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ANNUAL REPORT ON ASYLUM
AND MIGRATION STATISTICS
IN THE SLOVAK REPUBLIC
(REFERENCE YEAR 2007)

Annual Report on Asylum and Migration Statistics in the Slovak Republic

(Reference Year 2007)

National Report for the European Migration Network

Bratislava, November 2009



List of Abbreviations

BBAP MoI SR – Bureau of Border and Alien Police of the MoI SR
Coll. – Collection of Laws
EMN – European Migration Network
EU – European Union
MoI SR – Ministry of Interior of the SR
MO of MoI SR or Migration Office – Migration Office of the MoI SR
NC SR – National Council of the SR
SB – state border
SO SR – Statistical Office of the SR
SP – subsidiary protection
SR – Slovak Republic

List of Symbols (Tables)

| | |
|----------------------------|--|
| Horizontal mark (-) | the event did not occur |
| Dot (.) | the data is not available |
| Cross (x) | registration is not possible for logical reasons |

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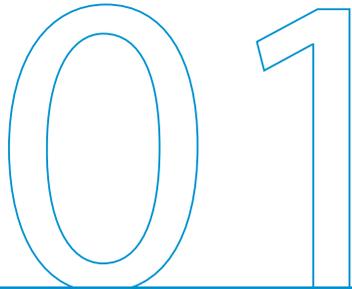
The opinions presented in this study do not necessarily reflect the views of the Government of the Slovak Republic, the European Commission or the IOM International Organization for Migration.

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Introduction

The Annual Report on Asylum and Migration Statistics in the Slovak Republic in 2007 (hereinafter referred to as Report) is the second report on migration and asylum statistics produced by the Slovak Republic under the activities of the European Migration Network (hereinafter referred to as EMN). The Report was compiled on the basis of the requirements formulated by the European Commission, which were reviewed and approved by the EMN national contact points of the EU Member States. The Report explains and clarifies the statistical trends and development in the field of asylum and migration in the Slovak Republic (hereinafter referred to as SR) in 2007 in comparison with the preceding period.

Based on the national reports of the different EU Member States, which were produced by the EMN National Contact Points, the European Commission will compile a synthesis report with the aim of improving the availability, topicality and comparability of statistical data on asylum and migration in the EU Member States and provide comparable migration and asylum analyses.

The structure of the Report and its division into chapters follow the set specifications. The first chapter presents information on the objectives of and the methodology used for the data provided herein. The second chapter deals with asylum matters and in particular describes the numbers of asylum applications, positive decisions in the asylum procedure, as well as related legislative and procedural changes. The third chapter informs about the development in migration policy and the numbers of citizens and foreign nationals in the SR. The fourth chapter provides an analysis and interpretation of the statistics on the refusal of entry, apprehension and removals of foreigners.

1.1 Methodology

This Report was compiled by the selected experts of the EMN National Contact Point in the Slovak Republic representing the following institutions: the Bureau of Border and Alien Police of the Ministry of Interior of the SR (BBAP MoI SR), the Migration Office of the Ministry of Interior SR (MO MoI SR) and the Statistical Office of the SR (SO SR). The individual experts were responsible for preparing the chapters pertaining to the scope of responsibilities of the institution they represented, and helped to harmonise the final text and give an expert assessment of the Report as a whole in cooperation with the coordinator of the national contact point – IOM International Organization for Migration. The basic statistics for this Report were provided by Eurostat. As several institutions deal with the collection and processing of asylum and migration data in the Slovak Republic, the information systems of BBAP, MO MoI SR and SO SR all served as the main sources of the national statistical data, and have also been used for verifying the data provided by Eurostat.

In the compilation of Chapter 2 – Asylum, the Migration Office experts have been involved. MO MoI SR is an institution taking decisions on granting asylum and subsidiary protection, and is responsible for delivering complex care for aliens who are in need of any form of international protection (asylum, subsidiary protection, temporary protection). The Migration Office also compiles and publishes regular statistical reviews of the asylum issues in Slovakia. It has based its study on legislation, especially the Act No. 480/2002 Coll. on Asylum and on changes and amendments of certain acts as amended, on the Migration Office's Refugee information system¹; on the statistical data of the Migration Office; and on practical experience.

The experts of the Bureau of Border and Alien Police of the MoI SR prepared the subchapters 3.1.3 and 3.2 and Chapter 4. BBAP MoI SR is an organization of the Ministry of Interior of the SR (MoI SR), which directly manages the organizational units serving the tasks concerning state border protection; the fight against illegal migration and smuggling; border control; risk analysis; cooperation with FRONTEX agency; travel documents' analysis; granting of residence permits to foreign nationals; control of the stay of foreigners; removal of foreign nationals; visa issues; asylum procedures; and the Dublin Regulation within the legally-defined scope. As for collection and processing of statistical data, BBAP MoI SR keeps statistical reviews of legal and illegal migration; it is the national contact point for the compilation of European statistics on migration and residence in line with the EU standards; it plays the role of the guarantor and administrator of the BBAP's information system data; and carries out activities associated with the management of the Border Po-

¹ The Refugee Information System serves as a registry of asylum seekers, and was built up in the first half-year of 2005.

lice and the Alien Police information systems. Within its own information system it records and analyses statistical data on refusal of entry and on apprehended and removed foreign nationals, which is also provided to Eurostat and forms a part of this Report as well. In the compilation and verification of this statistical data, the Eurostat definitions were taken into consideration. Hence, the Eurostat data concerning this area is slightly different from the data published by the Bureau of Border and Alien Police of the MoI SR in this Report.

Sub-chapters 3.1, 3.1.1 and 3.1.2 were compiled by an expert of the Statistical Office of the SR. SO SR coordinates and assures harmonisation of the contents and the scope of information on foreign nationals with the EU standards, as well as with the fundamental documents approved by the Government of SR in cooperation with the relevant ministries (MoI SR and Ministry of Labour, Social Affairs and Family). The Statistical Office further compiles, publishes, presents and provides basic data and indicators on migration statistics for national and international purposes. The data in this Report compiled by SO SR is taken from the population register, and is obtained in the form of demographic events reports. In this case, the reports concern international migration related to permanent residence change concurrent with the crossing of the borders (Migration Report OBYV 5-12). The source for the data on aliens' legal migration is the information system 'Aliens' Registry' of the Bureau of Border and Alien Police of MoI SR.

02

Asylum

Asylum, including subsidiary protection and temporary protection in the Slovak Republic, is specifically governed by the Act No. 480/2002 Coll. on Asylum and on changes and amendments of certain acts as amended (hereinafter referred to as the "Act on Asylum") in the competency of the MoI SR. In this act the Convention Relating to the Status of Refugees (Geneva, 1951), and the Protocol Relating to the Status of Refugees (New York, 1967) is reflected. The Migration Office is within the MoI SR responsible for the application of the Act on Asylum – not only for the assessment and decisions on asylum applications (granting of asylum or subsidiary protection) or applications for temporary protection (the Slovak Republic has not granted any temporary protection since 1999), but also for providing care for asylum seekers (accommodation, meals, basic sanitary needs, pocket-money etc.) in the asylum centres of the Migration Office, providing healthcare and social care for this group of foreigners, assistance in the integration of asylum seekers into the society etc.

The Migration Office also compiles and makes available statistical data on asylum seekers, persons to whom asylum has been granted, and aliens under subsidiary protection to the authorities and organizations dealing with asylum issues, or to the expert and general public.

2.1 Analysis and Interpretation of Asylum Statistics

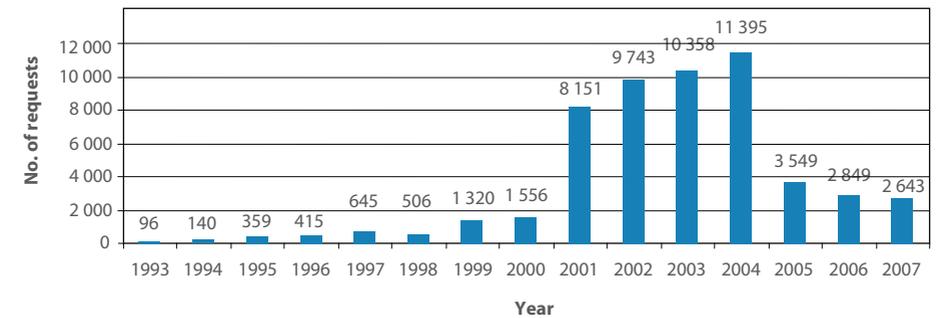
2.1.1 Trends in Asylum Applications

Given that the Migration Office was not keeping records on the numbers of persons applying for asylum, nor on the number of repeated (subsequent) asylum applications, i.e. not on first-time asylum seekers in 2007, the following text, including the tables, provides an analysis and comparison of the statistical data on the total number of asylum applications filed in the Slovak Republic in 2007 and in the previous period (especially year 2006), including repeated applications, as per different criteria (nationality, age, gender, etc.).

The Slovak Republic recorded the highest number of asylum applications (11,395) in 2004. This number has been ever decreasing since 2005. In 2007, the number of asylum applications filed was 7% lower in comparison to 2006. The factors causing the decrease in the number of asylum seekers in the SR in 2007 are similar to the ones in 2006. The main factors include the general decrease in the number of asylum seekers within the European Union; the enforcement of the Dublin Regulation (illegal foreign nationals do not wish to be apprehended in the Slovak Republic, or apply for asylum in the SR, due to the possibility of being returned to the SR from another EU state by virtue of the fact that that the Slovak Republic would be responsible for reviewing their asylum application); improved effectiveness of the state border protection; but also an absence of large foreigners' communities in the SR and a less-developed economic environment compared to the economically more advanced countries of the European Union.

The largest number of asylum applications in 2007 was filed in the months of April (327), August (325) and May (280), and in 2006 in the months of July (341), November (332), August (331) and December (321).

Chart 1. Total Number of Applications for Asylum in the Slovak Republic (1993-2007)



The fact that the Slovak Republic continues to be a transit country for asylum seekers is manifested by the large number of asylum applications that have not been assessed on their merit, but rather, the asylum procedure was suspended because the foreigners did not show any interest in having their applications assessed in the Slovak Republic (for example, they voluntarily left the SR). Even though the number of such cases decreased in 2006, and the number of cases where asylum applications have not only been reviewed, but decisions have been made thereon, there is still a large number of cases where the asylum procedure was suspended. Besides asylum, since 1 January 2007 the Slovak Republic is also granting subsidiary protection as another form of international protection.

Table 1. Asylum Applications in the Slovak Republic – Selected Indicators (2006-2007)

| Year | Number of Asylum Applications | In First-Instance Procedure* | Asylum Granted | Asylum Denied | SP Granted | SP Denied | Asylum Procedure Suspended | Under Appellate Body Decision |
|------|-------------------------------|------------------------------|----------------|---------------|------------|-----------|----------------------------|-------------------------------|
| 2006 | 2 849 | 489 | 8 | 862 | - | - | 1 944 | 92 |
| 2007 | 2 643 | 151 | 14 | 1 177 | 82 | 646 | 1 693 | 433 |

* Pending first-instance procedures, where the asylum seeker only made a statement while the decision of MO MoI SR has never been made.

Source: Annual Statistical Report 2006 and 2007 MO MoI SR.

In 2007, there was a substantial increase in the number of asylum applications by the nationals of Pakistan. While in 2006 the applications by Pakistani nationals represented only 6.39% of the total number of applications and Pakistan held the sev-

enth position, in 2007 the number of applications from Pakistan reached 24.59% of the total number of applications, thus occupying the first position in the number of asylum applications. It is interesting to note the unchanged order of the other countries in 2006 and 2007: India, Russia, Moldova, Georgia, Iraq, Bangladesh, and China.

Table 2. Asylum Applications by Nationality – Top Ten Countries from which the Asylum Seekers come (2006-2007)

(in number of applications)

| Year 2006 | | | Year 2007 | | |
|--------------------|------------------------|-------|--------------------|------------------------|-------|
| Nationality | Number of Applications | % | Nationality | Number of Applications | % |
| India | 704 | 24,71 | India | 650 | 24,59 |
| Russian Federation | 464 | 16,29 | Russian Federation | 619 | 23,42 |
| Moldova | 385 | 13,51 | Moldova | 307 | 11,62 |
| Georgia | 210 | 7,37 | Georgia | 208 | 7,87 |
| Iraq | 206 | 7,23 | Iraq | 134 | 5,07 |
| Bangladesh | 182 | 6,39 | Bangladesh | 131 | 4,96 |
| Pakistan | 182 | 6,39 | Pakistan | 108 | 4,09 |
| China | 164 | 5,76 | China | 96 | 3,63 |
| Vietnam | 63 | 2,21 | Vietnam | 67 | 2,53 |
| Palestine | 56 | 1,97 | Palestine | 58 | 2,19 |

Source: Annual Statistical Report 2006 and 2007 MO Mol SR.

The situation concerning the composition of asylum seekers in the Slovak Republic as per continents has been stable over the past few years. The number of asylum applications shows that Asia and Europe have clearly dominated in the asylum seekers' composition recently. In 2007, the number of applicants for asylum filed by nationals of Asian countries rose by approx. 12 percentage points (2007 – 76.4%; 2006 – 64.4%), and the number of applications presented by nationals of European countries decreased by approx. 12 percentage points (2007 – 21.9%, 2006 – 34.3%). As far as Europe is concerned, most applicants came from Russia and Moldova; while regarding Asia, the majority of applicants came from India in 2006, and from Pakistan and India in 2007. The number of asylum applications from Africa and America can be long considered as negligible; in 2006 and 2007 it hardly reached 2% of the total number of applications of the respective years.

Compared to the previous year, the number of asylum applications filed by women decreased by 7 percentage points in 2007; in 2006, women constituted 15.94% of the total number of 2,849 applications, and in 2007 this share was 9.35% of the total number of 2,643 applications.

In 2007, the majority of the applicants was aged between 18 and 25. This age group formed about 45% of all the applicants, and in 2007 approx. 48%. The second most numerous age category in 2006 and 2007 was the 26-39 range, which constituted approx. 35% of asylum seekers in both years.

Table 3. Asylum Applications by Age Group and Gender (2006-2007)

(in number of applications)

| Year | 2006 | | | 2007 | | |
|--------------|--------------|------------|--------------|--------------|------------|--------------|
| | Males | Females | Total | Males | Females | Total |
| 0 – 17 | 230 | 129 | 359 | 208 | 51 | 259 |
| 18 – 25 | 1 190 | 103 | 1 293 | 1 209 | 62 | 1 271 |
| 26 – 39 | 835 | 163 | 998 | 833 | 99 | 932 |
| 40+ | 140 | 59 | 199 | 146 | 35 | 181 |
| Total | 2 395 | 454 | 2 849 | 2 396 | 247 | 2 643 |

Source: Annual Statistical Report 2006 and 2007 MO Mol SR.

In 2007, a slight increase in the number of asylum applications filed by unaccompanied minors, by approx. 12% (19 cases) can be observed in the Slovak Republic in comparison with the previous years. In spite of this fact, the large numbers of asylum applications filed by unaccompanied minors (1,371 applications in 2002, and 707 applications in 2003) can be considered as a thing of the past. The most numerous age category of unaccompanied minors was the 16-17 range; this group represented approx. 80% in 2006, and 83% in 2007 of asylum applications in the given category. As for the gender of unaccompanied minors, this group is absolutely dominated by males. In 2007, only one asylum application filed by a female was recorded, which is 0.6% of the total of 157 applications, while in 2006 it was 5.8% of the total of 138 applications. The order of countries with the largest number of asylum applications filed by unaccompanied minors in 2007 was as follows: Pakistan, India, Bangladesh, Moldova, Iraq and Vietnam. In 2006, the order was as follows: India, Moldova, Pakistan, Bangladesh, China and Vietnam.

Table 4. Unaccompanied Minors – Asylum Applications by Age Group and Gender (2006-2007)

(in number of applications)

| Year | 2006 | | | 2007 | | |
|--------------|------------|----------|------------|------------|----------|------------|
| | Age group | Males | Females | Total | Males | Females |
| 0 – 13 | 4 | 0 | 4 | 1 | 0 | 1 |
| 14 – 15 | 22 | 2 | 24 | 24 | 1 | 25 |
| 16 – 17 | 104 | 6 | 110 | 131 | 0 | 131 |
| Spolu | 130 | 8 | 138 | 156 | 1 | 157 |

Source: Annual Statistical Report 2006 and 2007 MO MoI SR.

2.1.2 Positive Decisions on Asylum Applications

In spite of the lower number of asylum applications in 2007, the number of foreign nationals granted asylum by the Migration Office actually rose by six. The lowest number of asylums since the creation of the Slovak Republic was granted in 2006.

Table 5. Asylums Granted in the SR (2003 – 2007)

(in number of persons)

| Year | 2003 | 2004 | 2005 | 2006 | 2007 |
|----------------------------------|------|------|------|------|------|
| Number of Asylums Granted | 11 | 15 | 25 | 8 | 14 |

Source: MO MoI SR.

As for the number of asylums granted per country of nationality in 2007, most asylums were granted to the nationals of Iran and Cuba (both were countries with the highest number of asylums granted). In 2006, the nationals of Iran occupied the first position, and the nationals of Cuba the second position. Even though asylum seekers from Africa and America formed a negligible group within the SR, the share of asylums granted to the number of applications filed was much higher.

Table 6. Asylums Granted by Nationality (2006-2007)

(in number of persons)

| Year | 2006 | 2007 |
|---|-----------------|-----------------|
| Nationality* | Asylums Granted | Asylums Granted |
| Iran | 4 | 3 |
| Cuba | 1 | 3 |
| Syria | 0 | 2 |
| China | 1 | 0 |
| Congo (Brazzaville) | 1 | 0 |
| Ivory Coast | 0 | 1 |
| Democratic Republic of Congo | 0 | 1 |
| Palestine | 0 | 1 |
| Serbia and Montenegro (until July 2006**) | 1 | - |
| Sudan | 0 | 1 |
| Ukraine | 0 | 1 |
| Stateless persons* | 0 | 1 |
| Total | 8 | 14 |

* Since certain asylum seekers cannot prove their identity by presenting any personal document, upon entry into the asylum procedure they must make a statement on their country of origin. For stateless asylum seekers, nationality is determined by that person's last place of residence.

** The decision on granting asylum was issued while Serbia and Montenegro still constituted a single state – in April 2006.

Source: Annual Statistical Report 2006 and 2007 MO MoI SR.

Following the introduction of the subsidiary protection, from 1 January 2007 (for more details refer to subchapter 2.2.1), the number of positive decisions in asylum procedures increased substantially in 2007. While only eight positive decisions (eight asylums granted) were issued in 2006, in 2007 this number increased to 96 (14 asylums and 82 subsidiary protections granted). According to the Act on Asylum, international protection may only be granted by a first-instance administrative body (granting of asylum or subsidiary protection), and therefore the statistical data only refer to the decisions issued in the first-instance asylum procedures.

Table 7. Total Number of Decisions Issued in the Asylum Procedures (2006-2007)

(in number of decisions)

| Year | 2006 | 2007 |
|----------------------|--------------|--------------|
| Positive decisions* | 8 | 96 |
| Negative decisions** | 862 | 1 177 |
| Other decisions*** | 1 944 | 1 693 |
| Total | 2 814 | 2 966 |

* Positive decisions in 2006 = asylum granted (8).

Positive decisions in 2007 = asylum granted (14) + subsidiary protection granted (82).

** Negative decisions in 2006 = applications rejected as manifestly unfounded or inadmissible (334) + asylum not granted (528).

Negative decisions in 2007 = application rejected as manifestly unfounded (458) + application rejected as inadmissible (73) + asylum not granted and subsidiary protection not granted (646).

*** Other decisions = asylum procedure suspended.

Source: Annual Statistical Report 2006 and 2007 MO MoI SR.

The Act on Asylum, unlike the original Act on Refugees (which was in force in the Slovak Republic until 2002), replaced the term 'refugee status' with the term 'asylum'. Under this Act, asylum in the Slovak Republic may be granted for three different reasons:

1. for reasons stipulated in the Geneva Convention (Article 8 of the Act on Asylum);
2. for humanitarian reasons (Article 9 of the Act on Asylum);
3. for the purpose of family reunification (Article 10 of the Act on Asylum).

In 2006 and 2007, asylum was mainly granted for reasons stipulated in the Geneva Convention (Article 8 of the Act on Asylum). While in 2006 asylum granted pursuant to Article 8 of the Act on Asylum represented 75% of the total number of asylums granted; in 2007 it was almost 86%.

The majority of positive decisions issued in 2006 concerned the nationals of Iran (50%), and in 2007, the nationals of Iraq (44%). Subsidiary protection only was granted to Iraqi nationals.

Table 8. Positive decisions of Asylum Applications (First Instance) by the Reason for Granting Asylum and by Nationality (2006)

(in number of persons)

| Nationality | Total | Asylum Granted for Reasons Stipulated in the Geneva Convention | Asylum Granted for Humanitarian Reasons, or Subsidiary Protection Granted | Asylum Granted for Purpose of Family Reunification |
|-----------------------|----------|--|---|--|
| Iran | 4 | 4 | 0 | 0 |
| China | 1 | 0 | 1 | 0 |
| Congo (Brazzaville) | 1 | 1 | 0 | 0 |
| Cuba | 1 | 1 | 0 | 0 |
| Serbia and Montenegro | 1 | 0 | 0 | 1 |
| Total | 8 | 6 | 1* | 1 |

* In 2006, no SP was granted; one asylum only was granted for humanitarian reasons.

Source: Annual Statistical Report 2006 MO MoI SR.

Table 9. Positive decisions on Asylum Applications (First Instance) by the Reason for Granting Asylum and by Nationality (2007)

(in number of persons)

| Nationality | Total | Asylum Granted for Reasons Stipulated in the Geneva Convention | Asylum Granted for Humanitarian Reasons, or Subsidiary Protection Granted | Asylum Granted for Purpose of Family Reunification |
|-------------|-------|--|---|--|
| Iraq | 42 | 0 | 42 | 0 |
| Syria | 13 | 2 | 11 | 0 |
| Somalia | 9 | 0 | 9 | 0 |
| Afghanistan | 6 | 0 | 6 | 0 |
| Armenia | 5 | 0 | 5 | 0 |
| Cuba | 5 | 3 | 2 | 0 |
| Iran | 3 | 3 | 0 | 0 |
| Palestine | 3 | 1 | 2 | 0 |

| | | | | |
|------------------------------|-----------|-----------|------------|----------|
| Democratic Republic of Congo | 2 | 0 | 1 | 1 |
| Sudan | 1 | 1 | 0 | 0 |
| Ukraine | 1 | 0 | 0 | 1 |
| Cameroon | 1 | 0 | 1 | 0 |
| Yemen | 1 | 0 | 1 | 0 |
| Ivory Coast | 1 | 1 | 0 | 0 |
| Nigeria | 1 | 0 | 1 | 0 |
| Stateless persons | 2 | 1 | 1 | 0 |
| Total | 96 | 12 | 82* | 2 |

* Subsidiary protection granted only; no asylum for humanitarian reasons was granted.
Source: Annual Statistical Report 2007 MO MoI SR.

2.1.3 Changes in Statuses Granted to Different Groups of Aliens

Due to the low numbers of asylums granted in the Slovak Republic and the fact that no subsidiary protection was granted in 2006, it is not possible to compare the potential changes.

2.2 Contextual Interpretations (Legal, Political, and International Factors)

2.2.1 Legislative Changes in Force from 2007

The Act No. 692/2006 Coll. (revised Act on Asylum) transposed into the legislation of the Slovak Republic, with effect from 1 January 2007, the Council Directive 2004/83/EC of 29 April 2004 (so-called Qualification Directive) *on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted*. This amendment to the Act on Asylum introduced, among others, a new form of international protection – subsidiary protection. This represents the most important change compared to the year 2006. The entitlement to receive subsidiary protection is assessed within the single asylum procedure. Irrespective of whether the foreign national applied for asylum or subsidiary protection, the Migration Office would always first assess the fulfilment of the requirements for granting asylum under the asylum procedure, and in the case of failure to meet such requirements, the Migration Office would assess whether the applicant met the conditions for granting subsidiary protection. That means that the decision to

reject granting of asylum always contains a statement on granting or not granting subsidiary protection.

Just as in the majority of Member States, subsidiary protection is granted to the asylum seeker provided that there are good reasons to consider that the asylum seeker would face a real risk of serious harm (imposition of death penalty or its execution; torture or inhuman or degrading treatment or punishment; serious and individual threat to life or inviolability of person by reason of arbitrary violence in situations of international or internal armed conflict) if returned to his/her country of origin. The country of origin for the purpose of the Act on Asylum means the state or states of the foreign national's citizenship or, in the case of a stateless person, the state of his/her former residence.

Upon meeting the conditions stipulated in the Act on Asylum, subsidiary protection in the SR for the purpose of family reunification is granted to the spouse of a foreign national who has been granted subsidiary protection, to their single children before they complete 18 years of age, or to the parents of a single foreign national younger than 18 years who has been granted subsidiary protection.

Subsidiary protection is granted for a period of one year, after the expiry of which it can be consecutively extended. The foreign national who has been granted subsidiary protection is entitled to temporary residence in the Slovak Republic.

Since 2007, the body authorised to decide on the granting of subsidiary protection has been the Migration Office; in that year, subsidiary protection was granted in 82 cases (refer to subchapter 2.1.2), mostly to the nationals of Iraq, Syria, Somalia, Afghanistan and Armenia, with the asylum seekers from Iraq constituting more than a half of foreign nationals who have been granted subsidiary protection.

Table 10. Subsidiary Protection Granted by Nationality (2007)
(in number of persons)

| Nationality | SP Not Granted | SP Granted |
|---------------------------------------|----------------|------------|
| Afghanistan | 26 | 6 |
| Algeria | 2 | 0 |
| Armenia | 1 | 5 |
| Bangladesh | 37 | 0 |
| Belarus | 2 | 0 |
| Cameroon | 4 | 1 |
| China | 17 | 0 |
| Dem. Rep. Congo | 0 | 1 |
| Equatorial Guinea | 1 | 0 |
| Georgia | 20 | 0 |
| India | 198 | 0 |
| Iraq | 14 | 42 |
| Iran | 2 | 0 |
| Cuba | 0 | 2 |
| Liberia | 1 | 0 |
| Libya | 1 | 0 |
| Former Yugoslav Republic of Macedonia | 2 | 0 |
| Moldova | 13 | 0 |
| Mongolia | 1 | 0 |
| Morocco | 1 | 0 |
| Nepal | 4 | 0 |
| Nigeria | 4 | 1 |
| Pakistan | 192 | 0 |
| Palestine | 16 | 2 |
| Russian Federation | 38 | 0 |
| Serbia | 4 | 0 |
| Sri Lanka | 3 | 0 |

| | | |
|-------------------|------------|-----------|
| Somalia | 0 | 9 |
| Syria | 8 | 11 |
| Tajikistan | 2 | 0 |
| Turkey | 6 | 0 |
| Ukraine | 9 | 0 |
| Uzbekistan | 1 | 0 |
| Vietnam | 15 | 0 |
| Yemen | 0 | 1 |
| Stateless persons | 1 | 1 |
| Total | 646 | 82 |

Source: Annual Statistical Report 2007 MO MoI SR.

Another legislative change was made by the adoption of the Regulation of the Slovak Government No. 695/2006 Coll. changing and amending the Regulation of the Slovak Government No. 716/2002 Coll. on Issuing a List of Safe Third Countries and Safe Countries of Origin as amended by Regulation of the Slovak Government No. 288/2004 Coll. By virtue of this Regulation, Croatia has been included in the list of safe countries of origin on 1 January 2007. Bulgaria, Romania (given their entry into the European Union) and Senegal (as a result of changes in the internal political situation and reduced level of protection and respect for human rights) were deleted from the list of safe countries of origin.

2.2.2 Procedural Changes Concerning Asylum in Force in 2007

On 1 January 2007, single asylum procedure was introduced, which means that the entitlement to asylum and subsidiary protection is assessed within one asylum procedure. For more details refer to subchapter 2.2.1. An asylum application is understood to mean not only the foreign national's statement at the respective police department about applying for asylum, but also the foreign national's statement about applying for subsidiary protection. With the introduction of subsidiary protection, the number of foreign nationals who have been granted international protection in asylum procedure increased.

03

Migration

This chapter provides an overview of legal migration in the Slovak Republic. Since 2003, the Slovak Republic has reported an ever increasing number of immigrants to the SR each year. Immigration into the SR is mainly influenced by the accession of Slovakia to the EU, the entry into the Schengen Area, and the economic development of the country in the recent years. The statistical data for this chapter was provided by the SO SR and BBAP Mol SR.

3.1 Analysis and Interpretation of Migration Statistics

The international migration statistical data compiled by the Statistical Office of the SR is based on the records of migrating persons with registered or cancelled permanent residence in the SR. According to the SO SR methodology, international migration (immigration from abroad or emigration abroad) means a change in the country of permanent residence irrespective of nationality (the data is mainly used for national purposes). The international migration data is compiled on a monthly basis and is presented in the annual publications *The Situation and Development of the Population* and *The Population Change* (demographic yearbook). The international migration statistics, along with the internal migration statistics (migration within the territory of the SR), form a part of the demographic statistics. The demographic statistics data is obtained from the statistical research of the natural and migration changes in the population, which is annually organised by the Statistics Office of the SR in the form of statistical reports (report on the conclusion of marriage OBYV 1-12, birth report OBYV 2-12, post-mortem examination note and decease notes OBYV 3-12, divorce report OBYV 4-12, migration report OBYV 5-12). The statistical research of the population changes applies to the entire

population with permanent residence in the SR, including foreign nationals with permanent residence. It is a complex research organised and performed within the framework of the State Statistical Research Programme. The State Statistical Research Programme is a legal document by virtue of which the reporting units are obliged to submit reports concerning all statistical information subject to research pursuant to Article 18, paragraph 3 of the Act No. 540/2001 Coll. on State Statistics.

The demographic statistics is based on population census results. The Slovak Republic applies the process of balancing the population change between two censuses (rebalancing of the results of census as of 1 January of the year in which the census takes place, and subsequent annual balancing of the population changes until the next census). The process of rebalancing the census results is illustrated by the following formula: the state of the population on 1 January of the year of census = the state of the population as of the date of the census – the number of newborns (from 1 January until the date of the census) + the number of deceased persons (from 1 January until the date of census) – net migration (from 1 January until the date of census).

For international purposes and for the purpose of meeting the requirements of the Regulation of the European Parliament and of the Council No. 862/2007 on Community Statistics on Migration and International Protection (hereinafter referred to as the Regulation on Migration Statistics), the information on migration of Slovak nationals from the migration statistics of the SO SR are used. Information on foreign nationals' migration is obtained from the 'Aliens Registry' information system of the Bureau of Border and Alien Police of the Mol SR. Since 2003, the Statistics Office of the SR has intensively co-operated with the Bureau of Border and Alien Police of the Mol SR in the preparation and implementation of the Regulation on Migration Statistics.

As far as the terms and the fulfilment of the requirements under the Article 3 of the Regulation on Migration Statistics is concerned, the term 'legal migration' means the entry of the person to the SR, their stay in the territory of the SR, and the departure from the SR, provided that international agreements and the legal regulations of the SR are complied with. The conditions of entry and of the stay of aliens in the Slovak Republic and on their departure from the SR are governed by the Act No. 48/2002 Coll. on Stay of Aliens and on changes and amendments of certain acts. By virtue of this law, a foreign national is everyone who is not a citizen of the Slovak Republic, or is a stateless person. Hence, foreign nationals are the citizens of other countries of the European Union (EU); the citizens of countries which are parties to the Agreement on the European Economic Area (EEA); the citizens of the Swiss Confederation and their family members; third-country nationals; and stateless

persons. A special legal regime applies to the entry and the stay of EU and EEA nationals in Slovakia, which grants them equal rights to the nationals of the SR.

In the residence-granting procedure, two types of regime are in force in the SR – the residence registration and the residence permit. Registration concerns EU/EEA nationals, while other nationals must apply for residence permit.

Legal migration is based on registering the nationals of the European Economic Area for residence and on issuing of the residence permits to third-country nationals, depending on the type and the purpose of their stay. According to these principles, the groups of foreign nationals are differentiated in the legal system of the SR by temporary residence, to which the foreign national is not legally entitled, and permanent residence. The purpose of the stay of foreign nationals is classified according to the type of residence.

The following purposes are stipulated for temporary residence:

- business;
- employment;
- study;
- special activity;
- family reunification.

The purposes of permanent residence are related to:

- the spouse of the national of the Slovak Republic;
- a foreign national with permanent residence in the territory of the Slovak Republic – children, dependent relative;
- the interest of the Slovak Republic.

According to the type and the character of stays, the migration statistics provided to Eurostat include the groups of foreign nationals with permanent or temporary residence in the Slovak Republic.

The immigrants' group and the total number of inhabitants with usual residence in the SR include foreign nationals, who have been granted asylum and at the same time permanent residence permit, and also persons who were granted subsidiary protection and at the same time temporary residence permit. The applicants for international protection are not included in the group of immigrants and in the general group of persons with legal residence in the SR. Persons with tolerated stay in the Slovak Republic are not included in the immigrants' group and in the general group of persons with legal residence either, which results from the nature of this type of stay (the maximum period of tolerated stay is 180 days and can be repeatedly extended).

3.1.1 Migration Flows in the Slovak Republic

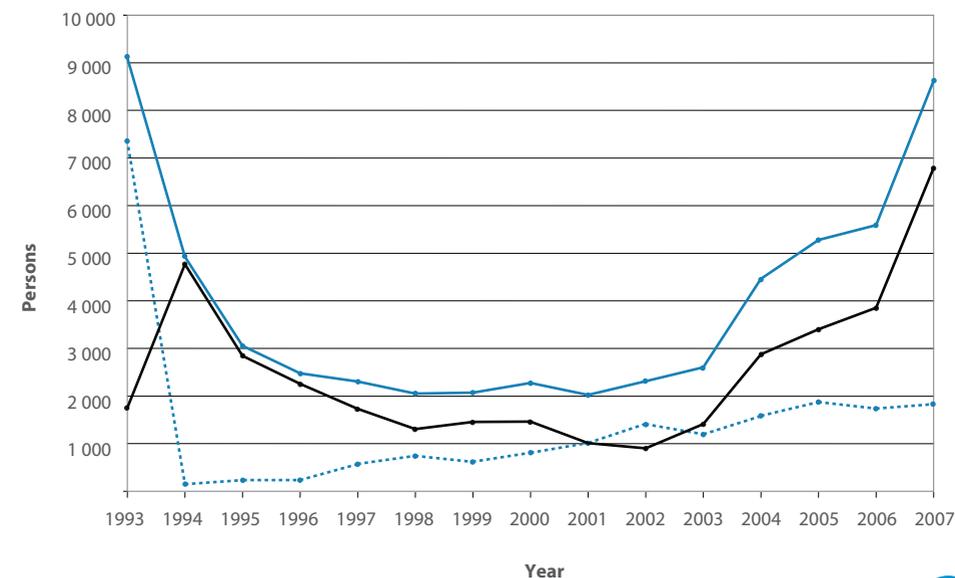
The migration flows analysed in this part are structured according to the source of the statistical data – either SO SR or BBAP MoI SR. Table 11 presents the SO SR data on international migration based on the changes of the migrant person's permanent residence from 2002 until 2007 (the time sequence from the creation of the Slovak Republic until 2007 is provided in the annex).

Table 11. International Migration in the Slovak Republic (2002-2007)
(in number of persons)

| Indicator | Year | | | | | |
|---------------------|-------|-------|-------|-------|-------|--------|
| | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
| Volume of Migration | 3 723 | 3 797 | 6 046 | 7 149 | 7 324 | 10 455 |
| Immigration | 2 312 | 2 603 | 4 460 | 5 276 | 5 589 | 8 624 |
| Emigration | 1 411 | 1 194 | 1 586 | 1 873 | 1 735 | 1 831 |
| Net Migration | 901 | 1 409 | 2 874 | 3 403 | 3 854 | 6 793 |

Source: SO SR.

Chart 2. International Migration Based on Permanent Residence in the SR (1993-2007)



Source: SO SR.

As for gender, most emigrants are males; in 2007, the proportion of emigrant males and emigrant females was 2:1. On the other hand, immigrants are mainly women. Males constitute more than 70% of the total migration increment.

Migration movements particularly involve persons of productive age (15-64 years). In 2007, immigrants in this age group represented 90% of all immigrants, and emigrants formed 84% of all emigrants recorded. The number of persons of productive age in the Slovak Republic grew by more than 6,200 in 2007.

Intensive migration flows were also reported between the SR and the Czech Republic (CR). In 2007, there were 1,178 immigrants from the CR, and 775 persons emigrating to the CR.

Of the total number of 8,624 immigrants with permanent residence, 1,417 (16.4%) had Slovak nationality. The largest share of immigrant males (nationals of the SR) by age is constituted by the group of 25-39 years old (34%), which implies economic migration. Males returning from Europe and obtaining permanent residence in the SR represented 38.5% of migration (29.3% from the EU-25 countries). The share of males coming from America and obtaining permanent residence reached 9%. The majority of women with Slovak nationality who moved to the Slovak Republic and obtained permanent residence were from the age group of 25-34 (34.4%). The largest share of immigrant women was represented by persons returning from Europe (38.8%) and America (7.6%).

Of the 1,831 emigrant persons cancelling their permanent residence in the Slovak Republic, 1,574 had Slovak nationality (86%). The share of males with Slovak nationality in the total number of emigrants was 32%; 58.1% of them emigrated to Europe, and 4.1% to the USA. The share of emigrant females with Slovak nationality represented 54%; the majority of them – 58.1% – emigrated to Europe, and 4.1% to America. As for age, 51.6% of emigrant females were of 25-34 years old.

Table 13. International Migration by Gender and Groups of Nationality of Migrants (2007)
(in number of persons)

| Nationality Group | Immigration | | | Emigration | | | Increase in Migration | | |
|-----------------------|---|--------------|--------------|--------------|-------------|--------------|-----------------------|--------------|--------------|
| | Total | Males | Females | Total | Males | Females | Total | Males | Females |
| Total | 8 624 | 5 956 | 2 668 | 1 831 | 790 | 1 041 | 6 793 | 5 166 | 1 627 |
| Foreign nationals | 7 207 | 5 227 | 1 980 | 257 | 204 | 53 | 6 950 | 5 023 | 1 927 |
| Europe | 8 201 | 5 715 | 2 486 | 1 819 | 785 | 1 034 | 6 382 | 4 930 | 1 452 |
| EU 27 | 7 832 | 5 524 | 2 308 | 1 810 | 782 | 1 028 | 6 022 | 4 742 | 1 280 |
| EU 25 | 4 917 | 3 294 | 1 623 | 1 781 | 754 | 1 027 | 3 136 | 2 540 | 596 |
| Africa | 44 | 35 | 9 | 0 | 0 | 0 | 44 | 35 | 9 |
| America | 65 | 41 | 24 | 3 | 0 | 3 | 62 | 41 | 21 |
| Asia | 311 | 164 | 147 | 9 | 5 | 4 | 302 | 159 | 143 |
| Australia and Oceania | 3 | 1 | 2 | 0 | 0 | 0 | 3 | 1 | 2 |
| | Migrants' Structure by Nationality Group (%) | | | | | | | | |
| Total | 100,0 | 69,1 | 30,9 | 100,0 | 43,1 | 56,9 | 100,0 | 76,0 | 24,0 |
| Foreign nationals | 83,6 | 60,6 | 23,0 | 14,0 | 11,1 | 2,9 | 102,3 | 73,9 | 28,4 |
| Europe | 95,1 | 66,3 | 28,8 | 99,3 | 42,9 | 56,5 | 93,9 | 72,6 | 21,4 |
| EU 25 | 90,8 | 64,1 | 26,8 | 98,8 | 42,7 | 56,1 | 88,7 | 69,8 | 18,8 |
| EU 15 | 57,0 | 38,2 | 18,8 | 97,3 | 41,2 | 56,1 | 46,2 | 37,4 | 8,8 |
| Africa | 0,5 | 0,4 | 0,1 | 0,0 | 0,0 | 0,0 | 0,6 | 0,5 | 0,1 |
| America | 0,8 | 0,5 | 0,3 | 0,2 | 0,0 | 0,2 | 0,9 | 0,6 | 0,3 |
| Asia | 3,6 | 1,9 | 1,7 | 0,5 | 0,3 | 0,2 | 4,4 | 2,3 | 2,1 |
| Australia and Oceania | 0,0 | 0,0 | 0,0 | 0,0 | 0,0 | 0,0 | 0,0 | 0,0 | 0,0 |
| | Share in Migration Increase (%) | | | | | | | | |
| Total | 100,0 | 76,0 | 24,0 | 100,0 | 43,1 | 56,9 | 100,0 | 76,0 | 24,0 |
| Foreign nationals | 83,6 | 60,6 | 23,0 | 14,0 | 11,1 | 2,9 | 102,3 | 73,9 | 28,4 |
| Europe | 95,1 | 66,3 | 28,8 | 99,3 | 42,9 | 56,5 | 93,9 | 72,6 | 21,4 |
| EU 25 | 90,8 | 64,1 | 26,8 | 98,8 | 42,7 | 56,1 | 88,7 | 69,8 | 18,8 |
| EU 15 | 57,0 | 38,2 | 18,8 | 97,3 | 41,2 | 56,1 | 46,2 | 37,4 | 8,8 |
| Africa | 0,5 | 0,4 | 0,1 | 0,0 | 0,0 | 0,0 | 0,6 | 0,5 | 0,1 |
| America | 0,8 | 0,5 | 0,3 | 0,2 | 0,0 | 0,2 | 0,9 | 0,6 | 0,3 |
| Asia | 3,6 | 1,9 | 1,7 | 0,5 | 0,3 | 0,2 | 4,4 | 2,3 | 2,1 |
| Australia and Oceania | 0,0 | 0,0 | 0,0 | 0,0 | 0,0 | 0,0 | 0,0 | 0,0 | 0,0 |

Source: SO SR.

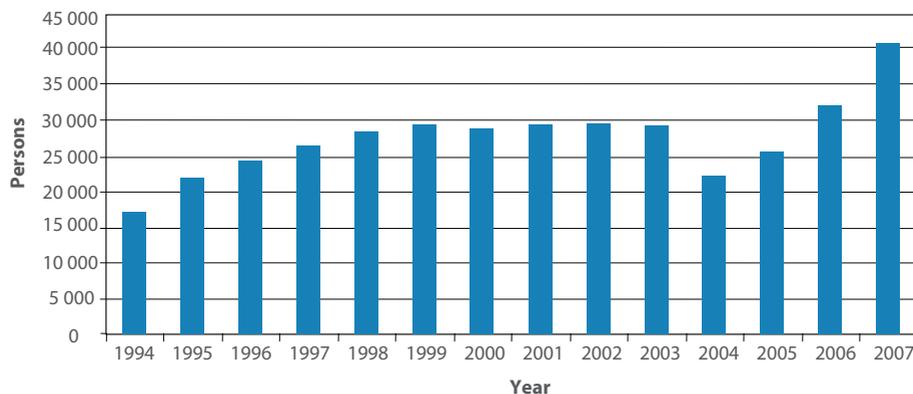
The following statistics compiled by the SO SR in cooperation with the Bureau of Border and Alien Police of the MoI SR presents the concept of usual residence, which means that the person has had legal residence for a period of one year or more, or intends to stay in the SR for one year or more.

Table 14. Overview of the Number of Persons with Registered Residence and with Residence Permit as of the End of the Reference Period
(in number of persons)

| Residence Permits Granted | Year | | | | | |
|---------------------------|--------|--------|--------|--------|--------|--------|
| | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
| | 29 505 | 29 219 | 22 108 | 25 635 | 32 150 | 40 904 |

Source: BBAP MoI SR.

Chart 3. Foreign Nationals Legally Residing in the SR as of the End of the Reference Period



Source: BBAP MoI SR.

As of the end of the reference year 2007, there were 40,904 foreign nationals with registered stay and valid residence permit in the SR (permanent and temporary residence = usual residence), which was more by 8,754 compared to the previous year.

Table 15. Persons with Registered Residence by Nationality and with Residence Permit by Type of Residence as of 31 December 2007
(in number of persons)

| Nationality | Type of Residence | | | Total |
|-----------------------|---------------------|---------------------|----------------|---------------|
| | Permanent Residence | Temporary Residence | Tolerated Stay | |
| Czech Republic | 5 849 | 85 | 24 | 5 958 |
| Poland | 3 990 | 19 | 2 | 4 011 |
| Ukraine | 2 240 | 1 531 | 62 | 3 833 |
| Romania | 2 948 | 58 | 7 | 3 013 |
| Germany | 2 849 | 30 | 4 | 2 883 |
| Hungary | 2 693 | 10 | 10 | 2 713 |
| Austria | 1 456 | 14 | 3 | 1 473 |
| Vietnam | 771 | 663 | 18 | 1 452 |
| Russia | 958 | 390 | 18 | 1 366 |
| China | 434 | 765 | 6 | 1 205 |
| Serbia and Montenegro | 167 | 1 021 | 7 | 1 195 |
| Korea | 552 | 585 | 0 | 1 137 |
| France | 1 119 | 16 | 1 | 1 136 |
| Bulgaria | 984 | 0 | 0 | 984 |
| Italy | 948 | 20 | 0 | 968 |
| Other | 27 958 | 5 207 | 162 | 33 327 |
| Total | 33 258 | 7 646 | 310 | 41 214 |

Source: BBAP MoI SR.

Of the total number of foreign nationals with registered and legal residence at the end of 2007, 81% were foreign nationals with permanent residence, 19% of them had temporary residence, and less than 1% were persons with tolerated stay. Table 15 presents the most frequent occurrence of persons by nationality and type of residence as of the end of 2007 according to the Aliens' Registry of BBAP MoI SR.

The data related to international migration since 2003, as presented in Table 16, include in the number of immigrants and emigrants also persons meeting the criteria of usual residence, which means that they have legal residence in the SR for one

year or more, or intend to stay in the SR for one year or more. Since the data on this concept is available for the years 2003-2007, the analytical part will compare the respective period. The Slovak Republic reported a growing volume of migration. Compared to the year 2003, the number of migrant persons increased almost four times. The total number of immigrants was more than two times greater. In comparison with 2003, the number of emigrants decreased slightly. The Slovak Republic gained 12,695 inhabitants in the given year by means of international migration compared to 1,409 inhabitants in 2003.

Of the total number of immigrants obtaining permanent residence or granted temporary residence permit in 2007, 91% were foreign nationals. Slovak nationals returning from a long-term stay abroad and obtaining permanent residence represented 9%. Almost 83% of immigrants had the nationality of European countries, including Slovakia; 13% of them had the nationality of Asian countries, 3% the nationality of American countries, and the share of immigrants with the nationality of Australia and Oceania countries was negligible.

As for the European countries' nationality group, the largest share in the number of immigrants by nationality was constituted by Romania (23%), the Czech Republic and Ukraine (9%), Bulgaria, Hungary (6%), and Poland (5%). The largest share of immigrants with the nationality of Asian countries was represented by Korea, Vietnam (27%) and China (21%). As for the American continent, the majority of immigrants had the nationality of the USA (67%), Canada (10%) and Brazil (7%).

Of the total number of emigrants who cancelled their permanent or temporary residence and of persons whose permanent residence permit expired, foreigners formed 56%. The share of Slovaks in the total number of emigrants was 44%. Almost 83% of emigrants had the nationality of European countries, including Slovakia, 11% had the nationality of Asian countries, 5% of American countries, 1% of African countries, and emigrants with the nationality of Australia and Oceania countries represented a negligible share.

As for the European countries' nationality group, the largest part of emigrants by nationality was constituted by the nationals of Slovakia (53%), Ukraine (9%), Romania, Germany (8%), Bulgaria (5%) and the Czech Republic (3%). The largest group of emigrants with the nationality of Asian countries was formed by Korea (38%), China (13%), Vietnam, Bangladesh (8%) and Israel (7%). The largest share of emigrants with the nationality of the American countries was constituted by persons with the nationality of the USA (69%), Canada (10%) and Brazil (8%).

Table 16. Number of Inhabitants and International Migration in the SR (2002 – 2008)
(in number of persons)

| Selected Indicators | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 |
|-------------------------------------|-----------|-----------|-----------|-----------|-----------|-----------|-----------|
| Citizens of SR (as of 1 January) | 5 378 951 | 5 379 161 | 5 380 053 | 5 384 822 | 5 389 180 | 5 393 637 | 5 400 988 |
| Volume of Migration | . | 5 027 | 16 915 | 12 194 | 15 695 | 19 835 | x |
| Immigrants from Abroad | . | 6 551 | 10 390 | 9 410 | 12 611 | 16 265 | x |
| Emigrants Abroad | . | 4 777 | 6 525 | 2 784 | 3 084 | 3 570 | x |
| Net Migration | . | 1 409 | 3 865 | 6 626 | 9 527 | 12 695 | x |

Source: SO SR, BBAP Mol SR.

3.1.2 Population by Nationality in 2007

The size of the population of the Slovak Republic in the reference period was influenced to a certain extent by net migration, which, according to migration research conducted on the basis of changes in the person's permanent residence or usual residence, has shown positive net figures from a long-term perspective. As of 1 January 2008, the Slovak Republic had 5,400,998 inhabitants in total, of which 5,360,094 were nationals of the SR (99.24%) and 40,904 foreign nationals (0.76%) due to their usual residence. Of the total number of foreign nationals in the SR, 63.34% were nationals of the EU-27 countries. The share of nationals of the original EU Member States in the general foreigners' composition was 31.64%. Third-country nationals represented a 36.66% share in the foreigners' composition.

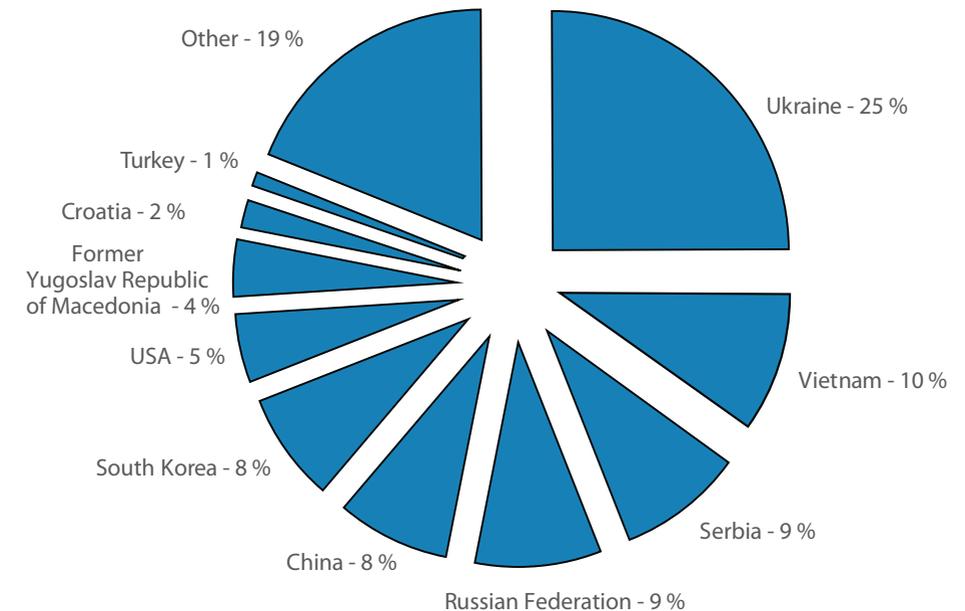
Table 17. Citizens of the SR by Main Nationality Groups (1 January 2008)
(in number of persons)

| Citizens by Nationality | Celkový počet | Share in Population (%) |
|---|---------------|-------------------------|
| Total Population | 5 400 998 | 100,00 |
| Nationals of SR | 5 360 094 | 99,24 |
| Nationals of EU-27 | 25 909 | 0,47 |
| - whereof Nationals of EU-10 | 12 944 | 0,24 |
| - whereof Nationals of EU-2 (Bulgaria, Romania) | 3 990 | 0,07 |
| Third-Country Nationals | 14 995 | 0,28 |

Source: SO SR, BBAP Mol SR

The most numerous groups of third-country nationals as of the same reference date were constituted by the nationals of Ukraine (3,745 persons), Vietnam (1,432), Serbia (1,418), the Russian Federation (1,354), China (1,198), South Korea (1,136), the United States of America (769), the former Yugoslav Republic of Macedonia (651), Croatia (328), and Turkey (171). The total number of persons from other third countries with usual residence was 2,793. When comparing the number of third-country nationals in 2006, we see very small differences in the order as of 1 January 2007: Ukraine (3,925 persons), the Russian Federation (1,311), Vietnam (1,060), China (887), South Korea (836), Serbia and Montenegro (740), the United States of America (701). These figures implied that there was an annual increase mainly in the number of the nationals of Vietnam (increase by 372 persons), China (by 311 persons) and South Korea (by 300 persons), which is particularly due to the investments in the Slovak Republic and the business backgrounds of the predecessors from these countries.

Chart 4. The Composition of Third-Country Nationals in the Slovak Republic as of 1 January 2008



Source: BBAP of P PF

3.1.3 Residence Permits: Annual Total of First Issuing in 2007

Since 2006, the Slovak Republic adopted a number of measures intended to restrict illegal migration, as well as measures aimed at supporting legal migration and strengthening the labour market with qualified labour forces. In 2007, 14,995 third-country nationals possessed residence permits in the Slovak Republic. Compared to the year 2006, the number of residence permits for third-country nationals grew by 16%. The trend towards growth started after 2005 and was the result of the economic development of the Slovak Republic. However, this data represents the total number of residence permits issued to third-country nationals in the SR, since the information system used at present does not provide statistical data on first-time residence permits. The information systems used for aliens' registers have been developing since 2005 and their objective is to make the migration records more transparent and, at the same time, create a database for data collections for the European institutions. The information systems are being continuously improved and adapted to the requirements for data collection. After two years of operation, the information system for aliens' registers has been modified several times in 2007.

3.2 Contextual Interpretations (Legal, Political and International Factors)

3.2.1 Main Trends and Most Important Developments in Migration Policy

Act No. 694/2006 Coll. amending the Act No. 48/2002 Coll. on Stay of Aliens entered into effect on 1 January 2007². This Act transposes three European Union directives into the Act on the Stay of Aliens:

- Council Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings or who have been the subject of an action to facilitate illegal immigration, who cooperate with the competent authorities (hereinafter referred to as the Directive on Residence of Victims of Trafficking in Human Beings);
- Council Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purposes of scientific research (hereinafter referred to as the Directive on Admitting Scientists);
- Council Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service (hereinafter referred to as the Directive on Admission for the Purpose of Studies).

The Act on the Stay of Aliens was fundamentally changed in the section on granting tolerated stay, by incorporating in the Act the reasons for cancellation of tolerated stay in case the foreign national applied for asylum or subsidiary protection, or if he/she were granted temporary residence or permanent residence permit. Tolerated stay permit granted to a foreign national who was granted temporary protection is dissolved by demise of temporary protection.

The provisions of the Act related to residence permits were extended and amended by more precise formulations of the different types of residence, as well as by a more detailed definition of the purpose of stay.

This Act also contains an amendment to the Act of the National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Fees as amended, which regulates the administrative fees for the issuance of visa in compliance with the Schengen acquis.

At the end of 2007, the Act No. 342/2007 Coll. has been endorsed; this Act entered

² Act No. 693/2006 Coll. changing and amending the Act No. 48/2002 Coll. on Stay of Aliens and on changes and amendments of certain acts as amended, in effect from 1 January 2007.

into effect on 26 December 2007 and amended the Act on the Stay of Aliens. The revised Act on the Stay of Aliens comprises modifications on the records of undesirable persons in the Schengen Information System and the unification of the Act on the Stay of Aliens with the Common Consular Instructions for visa granting. The Common Consular Instructions for visa granting represent directly applicable legal regulations of the European Union.

On the basis of practical experience, changes also needed to be made in the part concerning reasons for administrative expulsion. The right of the police department to order an alien to stay at the determined place until the order for administrative expulsion takes effect was deleted from the Act. The reason for this modification is the fact that the appeal of an alien against administrative expulsion does not have a deferring effect, and the alien would have to leave the Slovak Republic, which in this case would prevent the possibility of administrative expulsion.

The Act on the Stay of Aliens is directly linked to the Act on Asylum (for more details refer to subchapter 2.2.1), the purpose of which is to provide international protection to those aliens who are under the threat of persecution on the grounds of race, religion, ethnicity, political beliefs or membership in certain social groups in their country of origin.

3.2.2 Existing Reasons for the Admission and Rejection of Migrants in 2007

Reasons for the Admission of Migrants

The influx of foreign nationals depends, besides other factors, on the pull factors of the countries they enter. Following the economic measures implemented in the past few years, the Slovak Republic reported an economic boom, which motivated foreign nationals to settle in the SR. The growing tendency for the influx of legal migrants to the Slovak Republic is demonstrated by the fact that there were 14,995 residence permits issued in 2007 compared to 12,912 in 2006.

Rising tendency (increase by 34%) was also reported in the registration of EEA nationals. The largest share was constituted by the nationals of Romania, whose number increased by 2,608 persons compared to 2006, which represents an increase by approx. 722%. The growing number of Romanian nationals was, among others factors, influenced by the fact that on 1 January 2007, Romania entered into the European Union. As far as other nationalities are concerned, no major differences were reported in 2007 compared to 2006.

When comparing the years 2007 and 2006, no major increase in the number of

applications for temporary or permanent residence permits in the Slovak Republic was reported. Their growth reached approx. 6.5%.

The most frequent reasons for granting residence permits and admitting migrants in 2007 was business, employment, study, family reunification, special activity and the interest of the SR. As for the family reunification category, there was a slight decrease by approx. 3.3% in 2006, and the study category reported a slight increase by 12%. The highest growth in the number of residence permits (by approx. 23%) in 2007 compared to 2006 was mainly reported in the category of business or employment purposes, which reflected the economic boom in the Slovak Republic. The increase in the number of residence permits in the Slovak Republic for business or employment purposes was also due to the opening of jobs in the Slovak labour market and the willingness to undertake business activities. The composition of aliens who were granted residence permit by nationality did not change substantially, and was dominated by the same groups of nationals (Ukraine, Vietnam, China, and Korea).

Reasons for Rejecting Migrants

The Act on the Stay of Aliens specifies the range of reasons for dismissing applications for residence permits in the case of third-country nationals. The most frequent reasons for dismissing such applications are:

- a) the alien is an undesirable person;
- b) he/she would endanger national security;
- c) he/she deliberately stated false or misleading data;
- d) he/she fails to fulfil the requirements for being granted a residence permit.

3.2.3 European and International Factors Related to Changes in Migration in the SR

In the context of the Slovak Republic, an important European and international factor related to changes in the migration trends was the enlargement of the EU by Romania and Bulgaria. The nationals of Romania represented the highest increase in residence registration (by approx. 722%) compared to 2006.

Another clear factor associated with migration is the enlargement of the Schengen Area and abolition of border controls at the internal borders. Border controls at the state borders with Poland, the Czech Republic, Austria and Hungary were abolished on 21 December 2007. Since this has happened at the end of the year, this factor fully manifested itself in 2008.

The migration in the SR was also influenced by legislative changes, such as transposition of the EU directives (for more details refer to subchapter 3.2.2).



Refusal of Entry, Apprehension and Removals of Aliens

This chapter provides an overview of the main categories of illegal migration. An important factor affecting these categories in the reference year 2007 were changes in the technical facilities at the state border with Ukraine, the technical equipment of the border control units, and the increase in the number of border police officers at the Slovak-Ukrainian border.

The statistical data for this chapter was provided by the BBAP MoI SR, which provides this data to Eurostat as well.

4.1 Analysis and Interpretation of Statistics

4.1.1 Refusal of Entry

An important change in the foreigners' migration trends occurred at the end of 2007. On 21 December 2007, Slovakia abolished border controls at the internal borders, including checks of persons crossing the internal Schengen border.

The main reasons of the decrease in the number of refusals of entry at border crossings and of the changes in the structure of aliens by nationality in 2007 compared to the year 2006 were the following:

- accession of Bulgaria and Romania to the EU;
- legislative changes concerning the refusal of entry to EEA nationals (refer to subchapter 4.2.1);

- abolition of border controls at the internal border from 21 December 2007.

In 2007, entry was refused to 1,832 persons, which is a decrease by approx. 38% in comparison with 2006. In the majority of cases, the entry of foreign nationals was refused for the following reasons:

- absence of a valid visa or residence permit (766 persons – 41% of the total number of foreign nationals who were refused entry);
- absence of the documents required to justify the purpose and conditions of stay (475 persons – 25% of the total number of foreign nationals who were refused entry);
- lack of subsistence resources for the period and type of stay or resources for the return to the country of origin or transit (341 persons – 18%).

The said reasons for refusing entry are identical with the ones in 2006.

The most numerous group of migrants who were refused entry into the SR in 2007 is constituted by the nationals of Ukraine (1,394), Moldova (174), India (59) and other nationalities (205).

The changes in the category of entry refusal during the reference period were influenced by the developing international situation and the adoption of international treaties. As a result, a substantial decrease in the number of refusals to Turkish nationals (89%) was reported; there were 161 Turkish nationals in this group in 2006, and only 18 in 2007. This fall is due to the change in the visa policy, as Turkish citizens were excluded from the special visa regime category, and the obtaining of visa has been made simpler for them. A decrease was also reported among the nationals of China (71%) and Vietnam (85%). The nationals of these countries chose to apply for one of the available types of residence to enter the Slovak Republic in 2007. As is customary, the largest nationality group was formed by Ukrainian nationals (76% cent of the total number of refusals of entry), which is due to the geographical location of Ukraine sharing a border with the Slovak Republic; hence also the attempts to cross this border are most frequent.

Table 18. Refusal of Entry to the SR (2001 – 2007)

(in number of persons)

| Year | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|-----------------|--------|--------|--------|--------|-------|-------|-------|
| Refused Entries | 32 159 | 21 628 | 18 201 | 19 896 | 7 428 | 2 955 | 1 832 |

Source: BBAP MoI SR.

Table 19. Refusal of Entry to the SR by State Border Sections (2007)

(in number of persons)

| State Border | HUN | UKR | POL | CZE | AUT | Airports |
|--------------|-----|-------|-----|-----|-----|----------|
| 2007 | 93 | 1 292 | 34 | 226 | 70 | 140 |

Source: BBAP MoI SR.

Table 20. Refusal of Entry by Nationality (2006-2007)

(in number of persons)

| Year 2006 | | Year 2007 | |
|-----------------------|--------------|-----------------------|--------------|
| Nationality | Number | Nationality | Number |
| Ukraine | 1 273 | Ukraine | 1 394 |
| Serbia and Montenegro | 232 | Moldova | 174 |
| Romania | 208 | India | 59 |
| Turkey | 161 | China | 35 |
| China | 121 | Russian Federation | 25 |
| Moldova | 111 | Turkey | 18 |
| Vietnam | 86 | Serbia and Montenegro | 18 |
| Russian Federation | 83 | Syria | 18 |
| India | 59 | Vietnam | 13 |
| South Africa | 59 | Iraq | 6 |
| Other | 562 | Other | 71 |
| Total | 2 955 | Total | 1 832 |

Source: BBAP MoI SR.

4.1.2 Apprehended Aliens

In 2007, 6,110 aliens have been apprehended in total, which is a fall by 20% compared to the year 2006. This tendency can mainly be attributed to the measures taken at the Ukrainian border aimed at meeting the requirements for entry of the Slovak Republic into the Schengen Area. The strengthening of personnel capacities at the border and the material and technological facilities made impossible the simpler types of illegal entry of third-country nationals into the Slovak territory through the respective state border section.

No substantial changes occurred in the nationality composition of apprehended aliens. Of the ten most frequent nationalities in 2007, nine dominated also in 2006. The differences concern the occurrence rate, which in the majority of cases reflects the situation within the aliens' countries of origin. This statistics of 2007 continues to be dominated by the nationals of Ukraine (1,213), Moldova (1,157), Pakistan (990), India (931) and other nationalities (2,750.) The most frequent reason for illegal migration of Moldovan nationals was the effort to avoid riots and the bad economic situation in their home country. Besides illegal state border crossing, the apprehended nationals of Ukraine also tended to breach international treaties and their stay has therefore become illegal.

Table 21. Aliens Apprehended in the SR (2004 – 2007)
(in number of persons)

| Year | 2004 | 2005 | 2006 | 2007 |
|---|--------|-------|-------|--------|
| Aliens Apprehended | 10 778 | 7 970 | 7 620 | 6 110 |
| Aliens Apprehended – Unauthorised SB Crossing | 8 239 | 5 104 | 4 129 | 3 311 |
| Aliens Apprehended – Illegal Stay | 2 539 | 2 866 | 3 491 | 2 799* |

Source: BBAP MoI SR.

* Excluding aliens apprehended at the border crossing upon exit from the SR

Table 22. Apprehended Persons by Nationality (2006 – 2007)
(in number of persons)

| 2006 | | 2007 | |
|--------------------|--------|--------------------|--------|
| Nationality | Number | Nationality | Number |
| Moldova | 1 855 | Ukraine | 1 213 |
| Ukraine | 1 326 | Moldova | 1 157 |
| India | 1 185 | Pakistan | 990 |
| Russian Federation | 732 | India | 931 |
| Pakistan | 407 | Russian Federation | 434 |
| China | 396 | Georgia | 324 |
| Bangladesh | 354 | Iraq | 176 |
| Iraq | 321 | Bangladesh | 174 |
| Georgia | 296 | China | 154 |

| | |
|--------------|--------------|
| Palestine | 158 |
| Other | 590 |
| Total | 7 620 |

| | |
|--------------|--------------|
| Afghanistan | 103 |
| Other | 454 |
| Total | 6 110 |

Source: BBAP MoI SR.

4.1.3 Removed Aliens

In 2007, the total of 3,087 aliens was removed, which is an increase by 13% compared to the year 2006. The most numerous group of aliens removed from the Slovak Republic is constituted by the nationals of Ukraine (1,431), which is mainly due to the geographical location of Ukraine and Slovakia. The second most numerous group was formed by the nationals of Moldova (604), Pakistan (256) and India (182). The comparison with the data from 2006 implies that in spite of the slight decrease in the number of removed persons, the expulsions of the nationals of Ukraine and Moldova occur with highest frequency. The highest increase in this category was reported among the nationals of Pakistan (143%) and India (112%). The main push factor for the Pakistan nationals was the acutely polarised situation in their country in the beginning of 2007.

Table 23. Removed aliens (2001-2007)
(in number of persons)

| Year | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 |
|-------------------------|-------|-------|-------|-------|-------|-------|-------|
| Removed aliens (number) | 2 011 | 1 069 | 1 293 | 2 528 | 2 569 | 2 712 | 3 087 |

Source: BBAP MoI SR.

Table 24. Removed aliens by nationality (2006 – 2007)
(in number of persons)

| 2006 | | 2007 | |
|--------------------|--------|-------------|--------|
| Nationality | Number | Nationality | Number |
| Ukraine | 1 501 | Ukraine | 1 431 |
| Moldova | 705 | Moldova | 604 |
| Romania | 210 | Pakistan | 256 |
| Turkey | 40 | India | 182 |
| Russian Federation | 31 | Georgia | 140 |

| | |
|-----------------------|--------------|
| Serbia and Montenegro | 25 |
| Georgia | 23 |
| China | 22 |
| India | 16 |
| Bangladesh | 12 |
| Other | 127 |
| Total | 2 712 |

| | |
|--------------------|--------------|
| Russian Federation | 93 |
| Bangladesh | 72 |
| China | 65 |
| Iraq | 42 |
| Vietnam | 40 |
| Other | 133 |
| Total | 3 087 |

Source: BBAP MoI SR.

4.1.4 Most Frequent Countries of Origin of Illegal Migrants

When comparing the years 2006 and 2007, the same nationality groups largely dominate in the different groups of migrants who have been refused entry, have been apprehended, or have been removed from the Slovak Republic. Particular changes were mostly reported in the size of these groups and subsequently in the statistical order.

In the majority of cases, illegal state border crossing is committed by the nationals of countries whose geographical location is situated South-East off the external land border of the Slovak Republic (especially Ukraine and Moldova). This fact is mainly due to the border accessibility and the migrants' transit route. This transit route has long been used and no major changes in the migration flow were recorded compared to the year 2006.

Migrants of the same nationalities were being apprehended for illegal stay in 2007 and 2006 (see Table 22), the most numerous group constituted by the foreign nationals trying to cross the then-existing internal border between the Slovak Republic and Austria.

There is a direct relationship between the removed aliens' composition by nationality and the illegal stay and illegal state border crossing compositions. More or less all illegal aliens who failed to apply for asylum were immediately readmitted to the country they had come from, or were apprehended and removed to their country of origin.

The category of aliens who have been refused entry to the Slovak Republic, too, reported a stable composition as per nationality. One important change is related to the accession of Bulgaria and Romania to the European Union and the subsequent application of the Act on the Stay of Aliens and the Schengen acquis against the nationals of these countries.

The evaluation of the year 2007 suggests that the situation in illegal migration was stabilised and no major changes occurred. The ongoing tendency shows that the nationals of Ukraine continue to be represented in all three categories as the most numerous group of aliens involved in illegal migration in the Slovak Republic, which is mainly due to the shared state border.

4.2 Contextual Interpretation (Legal, Political and International Factors)

4.2.1 New or Amended Laws Influencing Illegal Migration in 2007

As for legislative changes, Act No. 693/2006 Coll. changing and amending the Act No. 48/2002 Coll. on Stay of Aliens and on changes and amendments of certain acts as amended has been adopted. This Act modified the reasons for refusal of entry to EEA nationals. Under this Act, an EEA national can be refused entry on the following grounds:

- he/she is an undesirable person,
- there is a reasonable suspicion that he/she would endanger security of the State, the public policy, or provided that it is necessary for protection of public health, or
- provided that he/she cannot submit a travel document or, where required, does not have the visa

At the same time, this Act modified the reasons for not enforcing the decision on administrative expulsion. The provision concerns the following cases:

- it is impossible for a travel document be provided for an alien who does not have his/her own travel document, not even through a foreign mission of the State of his/her citizenship, while the time limit for his/her arrest has expired and it is not possible to secure the alien's departure with an alien passport either;
- before enforcement of the decision on the administrative expulsion the alien requested a voluntary return; this shall not apply if the voluntary return is not executed within 90 days.

The Act also amended the reasons for apprehending a foreign national. Under this Act, the police have the right to apprehend a foreign national for the purpose of:

- the execution of his/her administrative expulsion or the enforcement of the punishment of expulsion,
- the execution of his/her transportation pursuant to a separate act, or
- his/her return pursuant to a separate act, provided that he/she entered the Slovak Republic without authorisation or stays in the Slovak Republic without authorisation.

Moreover, this Act eliminated certain disputable provisions concerning the apprehension of aliens, by harmonising the Act with the provisions of the European Convention for the Protection of Human Rights and Fundamental Freedoms (hereinafter referred to as the European Convention) relating to the reasons for deprivation of personal freedom, and amended or modified the wording of the Act.

Another legal measure passed in 2007 is the Act No. 342/2007 Coll. on changes and amendments of certain acts in connection with the Entry of the Slovak Republic into the Schengen Area. This Act amended the Act No. 48/2002 on the Stay of Aliens, modifying the police departments' actions in the enforcement of the decision on removal issued by a EEA states. Under this Act, a police department shall secure the enforcement of the decision if:

- a) an alien was sentenced to prison for at least one year;
- b) there is a well-founded suspicion that an alien on the state territory of the member state of European economic area committed or tried to commit a crime; or
- c) an alien violated regulations of the member state governing entrance and stay of aliens on the state territory.

Further, the Act No. 342/2007 Coll. amended other laws, such as:

- Act No. 403/2004 Coll. on European Arrest Warrant and on changes and amendments of certain acts;
- Act No. 301/2005 Coll. Code of Criminal Procedure amended by the Act No. 650/2005 Coll. and Act No. 692/2006 Coll.,
- Act of the National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Fees.

The Act No.643/2007 Coll. changing and amending the Act No. 480/2002 Coll. on Asylum and on changes and amendments of certain acts as amended brought partial changes mainly in the Act No. 48/2002 Coll. on the Stay of Aliens relating to administrative expulsion and the filing of legal remedies against such decisions. Since this Act entered into effect on 1 January 2008, the changes relating to the application of this Act will be described more in detail in the next report.

4.2.2 Procedural Changes Affecting Illegal Migration in 2007

A procedural change concerning the non-enforcement of the administrative expulsion of a foreign national has been adopted during the reference period. This change is described in subchapter 4.2.1.

The other procedural change concerns the launching of a new information system (Central Lustration Console) at the border crossing. The Schengen Information

System (SIS) was integrated as one of the sub-systems under this new information system. The SIS implementation resulted from the entry of the SR into the Schengen Area, and it has allowed for the extension of searches for persons and things.

4.2.3 European and International Factors Associated with the Changes in Illegal Immigration in the SR

The changes in illegal migration in the Slovak Republic closely relate to the development of situation in the world, especially in the countries whose nationals are involved in illegal migration in the Slovak Republic. The factors affecting illegal migration in the Slovak Republic have two aspects. The first aspect is the national level, consisting of a number of partial measures, which have been adopted with the aim of eliminating illegal migration. In 2007, substantial changes have been made not only in the organizational structures involved in state border protection, but also aimed at improving the material and technical facilities required for the state border protection. The decline in illegal migration was also due to strengthened personnel capacities at the external border. The second aspect concerns the international level.

The foreign policy relations and the political and economic development in the migrants' countries of origin directly influence the push factors of migrants. The most important push factor is the bad economic situation in the home country of migrants. However, once they are apprehended, these migrants request asylum on the grounds of non-acceptance of their political or religious beliefs, or belonging to a certain social group.

As has already been stated, an important international factor affecting the fall in illegal migration in 2007 was the accession of Romania and Bulgaria to the European Union. The integration of these countries into the EU changed the conditions for the entry and stay of the nationals of these countries and their rights and obligations as well. The consequences of the accession are found at two levels: impacts on legal and on illegal migration. As for legal migration, the number of Romanian nationals staying in the SR multiplied several times. Conversely, Romanian nationals are only very rarely involved in illegal migration.

In 2007, the Slovak Republic has continued to remain only a transit country for illegal migrants. Illegal migrants were mostly interested in the pull factors of the more developed Western-European countries with higher-quality economy and social system.



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