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# ANNUAL REPORT ON MIGRATION AND ASYLUM POLICIES 2010 SLOVAK REPUBLIC

# Annual Report on Migration and Asylum Policies 2010 Slovak Republic

Mgr. Ivana Potočková, E.MA

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The opinions presented in this report are those of the author and do not necessarily represent the opinions of the Government of the Slovak Republic, the European Commission or the IOM International Organization for Migration.

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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 specifications and methodology prepared by the European Migration Network. The report was compiled by external expert contracted by IOM in 2010/2011.

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# List of Abbreviations

**AE** - administrative expulsion (administratívne vyhostenie)  
**APD** – Alien Police Unit of the Police Corps (oddelenie cudzineckej polície Policajného zboru)  
**ATE** – Agency of Temporary Employment (Agentúra dočasného zamestnávania)  
**BBAP MoI SR** – Bureau of Border and Alien Police of the Ministry of Interior of the SR (Úrad hraničnej a cudzineckej polície Ministerstva vnútra SR)  
**BH** – Bosnia and Herzegovina (Bosna a Hercegovina)  
**Coll.** – Collection of Laws of the SR (Zbierka zákonov SR)  
**EC** – European Community (Európske spoločenstvo)  
**EEA** – European Economic Area (Európsky hospodársky priestor)  
**EIF** – European Fund for the Integration of Third Country Nationals (Európsky fond pre integráciu štátnych príslušníkov tretích krajín)  
**EMN** – European Migration Network (Európska migračná sieť)  
**ERF** – European Return Fund (Európsky fond pre návrat)  
**EU** – European Union (Európska únia)  
**EUBAM** – European Border Assistance Mission (Európska misia na pomoc v oblasti hraníc)  
**EUROPOL** – European Law Enforcement Agency (Európsky policajný úrad)  
**EUROSUR** – European Border Surveillance System (Európsky systém na ochranu hraníc)  
**FAD MoI SR** – Foreign Aid Department of the Ministry of Interior of the SR (Odbor zahraničnej pomoci Ministerstva vnútra SR)  
**FRAN** - Frontex Risk Analysis Network (Sieť kontaktných bodov pre analýzu rizík agentúry Frontex)  
**FRONTEx** – European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union (Európska agentúra pre riadenie operačnej spolupráce na vonkajších hraniciach)  
**IC** – infomation card (informačná karta)

**ICMC** – International Catholic Migration Commission (Medzinárodná katolícka komisia pre migráciu)  
**ICONET** - secure web-based Information and Coordination Network for Member States’ Migration Management Services (bezpečná webová informačná a koordinačná sieť pre služby riadenia migrácie členských štátov EÚ)  
**INTERPOL** – International Criminal Police Organization (Medzinárodná policajná organizácia)  
**IOM** – International Organization for Migration (Medzinárodná organizácia pre migráciu)  
**IVO** – Institute for the Public Affairs (Inštitút pre verejné otázky)  
**JE** – judicial expulsion (súdne vyhostenie)  
**KZAM** – employment classification (klasifikácia zamestnania)  
**MIC** – Migration Integration Centre IOM (Migračné informačné centrum IOM)  
**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)  
**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)  
**MoESRS SR** – Ministry of Education, Science, Research and Sport of the SR (Ministerstvo školstva, vedy, výskumu a športu SR)  
**MS** – member state (členský štát)  
**NP** – illegal crossing (nelegálne prekročenie)  
**NPŠH** – illegal crossing of the state border (nelegálne prekročenie štátnej hranice)  
**NR SR** – National Council of the Slovak Republic (Národná rada Slovenskej republiky)  
**NS SR** – Supreme Court of the Slovak Republic (Najvyšší súd Slovenskej republiky)  
**Pact** – European Pact on Immigration and Asylum (Európsky pakt o prisťahovalectve a azyle)  
**PC** – Police Corps (Policajný zbor)  
**PDCF** – Police Detention Centre for Foreigners (Útvar policajného zaistenia pre cudzincov)  
**RABIT** – Rapid Border Intervention Teams (Rýchle pohraničné zásahové tímy)  
**RO** – representative office (zastupiteľský úrad)

**SIS** – Schengen Information System (Schengenský informačný systém)  
**SNSLP** – Slovak National Centre for Human Rights (Slovenské národné stredisko pre ľudské práva)  
**SR** – Slovak Republic (Slovenská republika)  
**UNHCR** – United Nations High Commissioner for Refugees (Úrad vysokého komisára OSN pre utečencov)  
**URAS ASMC BBAP MoI SR** - Unit of Risk Analysis and Statistics of the Analysis and Strategic Management Centre of the Bureau of Border and Alien Police of the Ministry of the Interior of the Slovak Republic (Oddelenie analýzy rizík a štatistík Centra analýzy a strategického riadenia Úradu hraničnej a cudzineckej polície Ministerstva vnútra SR)  
**UoZ** – job seeker (uchádzač o zamestnanie)  
**ÚPSVR** – Centre of labour, social affairs and family (Ústredie práce, sociálnych vecí a rodiny)  
**Visa Code** – Community Code on Visas (vízový kódex)  
**VÚC** – higher territorial unit (vyšší územný celok)

# List of Terms

**Act on Stay of Aliens** – Act No. 48/2002 Coll. on Stay of Aliens and Amendments and Supplements to Certain Acts as amended  
**Act on Asylum** – Act No. 480/2002 Coll. on Asylum and on Amendments and Supplements to Certain Acts as amended  
**Act on Employment Services** – Act No. 5/2004 Coll. on Employment Services and on Amendments of Certain Acts as amended  
**Directive on Transit Removal by Air** - Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air  
**Employers Sanctions Directive** - Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals  
**EU Blue Card Directive** – Council Directive

2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment  
**Return Directive** – Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.



# Executive Summary

The Annual Policy Report on Asylum and Migration 2010 provides an overview of the most important changes regarding legislative, institutional and practical aspects of migration and asylum that took place in the Slovak Republic in the reference period from 1 January 2010 to 31 December 2010. The national annual policy report has been elaborated within the framework of the European Migration Network activities by the EMN National Contact Point in the SR. 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 Report is divided into ten main chapters: 1. Introduction: purpose and methodology followed; 2. General structure of political and legal system in the Slovak Republic; 3. General developments relevant to asylum and migration; 4. Legal immigration and integration; 5. Illegal immigration and return; 6. Border control; 7. International protection, including asylum; 8. Unaccompanied minors (and other vulnerable groups); 9. Global approach to migration; 10. Implementation of the EU legislation. The Annual Policy Report 2010 comprises also the Annex to national annual policy report 2010 on implementation of commitments of the European Pact on Immigration and Asylum and Stockholm Programme elaborated on the basis of the specifications. The Annex consists further of List of Abbreviations and Bibliography.

In 2010 there were not any significant changes on political, institutional and legal level that would influence the migration and asylum policy. Due to the changes in the government and in the state institutions resulting from the parliamentary elections, creation of a new governing coalition, and also due to the regional elections in 2010 there were not adopted any strategic documents in this area. The impact of the global financial crisis affected significantly the situation on the labour market in the SR

also in 2010, resulting in employment decrease and increase of unemployment. That affected also the area of labour migration. The Government of the Slovak Republic, in connection to the global financial crisis, did not introduce any restrictive measures regarding the employment of the third-country nationals in the SR or specific measures that would support return of migrants to the countries of origin. Generally, the financial crisis did not have an impact on the national legislation in the area of migration in 2010.

The new Government of the SR declared in its Manifesto that it will improve mechanisms of the migration management and foreigners' integration emphasising the harmonization of the processes and policies in this areas with the developments and trends in other EU member states and it will prepare new concept objectives of the migration policy for 2011-2015. We can assume that the concept objectives will be approved during 2011 and they will set the priorities and rules in the area of legal and, as well as, labour migration in the SR.

A number of activities (projects, researches, conferences and workshops) were carried out during the reference period in the area of migration and asylum by the third sector and academic sphere.

In 2010, there were not any significant changes of legislation governing the area of asylum and migration besides adoption of the Act that amended the Act on Stay of Aliens and the Act on Employment Services. During 2010 the draft of an entirely new Act on Border Controls and Stay of Aliens was prepared. This new Act will replace the Act on Stay of Aliens that is currently in force. Due to the transposition of the Sanctions Directive and the High Qualified Workers Directive (EU Blue Cards Directive) not only a draft of a new Act on Border Controls and Stay of Aliens was prepared, but also the amendments to the

Act on Employment Services, Labour Code, Act on Illegal Work and Illegal Employment and Criminal Code.

The year 2010 in the SR was characterised, according to statistics, by further decrease of the pressure on the state borders – decline in the number of asylum seekers (decrease by more than one third comparing to 2009) and reduction of illegal migration (comparing to 2009 there was reported decrease in number of illegal border crossings and in number of persons detained in the Police detention centres for foreigners (PDCF)).

Public debates regarding migration, integration and asylum were present on the expert meetings. However, the public was not involved significantly with regards to the discussions. Illegal migration, asylum, questions related to the labour immigration of the third-country nationals were issues that attracted most of the media attention. The report provides a brief overview of media monitoring in this field.

# 01

## Introduction: Purpose and Methodology Followed

The Annual Policy Report 2010 provides an insight into the asylum and migration developments in the SR and it will serve as a basis for the Annual Policy Report of the Commission on implementation of the commitments of the European Pact on Immigration and Asylum and, as in the case of previous reports, it will be the basis for the European Migration Network Synthesis Report 2010 that will compare the developments in the area of asylum and migration in the EU Member States.

The specifications issued by the European Commission changed comparing to 2009. This led to the changes in structure of the report, as well. The EMN Annual Policy Report is a basis for elaboration of the 2nd Annual Report on Immigration and Asylum in the European Union 2010 by the European Commission<sup>1</sup>, and therefore, it contains besides ten chapters also an Annex on implementation of the European Pact on Immigration and Asylum and Stockholm Programme, which was elaborated according to the form provided beforehand. The report describes developments in the reference period from 1 January 2010 until 31 December 2010.

In ten chapters<sup>2</sup> this report refers to the development regarding the implementation of the EU legislation into the Slovak national law, as well as, to the influence of the EU policies in the area of asylum and migration in the SR. This report outlines the political, administrative, and legal developments in the area of asylum and migration in the SR and it provides overview of relevant public events/debates that influenced the area of migration and asylum in the SR. The germane statistics are incorporated in the Annex on implementation of the European Pact

<sup>1</sup> Second Annual Report on Immigration and Asylum in the European Union 2010 will be presented by the Commission to Council in June 2011.

<sup>2</sup> Introduction: purpose and methodology followed; 2. General structure of political and legal system in the Slovak Republic; 3. General developments relevant to asylum and migration; 4. Legal immigration and integration; 5. Illegal immigration and return; 6. Border control; 7. International protection, including asylum; 8. Unaccompanied minors (and other vulnerable groups); 9. Global approach to migration; 10. Implementation of EU legislation.

on Immigration and Asylum and Stockholm Programme in the SR, in accordance with the specifications.

The introductory part contains information on methodology applied during elaboration of this report, as well, on terms and definitions used in it.

### 1.1 Methodology

The Annual Report 2010 (on policies in the area of asylum and migration) in the Slovak Republic was drafted according to the requirements set by the European Commission.

From the methodological point of view, the Report is based on the available expert literature, legislation, press monitoring, research studies, internet sources, information provided on the websites of key institutions and organisations, statistical data and information on migration and asylum known to the author of the Report from her own experience.

The author of the Report also obtained information from interviews with the representatives of the MoI SR, MoLSAF SR, IOM and the Office of the NR SR. The BBAP MoI SR and MO MoI SR, MoLSAF SR, Office of the Labour, Social Affairs and Family, MoFA SR, Statistical Office of the SR and the IOM provided information and statistical data.

The consultation and information on the media monitoring were provided by the representatives of the Slovak National Centre for Human Rights. The Public Defender of Rights provided information on his activities in relation to the migrants and asylum seekers.

Of significant importance were the websites of key stakeholders – state, international and non-governmental institutions, as well as, materials and booklets, they published.

Since the literature dealing with asylum and

migration in the Slovak Republic is not extensive, the author based her work not only on the available literature, but also on the reports published by the European Migration Network in last years: Domonkos, Paleník, Radvanský, *Temporary and Circular Migration in the Slovak Republic*, European Migration Network, Bratislava, 2010, Domonkos, Paleník, Radvanský, *Satisfying Labour Demand Through Migration in the Slovak Republic*, European Migration Network, Bratislava, September 2010, Potočková, *Annual Report on Migration and Asylum Policies 2009 Slovak Republic*, European Migration Network, Bratislava, 2010, Grethe Guličová, Bargerová, *Study on the Organisation of Asylum and Migration Policies in the Slovak Republic*, European Migration Network, Bratislava, 2008, and Bargerová, Števelová, *Annual Report on Migration and Asylum Policies 2008 Slovak Republic* European Migration Network, Bratislava, 2009, that are all available on the website: <http://www.emn.sk>.

In the course of descriptions related to the relevant national developments that were not resulting from the implementation of the commitments set by the European Pact on Immigration and Asylum and Stockholm Programme, the author encountered problems with specifications of the Report. These specifications require providing information only on significant development, parliament debates and media reports which had impact on development in the area of migration and asylum. In the SR there were not such significant debates, developments in 2010; therefore, the Report provides instead *exempli gratia* an overview of some activities realized by the third sector or international organizations in the SR.

### 1.2 Terms and Definitions

Terms and their definitions in this Report were used as given in the EMN Glossary. If this was not possible for some term(s), or they did not exist in the Glossary, then the terms from the national legislation were used. Provided the national legislation did not contain particular



terms, the terms used by the EU legislation (Directives, Regulations) were used.

In this context, it is necessary to focus on the term “alien”, which is defined within the Slovak legislation as follows. According to the Article 1 (2) of the Act No. 48/2002 Coll. on Stay of Aliens and Amendments and Supplements to Certain Acts as amended “*Everyone who is not a citizen of the Slovak Republic shall be deemed an alien*”. This legal definition implies that according to the national legislation the aliens are also the citizens of the EEA (or EU), as well as, third-country nationals; whereas the EU legislation distinguishes following categories of persons: EU citizens, third-country nationals.

The term “*third-country national*”<sup>3</sup> is used in the Report as given in the EMN Glossary<sup>4</sup>, i.e. any person who is not a citizen of the Union within the meaning of the Article 20 of the Treaty on Functioning of the European Union, including stateless persons. The term “third-country national” is used in the Report according to the study specifications for the Report describing the area of migration and asylum in relation to the third-country nationals and not the area of internal mobility of the EU citizens within the EU.

The term “*alien*” is used in the Report, in particular, in some statistics gathered according to the national laws and in this cases the term “alien” refers to the definition according to the Article 1 (2) of the Act on Stay of Aliens and not to the term “*alien/foreigner*” given by the EMN Glossary<sup>5</sup>.

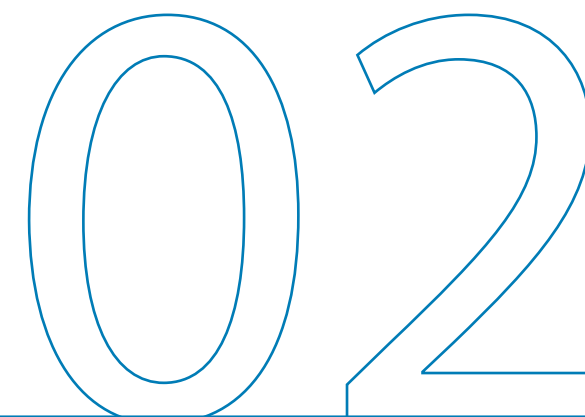
<sup>3</sup> Third country is a country or territory other than one within the European Union. This definition is given in the EMN Glossary; however, definition of a third-country is lacking in the Slovak national legal order.

<sup>4</sup> European Migration Network, Asylum and Migration Glossary – a tool for better comparability, January 2010, p. 158.

<sup>5</sup> According to the EMN Glossary is an “alien”, in the EU-context, a person who is not a national of a Member State of the European Union. According to the IOM Glossary on Migration an alien is globally a person who is not a national (native or citizen) of a given state. European Migration Network, Asylum and Migration Glossary – a tool for better comparability, January 2010, p. 12.

In order to facilitate comparability between the findings from the Member States, the common study specifications also define what is considered to be a “*significant development/debate*,” namely that this is an event which had been discussed in the national parliament and had been widely reported in the media, in particular, if such developments/debates then led to any proposals for amended or new legislation or to the change in governmental posts responsible for the immigration and/or asylum and/or integration.

For there were not any such parliamentary debates or any other similar reports in media regarding the migration and asylum in 2010, the Report outlines for illustration at least some media reports on migration and asylum that, however, did not have any impact on policy change or formation of new strategies, or impact on changes in the governmental posts (ministerial posts) responsible for the area of migration and asylum in the SR.



## General Structure of Political and Legal System in the Slovak Republic

### 2.1 General structure of the political system and institutional context

The main actors in the area of migration and asylum in the SR, as in year 2009, were following three ministries. The Ministry of Interior of the SR is competent mainly in the field of legal and illegal migration, asylum and integration of refugees through its Migration Office, and the Bureau of Border and Alien Police<sup>6</sup>. The Ministry of Interior of the SR fulfils also the function of authority responsible for the management of four EU Funds within the general Programme of the Solidarity and Management of Migration Flows (European Refugee Fund, External Borders Fund, European Integration of Third-Country Nationals Fund, Return Fund), through which it fulfils and realize the migration policy of the SR. The Ministry of Labour, Social Affairs and Family of the SR<sup>7</sup> was responsible, by means of its specific department<sup>8</sup> established in 2007, for the area of labour migration and integration of foreigners until 1 April 2010 when the Department for the Migration and Integration of Foreigners of the MoLSAF SR was abolished. During 2010 there occurred several organizational and personal changes at the MoLSAF SR within the structures dealing with migration issues<sup>9</sup>. Until 31 December 2010 the MoLSAF SR dealt with issues of migration and integration of aliens within its two departments: the *Department of International Relations* and the *Department of Gender Equality and Equality of Opportunities*. Another field

<sup>6</sup> The Minister of Interior in the first half of 2010 was Mr. Robert Kaliňák (SMER – Social Democracy). After parliamentary elections, held on 12 June 2010, the new Minister was appointed – Mr. Daniel Lipšic (KDH) on 9 July 2010.

<sup>7</sup> The Minister of Labour, Social Affairs and Family in the first half of 2010 was Ms. Viera Tomanová (SMER – Social democracy). After parliamentary elections, held on 12 June 2010, the new Minister was appointed by the President of the SR on 9 July 2010 – Mr. Jozef Mihál (SaS – Freedom and Solidarity).

<sup>8</sup> Department for the Migration and Integration of Foreigners of the MoLSAF SR (under the International Relations Section of the MoLSAF SR).

<sup>9</sup> The further information on structural changes of the MoLSAF SR is available on the following website: <http://www.employment.gov.sk/index.php?SMC=1&id=710> (consulted on 28 January 2011).

of activity of the MoLSAF SR is social care for unaccompanied minors and other categories of foreigners, asylum seekers etc. The Ministry of Foreign Affairs of the SR<sup>10</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 foreigners and the preparation of readmission agreements.

Although, during 2010 two ministries were dissolved and their activities were transferred to other ministries; as of 1 July 2010<sup>11</sup> the names of four ministries were changed; as of 1 November 2011<sup>12</sup> one of the dissolved ministry was restored and the names of two ministries<sup>13</sup> were changed by the new Government, these changes did not have any impact on the area of migration and asylum.

It is possible to claim that there were not any significant changes regarding the structure of the political system or institutional context in the field of migration and asylum in the year 2010 comparing to 2009, besides above mentioned organizational changes that occurred within the MoLSAF SR. The activities of the third-country nationals migration and integration Steering Board<sup>14</sup>, which was established in 2009 did not result in any changes in 2010.

10 The Minister of Foreign Affairs of the SR until the first half of 2010 was Mr. Miroslav Lajčák (SMER – Social democracy). After parliamentary elections, held on 12 June 2010, the new Minister was appointed by the President of the SR, Ivan Gašparovič, on 9 July 2010 – Mr. Mikuláš Dzurinda (SDKÚ – Democratic Party).

11 Act No. 37/2010 Coll. amending the Act No. 575/2001 Coll. on organization of the activities of the Government and organizations of the central public administration, as amended.

12 Act No. 372/2010 Coll. amending the Act No. 575/2001 Coll. on organization of the activities of the Government and organizations of the central public administration, as amended.

13 Act No. 403/2010 Coll. amending the Act No. 575/2001 Coll. on organization of the activities of the Government and organizations of the central public administration, as amended.

14 The third-country nationals migration and integration Steering Board is the coordinating, inter-institutional, expert and initiative body of the SR in the field of migration and asylum established by the Statute of the third-country nationals migration and integration Steering Board, which was approved by the Slovak Republic Government Resolution No. 467 as of 24 June 2009.

Further information on structure of the political and legal system in the area of migration and asylum can be found in the *EMN Study on the Organisation of Asylum and Migration Policies in the Slovak Republic*<sup>15</sup> and in the *Annual Report on Migration and Asylum Policies 2009 Slovak Republic*<sup>16</sup>.

## 2.2 General structure of the legal system

The general structure of the legal system in the area of migration and asylum in the SR is outlined in detail in the *Annual Report on Migration and Asylum Policies 2009 Slovak Republic*<sup>17</sup> and in the *Study on the Organisation of Asylum and Migration Policies in the Slovak Republic*<sup>18</sup>.

The most important legal norms regulating the area of migration and asylum are as follows: Constitution of the SR, Act on Stay of Aliens<sup>19</sup>, Act on Asylum<sup>20</sup>, Act on Employment Services<sup>21</sup>, Labour Code<sup>22</sup>, Act on Illegal Work and Illegal Employment<sup>23</sup>, Act on Social and Legal Protection of Children and Social Custody<sup>24</sup>, Act on

15 Grethe Guličová, M., Bargerová, Z., Study on the Organisation of Asylum and Migration Policies in the Slovak Republic, European Migration Network, Bratislava, 2008, available on the website: <http://www.emn.sk> (consulted on 28 January 2011).

16 Potočková, I., Annual Report on Migration and Asylum Policies 2009 Slovak Republic, European Migration Network, Bratislava, 2010, available on the website: <http://www.emn.sk> (consulted on 28 January 2011).

17 Potočková, I., Annual Report on Migration and Asylum Policies 2009 Slovak Republic, European Migration Network, Bratislava, 2010, available on the website: <http://www.emn.sk> (consulted on 28 January 2011).

18 Grethe Guličová, M., Bargerová, Z., Study on the Organisation of Asylum and Migration Policies in the Slovak Republic, European Migration Network, Bratislava, 2008, available on the website: <http://www.emn.sk> (consulted on 28 January 2011).

19 Act No. 48/2002 Coll. on Aliens Stay and Amendments and Supplements to Certain Acts as amended.

20 Act No. 480/2002 Coll. on Asylum and on Amendments and Supplements to Certain Acts as amended.

21 Act No. 5/2004 Coll. on Employment Services and on Amendments of Certain Acts as amended.

22 Act No. 311/2001 Coll., Labour Code, as amended.

23 Act No. 82/2005 Coll. on Illegal Work and Illegal Employment and on the Amendments of Certain Acts as amended.

24 Act No. 305/2005 Coll. on Social and Legal Protection of Children and Social Custody and on Amendments of Certain Acts as amended.

Social Insurance<sup>25</sup>, Act on Citizenship of the Slovak Republic<sup>26</sup>, Civil Procedure Code<sup>27</sup>, Act on Administrative Procedure (Administrative Procedure Code)<sup>28</sup>, Criminal Code<sup>29</sup>, Act on Help in Material Distress<sup>30</sup>, Act on Upbringing and Education (the School Act)<sup>31</sup>, Act on Universities<sup>32</sup>, Act on Health Insurance<sup>33</sup>, Act on Family<sup>34</sup>, Act on Travel Documents<sup>35</sup>, Act on the State Border Safeguarding<sup>36</sup>, Act on Administrative Fees<sup>37</sup>, etc. 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 SR<sup>38</sup>.

Regarding the level, at which the decisions are adopted on migration and asylum matters, and relevant stakeholders, it is possible to describe as follows. The NR SR (parliament) is legislative body that has an authority to create and adopt legislative acts<sup>39</sup> and, at the same time, it is the only constitutive and law-making body in the SR<sup>40</sup>. Therefore, each bill, even from the

25 Act No. 461/2003 Coll. on Social Insurance as amended.

26 Act No. 40/1993 Coll. on nationality of the Slovak Republic as amended.

27 Act No. 99/1963 Coll., the Civil Procedure Code, as amended.

28 Act No. 71/1967 Coll. on Administrative Procedure as amended.

29 Act No. 300/2005 Coll. the Criminal Code as amended.

30 Act No. 599/2003 Coll. on Help in Material Distress and on Changes and Amendments of Certain Acts as amended.

31 Act No. 245/2008 Coll. on Upbringing and Education (the School Act) and on Changes and Amendments of Certain Acts as amended.

32 Act No. 131/2002 Coll. on Universities and on Changes and Amendments of Certain Acts as amended.

33 Act No. 580/2004 on Health Insurance and on Changes and Amendments of Act No 95/2002 Coll. on the Insurance Industry and on Changes and Amendments of Certain Acts as amended.

34 Act No. 36/2005 Coll. on Family and on Change and Amendment of Certain Acts as amended.

35 Act No. 647/2007 Coll. on Travel Documents and on Change and Amendment of Certain Acts as amended.

36 Act No. 477/2003 Coll. on the State Border Safeguarding as amended.

37 Act No. 145/1995 Coll. on administrative fees as amended.

38 For instance: Act No. 455/1991 Coll. on Small Trade Business (the Trade License Act) as amended, Decree of the Ministry of Education of the SR No. 207/1993 Coll. on the Equivalence of Education Documents defining details on the equal standing of educational certificates issued by the foreign primary and secondary schools etc.

39 Svák, J., Kukliš, P., Teória a prax legislatívy, 2nd edition, Bratislavská vysoká škola práva, 2009, p. 83 – 135.

40 Article 72 of the Constitution of the Slovak Republic No. 460/1992 Coll. as amended by the Constitutional Act No.

area of migration and asylum, is discussed and adopted by the Parliament at the end. The bills are introduced to the Parliament either by the National Council of the SR (MPs bills, the law-making initiative rests in this case on MPs and the committees of the NR SR) or the Government (governmental bills prevail over the MPs bills). The law-making initiative (the authority to introduce a bill to the NR SR) belongs to the MPs (group of MPs) of the NR SR and they have utter autonomy on deciding to create a new bill contrary to the governmental bill where the Government appoints the sponsor of the bill. The sponsor of the bill is usually one of the members of the Government, in most cases a minister responsible for execution of the state administration in the area governed by the bill<sup>41</sup> in accordance with the Competence Act<sup>42</sup>.

The Ministry of Interior of the SR is a central state administration body, besides the other areas, also for protection and administration of the state borders, entry and residence of aliens in the SR, questions of asylum and returnees, evidence of residents<sup>43</sup>. The Ministry of Labour, Social Affairs and Family of the SR is central state administration body, besides the other areas, for labour inspection, employment strategy, coordination and creation of labour market policy, social and legal protection of children and social care<sup>44</sup>. The Ministry of Foreign Affairs of the SR is, besides the other areas, a central state administration body for official development aid<sup>45</sup>.

244/1998 Coll., Constitutional Act No. 9/1999 Coll., Constitutional Act No. 90/2001 Coll., Constitutional Act No. 140/2004 Coll., Constitutional Act No. 323/2004 Coll., Constitutional Act No. 463/2005 Coll., Constitutional Act No. 92/2006 Coll., Constitutional Act No. 210/2006 Coll., Constitutional Act No. 100/2010 Coll.

41 Svák, J., Kukliš, P., Teória a prax legislatívy, 2nd edition, Bratislavská vysoká škola práva, 2009, p. 136 – 139.

42 Act No. 575/2001 Coll. on organization of the activities of the Government and organizations of the central public administration, as amended.

43 Article 11 of the Act No. 575/2001 Coll.

44 Article 15 of the Act No. 575/2001 Coll.

45 Article 14 of the Act No. 575/2001 Coll.



## 03

General  
Developments  
Relevant to Asylum  
and Migration

The purpose of this Chapter is to set the general context in which the specific developments to be described in Chapter 4-9 took place. This includes an overview of relevant political developments, policy and legislative debates, broader developments, which affected multiple areas within asylum and migration, and institutional developments.

### 3.1 General political developments

The most significant event from the point of view of the political development in 2010 was the parliamentary elections (elections into the NR SR) held on 12 June 2010. The participation of the Slovak citizens on the elections was 58.83% and two non-parliamentary parties, SaS and Most Híd got to the Parliament. The winner of the parliamentary elections was Smer – SD; however, the majority in Parliament got four centre right parties<sup>46</sup>. The coalition composed by the four political parties – Slovak and Democratic Christian Union – Democratic Party (SD-KÚ-DS), KDH – Christian Democratic Movement, Most – Híd and Party Freedom and Solidarity (SaS) replaced the coalition composed of three parties – SMER – Social Democracy, HZDS - the Movement for a Democratic Slovakia (HZDS) and the Slovak National Party (SNS), which ruled in the SR since 2006. Afterwards, the President of the SR appointed Iveta Radičová as the new prime minister, a first woman appointed such position in the history of the SR, on 8 July 2011 and on 9 July 2010 the President of the SR appointed new ministers.

The topics of migration or asylum were not present in the pre elections debates. As the analysis of the selected political parties' programme documents shows in the area of foreign and security policy, the migration issues were mentioned in the documents of the par-

<sup>46</sup> Further information on election results is available on the website of the Statistical Office of the SR: [http://www.volbysr.sk/nrsr2010/menu/indexV\\_sk.html](http://www.volbysr.sk/nrsr2010/menu/indexV_sk.html) (consulted on 28 January 2011).

ties that were elected into the Parliament as follows: SDKÚ-DS mentioned in its programme the support towards the EU policies reform, besides others, with the emphasis on the immigration policy<sup>47</sup>. KDH included into its specific priorities the solution of the migration priorities<sup>48</sup>. SaS proposed in its programme free Schengen visas and simplification of the migration policy towards the citizens of Ukraine<sup>49</sup>. Further, SD-KÚ-DS mentioned marginally in its programme document illegal migration in relation with the Ukraine<sup>50</sup>. KDH mentioned in its elections programme asylum (enforcement of strict asylum policy, high level of asylum institute protection against its abuse, maintenance of the EU Member States sovereignty over asylum decisions and control of the external border with Ukraine) and readmission agreements with the Russian Federation and Ukraine<sup>51</sup>. The party Most-Híd specified in its programme the need for enhancement of police in the fight against illegal migration<sup>52</sup>. Other parliamentary parties did not specify in their elections programmes the area of migration and asylum at all. Further details on how the particular thesis from the elections programmes of the coalition parties were reflected in the Manifesto of the new Government and which concrete steps has been undertaken or are planned to be carried out in the area of migration and asylum are mentioned in the Annex to this Report on implementation of the commitments of the European Pact on

<sup>47</sup> Arbe, S., Nosko, A., Ondrejcsák, R., Zimanová, V., Analýza programových dokumentov vybraných politických strán v oblasti zahraničnej a bezpečnostnej politiky (LS-HZDS, KDH, Most-Híd, SaS, SDKÚ-DS, SMER-SD, SMK-MKP, SNS), Centrum pre európske a severoatlantické vzťahy (CENAA), May 2010, p. 13, available on the website: [http://cenaa.org/wp-content/uploads/2010/05/Cenaa\\_Analyza\\_web\\_vnutro1.pdf](http://cenaa.org/wp-content/uploads/2010/05/Cenaa_Analyza_web_vnutro1.pdf) (consulted on 28 January 2011).

<sup>48</sup> Ibidem, p. 20.

<sup>49</sup> Ibidem, p. 25.

<sup>50</sup> Elections Programme of the SDKÚ-DS, Pre silnejšiu strednú vrstvu pre moderné Slovensko, available on the website: [http://www.sdks-ds.sk/data/MediaLibrary/625/2010-04-12\\_SDKU-DS\\_program.pdf](http://www.sdks-ds.sk/data/MediaLibrary/625/2010-04-12_SDKU-DS_program.pdf) (consulted on 28 January 2011).

<sup>51</sup> Elections Programme of the KDH (Christian Democratic Movement) 2010, available on the website: [http://www.kdh.sk/data/upload/documents/KDH\\_volebny-program\\_2010.pdf](http://www.kdh.sk/data/upload/documents/KDH_volebny-program_2010.pdf) (consulted on 28 January 2011).

<sup>52</sup> Elections Programme of the Party Most-Híd is available on the website: [http://www.most-hid.sk/webfm\\_send/37](http://www.most-hid.sk/webfm_send/37) (consulted on 28 January 2011).

Immigration and Asylum and Stockholm Programme. It is of the reference that according to the new Minister of Interior the SR should have a legal migration strategy aimed at attracting high-qualified migrants from the countries that are culturally close to the SR. This was reported by media in August 2010<sup>53</sup>.

As of 31 December 2010 the Government of the SR is composed of 15 members: the Prime Minister, the First Deputy Prime Ministers of the Government of the SR who is also the Minister of Transport, Building and Regional Development and two Deputy Prime Ministers holding the posts of Minister of Finance and Minister of Labour, Social Affairs and Family, and the Deputy Prime Minister<sup>54</sup> (who is a member of the Government without being appointed as a minister of any of the ministries) and 10 ministers<sup>55</sup>. Due to the government changes, there were also changes on the posts of the ministers responsible for the area of migration and asylum. The President of the SR appointed following ministers on 9 July 2010: Daniel Lipšic (KDH) – Minister of Interior, Jozef Mihál (SaS) – Minister of Labour, Social Affairs and Family and Mikuláš Dzurinda (SDKÚ-DS) – Minister of Foreign Affairs.

Besides parliamentary elections, on 27 November 2010 there were held the communal elections (elections to the bodies of self-administration municipalities) with 49.69% turn out<sup>56</sup>.

<sup>53</sup> TASR, Lipšic: Slovensko by malo mať koncepciu legálnej migrácie, SME, 1. 8. 2010, available on the website: <http://www.sme.sk/c/5488137/lipic-slovensko-by-malo-mat-koncepciu-legálnej-migracie.html> (consulted on 20 November 2011), TASR, Lipšic chce prilákať elity zo zahraničia, Hospodárske noviny, 1 August 2010, available on the website: [http://hnonline.sk/index.php?article\[id\]=45370820&p=k02000\\_d&srv1\[action\]=vot&e&srv1\[answer\\_id\]=944390](http://hnonline.sk/index.php?article[id]=45370820&p=k02000_d&srv1[action]=vot&e&srv1[answer_id]=944390) (consulted on 20 November 2011), Krempaský, J., Zsilleová, M., Lipšic chce vyberať cudzincov, SME, 13 August 2010, available on the website: <http://www.sme.sk/c/5504424/lipic-chce-vyberat-cudzincov.html> (consulted on 20 November 2011).

<sup>54</sup> Deputy Prime Minister of the Government of the Slovak Republic for human rights and minorities – Rudolf Chmel.

<sup>55</sup> Information is available on the website: <http://www.vlada.gov.sk/21939/vlada-sr-od-9-7-2010.php> (consulted on 28 January 2011).

<sup>56</sup> Statistical Office of the SR, Results of the elections to the bodies of self-administration municipalities 2010, available on

Contrary to the parliamentary elections or presidential elections, in the communal elections, also aliens could decide about new majors and representatives. In this case citizenship of the SR is not a condition *sine qua non* for the participation in the elections. The voters in the communal elections are the residents, therefore persons (also aliens) who have a permanent residence permit in the SR<sup>57</sup>.

Within the communal election there were not registered any specific debates on migration or asylum in the SR.

In general, the migration and asylum topics were not significant during the political debates in 2010, not even during the pre-election campaigns.

### 3.2 Main policy and/or legislative debates

In 2010 there were not any changes on governmental level and there were not adopted any new policies or strategies regarding the area of migration and asylum comparing to 2009, also, due to the fact that 2010 was a parliamentary elections year, although, the SR Government Resolution No. 467 as of 24 June 2009 and again the SR Government resolution 331 as of 19 May 2010 stated the obligation to update the Concept of migration policy in the SR approved by the SR Government Resolution No. 11 as of 12 January 2005 for the period 2010 – 2015 with deadline until the end of 2010. At the end of 2010<sup>58</sup>, on the basis of task elaboration resulting from the Government Manifesto<sup>59</sup>, the MoI SR elaborated the draft concept objectives of

the migration policy in the SR for the period of 2011-2015 (update of the Concept of migration policy of the SR) which were under the inter-ministerial review process at the end of December 2010<sup>60</sup>. Within the draft Government resolution a duty assigned to the Minister of Interior was proposed to prepare and submit for the SR Government deliberation the proposal of Migration policy of the SR 2020 until 30 June 2011 and the duty to relevant members of the Government (Deputy Prime Minister and Minister of Labour, Social Affairs and Family, Deputy Prime Minister and Minister of Finance, Deputy Prime Minister for Human Rights and Minorities, Minister of Interior, Minister of Health, Minister of Justice, Minister of Foreign Affairs, Minister of Education, Science, Research and Sport, Minister of Economy and Ministry of Culture) and to the head of Office of the SR Government and the head of Statistical Office of the SR to elaborate concept objectives in particular areas into concrete measures/tasks under authority of governed state administration body until 31 March 2011. Due to the fact that this was just a proposal that was being reviewed at the end of 2010, it was not possible to predict what would be the final form, in which it will be submitted and approved by the SR Government.

Even though in 2009 a Concept of integration of foreigners in the SR was approved, practically, there were not adopted any concrete measures or there were not any significant results in 2010 due to the continuing economic crisis and thus eliminated financial resources and also due to the personal and organizational changes in state institutions and municipalities in 2010. The above mentioned proposal of the SR Government Resolution related to the submission of the concept objectives of the migration policy of the SR proposed to recommend to the head of Association of cities and towns of

Slovakia and the president of the Municipality Union of Slovakia to take part in the realization of the concept objectives in the area of social inclusion and integration of migrants into the society<sup>61</sup>.

Regarding the law-making, on 15 January 2010 came into force the Act No. 594/2009 Coll. amending the Act on Stay of Aliens. The main changes were related to the visa issuance (with respect to the adoption of the Visa Code), changes in issuance of individual types of residence permits and changes related returns (forced returns – administrative expulsion, voluntary returns) and apprehension of the aliens in the SR with respect to the transposition of the *Return Directive*<sup>62</sup>. The Act No. 594/2009 Coll. amended also the Act on Employment Services. Further information is available in the Annex in part I (a).

During 2010 the wholly new Act on border controls and Stay of Aliens was prepared and it will replace the Act on Stay of Aliens currently in force. For it is a governmental bill its preparation was carried out on ministerial and inter-ministerial level and because it will be published within the inter-ministerial review process at the beginning of 2011, this bill has not been publicized, yet, and therefore, there were not any public discussions in media or within the academic sphere in this respect.

Regarding the transposition of the Sanctions Directive and High-qualified Workers Directive (so called the EU Blue Cards Directive) the new Act on Border Controls and Stay of Aliens was prepared and also the amendment of the Act on Employment Services, Labour Code, Act on Illegal Work and Illegal Employment and Criminal Code. The new Act and amendments mentioned above are going to be publicized during

2011 and adopted by the Parliament in spring 2011. Therefore, it is not possible to reflect now on the parliamentary discussions or reaction from the civil society, migrant organizations or academic sphere regarding the legislative proposals that are going to be adopted and they will have an impact on the area of migration and asylum (they should implement EU Blue Cards as well as a new type of a residence type for high-qualified third-country nationals, sanctions against employers of the illegally residing migrants from the third countries, free legal aid for persons who are going to be forced returned into the country of origin, etc.).

More vivid discussions and controversial reactions in media<sup>63</sup> and in the Parliament, as well as, among politicians raised adoption of the Act No. 250/2010 Coll., amending the Act No. 40/1993 Coll. on Nationality of the SR as amended before the parliamentary elections to the NRSR in May 2010. The SR Government justified the need<sup>64</sup> for adoption of this Act by the security risk that could emerge due to the possible en masse issuance of the other EU MS citizenship to the citizens of the Slovak Republic. Further information is available in the Chapter 4.5.2.

the website: <http://app.statistics.sk/kv2010/sr/tab1.jsp?lang=sk> (consulted on 28 January 2011).

57 Media informed on this before communal elections, e. g.: SITA, V komunálnych voľbách môžu voliť aj cudzinci, 3 November 2010, [aktuality.sk](http://aktuality.sk), Bratislava, available on the website: <http://www.aktuality.sk/clanok/175500/volby-v-komunalnych-volbach-mozu-volit-aj-cudzinci/> (consulted on 30 January 2011).

58 28 December 2010.

59 Further information is available in the Annex on implementation of the European Pact on Immigration and Asylum and Stockholm Programme, in part I (a).

60 Portál právnych predpisov, Koncepčné zámery migračnej politiky Slovenskej republiky na obdobie rokov 2011 - 2015 (Update of the migration policy of the SR), available on the website: <https://it.justice.gov.sk/Document/GovernmentResolutionProposal.aspx?instEID=-1&matEID=3494&docEID=149608&docFormEID=12&docTypeEID=3&langEID=1&Stamp=20101228152635123> (consulted on 30 January 2011).

61 Further information is available on the website: <https://it.justice.gov.sk/Material/MaterialDocuments.aspx?instEID=-1&matEID=3494&langEID=1&Stamp=20101228152635123> (consulted on 30 January 2011).

62 Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals; OJ. EU L 348, 24 December 2008.

63 For instance: SITA, Prezident podpísal novelu zákona o štátnom občianstve, Pravda, 31 May 2010, available on the website: (consulted on 30 January 2011); television TA3, Vláda schválila novelu zákona o štátnom občianstve, reportage broadcasted on 26 May 2010, available on the website: [http://www.ta3.com/sk/reportaze/153781\\_vlada-prijala-novelu-zakona-o-statnom-obcianstve](http://www.ta3.com/sk/reportaze/153781_vlada-prijala-novelu-zakona-o-statnom-obcianstve) (consulted on 30 January 2011); TASR, Dzurinda chce po voľbách zrušiť novelu zákona o štátnom občianstve, NOVINYSK, 26 May 2010, available on the website: <http://udalosti.noviny.sk/z-domova/26-05-2010/dzurinda-chce-po-volbach-zrusit-novelu-zakona-o-statnom-obcianstve.html> (consulted on 30 January 2011); SITA, NR SR: Tri koalíčné strany chcú zmenu zákona o štátnom občianstve, aktualita.sk, 26 October 2010, available on the website: <http://www.aktualita.sk/clanok/174695/nr-sr-tri-koalicne-strany-chcu-zmenu-zakona-o-statnom-obcianstve/> (consulted on 30 January 2011).

64 Extraordinary procedure for the adoption of a law altering and amending Act No. 40/1993 Coll. on Citizenship of the Slovak Republic as amended, available on the website: [http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-120081?prefixFile=m\\_](http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-120081?prefixFile=m_) (consulted on 30 January 2011).



### 3.3 Broader developments in asylum and migration

In relation to broader developments of policies that have an impact on several areas within migration and asylum, the Manifesto of the new SR Government can be mentioned. Its thesis relevant for the area of migration and asylum are mentioned in the Annex on implementation of the European Pact on Immigration and Asylum and Stockholm Programme. However, their impact in 2010 cannot be judged due to the fact that the concrete measures will be adopted on the basis of the Manifesto in 2011.

During 2010 the Supreme Court of the SR (NS SR) rendered few significant judgements in asylum matters<sup>65</sup>. However, the judgements of the Supreme Court of the SR or regional courts are not generally binding as precedents and therefore they are not a source of law.

In 2010, media reported on following issues related to the area of migration and asylum: detention of migrants illegally crossing the state external borders<sup>66</sup> with forged documents<sup>67</sup>, smugglers<sup>68</sup>, return of migrants<sup>69</sup>, decision of

administration bodies in case publicized in media<sup>70</sup>, asylum policy<sup>71</sup>, decrease in numbers of asylum seekers<sup>72</sup>, resettlement of refugees<sup>73</sup>, migration trends<sup>74</sup>, successful aliens who got Slovak citizenship<sup>75</sup>, foreigners' integration<sup>76</sup>, cultural events devoted to the foreigners<sup>77</sup>, relationship of the majority population towards foreigners<sup>78</sup>. These reports did not incite broader public debate or parliamentary debate on migration or asylum.

### 3.4 Institutional developments

General institutional context is described in part 2.1 of this Report. The only significant change was the dissolution of the Department for the

Markíza, 13 April 2010; Dobrovoľne odišlo 139 migrantov, SME, 14 April 2010.

70 Ábelová, M., Najvyšší súd potvrdil zamietnutie Labsiho žiadosti o azyl, Slovenský rozhlas, 30 March 2010; TASR, Labsi nespĺňa predpoklady na akýkoľvek druh ochranného pobytu, HNonline.sk, 30 March 2010; Hečko, M., Čo s Labsím, TV Markíza, 30 March 2010; Správy STV, Labsiho vyhostili do Alžírsk, STV, 22 April 2010; ČTK, Rada Európy ostro kritizovala Slovensko, že vyhostilo Labsiho, Pravda.sk, 29 April 2010; Kritika Európskej rady, Hlavné správy, TA3, 29 April 2010; Mustafa Labsi dostane 3000 eur odškodné, Webnoviny.sk, 19 October 2010.

71 Kubániová, M., Slovenská azylová politika, Čierny Peter, TV TA3, 23 January 2010.

72 Žiadateľov o azyl opäť ubudlo, SME, 8 March 2010.

73 Prijmeme Afričanov z Malty, SME, 25 February 2010; Kormútová, K., Prijmeme utečencov, STV, 25 February 2010.

74 Harkotová, S., Slovensko migrantov nezaujima. Iba tu prestúpia, Aktualne.sk, 18 April 2010; Pacharová, S., Na Slovensku pribúda starších ľudí aj cudzincov, Pravda, 5 May 2010; ČTK, Ilegálnych cudzincov vlni ubudlo, HNonline.sk, 9 May 2010; TASR, Vyše 200-tisíc žiadostí, Farmár, 13 May 2010; Milan, L., Slovensko nie je pre utečencov atraktívne, azyl chce čoraz menej ľudí, Pravda, 25 May 2010; Ábelová, M., Po vstupe Slovenska do EÚ u nás klesá počet cudzincov, ktorí žiadajú o poskytnutie ochrany, Slovenský rozhlas, 27 May 2010.

75 Sita, Kuzminová Rusi nechceli, pre SR získala zlato, Webnoviny.sk, 14 February 2010.

76 Krempaský, J., Slovenčina je ťažká. Chcú tu žiť, tak to zvládnu, SME, 27 April 2010.

77 Kizáková, Z, Týždeň nových menšín: Exotické umenie aj vážne diskusie, Pravda, 19. 5. 2010; Dešková, T., Projekt cesta do neznáma – príbeh utečencov na Slovensku, Rádiožurnál, Rozhlasová stanica Slovensko, 23 October 2010.

78 Šprochová, A., Slováci cudzincov nemusia, Televízne noviny, TV Markíza, 24 April 2010; Harkotová, S., Slováci vnímajú cudzincov na trhu práce ako záťaž, Aktualne.sk, 24 April 2010; Valčovič, P., Slovenská spoločnosť stále nie je pripravená akceptovať cudzincov, Rádiožurnál, Slovenský rozhlas, 29 May 2010; TASR, Slovensko patrí medzi najotvorenejšie v EÚ, HNonline.sk, 19 June 2010.

Migration and Integration of Foreigners of the MoLSAF SR<sup>79</sup>. During 2010 several organizational changes occurred within the MoLSAF SR structures dealing with the migration issues<sup>80</sup>. As of 1 April 2010 three departments were established within Section of International Relations of the MoLSAF SR: EU Affairs Department, Department of International cooperation and integration of foreigners, Department of international relations and protocol<sup>81</sup>. By further changes as of 1 November 2010, the Section of International Relations of the MoLSAF SR was dissolved and the Department of international relations was created under the head of Secretariat General of the MoLSAF SR<sup>82</sup>. As of 31 December 2010 issues related to the migration and integration of foreigners were covered by the Department of International Relations and Department of the Gender Equality and Equality of Opportunities at the Ministry of Labour, Social Affairs and Family of the SR.

79 OMIC MoLSAF SR (under the International Relations Section of the MoLSAF SR).

80 Further information about changes in the structure of MoLSAF SR is available on the following website: <http://www.employment.gov.sk/index.php?SMC=1&id=710> (consulted on 28 January 2011).

81 MoLSAF SR, Institution of the Ministry, Organizational structure valid by 1 April 2010 is available on the following website: <http://www.employment.gov.sk/index.php?SMC=1&id=710> (consulted on 30 January 2011).

82 MoLSAF SR, Institution of the Ministry, Organizational structure valid by 1 October 2010 and 1 December 2010 is available on the following website: <http://www.employment.gov.sk/index.php?SMC=1&id=710> (consulted on 30 January 2011).



# 04

## Legal Immigration and Integration

The Chapter 4 of the Annual policy report deals with the relevant developments in the SR concerning policies, legislative developments, specific debates, etc. within the national perspective. It also specifically identifies those developments at national level concerning implementation of the EU policy, legislative and financial instruments, or any developments which were the result of actions at EU level. This Chapter also summarises the main findings presented in the Annex on the Pact and Stockholm Programme commitments.

### 4.1. Economic migration

#### 4.1.1 Specific context

The SR was traditionally rather an emigration country than an immigration country<sup>83</sup>. Before the accession of the SR to the EU, Slovakia was regarded together with other central European countries as so called "buffer zone"<sup>84</sup>, and from the global point of view Slovakia represented a transit country for migrants (legal and illegal) who were coming from Asia to the Western Europe. Since entry into the EU and with it connected economical development that culminated in 2008, the number of foreigners in the SR increased by 30% yoy<sup>85</sup>, and the SR became for some of the migrants a destination country<sup>86</sup>.

In 2009 there was a significant change of a situation on the labour market due to the increas-

<sup>83</sup> Comparative Study of the Laws in the 27 EU Member States for Legal Migration, Including an Assessment of the Conditions and Formalities Imposed by Each Member State for Newcomers, International Migration Law No. 16, IOM International Organization for Migration, Bratislava, 2009, p. 460.

<sup>84</sup> Kostlán, D., Úvod ke studiu migrace na Slovensku in Bitušíková, A., Luther, D. (eds.), Kultúrna a sociálny diverzita na Slovensku II. Cudzinci medzi nami, Ústav vedy a výskumu Univerzity Mateja Bela v Banskej Bystrici, Banská Bystrica, 2009, p. 16.

<sup>85</sup> Vašečka, M., Postoje verejnosti k cudzincom a zahraničnej migrácii v Slovenskej republike, IOM International Organization for Migration, Bratislava, 2009, p. 8.

<sup>86</sup> Further information about migration trends in the Slovak Republic is available in the publication: Divinský, B., Migračné trendy v Slovenskej republike po vstupe krajiny do EÚ (2004 – 2008), IOM International Organization for Migration, Bratislava, 2009, p. 42-43.

ing unemployment in the SR as a result of the global financial crisis. The Government of the Slovak Republic, in connection with the global financial crisis, did not introduce any restrictive measures regarding the employment of the third-country nationals in the SR or specific measures that would support return of the migrants to the countries of origin in 2009 neither in 2010. Generally, the financial crisis did not have impact on the national legislation in this area in 2009 neither in 2010. Further information is available in the *Annual Report on Migration and Asylum Policies 2009 Slovak Republic*<sup>87</sup>.

#### 4.1.2 Developments within the national perspective

In 2010 there were not any changes in policy regarding the labour migration, i.e. there were not adopted any new strategies or concepts.

The SR did not implement any restrictive measures in 2010 regarding the employment of the foreigners such as significant changes of the laws with the aim to eliminate the access to labour market in the SR or measures supporting return of migrants into the countries of origin. Although the economic crisis contributed to the change of attitudes towards the immigration, in particular, as regards the labour market needs in the SR, the scope of labour migration was not limited and it correlated with the labour market needs.

An amendment of the Act on Stay of Aliens and Act on Employment Services entered into force on 15 January 2010. The amendment to the Act on Employment Services eliminated the risks for the SR from the migration point of view, as well as, with respect to the uncontrolled access of the third-country nationals to the labour market of the SR. Further information is available in the Annex to this Report on implementation of the European Pact on Immigration and Asylum

<sup>87</sup> Potočková, I., Annual Report on Migration and Asylum Policies 2009 Slovak Republic, European Migration Network, Bratislava, 2010, available on the website: <http://www.emn.sk> (consulted on 28 January 2011).

and Stockholm Programme.

The IOM International Organization for Migration as a coordinator of the National Contact Point of the European Migration Network in the SR organized on 14 December 2010 in Bratislava a conference entitled "*Labour Migration in the Slovak Republic and in the EU Member States*". Several experts on labour migration from Dublin, Vienna, Geneva, Brussels and Slovakia took part in this conference, as well, the representatives from the ministries, institutions, university teachers, researches and representatives of non-governmental organizations<sup>88</sup>.

The Institute for Public Affairs published in 2010 a booklet entitled "*Probes into the cultural diversity of Slovakia*"<sup>89</sup>. The publication was published within the project *Cultural diversity in Slovakia in the context of labour migration: trends and challenges for public policy*, which was financed from the financial mechanism of the EEA, Nordic financial mechanism and state budget of the Slovak Republic. This publication outlines the economic migration and the issues related to it. It contains partial case studies, empirical insights into selected environments (economic migrants from Romania, Vietnam and so on) and analysis of the results from the expert panel discussion. The main aim of this publication is to present different types of economic migration and cultural dialogue between migrants and native population. The understanding of these phenomena can lead to the justified claims to the public policy and strengthening of the positive trends.

<sup>88</sup> Further information is available on the website: <http://emn.sk/sk/aktivita-emn/stretnutia-a-konferencie/26-konferencia-emn-december-2010> (consulted on 30 January 2011).

<sup>89</sup> Filadelfiová, J., Gyárfášová, O., Hlinčíková, M., Sekulová, M., Sondy do kultúrnej diverzity na Slovensku, Inštitút pre verejné otázky, March 2010, available on the website: <http://www.ivo.sk/6177/sk/aktuality/sondy-do-kulturnej-diverzity-na-slovensku> (consulted on 30 January 2011).

### 4.1.3 Developments from the EU perspective

In comparison to other EU Member States, the SR does not regulate legal migration from the third countries by setting up the quotas for specific groups of economic migrants or by establishing a list of professions according to the labour market's needs in particular sectors. Labour migration management focused on the compensation of the lack of available labour force in the labour market, primarily in problematic sectors where shortage professions exist. The SR supports labour migration while maintaining the conditions that the vacancies are filled by the registered job seekers, job seekers with the Slovak citizenship and EU/EEA citizens and citizens of the Swiss confederation and only subsequently by the third-country nationals. With respect to increasing the attractiveness of the SR for third-country nationals, the SR did not have any programmes with the aim to attract high-qualified migrants in order to pursue certain professional activities in the SR in 2010<sup>90</sup>. Regarding the transposition of the EU Blue Card Directive, a new Act on Border Controls and Stay of Aliens was prepared in the second half of 2010. The EU Blue Cards shall enhance the entry and residence of the third-country nationals who will come to the SR to conduct high-qualified employment under conditions set by the Directive. At the same time the change of conditions regarding the residence of family members of the high-qualified workers is foreseen, in order to calculate first five years of the family members' residence, required in order to gain separate residence permit, accumulate the residence in the Member States. The accumulation of periods of residence in different Member States by the EU Blue Card holders shall apply *mutatis mutandis* in order to fulfil the requirements for obtaining long-term residence permit.

90 Domonkos, T., Páleník, M., Radvanský, M., Satisfying labour demand through migration in the Slovak Republic, National Study for the European Migration Network, Bratislava, September 2010, p. 17.

In order to support the youth mobility the *Agreement between the Slovak Republic and Canada on youth exchange* was signed on 20 August 2010. Further information is available in the Annex on the implementation of the European Pact on Immigration and Asylum and Stockholm Programme in part I (b).

During 2010 an Agreement between the Slovak Republic and New Zealand on sabbatical was prepared. The Agreement was approved by the Government of the Slovak Republic on 12 January 2011 (by the SR Government Resolution No. 9/2011). On the basis of this Agreement's provisions and on the basis of reciprocity, the citizens of parties to the Agreement can be employed during sabbatical (holiday) stay by an employer not exceeding the limit of 6 months of employment without a work permit and also to enrol into the educational or study courses not exceeding the period of 6 months<sup>91</sup>.

Due to the low need of migrants on the SR labour market there has not been yet elaborated any vision or defined any approach towards circular and temporary migration, including the area of seasonal employment, which is regarded as a temporary employment or can be regarded as a form of circular migration<sup>92</sup>.

As a result of the economic crisis impact on labour market in the SR, the situation on labour market is judged more precisely, as well as, the qualifications necessary for the conduct of the employment<sup>93</sup>.

In case of labour force shortages in particular sectors of the national economy there is not any comprehensive state strategy in the SR, which would aim to resolve the structural incongruities between labour demand and supply of labour in the labour market<sup>94</sup>.

91 Information provided by the MoLSAF SR.

92 Domonkos, T., Páleník, M., Radvanský, M., Temporary and Circular Migration in the Slovak Republic, National Study for the European Migration Network, Bratislava, 2010, p. 7 - 8.

93 Information provided by the MoLSAF SR.

94 Domonkos, T., Páleník, M., Radvanský, M., Satisfying labour demand through migration in the Slovak Republic, National

## 4.2 Family Reunification

### 4.2.1 Specific context

Further information on legislative developments, developments in practice and case law in the previous period are available in the *Annual Report on Migration and Asylum Policies 2008 Slovak Republic*<sup>95</sup>.

### 4.2.2 Developments within the national perspective

There were not adopted any new policies with respect to family migration in 2010.

### 4.2.3 Developments from the EU perspective

After the Act No. 594/2009 Coll. entered into force, the new reasons for refusal of applications for permanent residence permit were amended into the *Act on Stay of Aliens*. These reasons comprise cases when a foreigner provides false, incomplete or misleading information; or submits false or forged documents; or documents of another person; or if the information in the travel document of the foreigner does not correspond with the reality. Currently, there are not planned any significant legislative changes in this area<sup>96</sup>.

In the course of transposition of the *EU Blue Card Directive* into the national legislation, the SR is currently preparing the provisions regulating the employment of the family members of the *EU Blue Card* holders that shall enter into force by June 2011.

In the SR there has not been adopted any meas-

Study for the European Migration Network, Bratislava, September 2010, p. 17.

95 Bargerová, Številová, Annual Report on Migration and Asylum Policies 2008 Slovak Republic. European Migration Network, Bratislava, 2009. All are available on the following website: <http://www.emn.sk>.

96 Information provided by the BBAP MoI SR.

ures intended to measure the level of integration of foreigners, e.g. by measuring the attained levels of language proficiency, education and professional experience. The adoption of any such measures should be connected to the *Act on Life-Long Learning* by the year 2012<sup>97</sup>.

## 4.3 Other legal migration

### 4.3.1 Specific context

The relevant information on context regarding the other legal migration is available in the *Annual Report on Migration and Asylum Policies in the SR 2009*<sup>98</sup>.

### 4.3.2 Developments within the national perspective

In 2010 there were not any significant developments in this area on national level.

### 4.3.3 Developments from the EU perspective

Regarding the area of other legal migration, namely the area of strengthening of mutual information exchange on migration by improving of existing measures, improving information exchange on possibilities and conditions of legal migration and implementation of the EU policies, legislative and other instruments, the SR updated data for the EU Immigration Portal that shall be launched by the EU Commission. The data were provided on possibilities and conditions of legal immigration to the SR (e.g. information on legislation in force, on conditions that must be fulfilled in order to enter the SR for different purposes – study, work, business, etc.).

The official websites of the state institutions of

97 Information provided by the MoLSAF SR.

98 Potočková, I., Annual Report on Migration and Asylum Policies 2009 Slovak Republic, European Migration Network, Bratislava, 2010, available on the website: <http://www.emn.sk> (consulted on 28 January 2011).



the SR contain similar information. The official website of the MoLSAF SR contains this kind of information – [www.employment.gov.sk](http://www.employment.gov.sk) - in the part: EU and international relations – free movement of persons and migration. Further information is available on the website of the MoI SR – [www.minv.sk](http://www.minv.sk) in the part: asylum and migration and the website of the MoFA SR - [www.mzv.sk](http://www.mzv.sk).

Information is also directly provided to the foreigners, as well as, to the employers by the local offices of labour, social affairs and family within the guidance services.

In the framework of the EIF projects, the information activities were carried out including creation of the information portals aimed at provision of the migration and integration information for the foreigners, such as:

- *Labour Pool for Migrants*, implemented by the Institute of Public Policy of the Comenius University in Bratislava, information is provided in several world languages<sup>99</sup> ([www.migration.sk](http://www.migration.sk))
- *Support of qualification recognition, professional practice and preparation of the third-country nationals*, undertaken by the civic association Euroiuris, o. z. - <http://www.migracia.euroiuris.sk/> - the aim of the project was to identify and define legal shortcomings leading to the low percentage of submitted and successful applications for qualification recognition in the SR, as well as to propose necessary changes of the current Slovak legislation.
- *Migration Information Centre* with the aim to provide assistance to the social, economic and cultural integration of the migrants in the SR implemented by the IOM ([www.mic.iom.sk](http://www.mic.iom.sk)).

However, there is not any public administration institution that would provide comprehensive counselling to the migrants in the SR<sup>100</sup>, this

type of services is provided only by the Migration Information Centre established by the IOM, funded by the EIF and the Ministry of Interior of the SR. Necessary information, consultations regarding various aspects of life in SR are available at [www.mic.iom.sk.sk](http://www.mic.iom.sk.sk).

The SR takes also part in the information exchange systems on the EU level through FRONTEX, CIRCA, ICONET, DSR/MSR „Daily Statistics Reports/ Monthly Statistics Reports“, project HERMES and Eurostat.

## 4.4 Integration

### 4.4.1 Specific context

The MoLSAF SR elaborated significant strategic document - the *Concept of Foreigner Integration in the Slovak Republic* (hereinafter “the Concept”) which was approved by the Government of the SR in the Government Resolution No. 338 as of 6 May 2009. The key starting points for adoption of the Concept were further harmonization of national legislation with the EU law and creation of the common EU integration policy. The Concept was elaborated on the bases of the Government Resolution No. 415 as of 09 May 2007 and No. 390 as of 11 June 2008 in respect to the *Summary Report on the state of implementation of the commitments from the Concept of Migration Policy of the Slovak Republic by the governmental departments 2005 – 2006*, by which the Slovak Republic Government imposes “implementation of the efficient measures providing the accomplishment of the commitments related to the creation of the conditions connected with the migrants integration into the society” onto the Deputy Prime Minister of the Government of the Slovak Republic and Minister of Interior of the Slovak Republic and onto the Minister of the Labour, Social Affairs and Family of the Slovak Republic. Further information regarding the Concept is available in the Annual Report on

nový pohľad na staré problémy. Multikulturalizmus a kultúrna integrácia migrantov na Slovensku, Centrum pre výskum etnicity a kultúry, Bratislava, 2009, p. 54.

Migration and Asylum Policies in the SR 2009.

### 4.4.2 Developments within the national perspective

Due to the elections to the higher administrative authorities and personal changes as a result at the end of the 2009 and due to the parliamentary elections and municipalities elections during 2010 there were not any significant results<sup>101</sup>, in general, with respect to the implementation of the *Concept on Foreigner Integration in the SR*<sup>102</sup>, in particular regarding to the proposed legislative, organizational, conceptual and practical integration measures and defined tasks for the upcoming 3-5 years. Negative impact in this regard constituted also organizational changes of the MoLSAF SR during 2010. These changes are further described in part 3.4.

Although there were no significant changes on the national level regarding the area of integration of foreigners, the Migration Information Centre IOM published in 2010 three practical booklets on first steps of foreigner in the SR, sole trading for foreigners in Slovakia and marriage in the SR<sup>103</sup>.

### 4.4.3 Developments from the EU perspective

The activities in the SR, aimed at implementation of the EU policy, legislation and other instruments in relation to the integration of foreigners, were financed by the EU Fund for integration of third-country nationals on a large scale. In the area of language preparedness of adult foreigners, the work on institutionaliza-

tion and formalisation of the Slovak language courses and cultural orientations for groups of foreigners, who are able of integration, is intensified. Currently, it is possible to attend the Slovak language courses provided by the program “*Slovak as a Foreign Language*” of the Faculty of Philosophy of Comenius University in Bratislava – Section of the Slovak Language and Section of the Slovak Literature and Literature Science.

In the area of language preparation there were carried out several projects in 2010:

- Language and inter cultural preparation of the third-country nationals in West Slovakia higher territorial units (Nitra, Trnava and Bratislava) by the Institute for Language and Cultural Communication;
- Low-threshold course of the Slovak Language for the third-country nationals provided by the Migration Information Centre IOM.

Further information is available in the Annex on implementation of the European Pact on Immigration and Asylum and Stockholm Programme. With respect to the further measures it is necessary to increase the involvement of the municipalities and cities, higher territoriality units into the process<sup>104</sup>.

The project of the CVEK (Centre for ethnicity and culture research) “*Integration of the third-country nationals on the local level – the municipalities and other stakeholders’ tasks in this process*” was undertaken in 2010 within the EIF funding with continuation foreseen in 2011. The main goal of this project is to formulate recommendations in order to enhance the integration of migrants on the local level and to contribute to the quality operation of the municipalities with respect to the migrants by qualitative comparative research.<sup>105</sup> The CVEK further implemented a project “*Testing integration policy indicators (TIPI)*” funded by the EIF in 2010. This project is a direct continuation of the previous project

<sup>101</sup> Information provided by the MoLSAF SR.

<sup>102</sup> Concept of Foreigners Integration in the Slovak Republic, approved by the Slovak Republic Government Resolution No. 338 as of 6 May 2009, available at: [http://www.rokovania.sk/appl/material.nsf/0/4E933AB8C785D248C12575900040A601/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/4E933AB8C785D248C12575900040A601/$FILE/Zdroj.html) (consulted on 20 November 2010).

<sup>103</sup> The booklets are available online on the following website: <http://mic.iom.sk/sk/home/43-novinky/154-nove-multijazyne-broury-ponukaju-zakladne-informacie-pre-cudzincov-na-slovensku.html> (consulted on 30 January 2011).

<sup>104</sup> Information provided by the MoLSAF SR.

<sup>105</sup> Further information on the project is available on the website: <http://www.cvek.sk/main.php?p=projekty&lang=sk> (consulted on 7 December 2010).

of the Institute of Public Policy of the Faculty of Social and Economic Science of the Comenius University in Bratislava regarding the content and personnel and it is based on a qualitative research of the conditions of successful integration. The main goal of the TIPI project is to test the successful integration policies indicators and successful integration of the particular minority groups in different dimensions with the emphasis on economic integration<sup>106</sup>. The Milan Šimečka Foundation in cooperation with the CVEK undertook an EIF project – *Enhancing the teachers' qualifications in integration of third-country nationals' children integration into the Slovak educational system* in 2010. This project will continue also in 2011 (until June 2011). The main aim of the project is to develop and to test the educational tools aimed at integration of third-country nationals' children into the Slovak educational system<sup>107</sup>.

Several other projects and activities were undertaken to support immigrants' integration and inter cultural dialogue thanks to the EIF funding and co-funding from the public resources in 2010:

- *Economic Aspects of the migration and integration of the third-country nationals in the Slovak Republic* – a research project that was implemented by the *Institute for the Public Affairs (IVO)*<sup>108</sup>;
- *Strengthening of the inter cultural capacities and regional cooperation of the experts working with the migrants in the Slovak Republic* – IOM project<sup>109</sup>;
- The Migration Information Centre IOM co-funded and co-organized 12 information meetings during 2010. The main organisers

of these meetings were the cultural mediators representing the community of foreigners, they also stem from.

- The civic association of the Africans living in Slovakia established *African Cultural - Information Centre (KICA)* in the SR in February 2010<sup>110</sup>;
- Legal counselling for matters of residence, citizenship and unaccompanied minors (Human Rights League);
- *Development of the multicultural skills and legal awareness of the employees and future employees from the selected sectors of the state administration* – project implemented by the *Human Rights League*<sup>111</sup>;

Further information on projects implemented thanks to the EU funding is available in the Annex on implementation of the European Pact on Immigration and Asylum and Stockholm Programme.

## 4.5 Citizenship and Naturalisation

### 4.5.1 Specific context

The most significant change in previous period was the adoption of the *Act No. 344/2007 Coll. amending Act No. 40/1993 Coll. on Nationality of the Slovak Republic*. Its aim was to prolong the period of the permanent residence in the SR in order to obtain the nationality of the SR from five to eight years due to the better clearances of the applicants and in case of aliens who married a Slovak national, the period was prolonged from three to five years.

<sup>106</sup> Further information on targets and outcomes of the project is available on the following website: <http://www.cvek.sk/main.php?p=projekty&lang=sk> (consulted on 30 January 2011).

<sup>107</sup> Ibidem.

<sup>108</sup> Further information on the project is available on the website: <http://www.ivo.sk/5970/sk/projekty/ekonomicke-aspekty-migracie-a-integracie-migrantov-z-tretich-krajin-v-prostredi-slovenska> (consulted on 30 January 2011).

<sup>109</sup> Drál, P., Mrlanová, A. (eds.), *Posilnenie interkultúrnych zručností a regionálnej spolupráce odborníkov pracujúcich s migrantmi v Slovenskej republike, Materiály k tréningom*, IOM International Organization for Migration, Bratislava, 2010, p. 4.

<sup>110</sup> African Cultural-Information Centre in the SR. Further information is available at: <http://kica.ozas.sk/> (consulted on 21 November 2010).

<sup>111</sup> Further information is available on the website: <http://www.hrl.sk/projects/view/7> (consulted on 7 December 2010).

### 4.5.2 Developments within the national perspective

The most significant debates and controversial reactions in media<sup>112</sup> and in the Parliament, as well as, among politicians raised adoption of the *Act No. 250/2010 Coll., amending the Act No. 40/1993 Coll. on Nationality of the SR as amended* before the parliamentary elections to the NRSR in May 2010. The SR Government justified the need<sup>113</sup> for adoption of this Act by the security risk that could emerge due to the possible en masse issuance of the other EU MS citizenship to the citizens of the Slovak Republic. This bill was primarily a reaction on the planned changes in the legislation on nationality acquisition in Hungary<sup>114</sup>. This amendment introduced into the Slovak law another way how to lose the nationality of the SR. The bill stipulated the loss of the nationality of the SR ex lege as a result of acquisition of another nationality on the basis of explicit expression of own will. This provision is not implemented in cases of acquisition of other nationality by marriage or birth. The loss of the nationality of the SR is not implemented in case when a Slovak citizen had acquired another nationality before this Act

<sup>112</sup> For instance: SITA, Prezident podpísal novelu zákona o štátnom občianstve, Pravda, 31 May 2010, available on the website: (consulted on 30 January 2011); television TA3, Vláda schválila novelu zákona o štátnom občianstve, reportage broadcasted on 26 May 2010, available on the website: [http://www.ta3.com/sk/reportaze/153781\\_vlada-prijala-novelu-zakona-o-statnom-obcianstve](http://www.ta3.com/sk/reportaze/153781_vlada-prijala-novelu-zakona-o-statnom-obcianstve) (consulted on 30 January 2011); TASR, Dzurinda chce po voľbách zrušiť novelu zákona o štátnom občianstve, NOVINYSK, 26 May 2010, available on the website: <http://udalosti.noviny.sk/z-domova/26-05-2010/dzurinda-chce-po-volbach-zrusit-novelu-zakona-o-statnom-obcianstve.html> (consulted on 30 January 2011); SITA, NR SR: Tri koalície strany chcú zmenu zákona o štátnom občianstve, aktualita.sk, 26. October 2010, available on the website: <http://www.aktualita.sk/clanok/174695/nr-sr-tri-koalicne-strany-chcu-zmenu-zakona-o-statnom-obcianstve/> (consulted on 30 January 2011).

<sup>113</sup> Extraordinary procedure for the adoption of a law altering and amending Act No. 40/1993 Coll. on Citizenship of the Slovak Republic as amended, available on the following website: [http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-120081?prefixFile=m\\_](http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-120081?prefixFile=m_) (consulted on 30 January 2011).

<sup>114</sup> Extraordinary procedure for the adoption of a law altering and amending Act No. 40/1993 Coll. on Citizenship of the Slovak Republic as amended, available on the following website: [http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-120081?prefixFile=m\\_](http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-120081?prefixFile=m_) (consulted on 30 January 2011).

entered into force, i.e. before 17 July 2010. If a Slovak citizen submits an application for acquisition of another nationality before 17 July 2010 and he or she will acquire another nationality after 17 July 2010, he or she will lose the Slovak nationality by the day of acquisition of another one. Slovak citizens who acquire in such a way another nationality is obliged to report this fact to the district office placed in the seat of region in accordance with their permanent residence in the SR. If the Slovak national fails to fulfil this obligation he or she will be fined 3319 EUR<sup>115</sup>.

The MPs of three new coalition parties SDKÚ-DS, SaS and Most-Híd submitted a new bill amending the Act on Nationality of the SR into the Parliament in October 2010. The aim of this bill is to eradicate negative impacts on the Slovak nationals and abolish the financial sanctions and loss of the nationality of the SR after acquiring the nationality of another state. KDH, the fourth coalition party, did not join this initiative for it is searching new alternatives<sup>116</sup>. The mentioned bill shall be discussed in the NR SR (Parliament) in January 2011<sup>117</sup>.

<sup>115</sup> IOM, *Novela zákona o štátnom občianstve*, available on the following website: <http://mic.iom.sk/sk/home/43-novinky/148-od-17-jula-2010-nadobuda-uinnos-novela-zakona-o-tatnom-obianstve.html> (consulted on 30 January 2011).

<sup>116</sup> SITA, NR SR: Tri koalície strany chcú zmenu zákona o štátnom občianstve, aktualita.sk, 26 October 2010, available on the following website: <http://www.aktualita.sk/clanok/174695/nr-sr-tri-koalicne-strany-chcu-zmenu-zakona-o-statnom-obcianstve/> (consulted on 30 January 2011), political party Most-Híd, *Novela zákona štátnom občianstve v druhom čítaní*, 8 November 2010, available on the following website: <http://www.most-hid.sk/sk/content/novela-zakona-o-statnom-obcianstve-v-druhom-citani> (consulted on 30 January 2011).

<sup>117</sup> Information is available on the website of the NR SR: <http://www.nrsr.sk/Default.aspx?sid=zakony/zakon&MasterID=3477> (consulted on 30 January 2011).



# 05

## Illegal Immigration and Return

### 5.1 Illegal Immigration

#### 5.1.1 Specific context

Developments in recent years in the area of illegal migration are outlined in the Annual Report on Migration and Asylum Policies 2009 Slovak Republic.

#### 5.1.2 Developments within the national perspective

Media in 2010 reported on individual cases of apprehended illegal migrants near the external border, while these persons were illegally on the territory of the SR, they consequently claimed asylum or were subject to expulsion. These sporadic reports did not incite any broader public debate and they did not have any impact on legislative changes or policy debates in the Parliament.

#### 5.1.3 Developments from the EU perspective

There were not adopted any measures with respect to the legalization of illegal migrants in the SR during the year 2010. The Act No. 594/2009 Coll., which changes and amends Act on Stay of Aliens entered into force on 15 January 2010. The changes were also due to the transposition of the *Return Directive* and they introduced common standards and procedures that shall be implemented in the EU Member States in course of forced returns of the illegal migrants from the third countries in accordance with the fundamental rights and general principles of the EU law and international law including the commitments related to the refugee protection and human rights. The *Return Directive's* provisions are applicable in case of third-country nationals illegally staying on the territory of the EU Member States. Further information is available in the Annex on implementation of the European Pact on Immigration and Asylum and Stockholm Programme.

### 5.2 Return

#### 5.2.1 Specific context

The programmes of assisted voluntary returns had been implemented in SR in co-operation with the IOM since 1998, based on the *Agreement on Cooperation between the International Organization for Migration and the Ministry of Interior of the Slovak Republic on the Assistance to the Rejected Asylum Seekers and Illegal Migrants with the Return to the Country of Origin* as of 20 August 1998. Legal base for the assisted voluntary returns is, besides the above mentioned agreement, the Act on Stay of Aliens and Act on Asylum. Assisted voluntary returns are implemented exclusively by the IOM.

In 2009, there were implemented several projects in the area of voluntary returns in co-operation with the IOM and the BBAP MoI SR.

The objective of these projects is to enhance the assistance in voluntary returns to the country of origin, improvement of the counselling services, spreading of the information about the voluntary returns programme, building capacities, enhancing cooperation with the state institutions and providing the voluntary return programme to the utmost group of migrants. Further information is available in the Annex on implementation of the European Pact on Immigration and Asylum and Stockholm Programme.

#### 5.2.2 Developments within the national perspective

The voluntary returns are currently implemented with the financial support of the RF (European Return Fund). In addition to the return and return assistance, the IOM provides the information campaign, pre-departure counselling, stabilisation allowances on the basis of approved business plan on reintegration assistance in the country of origin that significantly contributes to the sustainable return.

The IOM implemented following projects in the area of voluntary returns in 2010:

Projects co-funded by the Return Preparatory Actions:

- 1) „*Strengthening the mechanisms and harmonising the standards in the area of voluntary returns of the illegal migrants in the central EU Member States*“;
- 2) „*Assistance during the return and reintegration of the unsuccessful asylum seekers and illegal migrants from the SR to the country of origin (phase 1)*“;
- 3) „*Assistance during the return and reintegration of the unsuccessful asylum seekers and illegal migrants from the SR to the country origin (phase 2)*“.

In the framework of the aforementioned projects, there were 130 foreigners returned to the country of origin in 2010. Reintegration assistance was provided to 33 migrants<sup>118</sup>.

Readmission agreements are regarded as one of the instruments of the return policy; however, in this connection in the reference period there were not agreed or signed any readmission agreements neither on bilateral or the EU level.

The Agreement between the European Union and Georgia on readmission of persons residing without authorisation is prepared for signing (with the aim to effectively return their own citizens, third-country nationals or stateless persons).

The Government of the SR concluded and signed in the reference period bilateral protocols implementing following agreements on the EU level:

- *Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation*
- *Agreement between the European Community and the Russian Federation on readmission*
- *Agreement between the European Community*

<sup>118</sup> Information provided by the IOM.



and the Republic of Moldova on the readmission of persons residing without authorisation.

## 5.3 Actions against human trafficking

### 5.3.1 Specific context

In the previous period there were implemented following activities in the field of action against human trafficking. The Protocol between the BBAP and the Ukrainian State Border Services Authority on *Direct Mutual Cooperation between the Operational Bodies* was concluded. On bilateral level, operational border meetings on detection of smuggling with the elements of organised crime were organised in the cooperation with the Ukrainian State Border Services Authority and the BBAP MoI SR.

Constant meetings and operational information exchange on joint semi-finished organised illegal migration and smuggling cases are the evidence of the intense cooperation between police forces of the EU Member States. The cooperation is on bilateral and multilateral level in the form of membership in the Europol analysis files, Interpol, and active involvement in the COSPOL initiatives, and in the regional cooperation: "Danube Region".

A project entitled *"Rendition of complex reintegration assistance and educational activities in the area of prevention and capacity building of cooperating subjects of the Programme of Support and Protection of Victims of Trafficking in Human Beings in the SR"* was implemented within a Programme of return and reintegration of the trafficked persons in 2009. The part of the project was also launching of the National Anti-Trafficking Hotline 0800 800 818<sup>119</sup>. The National Anti-Trafficking Hotline received all together

<sup>119</sup> The IOM has operated the National Anti-Trafficking Hotline since 1 July 2008. Further information is available on the following website: <http://www.iom.sk/sk/aktivita/obchodovanie-s-ludmi/aktualne-projekty/13-narodna-linka-pomoci-obetiam-obchodovania-s-ludmi-0800-800-818> (consulted on 10 February 2010).

1073 calls in 2009<sup>120</sup>. Further information is available in the Annex on implementation of the European Pact on Immigration and Asylum and Stockholm Programme.

### 5.3.2 Developments within the national perspective

Until now, there has not been identified any foreign victim of human beings trafficking in the SR and it has not been proved by any clear and convincing evidence that the SR would be a transit country. The victims of the human beings trafficking placed under the *Protection and Support of the human beings trafficking victims Programme* were in the most cases trafficked and/or exploited in the United Kingdom. The MoI SR cooperated closely with the UK embassy in Bratislava<sup>121</sup>.

The International migration organization (IOM) implemented a project *"Comprehensive return and reintegration assistance to the trafficked persons and provision of educational activities in the area of capacity building in relation to the cooperating subjects of the Protection and Support of the human beings trafficking victims Programme in the SR"* in 2010 funded by the MoI SR in the framework of the *Protection and Support of the human beings trafficking victims Programme*.

In 2010, 22 victims of human beings trafficking were identified and 16 of them were placed under the *Protection and Support of the human beings trafficking victims Programme*.

One part of the project was also provision of the National Anti-Trafficking Hotline

<sup>120</sup> From the total number, there were 639 calls when callers did not answer after receiving a phone call or did not leave any message or they just called the National Anti-Trafficking Hotline cell in order to leave their number. All together there were received 434 calls out of which in 234 cases the telephonic consultations were provided. Out of the total number of phone calls, 200 calls represented the case of sole contact of the operator with the contact person. The telephonic consultation was not carried out due to the misdial or abuse of the hotline.

<sup>121</sup> Further information is available in part II (e) in the Annex to this report on implementation of the European Pact on Immigration and Asylum and Stockholm Programme.

0800 800 818<sup>122</sup>. The National Anti-Trafficking Hotline received all together 954 calls from 1 January 2010 until 31 December 2010. Thanks to the National Anti-Trafficking Hotline eleven persons were identified in 2010 who were victims of trafficking in human beings in the past or during the call they were in a situation of human being trafficking threat. To these persons, thanks to the hotline, the crisis intervention and assistance was provided in order to release them from the criminal environment and to offer them to join the programme.

Another result of the cooperation and co-funding with the MoI SR were the trainings aimed at identification of the victims of the human beings trafficking. Within the organized activities there were 15 two-/three-day trainings for 386 participants. Further information is available in the Annex on implementation of the European Pact on Immigration and Asylum and Stockholm Programme.

### 5.3.3 Developments from the EU perspective

During 2010, the MoI SR prepared a draft of a new *National programme on fight against human beings trafficking* for the period of 2011-2014, which contains planned activities aimed at participation in the national reference mechanisms and thus create also the conditions for the cooperation with the third countries<sup>123</sup>

<sup>122</sup> The IOM has operated the National Anti-Trafficking Hotline since 1 July 2008. Further information is available on the website: <http://www.iom.sk/sk/aktivita/obchodovanie-s-ludmi/aktualne-projekty/13-narodna-linka-pomoci-obetiam-obchodovania-s-ludmi-0800-800-818> (consulted on 10 February 2010).

<sup>123</sup> Information provided by the FAD MoI SR.

## 6.1 Control and surveillance at external borders

### 6.1.1 Specific context

The *National plan on border control management of the Slovak Republic*<sup>124</sup> for the period 2007-2013 (hereafter "National Plan") is medium and long term planning document in the area of the EU border control referring to Schengen Action Plan for safeguarding the entry of the SR into the Schengen area<sup>125</sup>. The National Plan was elaborated by the BBAP MoI SR and it was approved by the Slovak Government Resolution No. 465 as of 30 May 2007. The National Plan deals with two periods: first one comprised the period until the full engagement to the Schengen cooperation and second period was until the abolition of checks at the common borders. Further information is available in the Annex on implementation of the European Pact on Immigration and Asylum and Stockholm Programme.

### 6.1.2 Developments within the national perspective

Since the SR is part of the Schengen Area from 2007 there have not been any other developments on national level than those described in part 6.1.3 in relation to the control and protection of the external borders.

In 2010 there were not implemented any broader or significant organizational changes in case of border police in relation to the controls on external borders.

At the end of 2010, the BBAP MoI SR started to prepare a new Act on Border Control and Stay of Aliens due to the need of full harmonization

<sup>124</sup> The National Plan on border control management of the Slovak Republic is available on the webpage: [http://www.rokovania.sk/appl/material.nsf/0/6B9DC2D4A9BE2581C12572F900492E3C/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/6B9DC2D4A9BE2581C12572F900492E3C/$FILE/Zdroj.html) (consulted on 24 November 2009).

<sup>125</sup> Schengen Action Plan for safeguarding the entry of the Slovak Republic into the Schengen area, approved by the Slovak Republic Government Resolution No. 264 as of 14 March 2007.

of national law with the EU law governing the conditions of stay (residence) of the EU citizens, third-country nationals, family members of the EU citizens and family members of the third-country nationals in the EU Member States, as well as, unifying the EU terminology related to the external borders control (border control and border surveillance) in accordance with the Regulation (EC) No. 562/2006 of the European Parliament and of the Council of 15 March 2006 establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code) (OJ L 105, 13.4.2006) with the terminology used on the national level in national law. The purpose of the bill, that includes the external border control of the SR, is to regulate complexly, from the legislative point of view, a part of the EU law (Schengen acquis) stipulated in the Article 77 (1) of the Treaty on Functioning of the EU.

### 6.1.3 Developments from the EU perspective

Due to the financial cuts resulting from the global economic crisis in 2010, the supply of new technologies, to be implemented during external border controls, was limited.

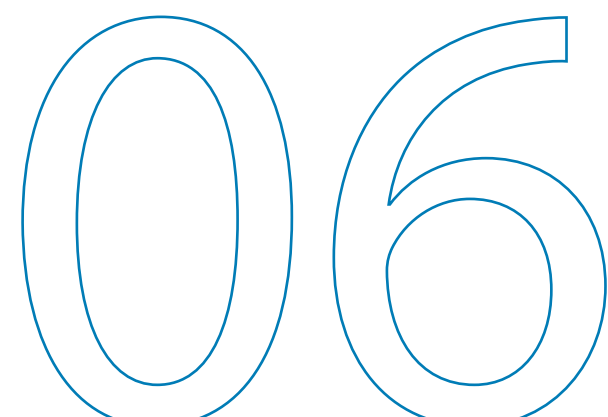
Despite this fact, in 2010, the international airports, border crossing points on Slovak-Ukraine border and selected organizational parts of the BBAP MoI SR were equipped with specialised technical devices used for travel documents and identification documents control.

At the same time, the customs authorities were equipped with special devices for tasks` fulfilment with the aim to detect the illegal border crossing at the external borders of the EU. The National unit for the fight against illegal migration of the BBAP MoI SR was equipped with the service cars and special observer motor vehicles for the purpose of external border control and detection of illegal migration and crimes related to it (e.g. smuggling).

With respect to the information systems, the building-up of the information system of the national SIRENE centre was funded from the EU sources as the only contact point for the Schengen Information System in the SR. There was also funded part of the costs with respect to the provision of the user support, legislative and technical support for the national part of the Visa Information System of the MoFA SR.

In 2010, the information system for migration and international protection called "IS MIGRA" was implemented with the aim to gather qualitative and complex information on illegal migration in the SR. IS MIGRA is analytical, evidence based system proposed for the recording of the operations with respect to the foreigners at the borders, within the territory, including foreigners in asylum procedure and recording of the operations regarding the smugglers. The importance of the IS MIGRA is in identification of the persons through their fingerprints stored in the IS MIGRA and in the interconnection with other information systems of the Police Force. IS MIGRA will be beneficial not only in relation to the analytical operations on central, regional and local level under the authority of the BBAP MoI SR, as well as, in course of the information provision and provision of the data in the area of illegal migration in the SR for the EU structures (e.g. Frontex, Eurostat). Pilot version of the IS MIGRA was launched on 26 October 2010.

During 2010, expert training of the police officers were organized specialised on fight against illegal migration, forged travel documents, as well, in relation to the use of technical devices applied during the external border controls and other trainings organized by the Human Rights League, the UNHCR etc. Further information is available in part III(a) of the Annex on implementation of the European Pact on Immigration and Asylum and Stockholm Programme.



## Border Control

## 6.2 Cooperation with respect to border control

### 6.2.1 Specific context

There were not adopted any specific measures in previous period in the SR in relation to the commitment to enhance the cooperation between the consulates of the EU Member States. Similarly, before 2010 SR did not adopt any measures regarding the financing and gradual creation of the common consular services in the area of visas on voluntary base.

### 6.2.2 Developments within the national perspective

Besides the developments described in part 6.2.3 there were not any specific developments on the national level as regards control and surveillance on the external borders.

### 6.2.3 Developments from the EU perspective

In accordance with the Article 8 of the Regulation (EC) 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) the visas may be issued by another EU Member State on the basis of concluded bilateral representation agreements. The SR concluded in this respect the representation agreements with following EU Member States: Hungary, Austria and Slovenia. Elaborated are the agreements on representation with Poland, Czech Republic, Latvia, Lithuania, Estonia, Germany, Spain and France.

From the point of view of implementation of Visa Code and Vis and issuance of biometric visas, the SR currently issues visa with single biometric identifier – a photograph. The fingerprints gathering will be launched after activation of the central VIS (in June 2011). All the remaining provisions of the Visa Code are implemented in the full scope in the SR since 5 April 2010, i.e.

since the Visa Code entered into force<sup>126</sup>.

The Slovak Republic showed solidarity through the FRONTEX activities and support to the countries facing disproportionate flows of migrants. Another important joint operation within the FRONTEX, which started in the SR on 3 November 2010, was the operation “Jupiter” hosted by following countries: the Slovak Republic, Hungary, Poland and Romania. The basic idea of the joint operation is to enhance border controls on the south-east illegal migration routes in order to collect data on organized groups, false documents, etc. In 2010, the BBAP Mol SR provided its expert on false and forged travel documents within the joint operation of the FRONTEX called “Poseidon 2010”. The BBAP Mol SR took part in the project on capacity building and co-operation with respect to the false and forged documents identification on Moldova-Romanian border. 23 officers of the Ukrainian authorities responsible for the issuance and control of the travel and identification documents were trained within the project “Schengen and protection of the external EU border on the Slovak-Ukrainian border” organized by the *Slovak Foreign Policy Association*.

Further information on national VIS is available in part 6(a) of the Annex on implementation of the European Pact on Immigration and Asylum and Stockholm Programme.

<sup>126</sup> Information provided by the MFA SR.

## 7.1 Specific context

During 2009, the SR prepared for participation in the regional resettlement programmes on voluntarily bases. Further information is available in *the Annual Report on Migration and Asylum Policies 2009 Slovak Republic*.

## 7.2 Developments within the national perspective

The most fundamental issue concerning refugee migration in the SR was a clear decrease in the number of filed applications for asylum comparing to previous periods<sup>127</sup>. In 2010, 541 persons applied for asylum in the Slovak Republic, which is the lowest number since 1999 and this number represents decrease by more than one third comparing to 2009. Compared to the previous years, the number of asylum seekers granted asylum was stabilized – in 2010 the asylum was granted to 10 asylum seekers<sup>128</sup> by the MO Mol SR and in 2009 to 14 asylum seekers (for comparison: in 2008, 22 asylums were granted, in 2006 – 8 asylums). However, on the other hand the, MO Mol SR granted 55 subsidiary protections in total which constitutes decrease by 43 cases comparing to 2009. It is necessary to mentioned that also the number of not granted subsidiary protections decreased comparing to 2009 (in 2010 the subsidiary protection was not granted in 104 cases and in 2009 in 165 cases). In 2010, the procedure was suspended in 360 cases, and no asylum was granted in 178 cases which constitutes a decrease comparing to 2009 when an asylum was not granted in 330 cases<sup>129</sup>.

<sup>127</sup> 822 persons applied for asylum in the SR in year 2009, in 2008, 909 persons applied for asylum in the SR, in year 2007 it were 2,643 persons, in year 2006, it were 2,849 persons and for comparison in year 2004, it were 11,395 persons. Source: MO Mol SR

<sup>128</sup> Statistics of the MO Mol SR, available on the following website: <http://www.minv.sk/?statistiky-20> (consulted on 3 February 2011).

<sup>129</sup> MO Mol SR. Ročná štatistika 2009. Bratislava. 2009. Information is available on the following website: [www.minv.sk/?statistiky-20](http://www.minv.sk/?statistiky-20) (consulted on 14 February 2011).



## International Protection, Including Asylum



In August 2010, the SR accepted 98 Palestinian refugees for the period of 6 months originally placed at the Al Waleed camp located in Iraq at the border of the Syrian Arab Republic, on the basis of tripartite Agreement between the Government of The Slovak Republic, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration concerning humanitarian transfer of Refugees in need of international protection through the Slovak Republic<sup>130</sup>. The stay of the Palestinian refugees in the SR is temporary. After 6 month period they will be resettled to a third country<sup>131</sup>.

In October 2010 the UNHCR organized an expert debate/round table on resettlement and integration of the resettled persons including participants from abroad (the Ministry of interior of the Czech Republic, regional office of the UNHCR in the Central Europe in Budapest, ICMC, IOM, MoI SR and NGOs). The aim of the discussion was to inform about the resettlement on international and also on national level and provision of information on realized resettlement projects in the SR and Czech Republic and future possible ways to solve this problematic.

### 7.3 Developments from the EU perspective

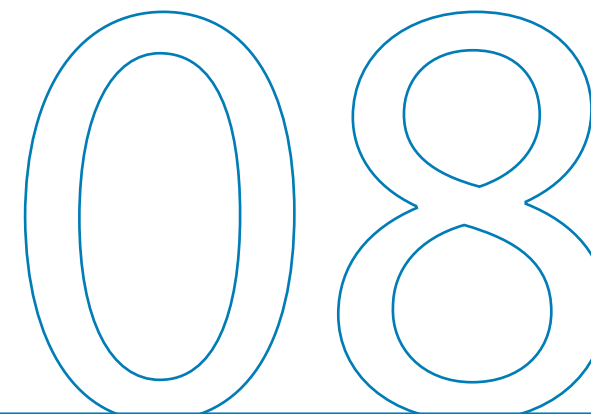
The SR, via the MO MoI SR, is actively involved into the pilot project EUREMA "refugees relocations from Malta within the EU" funded by the European refugee fund. The project is carried out in the period from January 2010 to June 2011. The goal of the SR is to internally relocate 10 persons with granted international protection, while the target groups are the families with children and single parents with children.

<sup>130</sup> Agreement between the Government of The Slovak Republic, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration concerning humanitarian transfer of Refugees in need of international protection through the Slovak Republic is available on the following website: [www.rokovania.sk/appl/material.nsf/0/.../\\$FILE/vlastnymat.rtf](http://www.rokovania.sk/appl/material.nsf/0/.../$FILE/vlastnymat.rtf) (consulted on 27 November 2009).

<sup>131</sup> Information provided by the Migration Office of the Ministry of Interior of the Slovak Republic.

Currently, a selection process of the appropriate candidates takes place in Malta by Maltese authorities in order to relocate them internally to the SR. The Grant Contract was signed by the SR at the end of September 2010.

The SR participated in the UNHCR, IOM and ICMC project "Promotion of resettlement in the European Union (EU) through practical cooperation by EU Member States and other stakeholders" in March 2010. The project is intended to promote greater engagement of EU Member States in resettlement activities by strengthening cooperation between the EU Member States.



## Unaccompanied Minors (and Other Vulnerable Groups)

### 8.1 Specific context

There were not specific developments in this area in 2010 comparing to 2009.

### 8.2 Developments within the national perspective

Besides developments outlined in part 8.2.3 there were not any specific developments in 2010 with respect to the unaccompanied minors and other vulnerable groups in the SR.

### 8.3 Developments from the EU perspective

The MO MoI SR cooperated on the IOM research project "Best Practises for a Coordinated Approach to Assist Unaccompanied Minor Asylum Seekers (UAMAS) and former UAMAS (FUAMAS) in EU MS" at the end of October 2010. The main aim of the project was to contribute to the elaboration of the EU Member States access to the group of current and former unaccompanied minors applying for asylum.

The Human Rights League in cooperation with the Slovak Humanitarian Council organized a conference on unaccompanied minors issues focusing on promotion of the discussion between the participants from different areas who are dealing with this issue in December 2010. Further information is available in the Annex on implementation of the European Pact on Immigration and Asylum and Stockholm Programme.



## Global Approach to Migration

### 9.1 Specific context

On 4 March 2009 the Slovak Republic Government approved *"Medium-Term Strategy for Official Development Assistance of the Slovak Republic for the years 2009-2013"* (hereafter "Strategy") initiated by the MoFA SR. The Strategy serves as the basis for further planning and programming documents for the next five years in the area of official development assistance. The strategy reflects the developments in Slovak foreign policy interests, the change Slovakia has attained as a new donor since 2003, including the completion of the development assistance system, experiences gained, and Slovakia's commitments arising under its EU membership. Further information is available in the Annual Report on Migration and Asylum Policies 2009 Slovak Republic in part V(d).

### 9.2 Developments within the national perspective

Besides the developments outlined in part 9.2.3, there were not any significant developments on national level in 2010 in relation to the global approach to migration.

### 9.3 Developments from the EU perspective

The SR implemented concrete projects of official development help in 2010 with explicit migration element:

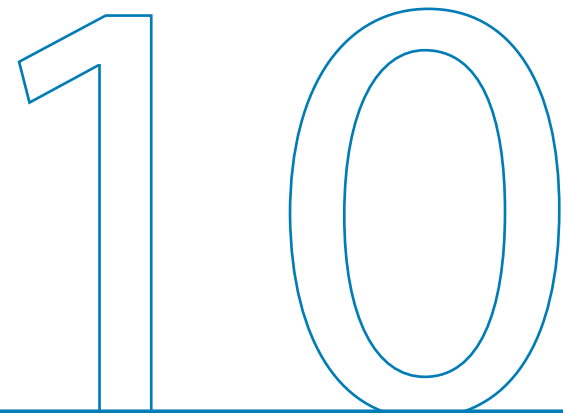
- *Promotion of the adaptation and bespoke assistance with regard to the integration of the resettled families in the region Khobi in Georgia;*
- *Equal labour opportunities and livelihood for Bosnian, Serbs and Croats affected by exploded land mines – "Fruit not mines"*

International agreement between the SR and the Republic of Moldova on development aid was signed on 7 May 2010 and entered into force on 17 September 2010. The aim of the agreement is to enhance the quality of the co-

operation in the framework of the Slovak official development aid programme.

Although the SR acknowledges the importance of remittances for the economic growth and social development of the partner countries, until now, the SR has not dealt with this particular question. One of the tasks that are waiting to be fulfilled is the creation of favourable conditions for migrants in cooperation with partner countries for use of this financial means in connection of expected development. The SR can find resources for creation of favourable conditions in the World Bank experiences and in, by the World Bank elaborated, general principles for international remittances services.





## Implementation of EU Legislation

### 10.1 Transposition of EU legislation 2010

The Act No. 594/2009 Coll. amending Act No. 48/2002 Coll. on Stay of Aliens as amended, which came into force on 15 January 2010, transposed into the national law the Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals. The transposition of this Directive into the national law was required by 24 December 2010 except the Article 13 (4), which should be transposed until 24 December 2011.

### 10.2 Experiences, debates in the (non-) implementation of EU legislation

In 2010 there were not any significant debates regarding the implementation of the EU law into the national law in the area of migration and asylum.

## Annex to National Annual Policy Report 2010 on Implementation of the Commitments of the European Pact and Stockholm Programme

### LEGAL IMMIGRATION AND INTEGRATION

## 1. Economic migration

### 1.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

#### *1 (a) Implement policies for labour migration*

The Slovak Republic (SR) did not adopt any new policies or strategies regarding the enhancement of management of third-country nationals' labour migration into the SR in 2010. In accordance with the Pact, the labour migration was regulated by the labour market needs and the preference of the EU citizens.

In comparison to other EU Member States, the SR does not regulate legal migration from the third countries by setting up the quotas for specific groups of economic migrants or by establishing a list of professions according to the labour market's needs in particular sectors. On the basis of monitoring regarding the deficit of the workforce in the SR in the second half of the 2010, the offices of labour, social affairs and family identified following scarce professions: seamstress, dressmaker, cooks, bartenders, medical doctors, nurses, welders, locksmiths, CNC machine operators, truck drivers, in hotel industry and catering, health care, textile industry, machine engineering and transportation of products.

Local Offices of Labour, Social Affairs and Family issued in total 2 700 work permits from 1 January 2010 to 31 December 2010, out of which 1210 were prolongations. During the period from 1 January 2010 to 31 December 2010, the number of removed work permits decreased to 825 in comparison to 2009 when the number of removed work permits was 1564 due to the termination of employment before the period, stated in the work permit, had elapsed. The number of issued information cards (IC), for foreigners who do not need work permit, was 1348 from 1 January 2010 to 31 December 2010<sup>132</sup>.

According to the report<sup>133</sup> approved by the Government of the SR as of 19 May 2010, the Ministry of Labour, Social Affairs and Family of the SR (MoLSAF SR) elaborated *framework and underlying philosophy* of foreigners' employment in the Slovak labour market in 2009-2010. These stated the support

<sup>132</sup> Information provided by the Centre of Labour, Social Affairs and Family (ÚPSVR).

<sup>133</sup> Summary Report on the state of implementation of the commitments from the Concept of Migration Policy of the Slovak Republic by the governmental departments in 2009, approved by the Slovak Republic Government Resolution No. 331 as of 19 May 2010, available at: [http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-118763?prefixFile=m\\_](http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-118763?prefixFile=m_) (consulted on 20 November 2010).

for third-country national workers` admission and employment in the Slovak Republic in accordance with labour market needs, in particular, support of admission of high-qualified workers, researches, students, as well as, qualified migrants.

The new Slovak Government, appointed after the Parliamentary elections held on 12 June 2010, stated in its *Manifesto*<sup>134</sup> that it will take steps to improve the quality of mechanisms for managing the migration and integration of foreigners, placing emphasis on the alignment and harmonisation of relevant procedures and policies with the developments and trends in other EU Member States and will prepare policy concepts for the migration policy of the Slovak Republic in the period of 2011 – 2015<sup>135</sup>. It is reasonable to assume that policy concepts for the migration policy will be approved during 2011 and they will set the priorities and rules in the area of legal migration, as well as labour migration and access to the labour market in the SR by labour migrants from third countries. The Slovak Republic should have a legal migration policy aimed at attraction of the high-qualified migrants from culturally close countries, according to the politicians` reflections<sup>136</sup>.

Regarding the planned changes to the policies, it is possible to state, that after the SR accession to the EU there was an increased interest in the SR. The SR, besides being traditionally a transit country, has become gradually also a destination country<sup>137</sup> for some migrants. Also, therefore, it is necessary to modify the *Concept of Migration Policy of the Slovak Republic* from 2005. On the governmental level, the Slovak Republic Government Resolution No. 467 as of 24 June 2010 and repeatedly the Slovak Republic Government Resolution No. 331 as of 19 May 2010 obliged to update the *Concept of Migration Policy of the Slovak Republic* adopted by the Slovak Republic Government Resolution No. 11 as of 12 January 2010 for the period 2010 – 2015 until the end of the year 2010.

The impact of economic crisis significantly influenced the situation on labour market in SR also in 2010, according to the information of the MoLSAF SR. Despite expected economic growth, being estimated up to 4% in 2010, the area of employment encountered huge problems which resulted in further employment decrease and increase of labour productivity without creation of new jobs. This is reflected also in the area of legal immigration, in particular with respect to the employment of foreigners. The Slovak Republic did not introduce any restrictive measures regarding the employment of third-country nationals, such as significant amendments of the legislation in order to limit the access to the SR labour market or specific measures that would support return of migrants to countries of origin. Although the economic crisis contributed to the change of attitudes towards the immigration, as regards the labour market needs in the SR, the volume of labour migration has not been limited yet, and it has been demand-driven.

Labour migration management focused on the compensation of the lack of available labour force in the labour market, primarily in problematic sectors where shortage professions exist. The SR sup-

134 The Manifesto of the Government of the Slovak Republic for the period of 2010 – 2014, August 2010, available at: <http://www.vlada.gov.sk/data/files/6257.pdf> (consulted on 20 November 2010).

135 Ibidem, Section 4.2 Internal order and security, p. 47.

136 TASR, Lipšic: Slovensko by malo mať koncepciu legálnej migrácie (author`s translation) Lipšic: Slovakia should have a concept on legal migration), SME, 1 August 2010, available at: <http://www.sme.sk/c/5488137/lipšic-slovensko-by-malo-mat-koncepciu-legálnej-migrácie.html> (consulted on 20 November 2010), TASR, Lipšic chce prilákať elity zo zahraničia (author`s translation) Lipšic wants to attract élite from abroad), Hospodárske noviny, 1 August 2010, available at: [http://hnonline.sk/index.php?article\[id\]=45370820&p=k02000\\_d&srv1\[action\]=vote&srv1\[answer\\_id\]=944390](http://hnonline.sk/index.php?article[id]=45370820&p=k02000_d&srv1[action]=vote&srv1[answer_id]=944390) (consulted on 20 November 2010), Krempaský, J., Zsilleová, M., Lipšic chce vyberať cudzincov (author`s translation) Lipšic wants to pick up foreigners), SME, 13. 8. 2010, available at: <http://www.sme.sk/c/5504424/lipšic-chce-vyberať-cudzincov.html> (consulted on 20 November 2010).

137 Foreign Policy Orientation in the SR in 2010, p.15, by the Slovak Republic Government Resolution No. 93 as of 3 February 2010 on the foreign policy orientation in the SR in 2010, available at: [http://www.foreign.gov.sk/App/wcm/media.nsf/vw\\_ByID/ID\\_98CA86E2F7C1ADA6C12576E9003585F0\\_SK/\\$File/Zameranie\\_ZP\\_2010.pdf](http://www.foreign.gov.sk/App/wcm/media.nsf/vw_ByID/ID_98CA86E2F7C1ADA6C12576E9003585F0_SK/$File/Zameranie_ZP_2010.pdf) (consulted on 20 November 2010).

ports labour migration while maintaining the conditions that the vacancies are filled by the registered jobseekers, jobseekers with the Slovak citizenship and EU/EEA citizens and citizens of the Swiss confederation and only subsequently by the third-country nationals.

The foreigners` employment increased at the end of the third quarter of 2010 by 20% yoy. The main increase was reported in employment of the EEA citizens, by 30% yoy at the end of the third quarter of 2010. The increase of employment of third-country nationals, who needed work permit, was higher by 12,3% yoy.<sup>138</sup>

Due to the demographic development, increase of retirement age of women up to 62 years of age, reduced employment by working-age population and high unemployment rates in the SR, there is no distinct need for organizing legal migration by now.

The Act No. 594/2009 Coll., which changes and amends Act No. 48/2002 Coll. on Aliens Stay and Amendments and Supplements to Certain Acts as amended entered into force on 15 January 2010. The changes introduced by the amendment of the *Act on Stay of Aliens* are due to the transposition of the *Return Directive*<sup>139</sup> and they refer to issuance of visas (concerning the Visa Code adoption), changes in issuance of individual types of residence permits, returns (forced returns - administrative expulsion, voluntary returns) and changes related to the detention of the third-country nationals in the SR.

Regarding the residence, the amendment of the *Act on Stay of Aliens* provided for possibilities of issuance of the temporary residence permit for the business purposes to the foreigner acting in the name of a business company or a cooperative society. In case of temporary residence permit for the purpose of employment, the ambit of foreigners, who shall not be required to have temporary residence permit within 90 days from the date of crossing the external border, has changed. New reasons for refusal of the foreigner`s application were amended with respect to the permanent residence procedure.

The Act No. 594/2009 Coll., also amended, as well the Act No. 5/2004 Coll. on Employment Services and on Amendments of Certain Acts as amended with changed entered into force on 15 January 2010. The changes were as follows: according to the Article 21(1)(a) of the *Act on Employment Services* the foreigner, who is involved in legal relations regulated by this Act, has the same legal status as the citizen of the SR, having been granted work permit and temporary residence permit for the purpose of employment, except as provided for in the Article 20(3)<sup>140</sup> of the Act on Stay of Aliens. Further the categories of foreigners, who do not need the work permit, were changed in the Article 22 (7) (o), (p) and (r)<sup>141</sup> of the *Act on Employment Services*. The work permit is not required with respect to

138 Information provided by the MoLSAF SR.

139 Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348, 24.12.2008.

140 Pursuant to the Article 20 (3) of the Act on Stay of Aliens a temporary residence permit for the purpose of employment shall not be required within 90 days from the date of crossing the external border, provided that the alien concerned:

- works for an important foreign investor in the Slovak Republic,
- was seconded to the Slovak Republic by an employer headquartered in another Member State of the European Union as part of service provision by such employer,
- has been employed in an international passenger transport and sent to carry out his/her duties in the territory of the Slovak Republic by his/her foreign employer, or
- is employed by an employer whose registered office or the registered office of its organizational unit with labour-legal capacity is outside the territory of the Slovak Republic and the employer had seconded him/her to carry out a job in the Slovak Republic on the basis of a contract concluded with a natural or legal person.

141 Pursuant to the Article 22 (7) (o) of the Act on Employment Services a work permit shall not be required in case of alien who is a

the members of companies, company organs constituted pursuant to law or members of any such organs that fulfil the tasks for the companies to which investment aid was provided according to the law in order to execute the activities in the SR, as well as for the foreigners who work for such companies in the SR, provide supply of goods or services, or carry out montage, guaranty and repair work related to the adjusting of the systems of the productions sites, IT services and trainings; and for the members of the cooperative society residing in the SR. By this amendment, the migration risks with regards to the uncontrolled access of third-country nationals to the Slovak labour market were eliminated in particular by limiting the categories of foreigners who do not need a work permit. In accordance with the employment policy and active policy of the labour market the focus was on the promotion of disadvantaged groups' integration in the labour market, to which belong also refugees with granted asylum and migrants<sup>142</sup>.

Currently, the new law on stay of aliens is in the process of preparation<sup>143</sup>. The part of this process is also the transposition of the *Employers Sanctions Directive*<sup>144</sup>. The *Directive* shall be implemented by 20 July 2011, and therefore, assumed date of entering into force of the new act on stay of aliens is the first half of 2011. The preparation of amendments of various laws (under competence of MoLSAF SR - *Act on Employment Services, Labour Code, Act on Illegal Work and Illegal Employment*) is in process in connection with the transposition of the *Employers Sanctions Directive* and *EU Blue Card Directive*. With respect to the *Employers Sanctions Directive* the *Ministry of Justice of the SR* is preparing the amendment of the *Criminal Code*.

***I(b) Increase the attractiveness of the EU for highly qualified workers and further facilitate the reception of students and researchers:***

With respect to increasing the attractiveness of the SR for third-country nationals, the SR does not have any programmes with the aim to attract high-qualified migrants in order to pursue certain professional activities in the SR<sup>145</sup>.

Also in the case of high-qualified workers' employment the lack of available labour force in the Slo-

member of the company, company organ constituted pursuant to law or member of any such organ that fulfils the tasks for the company to which an investment aid was provided according to the law in order to execute the activities in the Slovak Republic.

Pursuant to the Article 22 (7) (p) of the Act on Employment Services a work permit shall not be required in case of alien who fulfils the tasks for the company to which investment aid was provided according to the law in order to execute the activities in the SR, as well as for the aliens who work for such companies in the SR, provide supply of goods or services, or carry out montage, guaranty and repair work related to the adjusting of the systems of the productions sites, IT services and trainings.

Pursuant to the Article 22 (7) (r) of the Act on Employment Services a work permit shall not be required in case of alien who is a member of the cooperative society residing in the Slovak Republic or its branch is residing in the Slovak Republic.

142 Information provided by ÚPSVR.

143 In course of preparation of the new act on stay of aliens a new working group was established from the representatives of the BBAP MoI SR and its organizational parts by the Order of the Director of the Border and Alien Police of the Ministry of Interior of the Slovak Republic, no. 38 as of 7 July 2010 establishing a commission of the Director of the Border and Alien Police of the Ministry of Interior of the Slovak Republic on elaboration of the draft of the new act on stay of aliens. The working group regularly organized meetings on the ministry of interior level, as well as on the inter-departmental level, particularly, in cooperation with the MoLSAF SR, during 2010.

144 Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, OJ L 168, 30 June 2009. The Act on Stay of Aliens shall be amended in order to transpose the directive as follows: the employers' obligation to inform the police unit on beginning of employment of third-country national in given period should be established, as well as the obligation to pay all costs related to the return of the third-country national without any respect to the fact that the third-country national has or has not any own financial means. At the same time the Act on Stay of Aliens shall regulate the possibilities to grant the temporary residence permit in case the third-country national is a victim of illegal employment under specifically exploiting labour conditions or in the case of illegal employment of the minors. Information provided by the BBAP MoI SR.

145 Domonkos, T., Páleník, M., Radvanský, M., Satisfying labour demand through migration in the Slovak Republic, National Study for the European Migration Network, Bratislava, September 2010, p. 17.

vak labour market was taken into account, i.e. in order to compensate the shortages of high-qualified professions. The information available on documents recognitions and in general on education requirements and applicability on the labour market in the SR are provided on the following web-pages: [www.migration.sk](http://www.migration.sk) – created under the EIF project "*Labour Pool for Migrants*"; undertaken by the *Institute of Public Policy of the Faculty of Social and Economic Science of the Comenius University in Bratislava* in 2009, as well as the [www.mic.iom.sk](http://www.mic.iom.sk) – the *IOM Migration Information Centres*, created in the framework of EIF project in Bratislava and Košice. The project "*Economic Aspects of the migration and integration of the third-country nationals in the Slovak Republic*" was implemented by the *Institute for the Public Affairs* (IVO) in the framework of the EIF in 2010, while continuing in 2011 as well. It is a research project focused on mapping of the economic aspects of the migration and integration of the migrants from third countries in the Slovak environment, and at the same time creating the basis for the future comparison<sup>146</sup>.

The *Agreement between the Slovak Republic and Canada on youth exchange* was signed on 20 August 2010 in order to increase the possibilities for young citizens of both states to complete their higher vocational education or university education, or training connected to internship, or work stay, and thus, gaining work experience. The *Agreement* covers university graduates, students enrolled at universities in home country to fulfil their academic study plan with the possibility of internship or employment. The *Agreement* shall come into force after approval by the National Council of the Slovak Republic (Slovak Parliament) and by the Canadian Parliament and it shall be applicable in 2011.

During 2010 an Agreement between the Slovak republic and New Zealand on sabbatical was prepared. The Agreement was approved by the Government of the Slovak Republic on 12 January 2011 (by the SR Government Resolution No. 9/2011). On the basis of this Agreement's provisions and on the basis of reciprocity, the citizens of parties to the Agreement can be employed during sabbatical (holiday) stay by an employer not exceeding the limit of 6 months of employment without a work permit and also to enrol into the educational or study courses not exceeding the period of 6 months<sup>147</sup>.

The *EU Blue Card Directive*<sup>148</sup> is going to be transposed by the new act on stay of aliens which is being under preparation. The changes related to the transposition of the *Directive* are as follows: change of conditions to be fulfilled in order to be granted the residence permit for high-qualified workers. The new act on stay of aliens shall embedded possibilities to gain the residence permit for high-qualified workers for four years. The amendment of the law envisages for this category of foreigners issuance of a new type of residence document so called "*EU Blue Card*" from 1 to 4 years, or for shorter period than 1 year in relation to labour contract validity. At the same time the change of conditions regarding the residence of family members of the high-qualified workers is foreseen, in order to calculate first five years of the family members' residence, required in order to gain separate residence permit, accumulate the residence in the Member States. The accumulation of periods of residence in different Member States by the EU Blue Card holders shall apply *mutatis mutandis* in order to fulfil the requirements for obtaining long-term residence permit. Also, it is intended to issue long-term residence permits where under the heading "remarks" there will be entered "Former EU Blue Card holder"<sup>149</sup>.

146 Further information is available at: <http://www.ivo.sk/5970/sk/projekty/ekonomicke-aspekty-migracie-a-integracie-migrantov-z-tretich-krajin-v-prostredi-slovenska> (consulted on 7 December 2010).

147 Information provided by the MoLSAF SR.

148 Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ L 155, 18 June 2009.

149 Information provided by the BBAP MoI SR.



The Ministry of Education, Science, Research and Sport of the SR in its concepts<sup>150</sup> stated that within its resources it will support the opportunities, besides others, also provision of education to foreigners.

With respect to the statistical data, the Centre of Labour, Social Affairs and Family does not gather data, in particular, on high-qualified workers or researches. According to the employment classification (KZAM) the data are gathered on employed foreigners in groups 0 to 9, whereas the groups 1 and 3 could be regarded as high-qualified workers and group 2 as researches:

1 - LEGISLATORS, SENIOR OFFICIALS AND MANAGERS

2 - SCIENTISTS AND PROFESSIONALS

3 - TECHNICIANS, PARAMEDICS, EDUCATORS AND ASSOCIATE PROFESSIONALS

Categories of employees	EU citizens	Foreigners (Information card holders) IC_NON-EU	Third-country nationals with permits
High-qualified workers (KZAM – group 1)	1931	261	543
Researches (KZAM – group 2)	2062	260	587
High-qualified (KZAM – group 3)	1885	197	194
In total	5878	718	1324

The above stated numbers are the total number of foreigners and EU citizens according to the aforementioned groups (KZAM 1,2,3) by 31 December 2010<sup>151</sup>.

ATE can employ a foreigner only for their needs it cannot temporarily transfer a foreigner to other employer - "user" employer because the work permit is valid only for concrete employer and concrete type of activity and working place. Due to that fact, the number of third-country citizens employed by the Slovak ATE is zero.

### *I(c) do not aggravate the brain drain*

As results from the aforementioned under Pact's commitments I (a) and I (b), the Slovak Republic does not implement policy that would aggravate the brain drain from third countries. Therefore, there were not adopted any measures to decrease the phenomenon of the "brain drain" from the third countries on the ministerial level in 2010. Similarly, there was not approved any strategy with respect to the circular migration or support for "brain circulation" that would constitute in practice the promotion of temporary return of the high-qualified migrants to the countries of origin in order to mitigate the consequences of the "brain drain" phenomenon. Further information on circular and temporary migration is available in the EMN study elaborated during 2010<sup>152</sup>.

The Slovak Republic is one of those countries, whose labour market is negatively affected by the "brain drain" – i.e. by departure of the qualified and high-qualified workers to other EU Member States or other countries of the OECD.

<sup>150</sup> Point 57, Long-term policy concepts on educational, research, development, artistic and other creative industries in the area universities until 2014, Ministry of Education, Science, Research and Sport of the Slovak Republic, available at: [www.minedu.sk](http://www.minedu.sk) (consulted on 21 November 2010).

<sup>151</sup> Information provided by ÚPSVR.

<sup>152</sup> Domonkos, T., Palenik, M., Radvanský, M., Temporary and Circular Migration in the Slovak Republic, National Study for the European Migration Network, Bratislava 2010.

## 1.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

### *1(b) Improving skills recognition and labour matching*

In the Slovak Republic, the Act No. 293/2007 Coll. on recognition of special qualifications governs the way of recognition of documents on education and recognition of the qualification level of the third-country nationals for the purpose of execution of regulated professions and regulated professional activities and for the purpose of free provision of services in the Slovak Republic. There were no changes in this area in 2010 to previous year.

The Centre for Recognition of Diplomas of the Ministry of Education, Science, Research and Sport of the SR is responsible for the qualification level recognition. In the course of employment, the recognition of qualifications is up to the employer depending on the qualification requirements related to the vacancy.

The Slovak Republic with respect to the employment of the foreigners applied the economic control test in the labour market, i.e. if the vacancy offered to the foreigners could be filled by the registered jobseeker. The Union preference (former principle of Community preference) was applied as well.

As a result of a negative impact of economic crisis on the labour market in the SR, the situation on the labour market is judged more thoroughly, as well as, with respect to the fulfilment of the qualification criteria in course of employment<sup>153</sup>.

In case of labour force shortages in particular sectors of the national economy there is not any comprehensive state strategy in the SR, which would aim to resolve the structural incongruities between labour demand and supply of labour in the labour market<sup>154</sup>.

## 1.3 Key statistics

First residence permits, by reason				
	Total	Education reasons	Remunerated activities reasons	Other reasons
First permits	4381	321	1797	2263

Source: Unit of Risk Analysis and Statistics of the Analysis and Strategic Management Centre of the Bureau of Border and Alien Police of the Ministry of the Interior of the Slovak Republic (URAS ASMC BBAP MoI SR), information system databases IS ECU (Foreigners' Register). Information provided for the period 1 January 2010 to 31 December 2010.

All valid residence permits, by duration				
	Total	3-5 months	6-11 months	12 months and over
All permits	22932	Data not available	Data not available	Data not available

Source: Unit of Risk Analysis and Statistics of the Analysis and Strategic Management Centre of the Bureau of Border and Alien Police of the Ministry of the Interior of the Slovak Republic (URAS ASMC BBAP MoI SR), information system databases IS ECU (Foreigners' Register). Information provided for the period 1 January 2010 to 31 December 2010.

<sup>153</sup> Information provided by the MoLSAF SR.

<sup>154</sup> Domonkos, T., Palenik, M., Radvanský, M., Satisfying labour demand through migration in the Slovak Republic, National Study for the European Migration Network, Bratislava, September 2010, p. 17.

Unemployment rates of Member State citizens versus third-country nationals residing in the Member State			
	Member State citizens		Third-country nationals
Unemployment rate (%)	CZ (Czech Republic)	12,65%	
In the SR by 31 December 2010	DE (Germany)	2,20%	
registered ..... 12,46%	PL (Poland)	7,61%	10,85%
Calculation out of total numbers ..... 14,19%	Austria	7,85%	
	Romania	0,18%	
	Hungary	8,20%	
	Bulgaria	1,56%	
	Estonia	11,10%	
	Spain	0,58%	
	Ireland	2,04%	
	Italy	0,22%	
	EU citizens in total ..... 5,19%		

*Economically active population in the SR by 30 September 2010 ..... 2 687 048*

*Registered unemployment rate* – ratio of available jobseekers (UoZ) to economically active population

**Registered unemployment rate** = ((available jobseekers)/(economically active population)) \* 100

*Unemployment rate calculated out of total number of jobseekers* – ratio of total number of jobseekers to economically active population

**Unemployment rate calculated out of total number of jobseekers** = ((total number of jobseekers)/(economically active population)) \* 100

*Available jobseekers* (seeking employment) – jobseekers (UoZ) who can immediately enter the employment relationship after being offered a job vacancy

Unemployment rate of the foreigners is calculated out of the ratio of the jobseekers with other nationality than of the SR registered by the Local Offices of Labour, Social Affairs and Family by 31 December 2010.

	Employed EU citizens with IC (information cards)	EU citizens (seeking employment - UoZ) registered by the Offices of Labour	
CZ (Czech Republic)	2830	358	12,65%
HU (Hungary)	1730	142	8,20%
DE (Germany)	817	18	2,20%
PL (Poland)	1969	150	7,61%
Austria	546	1	0,18%
Romania	2935	55	1,87%
Bulgaria	511	1	0,19%
Estonia	9	1	11,10%
Spain	172	1	0,58%
Ireland	49	1	2,04%
Italy	448	1	0,22%
	13695	729	5,32%

The number of third-country nationals, registered by the Labour Offices as seeking employment (UoZ) by 31 December 2010, was **494 (311+183 = 494)**.

The number of third-country nationals employed in the SR (work permits – 2982 + ICNONEU (information cards for non-EU nationals) 1 570 by 31 December 2010, was **4 552**

*Ratio 494/4552\*100 ... 10.85%*

Note: the numbers of third-country nationals and the EU citizens registered by the Local Labour Offices as jobseekers were provided from the database of the information system APV RPS UPSVAR by 31 December 2010.

Lower unemployment rate of the foreigners is interrelated to the Slovak legislation, which stipulates that if the employment of the foreigner is terminated, for the purpose of which she/he got a temporary residence permit, she/he is obliged to leave the SR. A foreigner can be registered as seeking employment (UoZ), if she/he was granted a permanent residence permit. Legislation in some of the EU Member States allows foreigners to stay on their territory for period of certain time also after the employment is terminated and to registered as jobseekers and to seek a work<sup>155</sup>.

## 2. Family Reunification

### 2.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

#### *I(d) to regulate family migration more effectively*

There were not adopted any new policies with respect to family reunification in 2010.

After the Act No. 594/2009 Coll. entered into force, the new reasons for refusal of applications for permanent residence permit were amended into *the Act on Stay of Aliens*. These reasons comprise cases when a foreigner provides false, incomplete or misleading information; or submits false or forged; or documents of another person; or if the information in the travel document of the foreigner does not correspond with the reality.

With respect to the family migration and consideration of the integration criteria, taken into account during the decision-making on the application, it is necessary to mention that the *Act on Stay of Aliens* regulates in the Article 23 the cases when it is possible to grant a temporary residence permit to a foreigner for the purpose of family reunification. While deciding on temporary residence application for the purpose of family reunification, the interests of minor child of foreigner, personal and family relations, foreigner's financial situation, duration of previous residence, as well as, duration of the presuming residence in the SR are taken into account besides fulfilment of all other legal requirements.

The Article 34 of the *Act on Stay of Aliens* stipulates when it is possible to issue a permanent residence permit for the first time for five years ("first permit") for the purpose of family reunification. While deciding on permanent residence application a police unit shall consider the integration of the foreigner into the society. In case of another (subsequent) request for a permanent residence permit for an unlimited period of time, a police unite may request a certificate on undertaking of the Slovak language course in order to consider the extent of integration into the society.

<sup>155</sup> Information provided by ÚPSVR.

Currently, there are not planned any substantial legislative amendments in this area<sup>156</sup>.

There were not adopted any measures with respect to measurement of the foreigners` integration level, for instance in the area of language knowledge, qualification and professional skills. Adoption of such measures is foreseen within the time span until 2012 in connection to the *Act on Further Education*<sup>157</sup>.

2.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

2 (b) the Directive on family reunification, the importance of integration measures

There are not planned any substantial legislative amendments to change the residence conditions of the foreigners coming to the SR for the purpose of family reunification, at present. With respect to the Slovak labour market access rules, the rules governing the employment of the family members of the foreigners/third-country nationals are not planned to be changed. That means, the family members who came for the purpose of family reunification are allowed to access labour market after 12 months from the family reunification in the SR without any work permit.

In the course of transposition of the *EU Blue Card Directive* into the national legislation, the SR is currently preparing the provisions regulating the employment of the family members of the *EU Blue Card* holders that shall enter into force by June 2011.

With respect to the social integration, the social services are provided also to the foreigners equally as to the citizens of the SR providing the conditions, stated in Article 3 of the Act No. 448/2008 Coll. on *Social Services* as amended, are met. Among the measures supporting the integration of the third-country nationals, who came for the purpose of family reunification, are included also social services aimed at delivering the bare necessities in facilities (flopouse, shelters, low-threshold day's centre, emergency accommodation facilities) and social services aimed at supporting families with children. These services include assistance with respect to the personal care of a child and support to reconcile family and professional life and provision of social services in facility for temporary child's care and provision of social services in low-threshold centres for children and family.

State social benefits are intended for families with children, above all, child benefit and parent allowance are available also for the third-country nationals living in the SR providing they were granted temporary or permanent residence permit. The foreigners who were granted asylum or subsidiary protection are entitled to claim the right to state social benefits. This procedure is in favour of migrant's family reunification.

The Act No. 447/2008 Coll. on Cash Benefits for Compensation of Severe Disability and on amending of certain acts regulates the conditions regarding provision of cash benefits for compensation of social impacts of severe disability of disabled persons. The aim is to provide social inclusion of the person with severe disability into the society with his/her active role providing the human dignity is preserved in the areas defined by that law. According to the aforementioned act the person who is entitled to enter legal relations is a natural person that is:

156 Information provided by the BBAP MoI SR.  
157 Information provided by the MoLSAF SR.

- a foreigner, who is a family member of the citizen of the SR with the permanent residence in the SR and who has a permanent residence permit in the SR according to the law,
- a foreigner who is not a citizen of an EEA country and whose right to compensation is guaranteed by the international treaty to which the SR is committed,
- a foreigner who was granted asylum according to the law

If a client – a foreigner – fulfils the requirements in accordance with the Act No. 448/2008 Coll. on Social Services, he/she has the possibility to ask a municipality or higher territorial unit for provision of concrete social service. The social service is provided under same conditions as in case of the citizens of the SR.

According to the Article 3 of the Act No. 599/2003 Coll. on Support in Material Distress and amending and supplementing certain acts, delivering bare necessities and supporting in material distress is provided on the same footing as to the citizens of the SR also to the stateless persons, refugees, persons with granted subsidiary protection, displaced persons with granted residence in the SR by the relevant authority and expatriate Slovaks with residence in the SR, if they were not provided with the assistance according to other laws or international treaties to which the SR is committed.

In the reference period from January 2010 to September 2010, the assistance/support pursuant to the aforementioned provision (Article 3 of the Act No. 599/2003) was provided on average to 266 foreigners per month with average funding of 36 297,- € per month per mentioned number of persons<sup>158</sup>.

2.3 Key statistics

First residence permits for family reasons	
Number of first permits	1 148

Source: URAS ASMC BBAP MoI SR, information system database IS ECU (Foreigners' Register). Information provided for the period 1 January 2010 to 31 December 2010.

3. Other legal migration

3.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

***l(e) to strengthen mutual information on migration by improving existing instruments where necessary;***

The SR takes part in the information exchange systems on the EU level.

**FRAN FRONTEx**

The information exchange between the EU Member States on illegal migration through regular meetings of the FRAN (*Frontex Risk Analysis Network*) Frontex continued in 2010 with the participation of the URAS ASMC BBAP MoI SR. The FRAN is a network of the EU Member States and of the

158 Information provided by the MoLSAF SR.



Schengen associated countries that associates analysts from the analysis centres of these countries and provides information on the actual state of play with respect to the illegal migration.

Within the FRAN cooperation 2-month FRAN analyses reports are monthly uploaded and monthly FRAN statistics are uploaded to the ICONET group of the CIRCA network. The States are obliged to fill these documents according to set plan into a specific file of the ICONET in agreed time. On the bases of these documents, the Frontex agency elaborates its products which are regularly presented during the aforementioned meetings also with the information on illegal migration provided by the Member States, or it requests to clear the ambiguities from the national analysts, or it sets new tasks for the Member States.

### DSR/MSR SYSTYM

The information exchange on the multilateral level on illegal migration occurred between the Slovak Republic, Poland, Hungary and Ukraine within the DSR/MSR „Daily Statistics Reports/ Monthly Statistics Reports“. The information exchange on daily and monthly bases is related to the illegal state border crossings, readmission, trafficking. Information is registered by the national contact points which compare their own statistical data with data provided by other participating states. The analyses are created on the monthly basis regarding the possible threats to the external land border.

### Project HERMES

The URAS ASMC BBAP MoI SR participated on Belgian Federal Police project “Hermes” which aim was to map the migration flows on the main land, railway and water routs in 2010. The result of this project should be a map of migratory routs in order to provide quality overview of the internal illegal migration in the EU.

The Statistical Office of the SR provides yearly information on illegal migration to the Eurostat through the questionnaire „International Migration Data Collection“ according to the Article 3 of the Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection. For the first time the “Migration Metadata and Quality Questionnaire” was provided to the Eurostat in 2008. This questionnaire was elaborated by the Eurostat in order to compare the conformity with the requirements of the Article 3 of the Regulation on statistics on migration and international protection. The EU Member States provided information through this questionnaire on sources of the used data, causes for selection of this sources and the impact of sources selection on statistic quality. The Metadata collected through this questionnaire are used for analysis of reliability, coherence and comparability level. In addition, the summary of this information is used for preparation of methodology files on the Eurostat level, including information regarding the terms of definitions, concepts and quality.

Further, the Statistical Office of the SR cooperates with the neighbouring countries, the Czech Republic, Austria, Hungary, Slovenia, Poland and Germany, regarding the information exchange on implementation of the Regulation (EC) 862/2007 on Community statistics on migration and international protection and the data according to the Article 3 of this Regulation.

The information exchange on bilateral level regarding migration occurred through transport of the statistical data and analytical products to the analyses unit in the Czech Republic, as well as the exchange of the monthly statistics and analyses products to the German police attaché in the SR.

The information exchange between the EU Member States on legal migration occurred also through

participation and presentation of the positions of the SR by the Aliens` Police Unit of the BBAP MoI SR at the EU Council working groups meetings of national experts, Commission's contact committees and other forums at the EU level in 2010.

Also through the European Migration Network ad-hoc queries, the information exchange on legal and illegal migration was taking place. Due to the operational activities on the east border, the Frontex used information provided by the EU Member States on legal migration and compared it to the illegal migration data and it planned joint operations with respect to the selected sectors of the Schengen border. This information is consequently confronted with the outputs of Europol, EUBAM and so on.

The SR provided information on residence and employment of the foreigners to the *European Immigration Portal*. The cooperation was enhanced between the local offices of border and aliens` police and local offices of labour, social affairs and family, including information exchange of statistical data on migration and databases exchange.<sup>159</sup>

### ***l(f) Improve information on the possibilities and conditions of legal migration***

The SR actualized data that should be publicised by the Commission of the EU on EU Immigration Portal at the end of 2010. The actualization through national contact point of the European Migration Network included information on possibilities and conditions of legal migration to the SR (e. g. information on legislation in force, conditions to be fulfilled in order to come legally to the SR for the different purposes (study, work, entrepreneurial activity. etc.)).

The official websites of the state institutions of the SR contain similar information. The official website of the MoLSAF SR contains this kind of information – [www.employment.gov.sk](http://www.employment.gov.sk) - in the part: EU and international relations – free movement of persons and migration. Further information is available on the website of the MoI SR – [www.minv.sk](http://www.minv.sk) in the part: asylum and migration and the website of the MoFA SR - [www.mzv.sk](http://www.mzv.sk).

Information is also directly provided to the foreigners, as well as, to the employers by the local offices of labour, social affairs and family within the guidance services.

In the framework of the EIF projects, the information activities were carried out including creation of the information portals aimed at provision of the migration and integration information for the foreigners, such as:

- *Labour Pool for Migrants*, implemented by the Institute of Public Policy of the Comenius University in Bratislava, information is provided in several world languages<sup>160</sup> ([www.migration.sk](http://www.migration.sk))
- *Support of qualification recognition, professional practice and preparation of the third-country nationals*, undertaken by the civic association Euroiuris, o. z. - <http://www.migracia.euroiuris.sk/> - the aim of the project was to identify and define legal shortcomings leading to the low percentage of submitted and successful applications for qualification recognition in the SR, as well as to propose necessary changes of the current Slovak legislation.
- *Migration Information Centre* with the aim to provide assistance to the social, economic and cultural integration of the migrants in the SR implemented by the IOM ([www.mic.iom.sk](http://www.mic.iom.sk)).

<sup>159</sup> Information provided by the MoLSAF SR.

<sup>160</sup> The project was undertaken already during 2009, however, the webpage is thenceforth available.

However, there is not any public administration institution that would provide comprehensive counselling to the migrants in the SR<sup>161</sup>, this type of services is provided only by the Migration Information Centre established by the IOM, funded by the EIF and the Ministry of Interior of the SR. Necessary information, consultations regarding various aspects of life in SR are available at [www.mic.iom.sk.sk](http://www.mic.iom.sk.sk).

## 3.2 Stockholm Programme

The relevant commitments in the Stockholm Programme are similar to the Pact objective above, hence no further information required.

# 4. Integration

## 4.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

### *I(g) Promote harmonious integration in line with the common basic principles*

Due to the elections to the higher administrative authorities and personal changes as a result at the end of the 2009 and due to the parliamentary elections and municipalities elections during 2010 there were not any significant results<sup>162</sup>, in general, with respect to the implementation of the *Concept on Foreigner Integration in the SR*<sup>163</sup>, in particular regarding to the proposed legislative, organizational, conceptual and practical integration measures and defined tasks for the upcoming 3-5 years. Negative impact in this regard constituted also organizational changes of the MoLSAF SR during 2010 – primarily the abolition of the *Department for the Migration and Integration of Foreigners of the MoLSAF SR* and division of the agenda within the section of international relations between two departments by 1 April 2010, as well as further organizational changes as of 1 November 2010 that transferred the agenda of foreigners integration to the Department of gender equality and equal opportunities of the MoLSAF SR.

In the area of language preparedness of adult foreigners, the work on institutionalization and formalisation of the Slovak language courses and cultural orientations for groups of foreigners, who are able of integration, is intensified. Currently, it is possible to attend the Slovak language courses provided by the program "Slovak as a Foreign Language" of the Faculty of Philosophy of Comenius University in Bratislava – Section of the Slovak Language and Section of the Slovak Literature and Literature Science. This programme is funded fully by the MoESRS SR and it is implemented in an e-learning form on A1 and A2 level. The work is being done on implementation of the e-learning form for B1 and B2 level in presentational form.

Project "Language and intercultural preparation of the third-country nationals in West Slovakia higher territorial units (Nitra, Trnava and Bratislava)" was also funded by the EIF in 2010 with the aim to

<sup>161</sup> Kriglerová G., E., Kadlečíková, J., Lajčáková, J., Migranti, nový pohľad na staré problémy. Multikulturalizmus a kultúrna integrácia migrantov na Slovensku, Centrum pre výskum etnicity a kultúry, Bratislava, 2009, p. 54.

<sup>162</sup> Information provided by the MoLSAF SR.

<sup>163</sup> Concept of Foreigners Integration in the Slovak Republic, approved by the Slovak Republic Government Resolution No. 338 as of 6 May 2009, available at: [http://www.rokovania.sk/appl/material.nsf/0/4E933AB8C785D248C12575900040A601/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/4E933AB8C785D248C12575900040A601/$FILE/Zdroj.html) (consulted on 20 November 2010).

lingual integration of the migrants attained by the free of charge courses of the Slovak language for the third-country nationals with legal residence in the SR – in West Slovakia region<sup>164</sup>.

*E-KU Institute of language and cultural communication* implemented in 2010 the project aimed at language and intercultural preparation of the third-country nationals in West Slovakia region. The particular goal was the lingual integration of the migrants which should be attained by the free of charge courses of the Slovak language for the third-country nationals with legal residence in the SR – in West Slovakia region<sup>165</sup>.

The free of charge courses of the Slovak language as the form of assistance to migrants, usually funded by the EU funds, were also provided by the non-governmental organizations. Significant assistance with respect to the migrants from abroad is provided by the international institutions, such as the International Migration Organization IOM. The IOM provided language course for the foreigners, which were funded by the financial resources of the EIF, in 2010. Since 1 November 2010, the 4th phase of the *Migration Information Centre IOM project* was approved within the annual programme 2010 EIF. Low-threshold course of the Slovak Language for the third-country nationals will be provided within this project. The project is co-financed by the European Union (EIF) and by the *Ministry of Interior of the SR* (state budget).

With respect to the further measures it is necessary to increase the involvement of the municipalities and cities, higher territoriality units into the process<sup>166</sup>.

The information on participation of immigrants in a democratic process and in creation of the integration policies and measures, in particular, on local level, were not available at the time of the report elaboration. Immigrants, the representatives of communities of foreigners living in the Slovak Republic, had an opportunity to opine on the proposed integration measures, during the preparation of the *Concept on Foreigner Integration in the SR* in 2009.

The project of the CVEK (*Centre for ethnicity and culture research*) "Integration of the third-country nationals on the local level – the municipalities and other stakeholders' tasks in this process" was undertaken in 2010 within the EIF funding with continuation foreseen in 2011. The main goal of this project is to formulate recommendations in order to enhance the integration of migrants on the local level and to contribute to the quality operation of the municipalities with respect to the migrants by qualitative comparative research.<sup>167</sup>

The integration of the persons with granted subsidiary protection is in compliance with the *Concept on Foreigner Integration in the SR* that was approved by the Government of the SR in May 2009. Integration of these persons includes language preparation (language courses), access to the employment, social and medical service, as well as, to the accommodation.

The Migration Office Mol SR was accepted to the ENARO network (European Network of Asylum Reception Organizations) in 2009. The MO Mol SR successfully participated in exchange of the experts who ensure the reception of the asylum seekers in asylum facilities. The representative of the MO Mol SR participated in a workshop on integration, organized within the ENARO network - Reception

<sup>164</sup> Further information on the project is available at: <http://www.eku.sk/migrantioprojekte.php>. (consulted on 7 December 2010).

<sup>165</sup> Further information on the project is available at: <http://www.eku.sk/migrantioprojekte.php> (consulted on 7 December 2010).

<sup>166</sup> Information provided by the MoLSAF SR.

<sup>167</sup> Further information on the project is available at: <http://www.cvek.sk/main.php?p=projekty&lang=sk> (consulted on 7 December 2010).

Expert Teams (RET), on 8 June 2010.

An exchange visit of two experts from the MoI SR was undertaken within ENARO network in Belgium and Switzerland during the period 23 September 2010 to 2 October 2010. The main topics were personal capacity of the employees and integration. The participants changed information on integration in asylum facilities/centres in other countries.

#### ***l(h) Promote information exchange on best practices in terms of reception and integration***

The SR provided information to the European website on integration of the European Forum on Integration.

The national website is being prepared, as well as, the information exchange between institutions and other stakeholders, in the area of integration of the migrants, is being enhanced.

The little progress was attained in this area mainly due to the organizational changes in the state administration and in the higher territorial units<sup>168</sup>.

The 5th working group for integration of migrants could be regarded as the forum for integration of migrants on inter-departmental level. It was established under the *Third-country national migration and integration Steering Board* in 2009. The MoLSAF SR is responsible for this working group. The members of the working group are the representatives of the main state administration bodies (MoLSAF SR, MoI SR, MoFA SR, Ministry of Economy of the SR etc., and representatives of the municipalities, *Association of Towns and Villages of Slovakia* (ZMOS) etc.). This working group met only once during 2010 (in March), and therefore, it is not possible to evaluate the results of its activities or the overall asset. The *Inter-Departmental Commission on Labour Migration and Integration of Foreigners (MEKOMIC)* met only once in 2010 (in March) and its meeting was aimed at the implementation of the *Concept on Foreigner Integration in the SR*.

## 4.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

#### ***3(b) to incorporate integration issues in a comprehensive way in all relevant policy areas***

So called *integration mainstreaming* is one of the key elements of the *Concept on Foreigner Integration in the SR* in relation to the drafting laws, creating sectoral policies, regulations, and adopting measures. It is necessary to reflect the consequences of such measures on the foreigner's integration. Each year there should be a *report on the state of implementation of the commitments of the Concept on Foreigner Integration in the SR*

The *Concept on Foreigner Integration in the SR* was approved by the Government of the SR on 6 May 2009 and the process of its integration into other national policies is at the beginning. It is expected that more significant linkage between other national policies will be visible within 2 to 3 years. Problematic remains the question of funding with respect to the proposed measures and programmes<sup>169</sup>. The *Third-country national migration and integration Steering Board* was established by the Govern-

<sup>168</sup> Information provided by the MoLSAF SR.

<sup>169</sup> Information provided by the MoLSAF SR.

ment Resolution No. 467 in 2009. It covers implementation of the migration and integration policies in the SR. The MoLSAF SR is responsible for the 5th working group for integration of migrants that was established under this *Steering Board* in 2009 in March 2010.<sup>170</sup> See further information under commitment l(h).

In section 3.4 *Education system, science, youth and sport* of the *Manifesto of the Government of the Slovak Republic* it is stated that the *Government* will try to support the standards enhancing new skills and intercultural dialogue within the education system during the period 2010 – 2014<sup>171</sup>.

#### ***3(e) improved consultation with and involvement of civil society***

The information was not available.

#### ***3(f) to enhance democratic values and social cohesion in relation to immigration and integration of immigrants and to promote intercultural dialogue and contacts***

With respect to the tasks resulting from the *Manifesto of the Government of the Slovak Republic* for the period of 2010 – 2014, in particular to prepare *policy concepts for the migration policy of the Slovak Republic* in the period of 2011 – 2015, the MoI SR requested provision of input and priority assessment in this area, which are necessary to be solved, from the academic sphere, independent experts, non-governmental organizations, international organizations, *Association of Towns and Villages of Slovakia* (ZMOS), ministries and other stakeholders.

Several projects and activities were undertaken to support immigrants' integration and intercultural dialogue thanks to the EIF funding and co-funding from the public resources in 2010.

The IOM organized various projects, meetings aimed at integration and enhancement of the intercultural skills. The project of the IOM - *Strengthening of the intercultural capacities and regional cooperation of the experts working with the migrants in the Slovak Republic*, funded by the EIF, was undertaken during 2010 and will continue in 2011. Its aim is to enhance the intercultural competences through trainings of selected experts on regional level and to support mutual cooperation in order to improve the quality of the services provided regarding the integration of the migrants in the SR<sup>172</sup>. The Migration Information Centre IOM co - funded and co-organized 12 information meetings during 2010. The main organisers of these meetings were the cultural mediators representing the community of foreigners, they also stem from. During 2010 the information meetings were organized by the mediators from following communities: Afghan, African, Vietnamese, Ukrainian, Ecuadorian, Latin American, Turkish, and from the community of Islam women. Through the information meetings of the communities they celebrated big feast days, such as: New Year Eve (Nawroz - Afghanistan) or All Saints Day (Dia de los muertos – Latin American community). For the second time, the big sport and cultural meeting of three of the communities (Afghan, Vietnamese and African) was held during 2010. Female cultural mediators gradually took part in the activities and in 2010 they organized together 4 meetings only for women.

The civic association of the Africans living in Slovakia established African Cultural - Information Cen-

<sup>170</sup> Information provided by the MoLSAF SR.

<sup>171</sup> The *Manifesto of the Government of the Slovak Republic* for the period of 2010 – 2014, August 2010, available at: <http://www.vlada.gov.sk/data/files/6257.pdf> (consulted on 20 November 2010).

<sup>172</sup> Drál, P., Mrlianová, A. (eds.), *Posilnenie interkultúrnych zručností a regionálnej spolupráce odborníkov pracujúcich s migrantmi v Slovenskej republike, Materiály k tréningom*, IOM International Organization for Migration, Bratislava, 2010, p. 4.



tre (KICA) in the SR in February 2010. The main task of KICA is to organize education and trainings (courses of the Slovak language, computer work, social communication a techniques of the effective communications), consultations and information services, organization of the joint cultural events for Africans and majority Slovak society<sup>173</sup>.

The Milan Šimečka Foundation (in partnership with CVEK) undertook a project in 2010 that will continue also in 2011 with the aim to create a program of continual learning of the educators accredited by the Ministry of Education, Science, Research and Sport of the SR. There are two priority goals of the programme, i. e. to develop the educators' competencies – knowledge, skills and attitudes needed for integration of the children of foreigners into the classroom and schools environment, as well as to prepare the teachers for the application of newly gained knowledge, strategies and processes for adaptation of the forms and content of education in classrooms in which the children of foreigners are. The part of the programme will comprise also elaboration and presentation of the *"Educational plan for the children of Foreigners who took part in that programme"*. The final output of the project will be a symposium organized for the policy-makers in the area of education and integration during which the gained knowledge and experience will be presented to the laymen and experts in the public<sup>174</sup>.

The Human Rights League implemented projects funded by the EIF in 2010. One of them was the project - *"Legal counselling for matters of residence, citizenship and unaccompanied minors"*. The target of the project is to contribute to integration of the third-country nationals into the Slovak society by provision of the effective and comprehensive legal assistance and counselling to the migrants with legal residence in the SR. Specifically, the aim of the project focused on assistance to the unaccompanied minors and on search for sustainable solutions of their situation<sup>175</sup>.

The second project implemented by the Human Rights League and funded by the EIF in 2010 was *"Development of the multicultural skills and legal awareness of the employees and future employees from the selected sectors of the state administration"* project. Content of this project comprises development, deepening and strengthening of the multicultural skills and legal knowledge of the employees and future employees of the selected bodies of the state administration from the area of migration and integration. The target group of the project in particular comprises the employees of the public administration that are mostly in contact with foreigners within their working tasks and who play the key role in the integration process. With regards to the future state employees, who are going to deal with migrants, as part of their work, the project also focuses on them<sup>176</sup>.

The Slovak Governance Institute implemented the project *"Testing integration indicators in practice"*, funded by the EIF, in 2010. The project primarily focused on testing of indicators regarding the effectiveness of the integration policies and integration effectiveness of the particular minority groups in different dimensions, stressing the economic integration. This project is connected to the previous project *"Quality research – the condition of successful integration"*, undertaken in 2009.

<sup>173</sup> Kultúrno – Informačné Centrum Afričanov (KICA) v SR (African Cultural-Information Centre in the SR). Further information is available at: <http://kica.ozas.sk/> (consulted on 21 November 2010).

<sup>174</sup> Further information is available at: [http://www.multikulti.sk/aktuality/vzdelavanie\\_deti\\_cudzincov.html](http://www.multikulti.sk/aktuality/vzdelavanie_deti_cudzincov.html), as well as at: <http://www.cvek.sk/main.php?p=projekty&lang=sk> (consulted 7 December 2010).

<sup>175</sup> Further information is available at: <http://www.hrl.sk/projects/view/3> (consulted 7 December 2010).

<sup>176</sup> Further information is available at: <http://www.hrl.sk/projects/view/7> (consulted 7 December 2010).

## 4.3 Key statistics

### Long-term third-country national residents

Number of long-term third-country national residents	71
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Source: URAS ASMC BBAP Mol SR, information system databases IS ECU (Foreigners' Register). Information provided for the period 1 January 2010 to 31 December 2010.

### Acquisition of citizenship

Number of third-country national nationals (Citizens of countries other than of EU-27, EFTA and Candidate countries) taking up citizenship	
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### Granting of the Slovak citizenship according to preceding citizenship, groups of state citizenship, age groups and gender in 2009 (final data)

Citizenship, group of citizenship		Age					Gender	
	total	0-19	20-34	35-64	65+	Not given	Female	Male
total	262	65	89	88	20	0	135	127
EU 27 (excluding SK)	90	22	28	29	11	0	50	40
Citizens outside EU 27	169	43	59	59	8	0	86	83
EFTA countries (CH, IS, LI, NO)	0	0	0	0	0	0	0	0
candidate countries (HR, MK, TR)	5	2	0	3	0	0	3	2
Citizens outside EU 27, EFTA and candidate countries	164	41	59	56	8	0	80	84
Highly developed countries	61	8	33	17	3	0	38	23
Medium developed countries	101	33	24	39	5	0	41	60
Lowly developed coun- tries	2	0	2	0	0	0	1	1
Without citizenship	0	0	0	0	0	0	0	0
Other	0	0	0	0	0	0	0	0
Unknown	3	0	2	0	1	0	2	1
Countries with the highest amount of granted SR citizenship								
1. Ukraine	77	23	21	29	4	0	25	52
2. Serbia	43	2	31	9	1	0	28	15
3. Russian Federation	11	5	2	3	1	0	5	6
4. Vietnam	11	6	0	5	0	0	9	2
5. Iran	6	1	1	3	1	0	3	3

6. United States	5	1	0	3	1	0	4	3
7. Croatia	4	2	0	2	0	0	2	2
8. Armenia	3	2	0	1	0	0	2	2
9. Angola	2	0	2	0	0	0	1	1
10. Syria	2	1	0	1	0	0	2	0

Source: Section of public administration of the Mol SR.

The total number of granted state nationality of the SR decreased by 216 persons in 2009 to 262 persons (135 - male, 127 - female). Preceding citizenship of other EU Member State had 90 persons (34%) and 169 (65%) had third-country nationality. The Slovak Republic citizenship was granted to the citizens of other EU Member States in this order Czech Republic (48), Hungary (17), Romania (14), and Germany (5).

The Slovak Republic citizenship was granted to the third-country nationals according to the preceding citizenship in this order Ukraine (77), Serbia (43), the Russian Federation (11), Vietnam (11), Iran (6), the United States of America (5), Croatia (4), Armenia (3), Angola (2) and Syria (2).

The analysis of the age of the persons with granted Slovak republic citizenship in 2009 showed that 78.6% of the persons were in productivity age 15 - 64 years of age, 13.7% of the persons were in pre-productivity age and the rest, i. e. 7.6% of the persons were in post-productivity age.

According to the gender of the persons in productivity age with granted Slovak republic citizenship in 2009, the males dominated by 12 persons.

## ILLEGAL IMMIGRATION AND RETURN

### 5. Illegal Immigration

#### 5.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

##### ***II(a) only case-by-case regularisation***

There were not adopted any measures with respect to the legalization of illegal migrants in the SR during the year 2010. Although, the tolerated residence permit, regulated by the *Act on Stay of Aliens*, can be seen as some kind of legalization mechanism in order to prevent illegal stay in the SR. The mechanism of tolerated stay is sufficiently working<sup>177</sup> and there are no plans to implement any legalization programmes in the near future.

##### ***II(c) ensure that risks of irregular migration are prevented***

The Act No. 594/2009 Coll., which changes and amends Act on Stay of Aliens entered into force on 15 January 2010. The changes were also due to the transposition of the *Return Directive* and they introduced common standards and procedures that shall be implemented in the EU Member States in

course of forced returns of the illegal migrants from the third countries in accordance with the fundamental rights and general principles of the EU law and international law including the commitments related to the refugee protection and human rights. The *Return Directive's* provisions are applicable in case of third-country nationals illegally staying on the territory of the EU Member States.

The changes of the Act on Stay of Aliens resulting from the transposition of the Directive were as follows: the change of the fundamental provision related to the administrative expulsion of the foreigners from the SR, including the terms of definition; the duty to provide written translation, to the language understood/presumably understood by the foreigner, of the main parts of the expulsion decision upon the request of the foreigner. Further, the suspension effect was introduced for appellate procedure against the administrative expulsion decision and new period was put in place for the foreigner's departure. The new matters of fact were implemented into the Act on Stay of Aliens that must be taken into account by the police authority when deciding on administrative expulsion, e.g. health conditions of the foreigner or the vulnerability of the foreigner.

The amendment of the Act on Stay of Aliens implemented also the possibility for the prolongation of the detention period for maximum by 12 months. During the detention period of the foreigner, the representatives of the non-governmental organizations and international organizations have access to the *Police Detention Centres for foreigners*, however, conditioned by the approval of the director of such centre. The police inform the foreigners on their rights and duties and this information is regularly repeated. Similarly to expulsion, also in case of detention, the special attention is paid to the vulnerable groups, the foreigners younger than 15 years of age has access to education after the stay in a detention centre for more than 180 days.

With respect to the administration expulsion decision, within which a foreigner was granted also an entry ban to the SR, the possibility for the entry ban withdrawing was introduced in case the foreigner proves that he or she departed in the period given by the police in the decision on administrative expulsion or if he or she departed during period given for the voluntary return.

##### ***II(d) to develop cooperation between Member States, using, on a voluntary basis and where necessary, common arrangements to ensure the expulsion of illegal immigrants***

The activities in relation to the cooperation on the EU level regarding the expulsion of illegally staying migrants from the third-countries in 2010 were as follows.

The representatives of the Police Detention Centre (ÚPZC) in Medvedov participated on two return operations to Serbia organized by Austria. In this case, there were deported two citizens of Serbia.

The Police Detention Centre ((ÚPZC)) in Sečovce executed the expulsion of the Serbian state national (from Kosovo) through Hungary to Prishtina in cooperation and with the assistance of Hungarian police authorities. As well as, in case of execution of expulsion by the transit through the Czech Republic, the ÚPZC Sečovce cooperated with the Czech police authorities in accordance with the *Council Directive 2003/110/EC of 25 November 2003 on assistance in cases of transit for the purposes of removal by air (Directive on Transit Removal by Air)*, in 2010.

The ÚPZC Medvedov cooperated mainly with the police authorities of the Czech Republic and Austria in accordance with the *Directive on Transit Removal by Air*.

<sup>177</sup> Information provided by the BBAP Mol SR.

The Director of the ÚPZC Medvedov participated on the regular meetings of the national contact points for the joint return flight operations organized by the Frontex agency.

### ***II(g) take rigorous actions and penalties against those who exploit illegal immigrants***

The provisions of the *Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals are planned to be transposed into the new act on stay of aliens*<sup>178</sup> in the competency of the BBAP MoI SR. New duties are foreseen to be incorporated to the new act with respect to the implementation of the Directive, in particular, the duty for the employers to inform the police authorities in given period of time on beginning of employment of the third-country nationals, as well as, the duty to pay all costs related to the return of the third-country national, notwithstanding the fact, whether the third-country national has or does not have any financial means. At the same time, the new act on stay of aliens shall regulate the possibility to grant the tolerated residence permit in case the foreign became a victim of illegal employment under particularly exploiting labour conditions or in case of illegal employment of minors.

The expected date when a new act on stay of aliens shall enter into force is the first half of the 2011 also with respect to the transposition period of the Directive (20 July 2011).

### ***II(h) an Expulsion Decision taken by one Member State (MS) should be applicable throughout the EU and entered into the SIS obliging other MSs to prevent the person concerned from entering or residing***

From the date of transposition of the Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals (Directive 2001/40/EC) there were several cases in practice when the SR executed administrative expulsion decision issued by other EU Member State in accordance with the Directive 2001/40/EC. In case of foreigners with positive alerts in the Schengen Information System the return decision, issued by the relevant state, was executed through national SIRENE Bureau or by other authorities.

In 2010, there was not any case of implementation of the expulsion decision issued by other EU Member State.

## **5.2 Stockholm Programme**

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

### ***4(j) more effective action against illegal immigration and trafficking in human beings and smuggling of persons by developing information on migration routes as well as aggregate and comprehensive information which improves our understanding of and response to migratory flows***

According to *The Manifesto of the Government of the Slovak Republic*, the Government will prepare new comprehensive national strategy on fight against trafficking in human beings and protection of

<sup>178</sup> In course of preparation of the new act on stay of aliens a new working group was established from the representatives of the BBAP MoI SR and its organizational parts by the Order of the Director of the Border and Alien Police of the Ministry of Interior of the Slovak Republic, no. 38 as of 7 July 2010 establishing a commission of the Director of the Border and Alien Police of the Ministry of Interior of the Slovak Republic on elaboration of the draft of the new act on stay of aliens. The working group regularly organized meetings on the ministry of interior level, as well as on the inter-departmental level, particularly, in cooperation with the MoLSAF SR, during 2010.

the victims of that crime. The personal and professional capacities will be enhanced in order to fight against the trafficking of human beings<sup>179</sup>.

Currently, final phase of the project „Building Migration partnerships (BMP)“ is being implemented. The BMP project was approved by the European Commission within the call “Programme on the cooperation with the third countries in the area of migration and asylum” and it has been oriented mainly on illegal migration, migration flows and migration profiles. The course of the project was set for the period of 2009 – 2010 (currently prolonged until June 2011).

The BBAP MoI SR is a party to the BMP project and it participated in the creation of the inter-active map of eastern migratory routes (i-map). The i-map is useful, supportive information tool covering the routes of illegal migration through so called Baltic, Balkan, Central Europe and East Europe.

The Migration Profile of the Slovak Republic was also elaborated within the BMP project<sup>180</sup>.

### ***4(k) increased targeted training and equipment support***

The BBAP MoI SR elaborated and approved the Schedule of the planned educational programme for the period 2010 – 2011. Within this programme there were organized trainings regarding the application of the new Visa Code, returns (forced and voluntary), illegal migrants, English language courses for the BBAP MoI SR in the second quarter of 2010. In the third quarter of 2010, the trainings were organized with respect to the protection of personal data, risk analysis, the SIS, police cooperation. The trainings were undertaken also for basic border guards` and aliens police units, as well as, for the police officers of the *Department of the Border Police* in Sobrance, specially. In connection to the *Order of the Director of the BBAP MoI SR No. 26/2010*, The European training day was organized in the period of 31 November 2010 to 24 November 2010. The European training day was attended by approximately 40 border guards and aliens police officers and it comprises topics such as documents forgery, Schengen Borders Code, virtual aula, Scheval, Eurosur, etc.<sup>181</sup>

### ***4(l) a coordinated approach by Member States by developing the network of liaison officers in countries of origin and transit***

The concepts regarding the secondment of the liaisons officers as a part of the „*National plan on the border management in the Slovak Republic*“ were abolished by the Government resolution of the SR No. 151 as of 18 February 2009.

The tasks that were supposed to be implemented by the liaison officers are currently carried out by the police attachés seconded within chosen embassies of the SR abroad. Besides the BBAP MoI SR police attachés, the Slovak Republic regularly sends the advisors on travel documents directly to the General Consulate of the SR in Užhorod (Ukraine) in monthly intervals.

<sup>179</sup> The Manifesto of the Government of the Slovak Republic for the period of 2010 – 2014, August 2010, available at: <http://www.vlada.gov.sk/data/files/6257.pdf> (consulted on 20 November 2010).

<sup>180</sup> Information provided by the BBAP MoI SR.

<sup>181</sup> Information provided by the BBAP MoI SR.



5.3 Key statistics

Third-country nationals apprehended	
Third-country nationals apprehended	1474

Source: URAS ASMC BBAP Mol SR, information system databases IS ECU (Foreigners` Register). Information provided for the period 1 January 2010 to 31 December 2010.

Third-country nationals regularised	
Third-country nationals regularised	0

6. Return

6.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular

*II(b) to conclude readmission agreements at EU or bilateral level*

In the reference period from the 1 January 2010 to the 1 November 2010 there were not agreed or signed any readmission agreements neither on bilateral or the EU level. The Agreement between the European Union and Georgia on readmission of persons residing without authorisation is prepared for signing with the aim to effectively return their own citizens, third-country nationals or stateless persons.

The Government of the SR concluded and signed in the reference period bilateral protocols implementing following agreements on the EU level:

- **Agreement between the European Community and the Republic of Albania on the readmission of persons residing without authorisation**
- **Agreement between the European Community and the Russian Federation on readmission**
- **Agreement between the European Community and the Republic of Moldova on the readmission of persons residing without authorisation**

**Experts from the SR take regularly part in elaboration and preparation of the texts of readmission agreements proposed by the European Commission on the EU level. During the reference period there were proposals of readmission agreements with Turkey and Cape Verde.**

Type of readmission agreement	Third countries involved	Main purpose of the agreement
The SR concluded bilateral protocols implementing readmission agreements between EU and third countries:  <a href="#">Russian Federation</a> (7 April 2010),  <a href="#">Albania</a> (21 January 2010),  <a href="#">Moldova</a> (12 May 2010).	yes	The main aim of the protocols is the legal regulation of the relevant bodies responsible for the implementation of the agreement between the EU and the third country, sending the requests on readmission and transit, defining the border crossing points for the readmission, processes on investigation of the person who should be readmitted in order to identify their state nationality and readmission execution and transit with the escort.

*II(f) to devise incentive systems to assist voluntary return and to keep each other informed*

Mutual information exchange on the monthly basis regarding the returns happened through the meetings of the working group CIREFI until June 2010. After abolition of the CIREFI, its agenda was shifted to the FRAN (for further information see I (e) on strengthening of mutual information exchange on migration and improvement of existing tools when necessary).

The BBAP Mol SR foresees close cooperation in the area of assisted voluntary returns with the International organization for migration (IOM) which is currently in a monopoly situation in this area in the SR. At this time, no legislative changes are planned regarding voluntary returns.

The voluntary returns are currently implemented with the financial support of the RF (European Return Fund). In addition to the return and return assistance, the IOM provides the information campaign, pre-departure counselling, stabilisation allowances on the basis of approved business plan on reintegration assistance in the country of origin that significantly contributes to the sustainable return.

The Slovak Republic informs on the assistance provided within the voluntary return during the meetings of the RF working group. The meetings are organised two times per year, and are attended by the representatives of the responsible RF organs (in the SR conditions it is a representative of the Foreign Aid Department of the Ministry of Interior of the SR) and selected EU Member States (Austria, Czech Republic, Poland, Finland, Estonia, Sweden the Netherlands, Belgium and Germany)<sup>182</sup>.

<sup>182</sup> Information provided by FAD Mol SR.

The IOM implemented following projects within the area of voluntary returns in 2010:

Projects co-funded by the Return Preparatory Actions:

1) „*Strengthening the mechanisms and harmonising the standards in the area of voluntary returns of the illegal migrants in the central EU Member States*“, aimed for illegal migrants from the third countries who are present on the territory of the V4. It had three phases which were carried out since 2006 with planned ending until 31 January 2010. The aim of this project was to provide the means regarding the strengthening of the voluntary returns of the target group including the reintegration assistance in the country of origin and harmonization of the processes with the European Union policy.

Projects co-funded by the European Return Fund:

2) „*Assistance during the return and reintegration of the unsuccessful asylum seekers and illegal migrants from the SR to the country of origin (phase 1)*.“ The main aim of this project is to inform the target group about voluntary return and strengthen the mechanisms for provision of the effective reintegration assistance to the target group with the goal to stabilize it after the return to the country of origin. The project began to be implemented on 22 April 2009 and it lasted until 30 April 2010. Within the framework of the project several activities were conducted: Slovak wide info campaign on assisted voluntary returns and reintegration assistance in the country of origin, advertisement on advantageous info hotline 0850 211 262, update of the website [www.avr.iom.sk](http://www.avr.iom.sk), returns to the third-countries were accomplished; practical pre-return assistance, pocket money during return and financial means for reintegration activities after return to the country of origin.

3) „*Assistance during the return and reintegration of the unsuccessful asylum seekers and illegal migrants from the SR to the country origin (phase 2)*“. The Project was connected to the phase 1 and it started to be implemented on 1 April 2010 and it will end on 28 February 2011. Within the framework of the project several activities were conducted: Slovak wide info campaign on assisted voluntary returns, advertisement on advantageous info hotline 0850 211 262, the website [www.avr.iom.sk](http://www.avr.iom.sk), returns to the third-countries were accomplished, practical pre-return assistance, pocket money during return and financial means for reintegration activities after return to the country of origin.

In the framework of the aforementioned projects, there were 130 foreigners returned to the country of origin in 2010. Reintegration assistance was provided to 33 migrants<sup>183</sup>.

## 6.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

**4(c) ensuring that the objective of the EU's efforts on readmission should add value and increase the efficiency of return policies, including existing bilateral agreements and practices**

Readmission agreements on bilateral or the EU level contribute to the effective implementation of the Slovak return policy. The aim of these readmission agreements is facilitation of the cooperation between countries during return of their own citizens, third-country nationals or stateless persons whose admission is obligatory by either of the parties.

Readmission agreements benefit also to the returnees mainly in course of the fast return procedure, low bureaucracy and no decision on administration expulsion of the foreigner have to be made, ac-

companied also by the entry ban. The readmission process takes into account and also respects all fundamental human rights and freedoms according to the international standards.

**4(e) assistance by the Commission and Frontex and Member States on a voluntary basis, to Member States which face specific and disproportionate pressures, in order to ensure the effectiveness of their return policies towards certain third states**

During elaboration of this report no data or actualised information was available in 2010.

**4(f) increased practical cooperation between Member States, for instance by regular chartering of joint return flights**

With respect to the cooperation between the EU Member States regarding expulsion of illegal migrants from the third countries through joint flight return operations in 2010, the following activities took place:

ÚPZC Medvedov took part on two joint return operation organized by Austria to Serbia. Together, there were two people returned to Serbia from the SR.

## 6.3 Key statistics

Third-country nationals ordered to leave and returned				
	Ordered to leave	Returned following an order to leave	Returned as part of forced return measures	Returned through an Assisted Return Programme
Third-country nationals	902 Decision issued	643 Decision executed	605	130

Source: URAS ASMC BBAP MoI SR, Statistical overview of legal and illegal migration in the SR from January to December 2010. The IOM provided information on assisted voluntary returns by 31 December 2010.

Note:

### Issued decisions:

The decisions on administrative expulsion or judicial expulsion were issued to the foreigners with respect to the illegal migration during the period of time 1 January – 31 December 2010 (including foreigners detained by the authorities of the neighbouring country, or by air in any other state and returned to the SR on the basis of readmission agreement). This category does not comprise foreigners to whom the entry ban decision in the SR was rendered in accordance with the Article 57 (14) of the Act on Stay of Aliens (No. 48/2002).

### Decision execution:

The numbers represent the number of foreigners who were subject to the execution of the administrative or judicial expulsion decision in the period from 1 January to 31 December 2010 (notwithstanding the fact when the expulsion decision was issued), i.e. the foreigner departure the territory of the SR by one of the following means:

1) Readmission of the foreigner from the SR to the third country or the other EU Member State in

<sup>183</sup> Information provided by the IOM.

accordance to the readmission agreements.

2) Police escort the foreigner to the third country or the other EU Member State.

3) Attested departure of the foreigner from the SR through the external border in case of detection of illegal stay at the border crossing point.

4) Transfer of the foreigner out of the SR according to the Dublin regulation.

Voluntary return from the SR to the country of origin – the IOM (not all voluntary returns are covered, only those who were executed after the administration expulsion decision was rendered, i.e. from the category of illegal migration).

## 7. Actions against human trafficking

### 7.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

***II(e) cooperation with the countries of origin and of transit, in particular to combat human trafficking and to provide better information to communities under threat***

The Act No. 583/2008 Coll. on the Criminality and Other Anti-social Activity Prevention is in force. In the near future, the new *National programme on fight against human beings trafficking* for the period of 2011-2015 shall be adopted.

The Office of the Minister of Interior of the Slovak Republic is responsible organ in the area of fight against human beings trafficking and it has not undertaken any activities aimed at awareness raising in the third countries or addressing the vulnerable communities in the countries of origin. All the activities undertaken in compliance with the *National Programme of the fight against human beings trafficking* were carried out only within the territory of the Slovak Republic. This could be reasoned by the fact that the Slovak Republic is primarily the country of origin regarding the victims of human beings trafficking. So far, there has not been identified any foreign victim of the human beings trafficking in the SR and it has not been proved by specific evidence that the Slovak Republic is a transit country. The victims of the human beings trafficking placed under the *Protection and support of the human beings trafficking victims Programme* were in the most cases trafficked and/or exploited in the United Kingdom. The MoI SR cooperates closely with the UK embassy in Bratislava. The new *National programme on fight against human beings trafficking* for the period of 2011-2015 is being prepared with foreseen activities aimed at taking part in national reference mechanisms, and thus creating the possibilities of cooperation with third countries<sup>184</sup>.

#### The programme of return and reintegration of trafficked persons

The International migration organization (IOM) implemented a project “*Comprehensive return and reintegration assistance to the trafficked persons and provision of educational activities in the area of capacity building in relation to the cooperating subjects of the Protection and Support of the human beings trafficking victims Programme in the SR*” funded by the MoI SR in the framework of the *Protection and Support of the human beings trafficking victims Programme*.

<sup>184</sup> Information provided by the FAD MoI SR.

- The aforementioned project secured the continuity of the IOM *Programme on return and reintegration assistance of the trafficked persons*. The goal of the programme was to ensure secure return to the SR or to the country of origin and reintegration of the victims of human beings trafficking<sup>185</sup> through provision of the comprehensive assistance in compliance with the international documents in the area of assistance to the victims of human trafficking.

The assistance is coordinated and ensured in cooperation with the reporting non-governmental organization or the IOM mission in relevant third country.

#### Reintegration assistance:

Reintegration assistance is provided by the IOM and organizations of the reference framework in cooperation with the IOM. The following types of services are provided:

- Health care, health screenings, gynaecological exams, HIV tests and tests on sexually transmitted disease including the health care etc.
- Psychological counselling services, e.g. psychological and mental treatment, long-term individual or therapeutic treatment including family etc.
- Social counselling and assistance, e.g. accompanying social assistance in communication with local administration (in order to gain documents, insurance, etc.), assistance reading the orientation in social system etc.
- Legal counselling and representation, e.g. legal analyses elaboration with respect to the case of the victim, representation, escort during the legal action.
- Secure accommodation, e.g. funding the stay at the crisis centre for limited period of time or funding of accommodation in case there are no security threats to the victim.
- Education and requalification, e.g. provision of short-term professional courses, assistance when seeking employment.
- Labour integration, e.g. possibility of short-term internship by the employer.
- Financial allowances to cover specific (basic) necessities during certain period of time.

In addition to comprehensive assistance, the programme provided also crisis assistance to the potential clients, consultations, counselling by external reference organizations which were in contact with the person being trafficked. In 2010, 22 victims of human beings trafficking were identified and 16 of them were placed under the Protection and support of the human beings trafficking victims Programme (information provided as of 31 December 2010).

One part of the project was also provision of the National Anti-Trafficking Hotline 0800 800 818<sup>186</sup>. Its main goal was to help the victims of human trafficking by provision of the assistance and information during the first contact to the persons who could be in/fall into a crisis situation. The hotline services aimed at risks elimination and prevention connected with the work abroad, while calling the attention of these persons on the risks connected with the labour migration and unprotected work of vulnerable population.

The National Anti-Trafficking Hotline received all together 954 calls in the period of time from 1 January 2010 until 31 December 2010. Thanks to the National Anti-Trafficking Hotline eleven persons

<sup>185</sup> The target group is comprised of citizens with the Slovak origin who were trafficked in other countries, as well as foreigners who are deemed to be subject to the human beings trafficking in the Slovak Republic. Information provided by the IOM.

<sup>186</sup> The IOM has operated the National Anti-Trafficking Hotline since 1 July 2008. Further information is available on the website: <http://www.iom.sk/sk/aktivita/obchodovanie-s-ludmi/aktualne-projekty/13-narodna-linka-pomoci-obetiam-obchodovania-s-ludmi-0800-800-818> (consulted on 10 February 2010).



were identified in 2010 who were victims of trafficking in human beings in the past or during the call they were in a situation of human being trafficking threat (information provided as to the date 30 November 2011). To these persons thanks to the hotline, the crisis intervention and assistance was provided in order to release them from the criminal environment and to offer them to join the programme. Since 1 November 2010, the National Anti-Trafficking Hotline is available also from abroad in the form +421 800 800 818 and the call is charged by the tariff of the related telecommunication operator. T-Mobile Slovensko, a. s. provide financial support with respect to the hotline functioning.

Another result of the cooperation and co-funding with the MoI SR were the trainings aimed at identification of the victims of the human beings trafficking during the period from January 2010 to December 2010. Within the organized activities there were 15 two-/three-day trainings for 386 participants from the Police Forces in regions, employees of the Children’s Home in Topoľčianky and employees of the Nitra Local Office of the Labour, Social Affairs and Family, representatives of the civic association Slovenské centrum pomoci (Slovak Help Centre), employees of the SKC Dotyk, representative of the Police Academy (researcher), investigators of the Police Forces – Police Academy in Bratislava, employees of embassies of the SR abroad, employees of the MESRS SR and educational centres – psychological counselling and prevention, employees of the Information centre for the fight against trafficking in human beings and criminality prevention, selected representatives of Evangelic Church of the Augsburg Confession in the SR. The trainings were provided by the IOM staff. The IOM elaborated a publication for the participants “Basic Information on Trafficking in Human Beings” and HELP newsletter of the CD format and other materials of the MoI SR regarding the propagation of the programme.

Other activities:

During 2010, the prevention and information materials were provided to the organizations such as: Free time centre Cvrček, Moldava n/Bodvou; Farní sbor Českobratrské církve evangelické v Prahe; CPPPaP Bardejov; CPPaP Kežmarok; municipality unit in Liptovský Hrádok; association of friends of Roma people in the SR.

In the TV Markíza, two reportages were transmitted on trafficking in human beings on 11 November 2010 and 29 November 2010 in the Reflex TV programme. There were presented the basic preventive information with respect to the possibilities of help abroad including propagation of the National Anti-Trafficking Hotline. On the regional portals of the network Global 24, the advertisement banners promoting the National Anti-Trafficking Hotline were placed from February to April 2010.

In cooperation with the IOM, the article on trafficking on human beings was published and on promotion of the National Anti-Trafficking Hotline in the Evangelic Church of the Augsburg Confession week newspaper “Evangelic missionary from the Tatras”. The number of the National Anti-Trafficking Hotline was published in regional press (Michalovsko – Trebišovsko – Sobranecko, publishing company RegionPress).

The radio talk on topic trafficking in human beings was carried out with the IOM coordinator of the programme in radio Lumen<sup>187</sup>.

187 Information provided by the IOM.

7.2 Stockholm Programme

The relevant commitments in the Stockholm are similar to the Pact commitments, hence no further description is required.

7.3 Key statistics

Third-country nationals receiving a residence permit as victims of human trafficking	
Third-country nationals	0

Source: URAS ASMC BBAP MoI SR, information system databases IS ECU (Foreigners` Register). Information provided for the period 1 January 2010 to 31 December 2010.

Traffickers arrested and convicted		
	Arrested / otherwise involved in a criminal proceeding	Convicted
Traffickers		

BORDER CONTROL

8. Control and surveillance at external borders

8.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

III(a) more effective control of the external land, sea and air borders:

Police officers within the BBAP MoI SR participated in trainings, language courses and workshops related to the illegal migration, detection, forged and false travel documents, as well as, technical tools necessary for the external border control. The “Schedule of the educational activities for police officers before the repeated Schengen evaluation” was elaborated by the BBAP MoI SR according to the single quarters of the year 2010 and 2011.

The second phase of the project on education of border guards and alien police officers of the Border Police Directorate in Sobrance and on the international airports was funded by the European External Borders Fund in English language in order to facilitate the border control activities.

In November 2010, the Human Rights League organized workshop on capacity building with respect to the work with detained foreigners on annual basis in cooperation with the UNHCR. This year it was organized in Sninské rybníky, Snina. The participants were the police officers from the border control units of the Police Force (hereinafter referred to as “BCU PF”) in Vyšné Nemecké, BCU PF Ubl’a, BCU PF, Ulič, BCU PF Zboj, BCU PF Podhorod’, BCU PF Petrovce, BCU PF Čierna nad Tisou, BCU PF Veľké Slemence, BCU PF Maťovské Vojkovce, BCU PF Topoľa, BCU PF – airport Bratislava and airport Košice, Asylum Department of the Police Force in Humenné and Gbely, Police Detention Centre in Medveďov and the Police Detention Centre in Sečovce.

### III(e) deploy modern technological means for border control:

The provision of new technologies on external borders control was limited by the MoI SR in 2010. The reasons for this were the financial cuts due to the global economic crisis. Therefore, there were not purchased any new devices, IT systems or technologies for automated protection of external border. For these reasons the building-up of further planned route so called "Virtual Fence" in the north part of the external border of the SR with Ukraine was temporary suspended. The procurement of the technical devices for the authorities responsible regarding the border control in the SR in 2010 was realized in the framework of annual programmes 2007-2009 of the European External Borders Fund.

In 2010, the extension of the logistics with respect to the travel and identity documents control on external border occurred by using high-specialised devices. These devices of new generation VSC 6000, VSC 4 with IT, comparative devices comprise trinocular stereoscopic microscope. With the aforementioned technical devices the international airports, border crossing points on Slovak-Ukraine border and selected organizational parts of the BBAP MoI SR were equipped.

At the same time, the customs authorities were equipped with special devices (travel documents readers, fiberscopes, and thermal cameras) for tasks` fulfilment during the control of persons crossing the external border of the SR with Ukraine and at the airports, with the aim to detect the illegal border crossing at the external borders of the EU.

The National unite for the fight against illegal migration of the BBAP MoI SR was equipped with the service cars and special observer motor vehicles for the purpose of external border control and detection of illegal migration and crimes related to it (e.g. smuggling).

With respect to the information systems, the building-up of the information system of the national SIRENE centre was funded from the EU sources as the only contact point for the Schengen Information System in the SR. There was also funded part of the costs with respect to the provision of the user support, legislative and technical support for the national part of the Visa Information System of the MoFA SR.

In 2010, the information system for migration and international protection called "IS MIGRA" was implemented and it comprises two parts:

"Migra I" – for the BBAP MoI SR and MO MoI SR to make evidence of:

- acts related to the treatment of foreigners at external border and on the territory of the SR
- during asylum proceedings of the third-country nationals or
- persons with the right to free movement except the citizens of the SR.

In this relation the finger prints scanners were provided to the organizational units of the BBAP MoI SR.

The second part of the IS MIGRA called „Migra II“ is aimed at the needs of the National unit against illegal migration of the BBAP MoI SR regarding the evidence of requests, inputs and their interconnection to selected cases.<sup>188</sup>

<sup>188</sup> Information provided by the BBAP MoI SR.

## 8.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

**7(i) invites the Member States and the Commission to explore how the different types of checks carried out at the external border can be better coordinated, integrated and rationalised with a view to the twin objective of facilitating access and improving security.**

The Slovak Republic took part in the pilot project European Border Surveillance System – EUROSUR through operational centre of the *Department of Border Police* in Sobrance, also in 2010.

With this respect it is needed to build up also national coordination centre (NCC) which would be able to communicate with the European network NCC, in the future. The deadline for the NCC establishment in the SR is the year 2013, i.e. until the Schengen re-evaluation.

## 8.3 Key statistics

Third-country nationals refused entry				
	Total refused	Refused at the land border	Refused at the sea border	Refused at the air border
Third-country nationals refused entry	890	877	0	13

Source: URAS ASMC BBAP MoI SR, Statistical overview of the legal and illegal migration in the SR. Information provided for the period 1 January 2010 to 31 December 2010.

Visas issued			
	Total Visas	Schengen Visas	National Visas
Visas	58197	57037	1160

# 9. Cooperation with respect to border control

## 9.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

**III(b) generalise the issue of biometric visas, improve cooperation between MSs' consulates and set up joint consular services for visas:**

In accordance with the Article 8 of the Regulation (EC) 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) the visas may be issued by another EU Member State on the basis of concluded bilateral representation agreements. Concluded representation agreements on the SR representation by other EU Member States are as follows:

### 1./ Republic of Hungary

The Hungary represents the SR with respect to the visa issuance in Albania, Moldova, Saudi Arabia,

the representation agreement entered into force on 1 November 2010.

## **2./ Republic of Austria**

The Austria will represent the SR with respect to the visa issuance in Lebanon and Jordan, the representation agreement was signed on 23 October 2009, however, it is not implemented in practice, the implementation protocol is being finalized (most probably until the December 2010).

## **3./ Republic of Slovenia**

The Slovenia will represent the SR with respect to the visa issuance in Montenegro in Podgorica, the SR will represent Slovenia in Romania, Cyprus, Ukraine (General Consulate in Uzhorod), the representation agreement entered into force on 14 November 2010 and will be implemented in practice on the basis of implementation protocol which is being finalized (most probably in December 2010).

Negotiated representation agreements:

**Republic of Poland** – Poland will represent the SR in Armenia and in the Russian Federation in Kaliningrad.

**Czech Republic** – will represent the SR in Afghanistan, Pakistan, Ghana, Mongolia and the Philippines.

**Republic of Lithuania** - Lithuania will represent the SR in Georgia and the SR will represent Lithuania in China (General Consulate in Shanghai).

**Republic of Latvia** - Latvia will represent the SR in Azerbaijan and the SR will represent Latvia in Romania, Mexico and in the South Korea.

**Republic of Estonia** – the SR will represent Estonia in Libya.

**Federal Republic of Germany** – Germany will represent the SR in Azerbaijan and Cambodia

**Kingdom of Spain** – Spain will represent the SR in the countries of Latin America (Colombia, Dominican Republic, Ecuador, Peru, Haiti, Jamaica), the SR will represent Spain in Uzbekistan

**French Republic** – France will represent the SR in Tunis and in the Russian Federation (in Jekaterinburg)

The MoFA SR addressed the embassies of the SR with the possibility to start the negotiation regarding the establishment of joint consular centres of V4 and the EU (see for instance joint Visegrad House in Cape Verde town, officially opened in March 2010, that fulfils partly also the consulate functions).

### Progress in implementation of the Visa Code and VIS, issuance of biometric visas:

The SR, as well as other Schengen Member States, issues visas with only biometrics identifier – a photo. The finger prints gathering will start after the accession to the VIS. The launching of the VIS was shifted to June 2010. All the embassies of the SR are equipped with the devices for the finger prints collection.

The planned beginning for the issuance of biometric visas with finger prints is three months before launching of the VIS in the embassy in Tripoli and Cairo. The MoFA SR actively participates on the VIS testing and prepares the final testing of the VIS, planned for spring 2011.

In compliance with the Article 58 of the Visa Code, the SR will apply the provisions of the Article 32 (2) and (3) and the Article 34 (6) and (7) related to the visa refusal, annulment and revocation decision and the appeal against the visa refusal decision, against the appeal of issued visas or annulment of issued visa as of 5 April 2011.

Other provisions of the Visa Code will be implemented by the SR in full scope from 5 April 2010, i.e. from the date when the Visa Code will be in force<sup>189</sup>

### **III(d) solidarity with MS subjected to disproportionate influxes of immigrants**

The Slovak Republic showed solidarity through the FRONTEX activities and support to the countries facing disproportionate flows of migrants. The solidarity of the SR was expressed by the delegation of 7 members of rapid border intervention teams of selected police organizational parts of the BBAP MoI SR. The aforementioned team was deployed with the technical devices on the Greek-Turkish border due to the unbearable situation with respect to the illegal immigration. The members of the rapid border intervention teams operated there with the police officers from the EU Member States in period from 6 November to 20 December 2010. In total, there will be deployed 176 police officers from the EU Member States on the Greek-Turkish border.

Another important joint operation within the FRONTEX, which started in the SR on 3 November 2010, was the operation “Jupiter” hosted by following countries: the Slovak Republic, Hungary, Poland and Romania. The basic idea of the joint operation is to enhance border controls on the south-east illegal migration routes in order to collect data on organized groups, false documents, etc.

In 2010, the BBAP MoI SR provided its expert on false and forged travel documents within the joint operation of the FRONTEX called “Poseidon 2010”. The purpose of this joint action originated from the goals of the regional programme Poseidon 2009 – 2010 that was approved on 8 December 2009.

The main aims of this operation comprise the enhancement of the general effectiveness of the border controls on the Greek-Turkish sea border including controls on the border crossing points, border surveillance in order to prevent illegal border crossings, fight against cross-border criminality and adoption of the measures against persons who have crossed the state border illegally.

Specific goals of the joint operation are as follows:

- raising the standard of border controls regarding to the detection of false and forged documents, visas (trainings on first line check and second line check of the documents, support of the border guards in capacity building, cooperation during the document controls, etc.),
- exchanging the information and knowledge between the deployed experts from the European countries and local border guards
- joint guards and border controls on selected border crossing points, perpetual enhancement of the practical knowledge on trends of illegal migration and relevant tactical countermeasures with respect to this phenomenon,
- increasing of the quality of reporting related to the detection and interception of the subject in certain operational areas.

### **III(f) intensify cooperation with the countries of origin and of transit in order to strengthen border control**

As observers, selected police officers from the third-countries, Moldova and Ukraine, took part in the joint land FRONTEX operation called “Jupiter” covered by the BBAP MoI SR in the period from March 2010 to November 2010.

<sup>189</sup> Information provided by the MoFA SR.



The BBAP MoI SR took part in the project on capacity building and cooperation with respect to the false and forged documents identification on Moldovan-Romanian border.

This project was established by the EU and undertaken by the International Centre for Migration Development (ICMPD). The main goals of this project represent the identification of false and forged documents with special focus on information exchange between the competent Moldovan authorities and the training system on central and regional level, as well as on the level of border control checkpoints.

23 officers of the Ukrainian authorities responsible for the issuance and control of the travel and identification documents were trained within the project “Schengen and protection of the external EU border on the Slovak-Ukrainian border” organized by the Slovak Foreign Policy Association.

## 9.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

**6(a) The European Council encourages the Commission and Member States to take advantage of the entry into force of the Visa Code and the gradual roll-out of the VIS**

See also section III (b).

The VIS was used on national level since September 2007 and is fully functional since the Accession of the SR to the Schengen Area (21 December 2007). The national VIS SR has two parts: NS VIS MZV SR and NS VIS MV SR which are in production functioning and in relation to CS VIS work in a regime that take into account the absence of the CS VIS. Parts related to the interconnection of CS VIS SR (CS – central VIS) could be fulfilled only after CS VIS would be fully operational, i.e. in planned time span from 24 June 2011. NS VIS MoFA SR is used for visa application admission, issuance of visa on the crossing points and airports, databases of issued visas of the SR, communication with CS VIS and provision of communication with CS VIS for relevant systems. Central access point for the SR is within the MoFA SR. NS VIS MoI SR is used for assessing of the visa applications and for the elaboration of opinions to the visa applications, consultation network VISION, granting residence permits and verifying the invitations. The important change implemented to the VIS (as of 5 April 2010) was one resulting from the implementation of the Regulation (EC) 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) into the consultation network VISION. Implementation of the old VISION system to the new VISION system is developed within the Decision of the Council 2009/1024/EU of 22 December 2009 (technical specification). Since 5 April 2010 the SR has implemented the new consultancy procedure with other EU Member States according to new criteria (i.e. sending notifications through H form (Article 31 of the Visa Code), as well as, other changes resulting from the Visa Code). The change of the VIS system occurred also within the MoFA SR. The programme application was synchronised with the requirements of the Visa Code including extension of the system functionality on visa prolongation section, which is currently executed by the *APD of the Police Force*. At the same time, police officers who are using the system VIS were trained with respect to the changed system VIS, as well as from the whole Visa Code. The VIS system within the MoI SR is created according to the tasks and deadlines set by the European Commission.

## ASYLUM

# 10. International Protection

## 10.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

**IV(c) solidarity with MS which are faced with specific and disproportionate pressures on their national asylum systems:**

The SR supports harmonization through increased practical cooperation and practice knowledge exchange between the EU Member States, however, there is no information available from this area at the moment. Solidarity activities between the EU Member States will be also one of the tasks of the European Asylum Support Office (EASO) which should be fully operational from June 2011. The SR supports definitely the establishment of the EASO. The main tasks of the EASO shall be coordination and support of practical cooperation between the EU Member States, common educational system, platform on country of origin information (COI), asylum support teams and activities enhancing solidarity.

The SR, via the MO MoI SR, is actively involved into the pilot project *EUREMA “refugees relocations from Malta within the EU”* funded by the European refugee fund. The project is carried out in the period from January 2010 to June 2011. The goal of the SR is to internally relocate 10 persons with granted international protection, while the target groups are the families with children and single parents with children. Currently, a selection process of the appropriate candidates takes place in Malta by Maltese authorities in order to relocate them internally to the SR. The Grant Contract was signed by the SR at the end of September 2010.

**IV(d) strengthen cooperation with the Office of the United Nations High Commissioner for Refugees to ensure better protection for people outside the territory of European Union Member States who request protection, in particular by moving, on a voluntary basis, towards the resettlement within the European Union**

During 2010 there were transferred 98 Palestinian refugees from Iraq to the SR in August 2010 on the basis of trilateral agreement between the Government of the SR, UNHCR and IOM. They stayed in the SR for 6 months, after that period of time, they were resettled to the target third country. This activity was highly appreciated by the UNHCR, American Embassy, as well as on the world forums. On the basis of the SR Government Resolution No. 790 of 12 November 2010<sup>190</sup> the SR is expecting conclusion of the similar agreement and subsequent arrival of 100 refugees who will be protected for the 6 months in the SR on their way to the stable solution with respect to their severe and problematic life situation in the in the near future.

<sup>190</sup> The Slovak Republic Government Resolution No. 790 as of 12 November 2010 on the proposal of Agreement between the Government of the Slovak Republic, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration concerning humanitarian transfer of Refugees in need of international protection through the Slovak Republic, available at: [http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Uznesenie-11250?listName=Uznesenia&prefixFile=m\\_](http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Uznesenie-11250?listName=Uznesenia&prefixFile=m_) (consulted on 5 December 2010).

The SR participated in the UNHCR, IOM and ICMC project “Promotion of resettlement in the European Union (EU) through practical cooperation by EU Member States and other stakeholders” in March 2010. The project is intended to promote greater engagement of EU Member States in resettlement activities by strengthening cooperation, drawing on the benefits of a coordinated, practical approach, support of the practical and logistic cooperation between the EU Member States participating in the resettlement programmes, further inter-connection of the resettlement process phases (pre-departure health checks, cultural orientation programmes, preparation etc.), promotion of the reception services and capacities, elaboration of the recommendations for the first phase of resettled persons' integration to the society. The project is implemented by the IOM, UNHCR and ICMC. Two representatives of the MO Mol SR participated in two activities (in Romania – Timisoara, and in Portugal – Lisbon) within this project in 2010.

**IV(e) MS are invited to provide the personnel responsible for external border controls with training in the rights and obligations pertaining to international protection**

The Slovak National Centre for Human Rights organized educational training for the police officers of the BBAP Mol SR in Košice which comprises among other topics also a lecture on human rights and asylum<sup>191</sup>. This activity was funded by the Office of the Government of the SR and was implemented in the framework of the Action plan on prevention to all forms of discrimination, racism, xenophobia, anti-Semitism and other intolerance during 18 January to 22 January 2010.

## 10.2 Key statistics

Period from 1 January 2010 – 30 November 2010

Asylum applications and decisions							
	Applications	First instance decisions on asylum applications					
	Total applications under consideration	Total positive	Rejected	Geneva Convention	Subsidiary protection	Temporary protection	Humanitarian status
Asylum applications	541	70	178	7	55	0	8

Third-country nationals reallocated and resettled to your Member States			
	Total	Reallocated	Resettled
Third-country nationals	0	0	0

<sup>191</sup> The Slovak National Centre for Human Rights, further information available at: <http://www.snsip.sk/index.php/lang-en/aktuality/details/65-vzdelavanie-v-oblasti-udskych-prav-pre-utvary-hraninej-a-cudzineckej-policie-bratislava.html#subCategory=21> (consulted on 21 November 2010).

Training of border guards on asylum		
	Total number of border guards until 5. 11. 2010	Border guards who received training
Border guards	1173	In border security and travel documents control, <u>on local level</u> – 819 police officers of the Police Forces <u>on central level</u> – 58 police officers of the Police Forces
	7	Professional training of educators on system VIS and Visa Code <u>on local level</u> - 7 police officers of the Police Forces
	1085	Schengen Borders Code <u>on local level</u> – 874 police officers of the Police Forces
	111	Language courses – English language/upper-elementary level (currently still ongoing) <u>on local level</u> – 111 police officers of the Police Forces

With respect to the trainings on asylum these were carried out regularly during the working meetings focusing on current trends and issues with respect to the admission of foreigners' claim for asylum on the territory of the SR within Border control units of the Police Force deployed on the border crossing points, airports and on so called green border.

## UNACCOMPANIED MINORS AND OTHER VULNERABLE GROUPS

### 11. Unaccompanied Minors (and other vulnerable groups)

#### 11.1 European Pact on Immigration and Asylum

No specific commitments are included.

#### 11.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

**5(a) develop an action plan, to be adopted by the Council, on unaccompanied minors which underpins and supplements the relevant legislative and financial instruments and combines measures directed at prevention, protection and assisted return**

The MO Mol SR cooperated on the IOM research project “Best Practises for a Coordinated Approach to Assist Unaccompanied Minor Asylum Seekers (UAMAS) and former UAMAS (fUAMAS) in EU MS” at the end of October 2010. The main aim of the project was to contribute to the elaboration of the EU

Member States access to the group of current and former unaccompanied minors applying for asylum. The project is coordinated by the IOM Budapest and implemented in 10 EU countries; it is based on the legislative analysis and depth interviews with the unaccompanied minors and those who take part in the decision process regarding the asylum applications.

The Human Rights League in cooperation with the Slovak Humanitarian Council organized a conference on unaccompanied minors issues focusing on promotion of the discussion between the participants from different areas who are dealing with this issue (MO Mol SR, Local Offices of Labour, Social Affairs and Family, schools, Ombudsman, etc.) in December 2010. Its main was to propose solution that would contribute to improvement of the processes in this area.

Further information is in section 3 (f).

11.3 Key statistics

Unaccompanied minors	
Number of unaccompanied minors	119
Number of asylum applicants considered to be unaccompanied minors (1.1.2010 – 30.11.2010)	7

Source: MoLSAF SR.

Number of unaccompanied minors illegally crossing the state border ..... 65  
Number of unaccompanied minors with illegal residence ..... 136  
Total ..... 201

Source: URAS ASMC BBAP Mol SR, databases on illegal migration. Information provided for the period 1 January 2010 to 30 September 2010.

As of 29 October 2010, there were 14 unaccompanied minors placed in Children’s Home for Unaccompanied Minors in Horné Orechové, three of them were granted subsidiary protection. There are 2 boys in Chldern`s Home in Medzilaborce, one of them was granted an asylum.

GLOBAL APPROACH TO MIGRATION

12. External cooperation / global approach to migration

12.1 European Pact on Immigration and Asylum

The relevant commitments in the Pact for this sub-section are in particular:

***V(a) conclude EU-level or bilateral agreements with the countries of origin and of transit containing clause on legal and illegal migration as well as development***

With respect to bilateral readmission agreements with third countries; the SR has agreements in force with following third countries: Ukraine (the provisions of the Agreement on the EU level take precedence over this agreement, i.e. bilateral agreement and the implementing protocol are partly

used until the implementing protocol to the Readmission Agreement between the EC and Ukraine), Croatia, and Vietnam.

At this time, new proposals of readmission agreements with other third countries are negotiated.

An example table is presented below.

Type of agreement	Third countries involved	Main purpose of the agreement
(EU or bilateral)		

***V(b) offer the nationals of partner countries to the East and South of Europe opportunities for the legal immigration***

Due to the economic crisis the situation on the Slovak labour market significantly deteriorated and this became evident by decrease of employment rate and increase of unemployment rate by almost 50%. Partly to the demographic situation in the SR as well as partially also due to the return of the Slovak migrating citizens to the SR in 2010 and, as a consequence, there were not realized any offers regarding the third-country nationals immigration from the partner countries in east and south Europe. The SR does not have and does not plan any measures focusing on labour or circular migration<sup>192</sup>.

***V(c) cooperation with the countries of origin and of transit in order to deter or prevent illegal immigration***

The BBAP Mol SR does not cooperate with the third countries of origin or transit in order to fight the trafficking in human beings. The main task of the National unit on fight against illegal migration is to perform repressive measures regarding the fight against smuggling and organized illegal migration. In order to detect and decompose of the organized international criminal networks and smugglers network, the national unit cooperates with the partner countries operational police units abroad, mainly with the countries on the route of illegal migration

***V(d) More effective integration of migration and development policies***

Within the academic sphere, the studies on migration and integration of the foreigners were absent in 2010. There were not implemented any national projects regarding the preparation of the policy in the area of foreigners integration funded by the European Fund on integration in 2010, as well<sup>193</sup>.

- The EMN elaborated following studies in 2010 on:
- Satisfying labour demand through migration in the SR
  - Temporary and circular migration in the SR

Other activities:  
International agreement between the SR and the Republic of Moldova on development aid was signed on 7 May 2010 and entered into force on 17 September 2010. The aim of the agreement is to enhance the quality of the cooperation in the framework of the Slovak official development aid programme.

<sup>192</sup> Information provided by the MoLSAF SR.

<sup>193</sup> Information provided by the MoLSAF SR.



Particular projects of the official development aid with explicate migration element were as follows:

The aim of the project *"Promotion of the adaptation and bespoke assistance with regard to the integration of the resettled families in the region Khobi in Georgia"* focuses on the creation of partnerships with the families of the resettled persons and on funding of the agriculture run by resettled persons. In this case these persons are internally resettled within Georgia during the conflicts in 1990s and during August 2008.

The aim of the project *"Equal labour opportunities and livelihood for Bosnian, Serbs and Croats affected by exploded landmines – "Fruit not mines"* is the provision of labour opportunities for the handicapped people and internally displaced persons, in particular, after the landmine explosion. The focus will be on choosing the families representing all three ethnicities and the result should be mutual integration of the three ethnicities of BiH.

***V(e) promote co-development actions and support instrument for transferring migrants' remittances***

It is not possible to comment on this topic due to the lack of available information in the time of report elaboration.

## 12.2 Stockholm Programme

The relevant commitments in the Stockholm Programme for this sub-section are in particular:

***11(h) how diaspora groups may be further involved in EU development initiatives, and how EU Member States may support diaspora groups in their efforts to enhance development in their countries of origin***

The civic association *Migrácia SK* in cooperation with the *Centre of Labour, Social Affairs and Family* and the *Association of independent experts for historic questions regarding the life of the Slovaks living abroad* organized the sixth round table thematically focused on Slovak emigration on 13 – 14 May 2010 in Bratislava. In three panels there were discussed the topics related to the migration of the Slovaks abroad, in particular: Emigration of the citizens of the Slovak Republic, Re-emigration of the citizens of the Slovak Republic, Immigration of the Slovaks living abroad into the Slovak Republic.

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