://spravy.pravda.sk/za-pracou-prichadza-coraz-viac-cudzincov-fpc-/sk\\_ekonomika.asp?c=A080628\\_074933\\_sk\\_pkariera\\_p01](http://spravy.pravda.sk/za-pracou-prichadza-coraz-viac-cudzincov-fpc-/sk_ekonomika.asp?c=A080628_074933_sk_pkariera_p01).  
[http://spravy.pravda.sk/prisli-za-pracou-spoznavaju-slovensko-d9d-/sk\\_ekonomika.asp?c=A080316\\_140603\\_sk\\_pkariera\\_p01](http://spravy.pravda.sk/prisli-za-pracou-spoznavaju-slovensko-d9d-/sk_ekonomika.asp?c=A080316_140603_sk_pkariera_p01).  
[http://spravy.pravda.sk/cudzinci-stoja-firmy-viac-0yx-/sk\\_ekonomika.asp?c=A080112\\_002148\\_sk\\_pkariera\\_p01](http://spravy.pravda.sk/cudzinci-stoja-firmy-viac-0yx-/sk_ekonomika.asp?c=A080112_002148_sk_pkariera_p01).  
[http://spravy.pravda.sk/ludia-zvonku-su-usilovnejsi-ako-domaci-d92-/sk\\_ekonomika.asp?c=A080112\\_001805\\_sk\\_pkariera\\_p01](http://spravy.pravda.sk/ludia-zvonku-su-usilovnejsi-ako-domaci-d92-/sk_ekonomika.asp?c=A080112_001805_sk_pkariera_p01).

the Slovak Republic (the MO of the MoI SR, the Bureau of Border and Alien Police, the Regional Court in Bratislava, the General Prosecutor's Office, Centre of Legal Aid, Slovak Humanitarian Council), as well as other invited experts from abroad, specialised in the issue. The main objective of the meeting of the representatives of state authorities and non-governmental organisations was to assess the current state of the availability of information on the countries of origin in the different types of procedures concerning foreign nationals, especially in asylum procedures, to inform the parties on the development in the other EU Member States by invited experts from abroad, and to hold a strategic discussion on the possibilities of improving the COI availability to the different authorities in the Slovak Republic.<sup>16</sup>

The Milan Šimečka Foundation organised the 3rd year of the "New Minorities Week" festival, held from 24 to 30 November 2008 in Bratislava. The festival targeted the broad public and university students, and its objective was to increase the awareness on migration and new communities in Slovakia and promote the mutual dialogue.<sup>17</sup>

The Italian-Slovak Chamber of Commerce and the Institute for Education and Regional Development organised on 26 May 2008 a regional seminar entitled "Bringing the brains back?", which discussed the problem of the lack of labour force on the Slovak labour market and the all possibilities of labour migration utilisation.<sup>18</sup>

The Nitra Self-Governing Region joined the international project OPENcities (British Council initiative, financed by the URBACT programme

and Nitra Self-Governing Region) aimed at preparing a local action plan in the field of integration and internationalisation of migrants during the years 2008 – 2013. The working group "Local Support Group" (LSG) was founded in Nitra in 2008 for this purpose, composed of the representatives of regional state administration, self-governments, the regional development agency, British Council, non-governmental and charity organisations and other relevant institutions, which during three working meetings prepared a description and analysis of the region and the openness index of the town and the region of Nitra.

## 2.3 Policy and legislative development in the field of migration, integration and asylum

### 2.3.1 Control and monitoring of immigration

#### Legislative development

A number of changes were made in the rules regulating the issue of residence permits in 2008.

Legislative changes concerning the issuance of residence and work permits were introduced by Act No.233/2008 Coll. on amending and supplementing Act No.172/2005 Coll. on the Organisation of State Support for Research and Development and on amending and supplementing Act No.575/2001 Coll. on the Organisation of the Activities of the Government and on the Organisation of the Central State Administration as amended, and by Act No.451/2008 Coll. on amending and supplementing Act No.480/2002 Coll. on Asylum and on amending and supplementing certain acts.

The transposition of the Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research (OJ L 289, 3 No-

vember. 2005) was completed by passing Act No.233/2008 Coll. The rules for granting temporary residence permits for the purpose of research and development, as stipulated in the Act on Stay of Aliens, changed with effect from 1 July 2008 as follows:

- The admission of third-country nationals for the purpose of research and development is regulated by a "hosting agreement" concluded between the foreigner and the admitting organisation. Prior to concluding the hosting agreement, the admitting organisation must verify whether the foreigner has the qualification required for conducting research and development based on which the hosting agreement between the foreigner and the admitting organisation is concluded. The Act also stipulates the requirements for the hosting agreement and the duties of the admitting organisation. The organisation conducting research and development must comply with the statutory conditions for admitting third-country nationals, and is placed on the register of admitting organisations upon approval by the Ministry of Education of the SR.<sup>19</sup>

Act No.451/2008 Coll., which took effect on 1 December 2008, introduced the following changes in the Act on the Stay of Aliens:

- The period of the validity of the temporary residence permit for the purpose of study has been extended. The police department may grant to a foreign national applying for temporary residence for the purpose of study a temporary residence permit for the expected period of study and for a maximum period of five years.<sup>20</sup> The previous act allowed granting of the permit for a maximum period of one year, while this permit had to be extended each year for being able to continue in the study.
- The Ministry of Interior may extend the short-

<sup>19</sup> The list of admitting organisations will be published at the central information portal of the Ministry of Education of the SR (the list was not ready by 1 July 2009).

<sup>20</sup> Section 17(3) of Act No.48/2002 Coll. as amended by Act No.451/2008 Coll.

term visa for a maximum period of 90 days within half-year, provided that the foreign national cannot leave the territory of the Slovak Republic for reasons of natural disaster, humanitarian reasons or for serious personal reasons. This provision is new, as no such possibility existed in the previous wording of the Act on the Stay of Aliens.

- A foreign national with a long-term residence in the SR is not obliged to present a document certifying that he/she does not suffer from a disease that endangers the public health when applying for the extension of his/her residence permit.
- The amount of the required financial coverage of the foreign national's stay in the SR has been reduced. After the change in the Act, a third-country national has to prove financial coverage equalling to the subsistence minimum for each month of stay; until 30 November 2008, he/she had to prove financial equaling to the minimum wage for each month of stay.<sup>21</sup> This change does not affect those foreign nationals applying for temporary residence permit for the purpose of business.
- The application for extending the residence permit can be presented anytime prior to the expiry of the previous permit. Until 30 November 2008, such application had to be presented within 60 days at the latest prior to the expiry of the residence permit; failing to do so could result in rejecting the application.

Refer to chapters 2.3.4 – 2.3.6.

#### Entry into the Schengen Area

The majority of the relevant legislative, technical and practical changes and measures required for the entry into the Schengen Area were adopted in 2007. Slovakia became a part of the Schengen Area for land borders on 21 December 2007 and a part of the Schengen Area for air borders

<sup>21</sup> The minimum monthly salary is EUR 295, 50 and the minimum subsistence is EUR 178, 90. Source: Section 1 of the Regulation of the Government of the Slovak Republic of 15 October 2008 establishing the amount of the minimum salary, and Section (6) of Act No.601/2003 Coll. on Subsistence Minimum and on changes and amendments of certain acts as amended (as of 1 July 2009).

on 31 March 2008.

As stated in the Study on the *Organisation of Asylum and Migration Policies in the Slovak Republic*,<sup>22</sup> the entry into the area has not brought the SR any substantial changes regarding the international protection to foreigners. The protection of external Schengen border has gained a central role, and so has the fight against illegal migration and cross-border crime. A novelty was that the entry into asylum procedure could be carried out at the international airports in Bratislava, Košice and Poprad. Thus, the foreigner who enters Slovakia by air shall be able to file the asylum application directly at the police unit within the transit area of the international airports. Besides, SR also became a part of the SIS (Schengen Information System).<sup>23</sup>

The Position of the MoI SR of 13 June 2008 evaluates the half-year experience with the implementation of new Schengen rules as follows: "The border supervision in the SR is conducted in compliance with the Schengen Border Code. The Border and Alien Police units have been supported with automobile technology for hard terrains and instruments for technical protection of the state border. The international airport units obtained automobile, pyrotechnic and computer technology, camera systems, night vision devices and devices for travel documents check to be used during first-line and second-line controls. In 2007, all the new-built facilities were approved and handed over for use at the state border between the Slovak Republic and Ukraine."<sup>24</sup>

22 GRETHE GULIČOVÁ, M. – BARGEROVÁ, Z. Organizácia azylovej a migračnej politiky v SR. Bratislava. [consulted on 13 June 2009]. Available online at: <<http://emn.sarenet.es/Downloads/prepareShowFiles.do?sessionid=67FB68D636B462A77E078DCEFB9E9EDD5?directoryID=114>>.

23 Information obtained from the MO. After carrying out the relevant steps, the decision is made whether the person will stay in the admission centre at the airport, or be transported to the admission centre in a different asylum facility, or be placed in a reception centre. The applicant is transferred from the admission centre to the reception centre in case his application is not decided within seven days from the initial interview, or if the court fails to decide on a remedy against the decision of the MO within 30 days from filing of the remedy.

24 Ministry of Interior of the SR. Najvýraznejším úspechom MV SR v oblasti migračnej politiky je vstup SR do Schengenu. [online]. Bratislava: MV SR, 13 June 2008. [consulted on 13 June 2009]. Available online at: <[www.minv.sk/?tlacove-spravny-6&sprava=najvyraznejším-úspechom-mv-sr-v-oblasti-migračnej-politiky-je-vstup-sr-do-schengenu](http://www.minv.sk/?tlacove-spravny-6&sprava=najvyraznejším-úspechom-mv-sr-v-oblasti-migračnej-politiky-je-vstup-sr-do-schengenu)>.

The Government of the SR endorsed by the *Resolution No. 217 of 18 March 2009 the Report on the implementation of measures of the Schengen Action Plan of the Slovak Republic for the years 2008 – 2009 in 2008* (hereinafter referred to as the "Report"). The Report states that the SR met the demanding criteria and became a full-fledged member of the Schengen Area, and the tasks related to the protection of its security and the security of the other countries of the Schengen Area have been fulfilled in a responsible and professional manner.<sup>25</sup> According to the report, the protection of the external (Slovak-Ukrainian) border and the service at the international airports in Bratislava, Poprad and Košice are carried out by border police officers who perform their duties in compliance with the Schengen standards and recommendations.

In respect of border control and border supervision at the external borders, the Slovak Republic actively cooperates with the other Member States, and especially with the FRONTEX agency. The state detached and trained 15 border police officers for the RABIT forces (rapid border intervention teams).

The Report also points out the relation between the entry into the Schengen Area and the increase in the quality of police cooperation in the field of fight against crime. According to the Report, the effectiveness of the search of people and objects by the Slovak Intelligence Service raised; the Report states an increase in the success rate by approximately 50 per cent in the category of search of people for the purpose of detention and subsequent extradition to the country exercising the European Arrest Warrant.

The Report includes a list of measures of the Schengen Action Plan in the form of a table and a description of their implementation.

25 Document from the session of the Government of the SR. Správa o plnení opatrení zo Schengenského akčného plánu Slovenskej republiky na roky 2008 – 2009 za rok 2008. 2008. Document no.: UV-7235/2009, Government Resolution No. 217/2009. [online]. Available online at: <[www.rokovania.sk/app/1/material.nsf/0/89BDE2D07FF15A-E5C125757700437978?OpenDocument](http://www.rokovania.sk/app/1/material.nsf/0/89BDE2D07FF15A-E5C125757700437978?OpenDocument)>.

## 2.3.2 Refugees protection and asylum

### Legislative development

In 2008, the Act on Asylum was amended twice following the obligation to transpose into the Slovak legislation the Council Directive No. 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status (hereinafter referred to as the "Procedural Directive").

The first amendment was Act No.643/2007 Coll. of 5 December 2007 changing and amending and supplementing Act No.480/2002 Coll. on Asylum as amended, which entered into effect on 1 January 2008. This amendment implemented the provisions of the Procedural Directive (with the exception of Article 15 on granting free legal assistance) into the Act on Asylum, as well as the provisions which substantially changed the process of assessing applications for asylum and some practical issues concerning the given procedures. These changes brought, in particular:

- A new, detailed regulation of the procedure for revoking of the identity documents and issuance of asylum seeker's cards to foreign nationals. In this case, the Act regulates the obligation of the police authority where the asylum application is lodged to revoke the travel document or any other identity document of the asylum seeker, make a copy of that document and deliver it to the Migration Office, unless the asylum seeker is in a possession of a temporary or permanent residence permit in the SR. In such case, the asylum seeker's documents are not revoked and are only copied. The police unit may not return the revoked documents to the foreign national before the termination of the asylum procedure based on the asylum seeker's claim.<sup>26</sup> The Migration Office shall issue an asylum seeker's card to each asylum seeker over 15

26 Section 3(4) of the Act on Asylum as amended by Act No.643/2007 Coll.

years of age (except for asylum seekers holding a temporary or permanent residence permit in the SR) during the asylum procedure. At the same time, the amendment to the Act on Asylum stipulates that the asylum seeker's card shall be considered his/her identity document only if the asylum seeker's identity document or travel document has been revoked.<sup>27</sup> In such case, the following shall be stated on the front side of the card: "This card is considered an identity document." The previous wording of the Act did not stipulate any cases when the card was expected to be considered an identity document, as a result of which it was not clear whether it should have been considered an identity document or not. This problem was solved via the amendment to the Act on Asylum;

- Introduction of the obligation to summon the asylum seeker for an interview by means of a written notice in the language which the asylum seeker is assumed to understand. The Act also stipulates that the interview shall be held in the language in which the asylum seeker is able to understand. It is not necessary to hold an interview if it is possible to make a decision upon the initial interview.<sup>28</sup> The previous regulation did not stipulate in what language the interview should be held (the Act stipulated that the asylum seeker is entitled to use during the interview the language that he/she can understand). This change allows holding the interview also in a language other than the applicant's mother tongue;
- Explicit provision of the right of the asylum seeker to have only one legal representative in the asylum procedure.<sup>29</sup> The previous regulation did not contain any provision restricting the number of legal representatives that the asylum seeker could have in the asylum procedure;
- Extension of the period under which the Migration Office of the MoI SR can reject an ap-

27 Section 5(1) of the Act on Asylum as amended by Act No.643/2007 Coll.

28 Section 6(1) of the Act on Asylum as amended by Act No.643/2007 Coll.

29 Section 17a(1) of the Act on Asylum as amended by Act No.643/2007 Coll.

plication for asylum as inadmissible in case the applicant comes from a safe third country<sup>30</sup> or as manifestly unfounded within 60 days from the commencement of the procedure; once this time period expires, application for asylum cannot be rejected as manifestly unfounded.<sup>31</sup> The previously applicable period was 30 days from the commencement of the procedure;

- Changes in Section 21 of the Act on Asylum concerning the review period, which specifies the periods for taking a decision on remedies. This amendment obliges the regional courts to decide on a remedy against a decision of the Migration Office of the MoI SR within 90 days from the delivery of the remedy; in the case of appealing procedure, the Supreme Court of the SR shall decide on the remedy within 60 days from the delivery of the remedy to the appellate court.<sup>32</sup> (In this context, it is also to be mentioned the amendment to Act No.99/1963 Coll. Code of Civil Procedure, which stipulates, by virtue of this amendment, the obligation of the court to summon the asylum seeker in matters of the asylum procedure or subsidiary protection in the language which he/she is assumed to understand.<sup>33</sup>) The previous regulation did not specify any period for the courts to decide the matters of asylum;
- The conditioning of the involvement by the UN High Commissioner for Refugees in the asylum procedure with express consent of the asylum seeker – prior to this amendment, the UNHCR had the possibility to participate in the asylum procedure directly by virtue of the Act on Asylum, without a special consent from the asylum seeker;
- Prohibition of obtaining information on foreign nationals from the actor of persecution or serious harm in a way by which the actor of persecution learns that the respective foreign nationals are asylum seekers or foreign

nationals with granted subsidiary protection; in respect of asylum seeker, the information required for the asylum procedure may not be obtained from an alleged actor of prosecution or serious harm. The previous regulation did not contain any such prohibition.

The second amendment to the Act on Asylum took effect at the end of 2008 via Act No.451/2008 Coll. of 24 October 2008 amending and supplementing Act No.480/2002 Coll. on Asylum as amended, which entered into effect on 1 December 2008. The principal changes concerned the following areas:

- Transposition of Article 15 of the Procedural Directive on the possibilities of granting free legal assistance to asylum seekers in the asylum procedure: the provision of legal assistance was left onto the Legal Aid Centre (state budget organisation<sup>34</sup>) under the remedial procedure on invalid decision of the MO of MoI. Previously, the act did not lay down any arrangements for granting free legal assistance to asylum seekers; legal assistance was granted by non-governmental organisations financed from the European Refugee Fund and partly from UNHCR funds;
- Amendment to Article 20a, paragraph 1 of the Act on Asylum, by which in case the asylum seeker is entitled to receive legal assistance from the Legal Aid Centre (i. e. if the applicant applies for legal assistance under first-instance procedure at the Migration Office of the MoI SR and meets the conditions for receiving such assistance), the decision of the Migration Office of MoI SR shall only be delivered to the Legal Aid Centre;
- Extension of the period for filing a remedy against the decision of the Migration Office on rejection of the application for asylum as manifestly unfounded or inadmissible from seven to 20 days;
- Expanding the list of cases when the card of the asylum seeker is considered as an identity document (this concerns asylum seekers having permanent or temporary residence per-

mit in the Slovak Republic);

- Cancellation of the competence of the Migration Office of the SR to decide on existence of obstacles to administrative expulsion of foreign nationals to their country of origin under the asylum procedure for reasons of elimination of a duplicate assessment of obstacles to administrative expulsion by the Migration Office and subsequently by the competent Alien Police Unit. According to the previous regulation, when the Migration Office of the MoI SR did not grant asylum to an asylum seeker and failed to grant subsidiary protection, the Migration Office was obligated to decide whether any obstacle existed to the asylum seeker's administrative expulsion to the country of origin, as defined in Article 58 of the Act on Asylum (originally Article 20, paragraph 4 of the Act on Asylum in the wording prior to the adoption of the amendment no. 451/2008 Coll.). Only the police unit (Alien Police Department) could and can decide on the administrative expulsion of the foreign national.

Throughout the year, several Slovak media informed about the shift of the task to provide free legal assistance to asylum seekers by the Legal Aid Centre.<sup>35</sup>

### Judicial decisions

In 2008, the Supreme Court of the SR (hereinafter referred to as the "SC SR") delivered several fundamental judgements in asylum matters. At the end of the year, a selection of SC SR judgements in asylum matters was made.<sup>36</sup> The judgements of the SC SR or regional courts in the Slovak Republic are not legally binding in general and do not represent a source of law,

<sup>35</sup> [www.minv.sk/?tlacove-spravy-6&sprava=od-decembra-mozu-ziadatel-ia-o-azyl-vyuzivat-moznost-bezplatnej-pravnej-pomoci](http://www.minv.sk/?tlacove-spravy-6&sprava=od-decembra-mozu-ziadatel-ia-o-azyl-vyuzivat-moznost-bezplatnej-pravnej-pomoci) (consulted on 06 May 2009), [www.pluska.sk/aktuality/6120073-azyl-o-bezplatnu-pravnu-pomoc-uz-ziadaju-prvi-cudzinci.html](http://www.pluska.sk/aktuality/6120073-azyl-o-bezplatnu-pravnu-pomoc-uz-ziadaju-prvi-cudzinci.html), [www.sme.sk/c/4170562/neuspesnym-ziadatelom-o-azyl-poskytne-slovensko-bezplatnu-pravnu-pomoc.html](http://www.sme.sk/c/4170562/neuspesnym-ziadatelom-o-azyl-poskytne-slovensko-bezplatnu-pravnu-pomoc.html). (consulted on 06 May 2009), [http://mesto.sk/prispevky\\_velke/humenne/oazylojodjanuarado1213625040.phtml](http://mesto.sk/prispevky_velke/humenne/oazylojodjanuarado1213625040.phtml) (consulted on 06 May 2009).

<sup>36</sup> BABIAKOVÁ, E. -- BERTHOTYOVÁ, E. Rozhodnutia Najvyššieho súdu Slovenskej republiky v azylových veciach (výber 17 rozhodnutí). Bratislava: Eurokódex, 2008, 136 p. ISBN 978-80-89363-25-4.

but have an impact on the practical exercise and interpretation of the different provisions of the Act on Asylum. If any of the judgements is published in the *Collection of Opinions of the Supreme Court and Judicial Decisions of the Courts of the Slovak Republic* it shall become a de facto source of law.

The following decisions can be considered as the most important judgements of the Supreme Court in relation to the asylum procedure:

- Ruling of the SC SR under code no. 8 Sža 27/2008 of 11 September 2008, by which the court authoritatively ruled that the issuance of a decision on appointing a guardian for the service of summoning the asylum seeker whose place of stay is not known must be preceded by an assessment whether the conditions exist for such procedure and whether other measure should be taken instead. The court also ruled that the fact that the place of stay of that party is unknown must always be plausibly proved, while this obligation puts a burden on the court which must exhaust all the possibilities to establish whether the place of stay of the party is actually unknown;
- Judgement of the SC SR under code no. 1 Sža 15/2008 of 19 August 2008, in which the court concluded that the assessment of credibility of the asylum seeker's statements is the result of the assessment process and reflections by the administrative body on the asylum seeker, considering the level of substantiality and veracity of the reasons for leaving the country of origin, as stated by the asylum seeker, in confrontation with the generally known information on the country of origin;
- Judgement under code no. 8 Sža 13/2008 of 1 July 2008, in which the Supreme Court provided for the first time its opinion on the definition of a refugee *sur place* and on the application of this definition in a particular case. The publication of this judgement in the *Collection of Opinions of the Supreme Court and Judicial Decision of the Courts of the SR* was approved at the third meeting of the administrative division of the SC SR.<sup>37</sup>

<sup>37</sup> BABIAKOVÁ, E. -- BERTHOTYOVÁ, E. Rozhodnutia Najvyššieho súdu

<sup>30</sup> Section 11 of the Act on Asylum as amended by Act No.643/2007 Coll.

<sup>31</sup> Section 12 of the Act on Asylum as amended by Act No.643/2007 Coll.

<sup>32</sup> Section 21 (3) and (4) of the Act on Asylum as amended by Act No.643/2007 Coll.

<sup>33</sup> Section 246(2) OSP as amended by Act No.643/2007 Coll.

<sup>34</sup> Information on the Legal Aid Centre is available online at: <[www.legalaid.sk/o-centre](http://www.legalaid.sk/o-centre)>.

### Progress in the asylum system functioning in the SR

A number of changes were made in the asylum system functioning in the SR during the year 2008.

In the beginning of the year, on 6 February 2008, the Migration Office of the Ministry of Interior of the SR opened a new admission centre at the M. R. Štefánik Airport in Bratislava-Ružinov for the purpose of assessing applications for asylum presented in the transit premises of the airport by asylum seekers not admitted to the SR.

As of 1 December 2008, the Migration Office of the Ministry of Interior of the SR closed the accommodation centre for asylum seekers in Gabčíkovo, by then the major accommodation centre considering its capacity (close to the Slovak-Hungarian border), and decided that the centre would serve for accommodating foreign nationals with granted subsidiary protection. As a result, there is only one accommodation centre in Western Slovakia at the moment – the centre in Rohovce. Besides that, the accommodation centre in Opatovská Nová Ves and the reception centre in Humenné continue to operate. The reason for this change was the apparent decrease in the number of received applications for asylum and the decrease in the number of asylum seekers in the SR in 2008.

### Development in the number of asylum applications, and granting of asylum and subsidiary protection

The most fundamental issue concerning refugee migration in the SR was a clear decrease in the number of filed applications for asylum on the one hand, and an increase in the number of granted asylums on the other hand. In 2008, 909 persons applied for asylum in the Slovak Republic, which is the smallest number since 1998 and represents a decrease by 34 per cent

Slovenskej republiky v azylových veciach (výber 17 rozhodnutí). Bratislava: Eurokódex, 2008, 136 p. ISBN 978-80-89363-25-4. S. 51, comment no. 2.

compared to the year 2007 (2,634 applications). Compared to the previous years, the number of asylum seekers granted asylum increased to 22 (for comparison: in 2007, 13 asylums were granted, in 2006 – 8 asylums). The Migration Office granted 66 subsidiary protections in total. The procedure was suspended in 457 cases, and no asylum was granted in 416 cases.<sup>38</sup>

As per ethnicity, the majority of asylum applications were filed by asylum seekers of Punjabi (125), Moldovan (112), Georgian (92) and Chechen (62) ethnicity. As per citizenship, most of the asylum applications in the SR in 2008 were presented by the nationals of Georgia (119), Moldova (113), Pakistan (109), the Russian Federation including Chechnya (100), India (88), and Afghanistan (72).<sup>39</sup>

With regard to the citizenship of the persons who were granted asylum, the majority of them were nationals of Iraq (8), Cuba (8) and Palestine (2). The majority of subsidiary protections were granted to asylum seekers from Afghanistan (28) and Iraq (25). On the other hand, most of the procedures were suspended in the case of the asylum seekers from the Russian Federation including Chechnya (84), Georgia (76) and Moldova (72).<sup>40</sup>

More detailed statistical information is provided in Annex A.1.5.

### The activities of international organisations and non-governmental organisations operating in Slovakia

Throughout the year 2008, the AMAS project of monitoring and support of asylum seekers' access to the asylum procedure was implemented. The project was carried out at the border crossings of the Slovak-Ukrainian border and in the transit premises of the M. R. Štefánik Airport in

38 MO MoI SR. Yearbook 2008. Bratislava, 2008. [online]. [consulted on 13 June 2009]. Available online at: <www.minv.sk/?statistiky-20>.

39 MO MoI SR. Yearbook 2008. Bratislava, 2008. [online]. [consulted on 13 June 2009]. Available online at: <www.minv.sk/?statistiky-20>.

40 MO MoI SR. Yearbook 2008. Bratislava, 2008. [online]. [consulted on 13 June 2009]. Available online at: <www.minv.sk/?statistiky-20>.

Bratislava – Ružinov. This project has been implemented under the tripartite agreement concluded between the Bureau of Border and Alien Police, the Regional UNHCR Office for Hungary, Poland, Slovakia and Slovenia, and the non-governmental organisation The Human Rights League (Liga za ľudské práva).<sup>41</sup> The main objective of the project is to monitor the access to the asylum procedure at the M. R. Štefánik Airport in Bratislava and at the Eastern Slovakian border, and ensure the right of the persons applying for asylum to enter the territory of the Slovak Republic, commence the asylum procedure, and provide support to BBAP officers and other parties involved. A specific project objective is the monitoring of the situation of persons in potential need of international protection, who are hence persons in UNHCR's interest.<sup>42</sup>

In September 2008, the UNHCR in Slovakia launched an international project aimed at evaluating the quality of decisions issued in the asylum procedure. The expected duration of the project is 18 months, until February 2010.<sup>43</sup>

At the end of 2008, the regular annual monitoring entitled *Evaluation of the inclusion of asylum seekers and asylum status holders in the Slovak Republic* was conducted in view of their age, sex and other categories. The multi-functional team composed of the UNHCR representative, ministerial bodies (Migration Office, BABP, Central Office of Labour, Social Affairs and Family) and non-governmental organisations (The Human Rights League, the Society of Goodwill – Spoločnosť ľudí dobrej vôle, Slovak Humanitarian Council – Slovenská humanitná rada) conducted interviews with asylum seekers and refugees in various facilities (reception centres, accommodation centres, integration centres) in the period from 22 September 2008 to 16 October 2008, and collected direct information on the situation of these people. This monitor-

41 Situation until 01 July 2009.

42 The Human Rights League. Projekt AMAS. Bratislava, 2008. [online]. [consulted on 13 June 2009]. Available online at: <www.hrl.sk/?a=projects#amas>.

43 Information provided in the interview with Mgr. Barbora Meššová, UNHCR Slovakia, on 13 June 2009.

ing project resulted in preparation of final report with recommendations in November 2008, which will be published as a part of the regional evaluation report.

### The media

In 2008, the media informed about the case of an asylum seeker from Algeria, who was suspected of terrorism. During the whole year, the media brought information on his asylum procedure and extradition procedure.<sup>44</sup> They mainly tackled the issue of possible threat to Slovakia's security represented by this foreigner, the legitimacy and morality of granting/non-granting of the asylum or provision/non-provision of subsidiary or other form of protection, and the possibility of expatriation/extradition to Algeria.

## 2.3.3 Unaccompanied minors

### Statistics

The *Summary report on the state of fulfilment of the tasks resulting from the migration policy concept - implementation by the individual ministries in 2008*<sup>45</sup> states the following: "In 2008, the Ministry of Labour, Social Affairs and Family paid extraordinary attention to the social and legal protection of children and to social guardianship of unaccompanied minors. The construction of the children's home for unaccompanied minors in Trenčín – Horné Orechové in 2006 created suitable conditions for providing them with

44 SITA. Labsi do Alžírsku možno nepôjde. In HN ONLINE. [online]. 22 July 2008. [consulted on 06 May 2009]. Available online at: <http://hnonline.sk/c1-26049760-labsi-do-alzirska-mozno-nepojde; http://noviny.joj.sk/z-domova/8-8-2008/clanok/alzircan-labsi-je-uz-po-medvedove+.html>. http://dnes.atlas.sk/slovensko/study-akauzy/244379/alzircan-labsi-poziadalo-azyl (consulted on 06 May 2009).

45 Inter-department working commission for the coordination of the procedures associated with the fulfilment of tasks and activities resulting from the implementation of the migration policy concept of the Slovak Republic. Súhrnná správa o stave plnenia úloh vyplývajúcich z rozpracovania koncepcie migračnej politiky Slovenskej republiky na podmienky jednotlivých rezortov za rok 2008. [online]. Submitted to the Government of the SR for discussion on 24 June 2009. Part of the Government Resolution No. 467/2009. [consulted on 01 July 2009]. Available online at: <https://lt.justice.gov.sk/(S(v3yq32qslkdnlom1hccc5q55))/Attachment/vlastnymat.rtf?instEID=-1&attEID=9279&docEID=54586&matEID=1381&langEID=1&tStamp=20090422143249640>. p. 11.

accommodation and education in compliance with the international standards. In 2008, 152 unaccompanied minors were placed in this children's home, and four unaccompanied minors were placed in other children's homes. Concerning other six unaccompanied minors, the competent court did not issue any preliminary ruling, but immediately appointed a guardian who filed the asylum application.<sup>46</sup> In 2008, 162 cases of unaccompanied minors were registered, 71 of them being asylum seekers.<sup>46</sup>

According to the available information, family reunification occurred in one case in 2008 (17-year old boy from Sri Lanka). In the same year, unaccompanied minors returned to their country of origin in four cases.

Further information and detailed statistics can be obtained from the national study for the European Migration Network dealing with the situation of unaccompanied minors.<sup>47</sup>

### 2.3.4 Economic migration

#### Legislative development

As for the legal regulation concerning the employment of foreigners, Act No.5/2004 Coll. on Employment Services as amended<sup>48</sup> was modified with effect from 1 May 2008.

- Until 30 April 2008, the work permit could be granted for a maximum period of one year; according to the revised Act in effect from 1 May 2008,<sup>49</sup> the permit can be granted for a period of up to two years. This change has had a major impact on the procedure related to the granting of the temporary residence permit for the purpose of employment, which validity period depends on the validity of the work permit.

<sup>46</sup> Annual statistics 2008 of the MO.

<sup>47</sup> GRETHE GULIČOVÁ, M. Maloletí bez sprievodu v Slovenskej republike – politiky riadiace ich príjem, návrat a integračné opatrenia. Národná štúdia pre Európsku migračnú sieť. Bratislava, 2009. May 2009. [consulted on 07 October 2009].

<sup>48</sup> Act No. 5/2004 Coll. on Employment Services and on changes and amendments of certain laws as amended.

<sup>49</sup> Section 23(3) of Act No.139/2008 Coll.

- According to the revised Act,<sup>50</sup> foreigners holding a temporary residence permit for the purpose of special activity, this being research or development, can also be employed without work permit in the framework of educational activities under an employment relation or similar employment relation, if this activity does not exceed 50 calendar days during one calendar year.
- A foreign national holding a temporary residence permit does not need a work permit, if his/her previous continuous temporary residence in any of the EU Member States lasted for at least five years.

On 24 October 2007, the Government of the Slovak Republic terminated, with effect from 5 May 2008, the bilateral agreement between the Government of the Slovak Republic and the Government of Ukraine on mutual employment of citizens, which laid down quota for the mutual employment of citizens of the two countries. According to this agreement, a maximum of 200 persons annually could be employed on the state territory of the other party for a period of one year. A maximum of 300 workers from Ukraine could be employed for the purpose of seasonal work, and 1,800 workers from Ukraine could be annually employed for the purpose of executing business contracts concluded between legal entities or physical persons from the countries of the two parties. After the termination of this agreement, the employment of Ukrainian nationals in the Slovak Republic is regulated by the current laws of the Slovak Republic.

#### Events

On 25-26 September 2008, an international ministerial conference entitled *From the labour opportunities shortage to the shortage of qualified labour force*<sup>51</sup> was held in Bratislava. The conference was organised by the MoLSAF SR in cooperation with the IOM International Or-

<sup>50</sup> Section 22(7)(r) of Act No.139/2008 Coll.

<sup>51</sup> MoLSAF SR. Information about the international ministerial conference. Bratislava, 2008. [online]. [consulted on 15 June 2009]. Available online at: <[www.employment.gov.sk/index.php?SMC=1&id=14292](http://www.employment.gov.sk/index.php?SMC=1&id=14292)>.

ganisation for Migration, the Representation of the European Commission in Slovakia, and the Ministry of Foreign Affairs of the Slovak Republic with the support of the OECD. The aim of the conference was to deal with the situation in the labour market and the influx of work migrants to the ten new EU Member States by means of a discussion among ministers from different countries. The conference focused on the experience of the Slovak Republic in the field of labour migration and on the presentation of examples, experiences and recommendations from the Central and Eastern European countries. The Minister of Labour, Social Affairs and Family of the SR expressed the need to develop labour migration management and support the integration of immigrants in Slovakia. Based on the positive conference outcomes, the participants of the conference decided to launch the so-called "Bratislava Process", which represents a platform for Central and Eastern European countries for holding further meetings and discussions on labour migration management.<sup>52</sup>

#### Research

Boris Divínsky, a researcher in the field of migration, published in cooperation with the IOM the publication *Vzťah medzi pracovným trhom a migráciou v SR: čas konať komplexne (The Relation between the Labour Market and Migration in the SR: Time to Take a Complex Approach)*.<sup>53</sup> This publication was written in the scope of the project "European Cooperation in the Field of Labour Migration: Seeking the Best Approaches".

<sup>52</sup> The conference was attended by Mr. Vladimír Špidla – EU Commissioner for employment, social affairs and equal opportunities, Mr. Peter Nečas – Vice-Prime Minister of the Czech Republic, Ms. Emilia Maslarova – Minister of Labour and Social Affairs of Bulgaria, Ms. Erika Szűcs – Minister of Labour and Social Affairs of Hungary, Ms. Viera Tomanová – Minister of Labour, Social Affairs and Family of the SR, Mr. Rimantas Kairėlis – State Secretary of the Ministry of Labour and Social Security of Lithuania, and Mr. Akos Derzsi – State Secretary of the Ministry of Labour, Family and Equality of Opportunities of Romania, as well as by experts from Estonia, Poland and Slovenia. The representatives of the International Organisation for Migration and other representatives of the EU, OECD and ILO also actively participated in the conference.

<sup>53</sup> DIVÍNSKÝ, B. Vzťah medzi pracovným trhom a migráciou v SR: čas konať komplexne. Bratislava, 2007. [online]. [consulted on 13 June 2009]. Available online at: <[http://www.iom.sk/upload/objects/CR\\_Slovakia\\_2008\\_1207753093.pdf](http://www.iom.sk/upload/objects/CR_Slovakia_2008_1207753093.pdf)>.

#### The media

In general it can be concluded that the media dealt with the migration issues within the same extent as in the past. The demand for qualified labour force in the first half-year of 2008 resulted in a growing interest of the Slovak employers to fill the gap in the labour market with offer of labour force from abroad at an ever increasing tendency, which was also reflected in the media. In the given period, the media highlighted the increasing need of Slovak employers to seek labour forces abroad and the shortage of qualified workers for scarce jobs. At the end of 2008 the media focused on the impacts of the economic crisis on the labour market and hence on the employment of foreigners in the SR, and as well on the return of Slovaks working abroad.

#### Statistics

One of the most frequent reasons for granting the temporary residence permit in Slovakia in 2008 was employment. As of 31 December 2008, 3,014 foreign nationals were granted the temporary residence permit for the purpose of employment.

The document of the Government entitled *The Concept of Foreigners' Integration in the Slovak Republic*<sup>54</sup> states that the number of employed foreigners has grown since the Slovak Republic's accession in the European Union. While 2,679 foreigners were registered in the labour market in 2004 (1,050 third-country nationals), in 2005 it was 5,497 foreigners (1,565 of them coming from third countries). At the end of 2006, 6,546 foreigners (1,781 of them from third countries) were registered in the labour market. By the end of 2007, the number of foreigners registered in the Slovak labour market grew to 10,233 persons (2,139 of them from third countries). As of 30 June 2008, 15,543 employed foreigners were recorded, and this number reached 17,054 as

<sup>54</sup> MoLSAF SR. Návrh koncepcie integrácie cudzincov v Slovenskej republike. Document no. UV-10248/2009. Approved by Government Resolution No. 338/2009. 06 May 2009. [consulted on 06 June 2009]. Available online at: <[www.rokovania.sk/appl/material.nsf/0/49B2BD84-C294A652C12575900040092B?OpenDocument](http://www.rokovania.sk/appl/material.nsf/0/49B2BD84-C294A652C12575900040092B?OpenDocument)>.

of 30 October 2008. As of 31 December 2008, there were 14,241 foreigners in total registered in the labour market, 10,642 of them coming from the EU/EEA countries, and 3,599 coming from third countries. 2,514 foreigners from third countries were employed on the basis of work permits, and 1,085 of them without the need to hold work permit.<sup>55</sup>

### 2.3.5 Family reunification

The right to family reunification is laid down specifically in the Act on Stay of Aliens, and in the Act on Asylum. The Act on Stay of Aliens allows exercising this right by means of the permanent residence and temporary residence permit, and in certain cases by means of granting the tolerated stay permit. The Slovak legislation distinguishes three different modes of the stay in relation to the right to family reunification according to the "sponsor"<sup>56</sup>: a) family reunification with a foreigner, b) family reunification with EEA national, or c) family reunification with a national of the Slovak Republic.

The Act on Asylum allows exercising the right to the reunification of families of asylum seekers and foreigners granted subsidiary protection by means of the right to asylum for the purpose of family reunification<sup>57</sup> and subsidiary protection granted for the purpose of family reunification.<sup>58</sup> In both cases, the law specifically defines which family members are entitled to this kind of favourable treatment.<sup>59</sup> Such favourable treatment is used by asylum seekers and for-

55 The monitoring of the number of these migrants is performed on the basis of information cards; the employer has the reporting duty.

56 A sponsor for the purposes of this study means „the person for the reunification with who the foreigner applies, and who holds the citizenship of the SR or other EEA country, or has permanent or temporary residence in the SR or other EEA country“.

57 Section 10 of Act No.480/2002 Coll. on Asylum as amended by Act No.451/2008 Coll.

58 Section 13b of Act No.480/2002 Coll. on Asylum as amended by Act No. 451/2008 Coll.

59 This arrangement concerns, for example, the spouse of a person granted asylum or foreigner with granted subsidiary protection, if their marriage continues, and continued, also at the time when the foreigner left the country of origin, or unmarried children of the person granted asylum or foreigner with granted subsidiary protection younger than 18 years of age, or parents of an unmarried person granted asylum or foreigner with granted subsidiary protection younger than 18 years of age. For more details refer to Section 10 and 13b of the Act on Asylum.

eigners with granted subsidiary protection also in exercising their right to family reunification by virtue of the provisions of the Act on Stay of Aliens.

#### Legislative development

Legal changes were made in Act No.451/2008 Coll. amending and supplementing Act No.480/2002 Coll. on Asylum and on amending and supplementing certain acts:

- In relation to asylum seekers, the Act on Stay of Aliens lays down more favourable conditions for granting visa and obtaining temporary residence permit for the purpose of reunification of the asylum seeker's family. The family members of the asylum seeker in particular are entitled to be granted the entry visa.<sup>60</sup> The relatives of the asylum seekers are in a more favourable position also in the case of filing applications for temporary residence permit. In case the application for temporary residence permit is filed by the relative of the asylum seeker within three months from granting of the asylum, he/she shall submit, together with the application, only a travel document and a document confirming their relationship or other proof of existence of such relationship.<sup>61</sup>
- In 2008, the provisions of the Act on Stay of Aliens concerning the granting of visa to the relatives of a foreign national with granted subsidiary protection were also transposed. The amended Act on Stay of Aliens effective from 1 December 2008 awarded the legal title for granting a visa to a family member of the foreign national with granted subsidiary protection.<sup>62</sup> Hence, the foreign national with granted subsidiary protection can exercise the right to family reunification if the family of the foreign national is left in the country of origin and needs a permit to enter the SR for the purpose of being granted subsidiary

60 Section 14(6) of Act No.48/2002 Coll. on Stay of Aliens and on amending certain acts as amended by Act No.451/2008 Coll.

61 Section 25(8) of Act No.48/2002 Coll. on Stay of Aliens and on amending certain acts as amended by Act No.451/2008 Coll.

62 Section 14(6) of Act No.48/2002 Coll. on Stay of Aliens and on amending certain acts as amended by Act No.451/2008 Coll.

protection for the purpose of family reunification.<sup>63</sup>

- Other foreign nationals are not legally entitled to be granted permanent or temporary residence permits for the purpose of family reunification even after meeting all the legal requirements. In the majority of cases, the exercise of this right depends on the fulfilment of other conditions, such as proving accommodation and financial coverage of the stay.<sup>64</sup>

#### Progress in the practical application of the legislation

As far as the granting of tolerated stay permit for the purpose of respecting the private and family life is concerned, changes were made since the beginning of 2008 in the application practice at the Alien Police Unit and in the number of permits granted. A tolerated stay permit may not be granted to a foreign national having his/her spouse in the SR. This type of tolerated stay permit is only granted in cases where the foreign national has a child in the SR. The permit is granted for a period of 180 days, and throughout this period the foreign national may work on the basis of a work permit granted irrespective of the labour market situation.<sup>65</sup> By the end of 2008, 31 foreigners were granted such permit. The spouses of foreigners with permitted stay in the SR or the spouses of Slovak nationals must file an application for residence permit for the purpose of family reunification, and stay in the SR with the valid residence permit or visa up

63 As far as other foreigners are concerned, they are not entitled to the permanent or temporary residence permit for the purpose of family reunification even after meeting all the statutory requirements. The exercise of this right commonly depends on meeting other conditions, e. g. proving of accommodation and financial coverage of the stay.

64 The amendment to Act No.451/2008 Coll. and Act No. 48/2002 Coll. on Stay of Aliens and on changes and amendments of certain acts, the minimum financial coverage of one month of permanent and temporary residence decreased from the minimum monthly salary (EUR 295.50) to the subsistence minimum amount (EUR 178.9). Section 1 of the Regulation of the Government of the Slovak Republic of 15 October 2008 establishing the amount of the minimum salary, and Section 5(6) of Act No.601/2003 Coll. on Subsistence Minimum and on amending certain acts as amended.

65 In case the tolerated stay permit of a foreign national was extended for reasons of becoming a victim of human trafficking, or the foreign national was granted the tolerated stay permit for reasons of respecting his/her private and family life.

to the date a decision is taken on their application.

#### Development in the field of judicial decisions

In 2008, the Supreme Court of the SR delivered a judgement defining the conditions under which the Slovak Republic may intervene into the right of a foreign national to privacy and family life.<sup>66</sup> The Court ruled that if two fundamental rights collide – the right of an individual to privacy and family life, and the right of the state to the protection of safety and public order, i.e. e. a conflict between the private interest and the public interest, in order to restrict the private right, the state must, beyond all dispute, prove that the granting of the residence permit would represent a threat to the public safety of the Slovak Republic. Any decision of the administrative authority must be clear on whether the denial of the permit for residence in the SR inappropriately restricted or deprived the plaintiff of the right to privacy and family life in the Slovak Republic.

### 2.3.6 Other legal migration

#### Legislative development

Other forms of legal migration include, besides residence for the purpose of employment, business and family reunification, mainly study and performance of special activities (e. g. lecturing, scientific, research, artistic and sports activities or study internship). The following changes were made in the legal regulation of these types of stay in 2008:

As for the legal regulations governing the residence of these categories of foreigners, the Council Directive No. 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-

66 The publishing of the judgement of the Supreme Court of the SR under code 1Sža 3/2008 of 15 April 2008 in the Collection of Opinions of the Supreme Court and Judicial Decisions of the Courts of SR was approved at the third meeting of the Administrative Division of the SC SR. In BABIAKOVÁ, E. -- BERTHOTYOVÁ, E. Rozhodnutia Najvyššieho súdu Slovenskej republiky v azylových veciach (výber 17 rozhodnutí). Bratislava: Eurokódex, 2008, 136 p. ISBN 978-80-89363-25-4. S.109.

country nationals for the purposes of scientific research was transposed into the Slovak legislation<sup>67</sup> in the form of Act No.233/2008 Coll., under which the provision of Article 22 of the Act on Stay of Aliens was modified with effect from 1 July 2008.<sup>68</sup> By virtue of this amendment, the temporary residence permit for the purpose of special activities may be granted to a foreign national conducting research or development for a period of up to two years. Persons conducting scientific or research activities in the SR, whose educational activities (in the form of employment) do not exceed 50 calendar days within a calendar year, do not need to apply for a work permit pursuant to Act No.5/2004 Coll. on Employment Services as amended.

The amendment to the Act on Stay of Aliens<sup>69</sup> extended the period for which the residence permit for the purpose of study may be granted, which is the period of duration of the purpose of up to five years.

### Statistics

As of 31 December 2008, 267 foreigners held a valid temporary residence permit for the purpose of study; the permit for the purpose of sports activities was granted to 116 foreigners, for research activities to 10 foreigners, for special activities under an international treaty to 92 foreigners, for artistic activities to one foreigner, for lecturing activities to 24 foreigners, and for study internship to 14 persons.<sup>70</sup>

<sup>67</sup> Published in OJ L 289, 3. 11. 2005.

<sup>68</sup> Except for Section I, points 20 and 28, Section 18(2)(f), which enter into effect on 01 July 2009.

<sup>69</sup> Act No. 451/2008 Coll. changing and amending Act No.480/2002 Coll. on Asylum and on changes and amendments of certain acts as amended.

<sup>70</sup> MoLSAF SR. Návrh koncepcie integrácie cudzincov v Slovenskej republike. Document no. UV-10248/2009. Approved by Government Resolution No. 338/2009. 06 May 2009. [consulted on 06 June 2009]. Available online at: <[www.rokovania.sk/app/material.nsf/0/49B2BD84-C294A652C12575900040092B?OpenDocument](http://www.rokovania.sk/app/material.nsf/0/49B2BD84-C294A652C12575900040092B?OpenDocument)>.

## 2.3.7 Integration

### Institutional development

In 2008, the Department of Migration and Integration of Foreigners of the MoLSAF SR<sup>71</sup> dealt specifically with the preparation of and consultations on the draft concept of integration of foreigners, as no such concept had existed in the past. This activity was undertaken in cooperation with the representatives of state administration and self-governments, non-governmental organisations, communities of migrants living in the SR and the academic circles. In the same year, the Department of Migration and Integration of Foreigners of the MoLSAF SR via its Inter-departmental Commission on Labour Migration and Integration of Foreigners established five working sub-groups for the preparation of the concept of integration of foreigners in the SR: groups for legislation issues and residence, employment and access to the labour market, healthcare and social security, education and housing. The first draft of the integration concept, prepared in 2008, implemented the recommendation of the European integration policy adopted by the working group "National Contact Points on Integration" at the Committee for Immigration and Asylum of the European Commission, which was regularly attended by a representative of the MoLSAF SR, as well as the conclusions of several expert seminars on social and labour integration of migrants organised by the European Commission under the INTI project (Integration of Third Country Nationals).

Retraining courses, counselling services and assistance to migrants in the process of integration in the labour market and the society were provided by the Migration Information Centre of the IOM International Organisation for Migration (MIC) from the European Social Fund re-

<sup>71</sup> At the end of 2007, the Department of Migration and Integration of Foreigners under the International Relations Section of the MoLSAF SR was created. DMIF fulfils the function of a coordination centre for the issues of labour migration and integration of foreigners under the MoLSAF SR. It is responsible for the preparation of policies and concepts of labour migration and integration of foreigners into the society at the inter-departmental level.

sources under the EQUAL Community initiative as the only institution officially providing complex services of this type in the SR. Yet, the MIC activities were interrupted in October 2008 as a result of termination in financing.<sup>72</sup>

## 2.3.8 Citizenship and naturalisation

### Legislative development

In the Slovak legislation, the acquisition of citizenship is regulated mainly by the Constitution of the SR and Act No.40/1993 Coll. on Citizenship<sup>73</sup> of the Slovak Republic as amended.<sup>74</sup> The Act on Citizenship lays down the conditions for acquiring and granting the citizenship of the Slovak Republic, and the conditions for loss and certification of citizenship. This law was last amended with effect from 1 October 2007. The revised act modified the conditions of citizenship acquisition by means of naturalisation. In 2008, no legislative changes were made in this field.

### Statistics

In 2008, the citizenship of the Slovak Republic was granted to 680 persons from 49 countries. The concrete number of persons granted the citizenship of the Slovak Republic as per country of previous citizenship is shown in the Annex.

The citizenship of the Slovak Republic was in the majority of cases granted to the nationals of Ukraine – altogether to 202 persons, the nationals of the Czech Republic – in 93 cases, and to former Slovak nationals, who lost the Slovak (Czechoslovak) citizenship by means of naturalisation in the United States of America – in 92 cases.

<sup>72</sup> MIC IOM was established in 2006 from the European Social Fund resources. Since 1 April 2009, it has rendered services to migrants from the European Integration Fund resources. More information at [www.mic.iom.sk](http://www.mic.iom.sk).

<sup>73</sup> Full official wording of the Act on Citizenship of the Slovak Republic in English language: [www.minv.sk/?statne-obcianstvo-1](http://www.minv.sk/?statne-obcianstvo-1).

<sup>74</sup> Full official wording of Act No.40/1993 Coll. on Citizenship of the Slovak Republic in English language: [www.minv.sk/?statne-obcianstvo-1](http://www.minv.sk/?statne-obcianstvo-1).

The total number of 680 persons acquiring the citizenship of the Slovak Republic and the statistical report produced by the information system of the central registry of acquisition and loss of the citizenship of the Slovak Republic imply that the citizenship of the Slovak Republic was granted to:

- 337 males and 343 females;
- 74 persons holding a certificate proving the statute of a Slovak living abroad;
- 7 foreigners who were previously granted asylum in the Slovak Republic;
- 4 stateless persons.

In 2008, the procedure of granting the citizenship of the Slovak Republic was suspended in the case of 196 applicants, and the application for the citizenship of the Slovak Republic was rejected in 32 cases.

## 2.3.9 Illegal migration

No substantial legislative changes were made in this area.

### Entry into the Schengen Area

The main factor that had an impact on this field in 2008 was the entry of the Slovak Republic into the Schengen Area and the resulting changes in the protection of the Slovak state borders. Along with the cancellation of border controls on the internal EU borders, the protection of the border between the Slovak Republic and Ukraine as the external EU border was strengthened.

*The Summary report on the state of fulfilment of the tasks resulting from the migration policy concept - implementation by the individual ministries in 2008 (hereinafter referred to as the "Report")*<sup>75</sup>

<sup>75</sup> Inter-department working commission for the coordination of the procedures associated with the fulfilment of tasks and activities resulting from the implementation of the migration policy concept of the Slovak Republic. Súhrnná správa o stave plnenia úloh vyplývajúcich z rozpracovania koncepcie migračnej politiky Slovenskej republiky na podmienky jednotlivých rezortov za rok 2008. [online]. Submitted to the Government of the SR for discussion on 24 June 2009. Part of the Government Resolution No. 467/2009. [consulted on 01 July 2009]. Available online at: <[https://lt.justice.gov.sk/\(S\(v3yq32qslkdnlom1hccc5q55\)\)/](https://lt.justice.gov.sk/(S(v3yq32qslkdnlom1hccc5q55))/)>

states the following: "In 2008, the tasks resulting from the strategy of ensuring the protection of the Schengen-type state border, as approved by the Resolution of the Government of the Slovak Republic No. 835/2002, were consistently fulfilled. In view of the need to increase the border supervision effectiveness in the Northern part of the state border section between the Slovak Republic and Ukraine, several projects for the system of technical and physical border protection were prepared, such as the "KUFOR" ("SUITCASE") portable system of movement detection, the "VIRTUÁLNY PLOT" ("VIRTUAL FENCE") detection system for movement control, and the elevated peripheral protection at all the ten police structures at the state border with Ukraine. The access roads at the state border with Ukraine were reinforced, the technical instruments for detecting false and altered travel documents were ensured, two new sets of SCOT-TRACK 2000 off-road vehicles were purchased etc. In order to eliminate the risks associated with the cancellation of border controls at the internal border from 21 December 2007, compensation measures were implemented at the bordering areas during the year 2008." The Summary Report further suggests that the performance of joint patrols at the internal borders in 2008 was highly appreciated by all the neighbouring countries, and the experience shows that the entry of the Slovak Republic into the Schengen Area did not lead to increased migration from the Slovak Republic to Austria or to other countries. The pressure decreased by approximately 25% at the Slovak-Ukrainian state border.<sup>76</sup>

In 2008, the *Schengen Action Plan of the Slovak Republic for the years 2008 – 2009*<sup>77</sup> (hereinafter referred to as the "SAP") was approved. The SAP identified the measures to be implemented under Slovakia's membership in the Schengen Area – the so-called compensation measures.

Attachment/vlastnymat.rtf?instEID=-1&attEID=9279&docEID=54586&matEID=1381&langEID=1&tStamp=20090422143249640>.

76 Ibid

77 Mol SR. Schengenský akčný plán Slovenskej republiky na roky 2008 – 2009. Bratislava, 2008. [online]. February 2008. [consulted on 01 July 2009-07-01]. Available online at: <www.minv.sk>.

These measures mainly aim at ensuring a high standard of external border control, development of effective police cooperation, joint actions in the implementation of the visa and migration policy, cooperation in the field of justice and prevention of drugs. Attention was paid to ensure the functions and use of the Schengen Information System (SIS) and personal data protection.

As much as the cooperation in the field of justice is concerned, the Ministry of Justice of the SR (hereinafter referred to as the "MoJ SR") ordered making a language corrigendum of the Schengen Convention and supervising an appropriate application of Act No.403/2004 Coll. on the European Arrest Warrant and on amending and supplementing certain acts as amended.

Another task under the SAP was to carry on with the preparations for launching the operation of the second-generation SIS (SIS II), continue in constructing the National Communication Interface for SIS II in accordance with the final solution and functionality of the SIS II central system, adopt appropriate personnel, material and technical measures, ensure training for persons that will have access to SIS II data, and implement an information campaign.

According to the *Schengen Action Plan of the Slovak Republic for the years 2008 – 2009*,<sup>78</sup> no increase in illegal migration from the SR to Western European countries was reported; on the contrary, there was a decrease in that direction. The Report further implies that from the total number of 133 measures that were supposed to be implemented under SAP, 46 measures were fulfilled, the implementation of 56 measures is on-going, 30 measures were not fulfilled,<sup>79</sup> and one measure was cancelled by Resolution of the Government of the SR No. 391 from 11 June

78 Mol SR. Správa o plnení opatrení zo Schengenského akčného plánu. Approved by Government Resolution No. 217/2009 on 18 March 2009. [online]. 18 March 2009. [consulted on 13 June 2009]. Available online at: <www.rokovania.sk/appl/material.nsf/0/89BDE2D07FF15A-E5C125757700437978?OpenDocument>.

79 Out of the total number of 30 unfulfilled measures in 2008, it is proposed to cancel eight measures, and extend the deadline up to 31 March 2009 or 31 December 2009 for 22 measures.

2008.

### Readmission agreements

The *Summary report on the state of fulfilment of the tasks resulting from the migration policy concept - implementation by the individual ministries in 2008*<sup>80</sup> suggests that 32 readmission agreements are currently in force in the Slovak Republic. 21 readmission agreements were concluded at the bilateral level, and 11 agreements were signed between the European Community and third countries. The agreements with the Republic of Albania, the Republic of Moldova, the Republic of Montenegro, the Republic of Serbia, the former Yugoslav Republic of Macedonia, the Republic of Bosnia and Herzegovina and Ukraine entered into effect on 1 January 2008 along with the agreements on visa facilitation between the European Community and the respective countries.

The Summary Report further states that the Agreement between the Government of the Slovak Republic and the Austrian Federal Government on amending and supplementing the Implementation Protocol to the Readmission Agreement concluded by exchange of notes, and the agreement between the Government of the Slovak Republic and the Government of the Croatian Republic on the readmission of persons residing without authorisation entered into force in 2008. The readmission agreements with the Hellenic Republic, the former Yugoslav Republic of Macedonia, the Lebanese Republic and the Polish Republic were in the state of preparation at the bilateral level, as well as the implementation protocols to the signed and valid readmission agreements at the EC/EU level with Ukraine, the Russian Federation, the Re-

80 Inter-department working commission for the coordination of the procedures associated with the fulfilment of tasks and activities resulting from the implementation of the migration policy concept of the Slovak Republic. Súhrnná správa o stave plnenia úloh vyplývajúcej z rozpracovania kKoncepcie migračnej politiky Slovenskej republiky na podmienky jednotlivých rezortov za rok 2008. [online]. Submitted to the Government of the SR for discussion on 24 June 2009. Part of the Government Resolution No. 467/2009. [consulted on 01 July 2009]. Available online at: <https://lt.justice.gov.sk/(S(v3yq32qslkdnlom1hccc5q55))/Attachment/vlastnymat.rtf?instEID=-1&attEID=9279&docEID=54586&matEID=1381&langEID=1&tStamp=20090422143249640>. p. 3.

public of Albania, Montenegro and the Republic of Moldova.

### Statistics

According to the statistical data contained in the BBAP Yearbook on legal and illegal migration in 2008,<sup>81</sup> 2,355 cases of illegal migration were reported in 2008, which proved a declining tendency.<sup>82</sup> Out of this number, 1,034 were cases of illegal crossing of the Slovak state border (987 cases of external border crossing in the direction to the SR), and 1,321 were cases of illegal stay in the SR. The statistics show that in the majority of cases, the state borders of the Slovak Republic were crossed illegally by the nationals of Moldova (353), Georgia (203), Pakistan (105), the Russian Federation (90) and Afghanistan (73). The illegal state border crossing mainly concerned the external land border; only 16 persons attempted to cross the external air border during the reference period.

As far as smuggling is concerned, the statistics report that 1,008 foreigners were smuggled, out of which 388 migrants were detained, and the number of the acts of people smuggling reached 186. 142 persons were suspected of smuggling and 112 of them were exhibited of charge in 43 cases. Slovak nationals (75) and the nationals of Ukraine (13) constituted to be the most numerous group of smugglers; no nationality was identified in 13 cases, as these cases were under investigation.

695 persons were extradited from Slovakia, and 42 foreigners were admitted to the SR under readmission. The Slovak Republic extradited the majority of the foreigners to Ukraine (692), and admitted 31 foreigners from Austria.

81 BBAP Mol SR. Centre of Analysis and Strategic Management. Štatistický prehľad legálnej a nelegálnej migrácie v SR. Bratislava, [online]. 2008. [consulted on 15 June 2009]. Available online at: [http://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocniky/rok\\_2008/2008-rocenka-uhcp-sk.pdf](http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocniky/rok_2008/2008-rocenka-uhcp-sk.pdf).

82 For comparison: 6,761 cases of irregular migration were reported in 2007 compared to 7,620 cases in 2006.

In 2008, 1,734 foreigners were recorded as undesirable persons; i.e. a decision on administrative or judicial expulsion was issued in relation to these persons. This category, too, reported a decrease compared to the year 2007, when 2,642 undesirable foreigners were registered. Yet, this declining tendency relates to the overall decrease in illegal migration. The largest group of persons expelled administratively was made up by the nationals of Ukraine (594) and Moldova (264); the same applies to judicial expulsion (85 Ukrainian cases and 47 Moldovan cases). The most frequent reason for listing a person as undesirable was his/her illegal entry and stay in the SR (1,364 cases). Five persons were listed as undesirable for representing a threat to the state security, public order, health or to the right and freedom of other persons and nature at determined areas (an increase by two cases compared to the year 2007).

#### Public discussion, analyses and studies

From an expert point of view, a minimum number of authors and researchers dealt with the issue of illegal/irregular migration, and the media, too, focused specifically on providing information on the cases of detained illegal immigrants or revealed smugglers.

An extensive study by B. Divinský entitled *Undocumented Migration: Counting the Uncountable Data and Trends across Europe. Country report – Slovakia* was published in 2008.<sup>83</sup> The author provides in his work a complex description of the situation in the field of illegal migration, highlights in particular the demographical and statistical indicators, and points out the absence of expert discussions on the issue. The report was prepared under the CLANDESTINO project.<sup>84</sup>

83 DIVINSKÝ, B. *Undocumented Migration: Counting the Uncountable. Data and Trends across Europe. Country report – Slovakia*. In CLANDESTINO, 2008. [online]. Published in July 2009. [consulted on 01 July 2009]. <[http://clandestino.eliamap.gr/wp-content/uploads/2009/02/clandestino\\_report\\_slovak-rep\\_final3.pdf](http://clandestino.eliamap.gr/wp-content/uploads/2009/02/clandestino_report_slovak-rep_final3.pdf)>.

84 Ibid.

### 2.3.10 Actions against human trafficking

Fighting trafficking in human beings and in particular the prevention of human trafficking constitute one of the five priorities, which form a part of the approved strategy of crime prevention in the Slovak Republic for the years 2007 – 2010. This strategy was approved by Resolution of the Government of the Slovak Republic No. 681 of 15 August 2007.<sup>85</sup>

#### Development in the field of counter-trafficking policy

The Government of the SR endorsed at its session held on 23 April 2008 by its Resolution No. 251/2007 the *National Programme of Actions against Trafficking in Human Beings for the Years 2008 – 2010*.<sup>86</sup> This programme represents an update and continuation of the National Action Plan of Fighting Human Trafficking for the Years 2006 – 2007.

The objective of this Programme is to continue in the fight against trafficking in human being and provide all-round assistance and support to the victims of trafficking. Slovak nationals and foreigners where there are reasonable grounds to suspect that they became victims of human trafficking in the SR can be included in the Programme.

The Programme has been implemented by the Ministry of Interior through its national coordinator for fighting human trafficking, the Bureau of Justice and Criminal Police of the Police Corps Presidium, the Bureau for the Fight against Organised Crime of the Police Corps Presidium, the Bureau of Border and Alien Police of the Mol

85 Government Resolution No. 681 of 15 August 2007 on the draft crime prevention strategy in the Slovak Republic for the years 2007 – 2010. Bratislava, 2007. [online]. 18 August 2007. [consulted on 01 July 2009]. Available online at: <[www.rokovania.sk/appl/material.nsf/0/17D45976-DA40AF9CC125733A002F6FDB/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/17D45976-DA40AF9CC125733A002F6FDB/$FILE/Zdroj.html)>.

86 Government Resolution No. 251 of 23 April 2008 on the draft National Programme of Actions against Trafficking in Human Beings for the years 2008 – 2010. Bratislava, 2008. [online]. 23. 4. 2008. [consulted on 01 July 2009]. Available online at: <[www.rokovania.sk/appl/material.nsf/0/F6565F301A5EBD84C12574360043BCAA/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/F6565F301A5EBD84C12574360043BCAA/$FILE/Zdroj.html)>.

SR, the Migration Office of the Mol SR, and the regional and district directorates of the Police Corps.

According to the press release published on the website of the Ministry of Interior of the SR, the Government of the SR allocated approx. SKK 8 mil (approx. EUR 265,551) to fight trafficking in human beings in 2008.<sup>87</sup> A major part of these funds SKK 6 mil. (approx. EUR 199,164) was allocated to the non-governmental organisations involved in the National Programme and the Programme of Support and Protection of the Victims of Human Trafficking. Each year, the Ministry makes a selection of non-governmental organisations involved in the provision of assistance to the victims of human trafficking by means of a tender. In 2008, assistance to the victims of trafficking was provided by the Slovak Crisis Centre DOTYK, the civil association Prima, the IOM International Organisation for Migration, the Cultural Association of the Roma in Slovakia, and the Slovak Catholic Charity.

#### Legislative development

Fundamental legislative changes concerning the fight against human trafficking were endorsed in 2007, when the Slovak legislation transposed the *Council Directive 2004/81/EC of 29 April 2004 on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities*.

On 1 February 2008, the *Council of Europe Convention on Action against Trafficking in Human Beings* of 16 May 2006<sup>88</sup> entered into force in the SR.

87 Mol SR. Do boja proti obchodovaniu s ľuďmi MV SR tento rok investuje 8 miliónov korún. MV SR, 2008. [online]. 25 April 2009. [consulted on 01 July 2009]. Available online at: <[www.minv.sk/?tlacove-spravy&sprava=do-boja-proti-obchodovaniu-s-ludmi-mv-sr-tento-rok-investuje-8-milionov-korun](http://www.minv.sk/?tlacove-spravy&sprava=do-boja-proti-obchodovaniu-s-ludmi-mv-sr-tento-rok-investuje-8-milionov-korun)>.

88 Communication of the Ministry of Foreign Affairs of the SR No. 487/2008 Coll. on the signing, ratification and entry into force of the Council of Europe Convention on Action against Trafficking in Human Beings. Available online at: <[www.radaeuropy.sk/?tlacove-spravy](http://www.radaeuropy.sk/?tlacove-spravy)>. [consulted on 01 July 2009].

According to media information, the police departments reported nine cases of trafficking in human beings in the first half-year of 2008, which is more by two cases compared to the first half-year of 2007. During the first half-year of 2008, the police revealed three cases.<sup>89</sup>

### 2.3.11 Return migration (returns from the SR to the countries of origin)

In 2008, no fundamental legislative changes were made in the field of return of third-country nationals from the SR to the country of origin. More information on the basic legal regulations governing this area is provided in the Study on the *Organisation of Asylum and Migration Policies in the Slovak Republic*.<sup>90</sup>

The Ministry of Interior of the SR approved on 17 December 2008 the *Multi-Annual Programme of the European Return Fund for the years 2008 – 2013* and the *Annual Programme 2008* under the European Return Fund – Slovak Republic. Both programmes set forth the schedule of actions for fulfilling the objectives of the *European Return Fund*, which is expected to be launched in the SR in 2009.

#### Assisted voluntary returns

Throughout the year 2008, the IOM International Organisation for Migration continued implementing the assisted voluntary returns on the basis of the contract with the Ministry of Interior signed in 1998.<sup>91</sup>

89 SME. Centrum na boj proti obchodovaniu s ľuďmi bude v Košiciach. In SME, 2009. [online]. 07 July 2009. [consulted on 01 July 2009]. Available online at: <[www.sme.sk/c/4251823/centrum-na-boj-proti-obchodovaniu-s-ludmi-bude-v-kosiciach.html](http://www.sme.sk/c/4251823/centrum-na-boj-proti-obchodovaniu-s-ludmi-bude-v-kosiciach.html)>.

90 GRETHE GULIČOVÁ, M. – BARGEROVÁ, Z. *Organizácia azylovej a migračnej politiky v Slovenskej republike*. Bratislava, 2008. [online]. [consulted on 13 June 2009]. Available online at: <<http://emn.sarenet.es/Downloads/prepareShowFiles.do;jsessionid=67FB68-D636B462A77E078DCEFB9EDD5?directoryID=114>>.

91 Agreement on cooperation between the International Organisation for Migration and the Ministry of Interior of the Slovak Republic on assistance in the return of unsuccessful asylum seekers and irregular migrants to the country of origin, signed in 1998.

The statistical data of the BBAP MoI SR show that 13 tolerated stay permits in total were granted in the period from 1 January 2008 to 1 January 2009 to foreigners – third-country nationals who applied for voluntary return to their country of origin. The largest group was constituted by the nationals of Serbia – five tolerated stay permits granted. Besides that, the statistics report the nationals of Mongolia, the Russian Federation, Afghanistan, Iraq, Vietnam, Ukraine and stateless persons. According to the *BBAP Yearbook*<sup>92</sup>, 83 assisted returns were carried out in 2008, in the majority of cases to Moldova (32) and Iraq (17).<sup>93</sup>

### Forced returns

This is another area where no fundamental changes occurred in 2008. For basic information on the legal framework refer to the *Study on the Organisation of Asylum and Migration Policies in the Slovak Republic*.<sup>94</sup>

According to the statistical *Annual Report of the BBAP*<sup>95</sup>, 576 persons were placed into police detention facilities for foreigners (345 of them were placed into the police detention facility for foreigners in Medveďov and 231 in Sečovce). 266 persons were expatriated from the SR.

92 BBAP MoI SR. Centre of Analysis and Strategic Management. Štatistický prehľad legálnej a nelegálnej migrácie v SR.. Bratislava. [online]. 2008. [consulted on 15 June 2009]. Available online at: [http://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocenky/rok\\_2008/2008-rocenka-uhcp-sk.pdf](http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocenky/rok_2008/2008-rocenka-uhcp-sk.pdf).

93 BBAP MoI SR. Centre of Analysis and Strategic Management. Štatistický prehľad legálnej a nelegálnej migrácie v SR.. Bratislava. [online]. 2008. [consulted on 15 June 2009]. Available online at: [http://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocenky/rok\\_2008/2008-rocenka-uhcp-sk.pdf](http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocenky/rok_2008/2008-rocenka-uhcp-sk.pdf).

94 GRETHE GULIČOVÁ, M. – BARGEROVÁ, Z. Organizácia azylovej a migračnej politiky v Slovenskej republike. Bratislava, 2008. [online]. [consulted on 13 June 2009]. Available online at: <http://emn.sarenet.es/Downloads/prepareShowFiles.do;jsessionid=67FB68-D636B462A77E078DCEFB9E9EDD5?directoryID=114>.

95 BBAP of MoI SR. Centre of Analysis and Strategic Management. Štatistický prehľad legálnej a nelegálnej migrácie v SR.. Bratislava. [online]. 2008. [consulted on 15 June 2009]. Available online at: [http://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocenky/rok\\_2008/2008-rocenka-uhcp-sk.pdf](http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocenky/rok_2008/2008-rocenka-uhcp-sk.pdf).

## 2.3.12 Other policy areas

### Local border traffic

In connection with the entry into the Schengen Area, the Minister of Foreign Affairs of the SR Mr. Ján Kubiš and the Minister of Foreign Affairs of Ukraine Mr. Volodymyr Ohryzko signed on 30 May 2008 the Treaty between the Slovak Republic and Ukraine on Local Border Traffic. The Treaty entered into force on 27 September 2008. It was signed with the objective to enhance cross-border cooperation and promote good neighbourhood relations and mutual understanding between the two countries in accordance with the Treaty between the Slovak Republic and Ukraine on Good Neighbourhood, Friendly Relations and Cooperation, signed on 29 June 1993 in Kiev with the aim to prevent the state border between the Slovak Republic and Ukraine as the external border of the European Union from becoming an obstacle to trade, social, cultural and regional cooperation, whereas the European Union acknowledges the introduction of the visa-free regime for the nationals of Ukraine as a long-term perspective in consideration of the Regulation (EC) No. 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention.<sup>96</sup>

Besides that, the 7th meeting of the Slovak-Ukrainian (Ukrainian-Slovak) Inter-Governmental Commission for Cross-Border Cooperation (hereinafter referred to as the “Commission”) was held in the City of Prešov on 5 and 6 June 2008. The Commission discussed the issue of cross-border cooperation between Slovakia and Ukraine and adopted several recommendations relevant to the cooperation.<sup>97</sup>

96 Government of the SR. Cezhraničná spolupráca. In: magazine of the Government of the SR Verejná správa. Verejná správa No. 15 – 16/2008. [online]. 2008. [consulted on 13 June 2009]. Available online at: [www.civil.gov.sk/archiv/p17\\_2008-15/p17-c15-2008-17.shtm](http://www.civil.gov.sk/archiv/p17_2008-15/p17-c15-2008-17.shtm).

97 Ibidem.

### European funds

The Slovak Republic began implementing the European programme “Solidarity and Migration Flows Management” via competent units of the MoI SR responsible for the following funds: European Refugee Fund (for the years 2005 – 2010), European Refugee Fund (for the years 2008 – 2013), European Return Fund (for the years 2008 – 2013), European Fund for the Integration of Third-Country Nationals (for the years 2007 – 2013), and External Borders Fund (for the years 2007 – 2013). During the year 2008, calls to submit applications for grants from the individual funds were published; the application could be submitted already at the end of 2008.

# 03

## Implementation of EU Legislation

### 3.1 Overview of changes

#### EU legislation

Council Directive 2005/85/EC of 1 December 2005 on minimum standards on procedures in Member States for granting and withdrawing refugee status

#### Transposition into the legislation of the SR

- Act No. 643/2007 Coll. of 5 December 2007 amending and supplementing Act No.480/2002 Coll. on Asylum and on amending and supplementing certain acts as amended (effective from 1 January 2008);
- Act No. 451/2008 Coll. of 24 October 2008, amending and supplementing Act No.480/2002 Coll. on Asylum and on amending and supplementing certain acts as amended, effective from 1 December 2008 (Article 15 of the Procedural Directive)

#### EU legislation

Directive 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research

#### Transposition into the legislation of the SR

- Act No. 693/2006 Coll. of 6 December 2006 on amending and supplementing Act No.48/2002 Coll. on Stay of Aliens and on amending and supplementing certain acts as amended
- Act No. 233/2008 Coll. of 22 May 2008 on amending and supplementing Act No.172/2005 Coll. on the Organisation of State Support for Research and Development and on amending and supplementing Act No.575/2001 Coll. on the Organisation of the Activities of the Government and on the Organisation of the Central State Administration as amended (amendment to Act No.48/2002 Coll. on Stay of Aliens – Article 22, paragraph 2 of the Act)

### 3.2 The experience and public debates on migration and asylum

Apart from a piece of information on the transposition of Article 15 of the Procedural Directive, no debates on the implementation of the EU legislation were conducted in the media or in the expert public circles

## A. Annex – Methodology, List of Abbreviations, Statistics

### A.1.1 Methodology

The National Report on Asylum and Migration Policies 2008 in the Slovak Republic was compiled in accordance with the requirements of the European Commission. From the methodological point of view, the report is based on the available expert literature, legislation, court decisions, press monitoring, research studies, Internet sources, information provided on the websites of key institutions and organisations, statistical information and information on migration and asylum known to the authors of the Report from their own experience.

The authors of the Report also obtained information from an interview with the representatives of the Bureau of Border and Alien Police. The Bureau of Border and Alien Police of the MoI SR provided information and statistical data on residence of foreign nationals through its Department of Risks and Statistics Analysis of the Centre of Analysis and Strategic Management, and the materials and brochures they published represent another very important source of reference.

Since the literature dealing with asylum and migration in the Slovak Republic is not extensive, the authors based their work not only on the available literature, but also on their own experience in the field of counselling to migrants and asylum seekers, and on up-to-date information obtained via interviews and the Internet.

### A.1.2 List of Abbreviations

**APD** – Alien Police Unit of the Police Corps (oddelenie cudzineckej polície Policajného zboru)  
**BBAP MoI SR** – Bureau of Border and Alien Police of the Ministry of Interior of SR (Úrad hraničnej a cudzineckej polície Ministerstva vnútra SR)  
**Coll.** – Collection of Laws of the SR (Zbierka zákonov SR)  
**DMIF** – Department of Migration and Integration of Foreigners of the MoLSAF SR (odbor migrácie a integrácie cudzincov MPSVR SR)  
**EC** – European Community (Európske spoločenstvo)  
**EEA** – European Economic Area (Európsky hospodársky priestor)  
**EMN** – European Migration Network (Európska migračná sieť)  
**EU** – European Union (Európska únia)  
**IOM** – International Organisation for Migration (Medzinárodná organizácia pre migráciu)  
**MEKOMIC** – Inter-departmental Commission on Labour Migration and Integration of Foreigners (Medzirezortná komisia pre oblasť pracovnej migrácie a integrácie cudzincov)  
**MO MoI SR** – Migration Office of the Ministry of Interior of the SR (Migračný úrad MV SR)  
**MoFA SR** – Ministry of Foreign Affairs of the SR (Ministerstvo zahraničných vecí SR)  
**MoJ SR** – Ministry of Justice of the SR (Ministerstvo spravodlivosti SR)  
**MoI SR** – Ministry of Interior of the SR (Ministerstvo vnútra SR)  
**MoLSAF SR** – Ministry of Labour, Social Affairs and Family of the SR (Ministerstvo práce, sociálnych vecí a rodiny SR)  
**SIS** – Schengen Information System (Schengenský informačný systém)

**SP** – subsidiary protection (doplňková ochrana)  
**SR** – Slovak Republic (Slovenská republika)  
**UNHCR** – United Nations High Commissioner for Refugees (Úrad vysokého komisára OSN pre utečencov)

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BBAP Mol SR. Centre of Analysis and Strategic Management. Štatistický prehľad legálnej a nelegálnej migrácie v SR. Bratislava. [online]. 2008. [consulted on 15 June 2009]. Available online at: <[http://www.minv.sk/swift\\_data/source/policia/hranicna\\_a\\_cudzinecka\\_policia/rocnky/rok\\_2008/2008-rocenka-uhcp-sk.pdf](http://www.minv.sk/swift_data/source/policia/hranicna_a_cudzinecka_policia/rocnky/rok_2008/2008-rocenka-uhcp-sk.pdf)>.

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## Information from the media

### PRAVDA Daily

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### A.1.4 Statistics – Migration

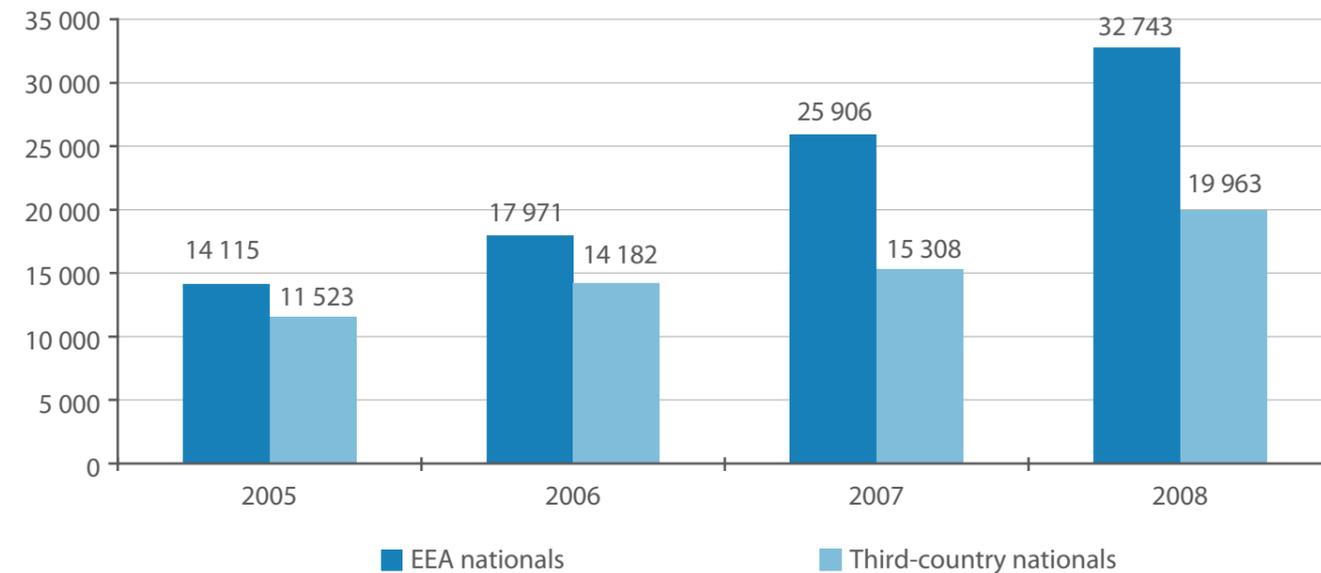
#### Residence permits granted in the reference year (2005 – 2008)

(in number of persons)

Year	2005	2006	2007	2008
EEA nationals	14 115	17 971	25 906	32 743
Third-country nationals	11 523	14 182	15 308	19 963
<b>TOTAL</b>	<b>25 638</b>	<b>32 153</b>	<b>41 214</b>	<b>52 706</b>

Source: BBAP

#### Residence permits granted in the reference year (2005 – 2008)



Source: BBAP Mol SR.

### Illegal migration

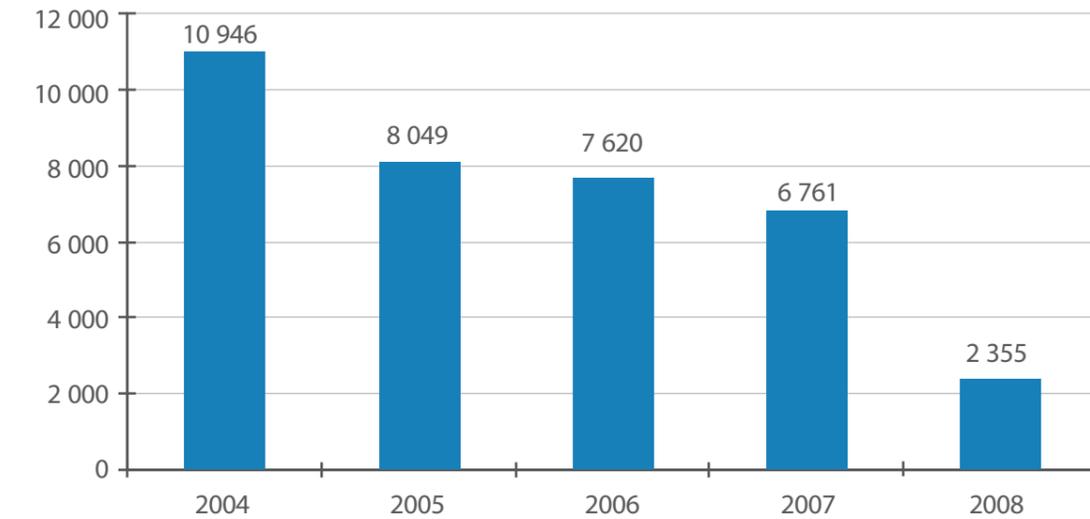
#### Illegal migration in the SR in the reference year (2007 – 2008)

(in number of persons)

Year	2004	2005	2006	2007	2008
Illegal state border crossing	8 334	5 178	4 129	3 405	1 034
Illegal residence	2 612	2 871	3 491	3 356	1 321
Illegal migration in total	10 946	8 049	7 620	6 761	2 355

Source: BABP Mol SR

#### Illegal migration in the SR in the reference year (2004 – 2008)



Source: BABP Mol SR

#### Illegal stay in the SR by citizenship in the reference year 2008 (TOP 10)

(in number of persons)

Citizenship	2008
Ukraine	574
Moldova	123
Pakistan	84
India	80
Russian Federation	74
Afghanistan	64
Korea	55
Vietnam	43
Bangladesh	33
China	31
Other	160
<b>Total</b>	<b>1,321</b>

Source: BABP Mol SR

**Illegal crossing of the external border by citizenship in the reference year 2008 (TOP 10)**

(in number of persons)

Citizenship	2008
Moldova	353
Georgia	203
Pakistan	105
Russian Federation	90
Afghanistan	73
India	42
Bangladesh	41
China	38
Ukraine	34
Armenia	17
Other	38
<b>Total</b>	<b>1,034</b>

Source: BABP Mol SR.

**Denial of entry by place and reasons of the denial in the reference year 2008**

(in number of persons)

	A	B	C	D	E	F	G	H1	H2	I	Total
External land border (Ukraine)	5	1	974	11	305	3	22	248	10	0	1 579
External air border	0	5	14	2	3	0	0	6	2	0	32
<b>Total</b>	<b>5</b>	<b>6</b>	<b>988</b>	<b>13</b>	<b>308</b>	<b>3</b>	<b>22</b>	<b>254</b>	<b>12</b>	<b>0</b>	<b>1 611</b>

Source: BABP Mol SR.

Explanatory notes:

A – is not in a possession of a valid travel document (travel documents)

B – has a false/altered/falsified document

C – is not in a possession of a valid visa or residence permit

D – has a false/altered/falsified visa or residence permit

E – is not in a possession of the documents required for justifying the purpose and conditions of stay

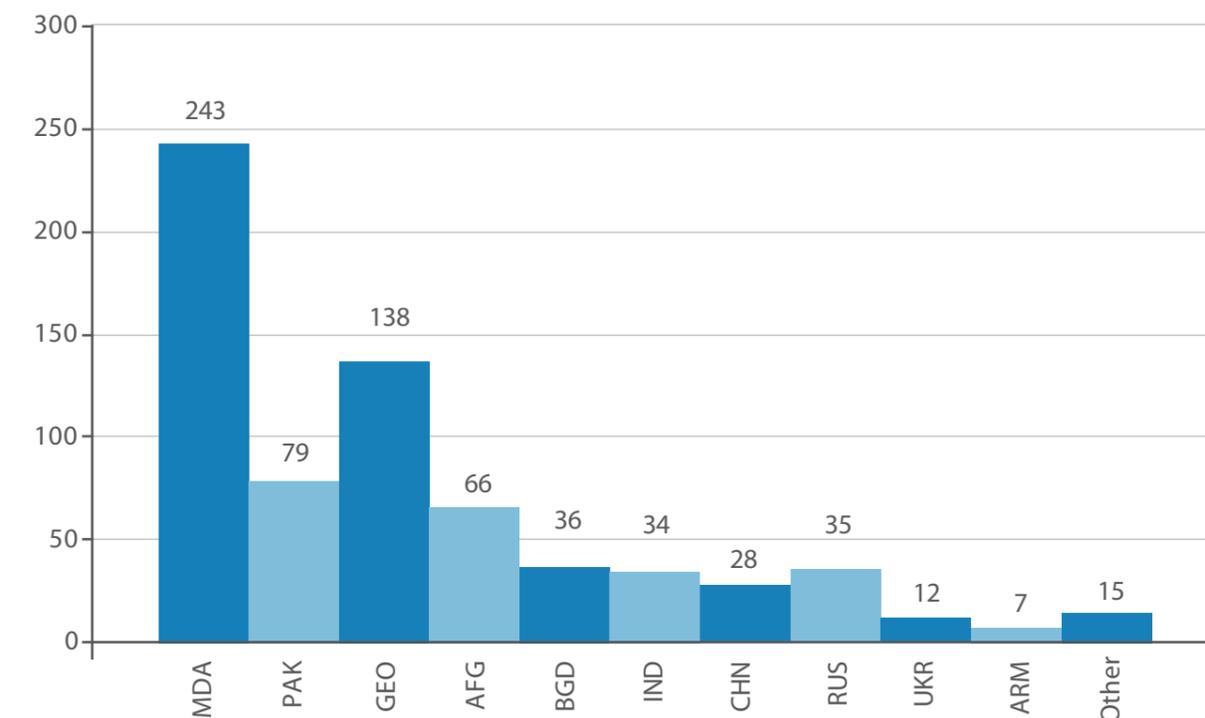
F – the duration of stay in the EU Member State has reached three months within the period of six months

G – is not in a possession of sufficient resources for subsistence for the given period and form of stay, or resources for returning to the country of origin or for transit

H1 – person notified by SIS for the purpose of denial of entry

H2 – person notified by state register for the purpose of denial of entry

I – considered to be a threat to the public order, internal security, public health or international relations of one or more EU Member States

**Number of readmitted persons by citizenship (2008)**

Source: BABP Mol SR

Explanatory notes: MDA – Moldova, PAK – Pakistan, GEO – Georgia, AFG – Afghanistan, BGD – Bangladesh, IND – India, CHN – China, RUS – Russian Federation, UKR – Ukraine, ARM – Armenia, Other – other nationalities

**A.1.5 Statistics – Asylum****Applications for asylum and first-instance decisions in the SR (2008)**

(in number of applications)

Country of citizenship	Start of procedure	Asylum granted	Application rejected as manifestly unfounded	Application rejected as inadmissible	Asylum not granted		Decision annulled	Procedure suspended
					SP not provided	SP provided		
Afghanistan	72	1	2	0	23	29	1	9
Albania	2	0	0	0	2	0	0	0
Algeria	2	0	1	0	2	0	0	0
Armenia	22	0	2	0	10	0	0	14
Azerbaijan	4	0	0	0	0	0	0	0
Bangladesh	36	0	6	0	16	1	0	11
Belarus	2	0	0	0	0	0	0	2

Country of citizenship	Start of procedure	Asylum granted	Application rejected as manifestly unfounded	Application rejected as inadmissible	Asylum not granted		Decision annulled	Procedure suspended
					SP not provided	SP provided		
China	44	0	28	0	9	0	0	9
Congo	2	0	0	0	1	0	0	0
Croatia	3	0	0	0	1	0	0	2
Cuba	8	8	1	0	0	1	0	0
Czech Republic	1	0	0	0	0	0	0	1
Dem. Rep. of Congo	1	0	0	0	0	0	0	1
former Yugoslav Republic of Macedonia	5	0	1	0	1	0	0	2
Georgia	119	0	10	0	33	0	0	76
Germany	1	0	0	1	0	0	0	0
Guinea	1	0	0	0	1	0	0	0
India	88	0	24	0	22	0	0	42
Iran	5	1	0	0	1	0	0	0
Iraq	42	8	1	0	0	25	0	25
Ivory Coast	0	0	0	0	0	2	0	0
Moldova	113	0	15	0	30	0	0	72
Morocco	1	0	0	0	0	0	0	1
Nepal	2	0	0	0	2	0	0	0
Nigeria	3	0	1	0	3	0	0	0
Not identified	0	0	0	1	0	0	0	0
Pakistan	109	1	9	6	52	1	0	44
Palestine	2	2	0	0	0	1	0	6
Romania	1	0	0	1	0	0	0	0
Russian Federation	100	0	8	1	25	0	0	86
Senegal	0	0	0	0	0	1	0	0
Serbia	15	0	3	0	1	0	0	9
Serbia and Montenegro	0	0	0	0	1	0	0	0
Somalia	0	0	0	0	0	1	0	0
Sri Lanka	13	0	0	0	2	0	0	4
Stateless	1	0	1	0	0	0	0	0
Syria	7	0	0	0	3	1	0	3
Tajikistan	2	0	0	0	4	0	0	2
Turkey	5	0	0	0	4	0	0	2
Ukraine	32	0	10	1	11	0	0	12
Uzbekistan	2	0	0	0	2	3	0	0
Vietnam	41	1	9	0	11	0	0	22
<b>Total</b>	<b>909</b>	<b>22</b>	<b>132</b>	<b>11</b>	<b>273</b>	<b>66</b>	<b>1</b>	<b>457</b>

Source: MO Mol SR

## Asylum seekers in the SR by age group and country of origin (2008)

(in number of persons)

Country of citizenship	Age group												Total	
	0 – 14		15 – 17		18 – 25		26 – 39		40 – 49		over 50			
	males	fe-males	males	fe-males	males	fe-males	males	fe-males	males	fe-males	males	fe-males	males	fe-males
Afghanistan	4	4	22	0	21	3	17	0	1	0	0	0	65	7
Albania	1	0	0	0	0	1	0	0	0	0	0	0	1	1
Algeria	0	0	0	0	1	0	0	0	1	0	0	0	2	0
Armenia	2	0	2	0	0	0	13	3	1	1	0	0	18	4
Azerbaijan	0	0	1	0	0	0	3	0	0	0	0	0	4	0
Bangladesh	0	0	3	0	25	0	8	0	0	0	0	0	36	0
Belarus	0	0	0	0	0	0	1	0	1	0	0	0	2	0
China	0	1	0	0	19	1	16	5	2	0	0	0	37	7
Congo	0	0	1	0	0	0	1	0	0	0	0	0	2	0
Croatia	0	0	0	0	1	0	0	0	2	0	0	0	3	0
Czech Republic	0	0	0	0	0	0	0	0	0	0	1	0	1	0
Cuba	0	0	0	0	0	1	4	0	1	0	2	0	7	1
Dem. Rep. of Congo	0	0	0	0	0	0	0	0	1	0	0	0	1	0
Georgia	3	1	5	1	37	1	59	3	5	2	2	0	111	8
Germany	0	0	0	0	0	0	0	0	1	0	0	0	1	0
Guinea	0	0	0	0	1	0	0	0	0	0	0	0	1	0
India	0	0	0	0	49	0	36	0	2	0	1	0	88	0
Iran	0	0	0	0	1	0	4	0	0	0	0	0	5	0
Iraq	3	3	2	0	9	1	15	3	1	1	3	1	33	9
former Yugoslav Republic of Macedonia	0	0	0	0	1	0	1	0	3	0	0	0	5	0
Moldova	2	1	23	0	32	6	42	2	5	0	0	0	104	9
Morocco	0	0	0	0	0	0	1	0	0	0	0	0	1	0
Nepal	0	0	0	0	0	0	2	0	0	0	0	0	2	0
Nigeria	0	0	0	0	1	0	2	0	0	0	0	0	3	0
Pakistan	0	0	1	0	53	0	50	0	5	0	0	0	109	0
Palestine	0	0	0	0	0	0	2	0	0	0	0	0	2	0
Romania	0	0	0	0	0	0	0	0	1	0	0	0	1	0
Russian Federation	5	12	3	0	13	2	34	11	13	0	4	3	72	28

Country of citizenship	Age group												Total	
	0 – 14		15 – 17		18 – 25		26 – 39		40 – 49		over 50			
	males	fe-males	males	fe-males	males	fe-males	males	fe-males	males	fe-males	males	fe-males	males	fe-males
Serbia	0	0	0	0	2	0	6	0	6	0	1	0	15	0
Somalia	0	0	0	0	0	0	0	0	0	0	0	0	0	0
Sri Lanka	0	0	0	0	10	0	2	1	0	0	0	0	12	1
Stateless	0	0	0	0	0	0	1	0	0	0	0	0	1	0
Syria	0	0	0	0	5	0	2	0	0	0	0	0	7	0
Tajikistan	1	0	0	0	0	0	0	1	0	0	0	0	1	1
Turkey	0	0	0	0	0	0	3	0	2	0	0	0	5	0
Ukraine	2	1	0	0	11	2	2	1	10	0	3	0	28	4
Uzbekistan	0	0	0	0	2	0	0	0	0	0	0	0	2	0
Vietnam	1	0	3	0	23	1	3	3	6	1	0	0	36	5
<b>Total</b>	<b>24</b>	<b>23</b>	<b>66</b>	<b>1</b>	<b>317</b>	<b>19</b>	<b>330</b>	<b>33</b>	<b>70</b>	<b>5</b>	<b>17</b>	<b>4</b>	<b>824</b>	<b>85</b>

Source: MO Mol SR

#### Unaccompanied minors by country of citizenship and age group – asylum seekers in the SR (2008)

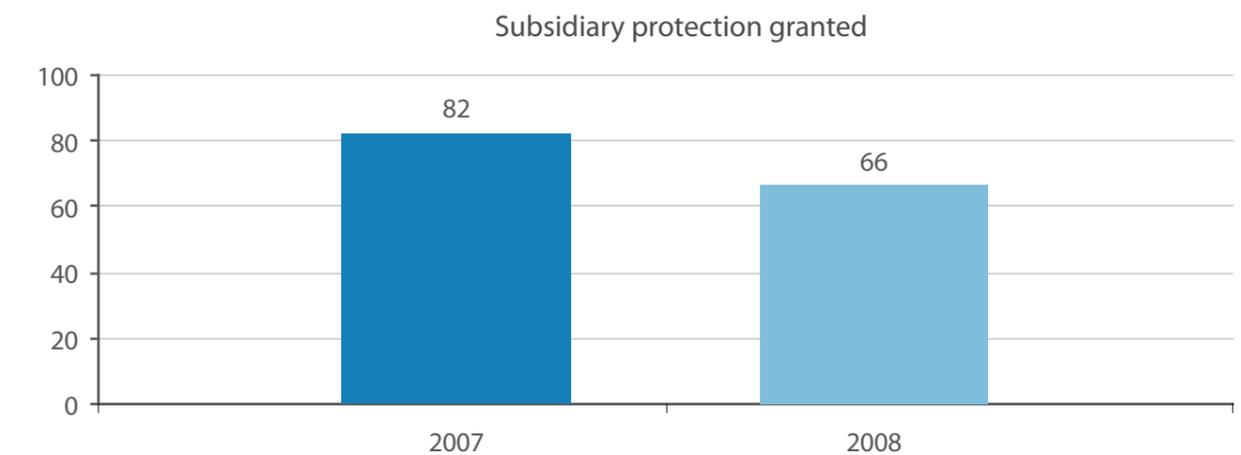
(in number of applications)

Country of citizenship	Age group			Total
	0 – 13	14 – 15	16 – 17	
Pakistan	0	1	0	1
Georgia	0	2	2	4
Bangladesh	0	0	6	6
Sri Lanka	0	0	1	1
Iraq	0	0	3	3
Moldova	1	14	27	42
Vietnam	0	1	1	2
Afghanistan	2	2	8	12
<b>Total</b>	<b>3</b>	<b>20</b>	<b>48</b>	<b>71</b>

Source: BABP Mol SR

#### Number of persons with subsidiary protection granted during the reference period of 2007 and 2008

(in number of persons)



#### A.1.6 Statistics – Citizenship and naturalisation

##### Nationality of the Slovak Republic granted in the reference year 2008

Country of previous citizenship	Number
<b>EUROPE (EU 27 + others)</b>	
Austria	1
Bulgaria	7
Czech Republic	93
France	2
Germany	15
Hungary	16
Italy	1
Poland	7
Romania	31
Sweden	3
Croatia	5
The former Yugoslav Republic of Macedonia	3
Turkey	1
Switzerland	1

Country of previous citizenship	Number
Albania	1
Belarus	9
Bosnia and Herzegovina	1
Serbia and Montenegro	54
Russia	36
Ukraine	202
<b>Europe total</b>	<b>489</b>
<b>AFRICA</b>	
Algeria	2
Angola	1
Congo	3
Morocco	2
Senegal	1
Somalia	1
<b>Africa total</b>	<b>10</b>
<b>AMERICA</b>	
Argentina	1
Brazil	2
Canada	12
Cuba	2
Ecuador	2
Mexico	1
Peru	1
United States of America	92
Venezuela	2
<b>America total</b>	<b>115</b>
<b>ASIA</b>	
Afghanistan	1
Armenia	4
China	6

Štát predchádzajúceho štátneho občianstva	Počet
Iran	1
Israel	1
Jordan	1
Kazakhstan	2
Kyrgyzstan	4
Lebanon	1
Mongolia	3
Uzbekistan	1
Vietnam	34
<b>Asia total</b>	<b>59</b>
<b>OCEANIA</b>	
Australia	3
Oceania total	3
Stateless	4
<b>Total</b>	<b>680</b>



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