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# ANNUAL REPORT ON MIGRATION AND INTERNATIONAL PROTECTION STATISTICS IN THE SLOVAK REPUBLIC

(REFERENCE YEAR 2008)



# Annual Report on Migration and International Protection Statistics in the Slovak Republic (Reference Year 2008)

National Report for the European Migration Network

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The opinions presented in this report 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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## Preface

This report was compiled in 2010 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.

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Numbering of the articles in the chapter titles correspond with the articles of the Regulation 862/2007 of the European Parliament and of the Council on Community Statistics on Migration and International Protection.

# List of Abbreviations

**EEA** – European Economic Area  
**EC** – European Commission  
**EMN** – European Migration Network  
**EU** – European Union  
**FRONTEX** – European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union  
**IOM** – International Organization for Migration  
**MoLSAF SR** – Ministry of Labour, Social Affairs and Family of the Slovak Republic  
**MO MoI SR** – Migration Office of the Ministry of Interior of SR  
**MoI SR** – Ministry of Interior of the Slovak Republic  
**NC SR** – National Council of the Slovak Republic  
**SR** – Slovak Republic  
**SO SR** – Statistical Office of the Slovak Republic  
**BBAP MoI SR** – Bureau of the Border and Aliens Police of the MoI SR  
**Coll.** – Collection of Laws



# Introduction

The Annual Report on Migration and International Protection Statistics in the Slovak Republic in 2008 (hereinafter referred to as Report) is the third report on migration and international protection 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 European Union (EU) Member States. The Report explains and clarifies the statistical trends and development in the field of migration and international protection in the Slovak Republic (hereinafter referred to as SR) in 2008 in provides comparison with the previous period. As for 2008, the comparison with the previous period is more complicated in some areas due to the fact that the collection of statistical data in 2008 differed from the collection of statistical data in 2007. In 2008, the statistics were reported for the first time in accordance with the Regulation 862/2007 of the European Parliament and of the Council on Community Statistics on Migration and International Protection (hereinafter referred to as Migration Statistics Regulation).

Based on the national reports of the different EU Member States 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 migration and international protection in the EU Member States and provide comparable migration and international protection analyses.

The structure of the Report and its division into chapters follow the set specifications. The first and the second chapter presents information on the objectives of and the methodology used for the data provided herein. The third chapter deals with international migration, population with usual residence in the SR, and acquisition of the citizenship of the SR, and presents the number of applications for international protection, the number of positive decisions (also in relation to unaccompanied minors), as well as information on the Dublin transfers and related legislative and procedural changes. The fifth chapter provides an analysis and interpretation of the statistics on the refusals and apprehensions of aliens. The sixth chapter deals with residence permits and residence of third-country nationals. The seventh chapter analyses the statistics concerning returns of foreign nationals.



## Methodology

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

Chapter 3 of the Report was 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 the SR in cooperation with the relevant ministries (Ministry of Interior of SR – Mol SR, and Ministry of Labour, Social Affairs and Family of SR – MoLSAF SR). 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 SO SR database, 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 5-12). The source for the data on aliens' legal migration is the information system *Aliens' Registry* of the Bureau of the Border and Aliens Police of Mol SR.

An expert of MO Mol SR was involved in the compilation of Chapter 4 of the Report. The information provided herein is mainly taken from the laws, especially from the Act No 480/2002 Coll. on Asylum and on Changes and Amendments of Certain Other Acts As Amended, Council Regulation (EC) 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (Dublin Regulation), from the *Refugee* information system of MO Mol SR, statistical data of Eurostat, as well as from the experience obtained from practice. In the compilation of this statistical data according to the requirements set by the EC, the Eurostat definitions were taken into consideration. From the methodological point of view the Eurostat data provided in this chapter therefore may slightly differ from the data published by the MO Mol SR.

The experts of the Bureau of the Border and Aliens Police of the Mol SR prepared Chapters 5, 6 and 7. BBAP Mol SR is an organisation of the Ministry of Interior of the SR (Mol SR), which directly manages the organisational 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 Mol 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 Office information system's data; and carries out activities associated with the management of the Border Police 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. This data is also provided to Eurostat and forms a part of this Report as well. According to the EC requirements, the Eurostat definitions were taken into consideration in the preparation of this statistical report. Hence, the Eurostat data concerning this area may slightly differ from the data that the Bureau of the Border and Aliens Police of the Mol SR published in this Report.

# 03

## International Migration, Usual Resident Population and Acquisition of Citizenship (Article 3)

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 and its further enlargement, the entry into the Schengen Area, and the economic development of the country in the recent years.

The volume of foreign migration between the Slovak Republic and foreign countries culminated in 2007. In 2008, the number of immigrants stopped rising, and the proportion between the number of emigrants and immigrants slightly changed.

The statistical data for this chapter was provided by SO SR and BBAP Mol SR.

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 of the country of permanent residence irrespective of citizenship (the data is mainly used for national purposes). The international migration data is produced on a monthly basis. 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 Statistical 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.<sup>1</sup>

The demographic statistics is based on the 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).<sup>2</sup>

For international purposes and for the purpose of meeting the requirements of the Migration Statistics Regulation, the authors of this Report used the information on migration of Slovak nationals from the migration statistics of the SO SR. Information on the migration of foreign nationals is obtained from the 'Aliens Registry' information system of the Bureau of the Border and Aliens Police of MoI SR. Since 2003, the Statistics Office of the

<sup>1</sup> The State Statistical Research Programme is a legal document by virtue of which the reporting units are obligated to submit reports concerning all statistical information subject to research pursuant to Article 18, paragraph 3 of the Act of NC SR No. 540/2001 Coll. on State Statistics.

<sup>2</sup> 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).

SR has intensively collaborated with the Bureau of the Border and Aliens Police of MoI SR in the preparation and implementation of the Migration Statistics Regulation.

As far as the terms and definitions, and the fulfilment of the requirements under Article 3 of the Migration Statistics Regulation is concerned, the term 'legal migration' means the entry of the person to the SR, his/her 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 of NC SR No. 48/2002 Coll. on Stay of Aliens and on Changes and Amendments of Certain Other Acts (hereinafter referred to as "Act on Stay of Aliens"). 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 similar rights as 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 granting of the temporary residence permits to third-country nationals; granting of the permanent residence permit to third-country nationals and privileged nationals, or on registering of the nationals of the European Economic Area for residence; and on granting of the tolerated state permit to third-country nationals. According to these principles, the legal system of the SR differentiates between the temporary residence permit linked with a particular purpose, permanent residence permit, and tolerated stay permit.

According to the type and the character of stays, the migration statistics provided to Eurostat include the groups of foreign nationals with tempo-



rary or permanent residence in the Slovak Republic, or with a registration for permanent residence in the territory of the SR.

The group of immigrants and the total number of persons with usual residence in the SR include foreign nationals who have been granted asylum based on which their stay is considered as permanent, and also persons who were granted subsidiary protection based on which is their stay considered as temporary. 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 included neither in the group of immigrants nor in the general group of persons with legal residence, 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 International Migration Flows

The migration flows analysed in this part are structured according to the source of the statistical data – either SO SR or BBAP Mol SR in cooperation with SO SR. Table 1 and the analysis below the table presents the SO SR data on international migration based on the **changes in the permanent residence** of migrants from 2002 until 2008.

**Table 1 - International Migration of the Nationals of the Slovak Republic Based on Change of Permanent (Registered) Residence (2002-2008)**

(in number of persons)

Indicator	Year						
	2002	2003	2004	2005	2006	2007	2008
Volume of Migration	3 723	3 797	6 046	7 149	7 324	10 455	10 470
Immigration	2 312	2 603	4 460	5 276	5 589	8 624	8 765
Emigration	1 411	1 194	1 586	1 873	1 735	1 831	1 705
Net Migration	901	1 409	2 874	3 403	3 854	6 793	7 060

Source: SO SR.

The changing political and socio-economic situation after 1989 and the related aspects, such as the possibility to study abroad or the employment and business opportunities, were also reflected in the migration processes in the Slovak Republic. The year 2004 was marked by the accession of the Slovak Republic into the European Union and the free movement of persons within the European Union. The legislation on the residence of foreigners changed in this respect, and the EEA nationals wishing to stay in the SR for a period longer than three months have the obligation to apply for permanent residence in the SR. This fact was also reflected in the number of immigrants in the subsequent years.

As far as international migration throughout the analysed period is concerned, the volume of migration reached its peak in 2007 (an increase by 43% compared to the previous year), which was the consequence of the EU enlargement by Bulgaria and Romania on 1 January 2007. The volume of international migration between the Slovak Republic and foreign countries reached 10,455 persons, which is almost triple the amount compared to the period prior to Slovakia's accession to the EU. In 2008, foreign migration stopped rising from year to year, and the proportion of emigrants and immigrants slightly changed, resulting in the rise in net migration.

From a long-term point of view, the largest group of immigrants with a residence in the SR is constituted by the nationals of European countries (they represented 93% of all immigrants in 2008). Immigrants from Asia and America represented 3% each. The lowest number of immigrants is from Africa (70 persons) and from Australia and Oceania (41 persons).

The countries from which most immigrants come are naturally the neighbouring countries of the Slovak Republic. Until 2006, most immigrants came from the Czech Republic, Germany and Poland. The enlargement of the European Union in 2007 resulted in an increase in the number of immigrants from Romania (2,133 persons in 2008), then from the Czech Republic (1,405 persons), Hungary (924 persons) and Germany (902 persons).

Males constituted 70% of the total migration in 2008. As for age, immigrants in productive age (15-64 years) represented 90% of all immigrants, and immigrants in pre-productive age constituted 7%. Migrants with university education made up 18% of all immigrants; even though there was no change in their number compared to the previous year, their share de-

creased by 5 percentage points against 2006.

European countries remain the countries of destination of emigration from the Slovak Republic. In 2008, 88% of emigrants headed to these countries. The second most important destination of emigration is America (7%), almost exclusively the USA and Canada. Other continents do not represent significant destinations for Slovak nationals.

The highest intensity of emigration to specific European countries associated with a change of permanent residence is to the Czech Republic (638 persons), Germany (218 persons) and Austria (196 persons). The number of emigrants from Slovakia, as recorded in statistics (i. e. cases of formal cancellation of permanent residence) reached 1,705 in 2008, which is less by 126 persons compared to 2007.

**Table 2 - International Migration by Gender and Continent Based on Change of Permanent (Registered) Residence in 2008**

Continent of Migration	Immigration			Emigration			Increase in Migration		
	Total	Males	Females	Total	Males	Females	Total	Males	Females
	Absolute Number								
<b>Total</b>	<b>8 765</b>	<b>6 006</b>	<b>2 759</b>	<b>1 705</b>	<b>689</b>	<b>1 016</b>	<b>7 060</b>	<b>5 317</b>	<b>1 743</b>
Africa	70	60	10	5	5	0	65	55	10
America	267	152	115	126	49	77	141	103	38
Australia and Oceania	41	26	15	23	9	14	18	17	1
Asia	261	155	106	45	23	22	216	132	84
Europe	8 126	5 613	2 513	1 506	603	903	6 620	5 010	1 610
	Migration Structure (%)								
	Immigration			Emigration			Increase in Migration		
<b>Total</b>	<b>100,0</b>	<b>68,5</b>	<b>31,5</b>	<b>100,0</b>	<b>40,4</b>	<b>59,6</b>	<b>100,0</b>	<b>75,3</b>	<b>24,7</b>
Africa	0,8	0,7	0,1	0,3	0,3	0,0	0,9	0,8	0,1
America	3,0	1,7	1,3	7,4	2,9	4,5	2,0	1,5	0,5
Australia and Oceania	0,5	0,3	0,2	1,3	0,5	0,8	0,3	0,2	0,0
Asia	3,0	1,8	1,2	2,6	1,3	1,3	3,1	1,9	1,2
Europe	92,7	64,0	28,7	88,3	35,4	53,0	93,8	71,0	22,8

Source: SO SR.

As for gender, most emigrants are males; in 2008, the proportion of emigrant males and emigrant females was 2:1. On the other hand, immigrants are mainly females. Males constitute more than 70% of the total migration increment.

Intensive migration flows were also reported between the SR and the Czech Republic (CR). In 2008, there were 1,405 immigrants from the CR, and 638 persons emigrating to the CR.

**Table 3 - Migration of Population Between the SR and the CR in 2002-2008** (in persons)

Year	Emigration to CR			Immigration from CR			Total Net Migration
	Males	Females	Total	Males	Females	Total	
2002	212	237	449	393	356	749	300
2003	210	238	448	322	328	650	202
2004	305	357	662	552	435	987	325
2005	331	403	734	645	499	1 144	410
2006	300	406	706	646	518	1 164	458
2007	340	435	775	662	516	1 178	403
2008	287	351	638	777	628	1 405	767

Source: SO SR.

**Table 4 - International Migration by Gender and Groups of Migrants' Citizenships Based on Change of Permanent (Registered) Residence in 2008**

Citizenship Group	Immigration			Emigration			Increase in Migration		
	Total	Males	Females	Total	Males	Females	Total	Males	Females
	Absolute Number								
Total	8 765	6 006	2 759	1 705	689	1 016	7 060	5 317	1 743
Foreign nationals	7 415	5 336	2 079	158	108	50	7 257	5 228	2 029
Europe	8 436	5 787	2 649	1 677	674	1 003	6 759	5 113	1 646
EU-27	8 104	5 622	2 482	1 662	666	996	6 442	4 956	1 486
EU-25	5 632	3 712	1 920	1 632	643	989	4 000	3 069	931
Africa	58	52	6	2	2	0	56	50	6
America	59	40	19	6	2	4	53	38	15
Asia	208	124	84	20	11	9	188	113	75
Australia and Oceania	4	3	1	0	0	0	4	3	1
Citizen-ship Group	Immigration			Emigration			Increase in Migration		
	Total	Males	Females	Total	Males	Females	Total	Males	Females
	Migrants' Structure by Citizenship Group (%)						Share in Migration Increase (%)		
Total	100,0	68,5	31,5	100,0	40,4	59,6	100,0	75,3	24,7
Foreign nationals	84,6	60,9	23,7	9,3	6,3	2,9	102,8	74,1	28,7
Europe	96,2	66,0	30,2	98,4	39,5	58,8	95,7	72,4	23,3
EU-25	92,5	64,1	28,3	97,5	39,1	58,4	91,2	70,2	21,0
EU-15	64,3	42,4	21,9	95,7	37,7	58,0	56,7	43,5	13,2
Africa	0,7	0,6	0,1	0,1	0,1	0,0	0,8	0,7	0,1
America	0,7	0,5	0,2	0,4	0,1	0,2	0,8	0,5	0,2
Asia	2,4	1,4	1,0	1,2	0,6	0,5	2,7	1,6	1,1
Australia and Oceania	0,0	0,0	0,0	0,0	0,0	0,0	0,1	0,0	0,0

Source: SO SR.

Of the total number of 8,765 immigrants with permanent residence, 1,350 (15.4%) had Slovak citizenship. The largest share of immigrant males by age is constituted by the group of 25-39 years old (30.4%), which implies most probably economic migration. Males returning from Europe and obtaining permanent residence in the SR represented 36.8% of migration (30.3% from the EU-25 countries). The share of males coming from America and obtaining permanent residence reached 8.4%. The majority of females with Slovak citizenship who moved to the Slovak Republic and obtained permanent residence were from the age group of 25-34 (30.4%). The largest share of immigrant females was represented by persons returning from Europe (40.3%) and America (7.2%).

Of the 1,705 persons emigrating from the Slovak Republic, 1,547 had Slovak citizenship (90.7%). The share of males with Slovak citizenship in the total number of emigrants was 37.6%; 33.2% of them emigrated to countries of Europe, and 3% to the USA. The share of emigrant females with Slovak nationality represented 56.6%; the majority of them – up to 90.2% – emigrated to countries of Europe, and 7.6% to America. As for age, 52.4% of emigrant females were of 25-34 years old.

From the total volume of international migration, the highest share is represented by persons stating “other reasons” as the reason for migration (72% in 2008). As for specific reasons, migration with the aim to follow a family member (13% in 2008) was prevailing, although a decrease was reported in this category; for example, at the turn of the 20th and 21st century, this reason was stated by approx. 25% migrants. The other reasons stated are getting closer to the place of work (4.5%) and reason of marriage (3.8%).

The following statistics below compiled by the SO SR in cooperation with the Bureau of the Border and Aliens Police of 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.

In the year 2004, the Bureau of the Border and Aliens Police of MoI SR launched the new information system *Aliens' Registry (Evidencia cudzincov - ECU)*, thus responding to certain fundamental changes and requirements relating to the Migration Statistics Regulation that was in the process of preparation at that time (for example, a foreign national with two residence permits within one reference year with a different purpose of stay was considered only once). Hence, the time order in this part of the Report is analysed from the given year onwards.

**Table 5 - Immigration to the SR by Basic Citizenship Groups and by Gender in the Period 2004-2008**

Indicator	Year				
	2004	2005	2006	2007	2008
	Absolute Number				
Total Immigration	10 390	9 410	12 611	16 265	17 820
whereof: Males	6 329	6 005	8 028	10 913	12 056
Females	4 061	3 405	4 583	5 352	5 764
Immigrants – Slovak Nationals	2 471	1 745	1 302	1 417	1 350
whereof: Males	1 330	878	656	729	670
Females	1 141	867	646	688	680
Immigrants – Foreign Nationals	7 919	7 665	11 309	14 848	16 470
whereof: Males	4 999	5 127	7 372	10 184	11 386
Females	2 920	2 538	3 937	4 664	5 084
Immigrants from EU-25, EU-27	7 499	6 189	6 926	10 600	9 873
whereof: Males	4 615	4 004	4 516	7 434	6 806
Females	2 884	2 185	2 410	3 166	3 067
Immigrants – Third-Country Nationals	2 891	3 221	5 685	5 665	7 947
whereof: Males	1 714	2 001	3 512	3 479	5 250
Females	1 177	1 220	2 173	2 186	2 697
	Immigration Structure (%)				
Total Immigration	100	100	100	100	100
whereof: Males	61	64	64	67	68
Females	39	36	36	33	32
Immigrants – Slovak Nationals	24	19	10	9	8
whereof: Males	13	9	5	4	4
Females	11	9	5	4	4
Immigrants – Foreign Nationals	76	81	90	91	92
whereof: Males	48	54	58	63	64
Females	28	27	31	29	29

Immigrants from EU-25, EU-27	72	66	55	65	55
whereof: Males	48	54	58	63	64
Females	28	23	19	19	17
Immigrants – Third-Country Nationals	28	34	45	35	45
whereof: Males	16	21	28	21	29
Females	11	13	17	13	15

Source: BBAP Mol SR and SO SR.

The accession of Slovakia to the EU was an intensive development incentive in the field of legal migration to the country and is reflected in the growing tendency of the total number of immigrants applying for legal residence in the territory of the Slovak Republic. The number of immigrants in 2008 doubled compared to 2004.

As the data in Table 5 indicates, a characteristic trend in the period 2004–2008 was the decrease in the number of Slovak immigrants and, on the other hand, the rise in the number of foreign immigrants in the country. During this period, this proportion changed by 16 percentage points.

As far as the citizenship of the immigrants is concerned, an interesting fact is the decline in the share of EU citizens in favour of third-country nationals. This share changed by 17 percentage points in 2008 compared to 2004.

Another tendency in the field of immigration to SR in 2004–2008 was the relatively strong “masculinisation”. Males dominated in the group of immigrants throughout the entire period and constitute almost  $\frac{3}{4}$  of immigration. In the given period, the number of males rose by 7 percentage points at the expense of females.

From the total number of immigrants applying for permanent residence or obtaining a temporary residence permit in 2008, foreign nationals represented up to 92%. Slovak nationals returning from usual residence abroad and applying for permanent residence in the SR constituted 8%. Almost 77% of the immigrants had the citizenship of European countries including Slovakia, 18% were nationals of Asian countries, 3% were nationals of American countries, 1% came from African countries, and immigrants with

the citizenship of the countries of Australia and Oceania represented a statistically negligible share.

Within the group of European countries citizenships, the largest groups of immigrants by citizenship were constituted by the nationals of Romania (17%), Ukraine (13%), the Czech Republic (10%), Germany and Hungary (8%).

The largest share of immigrants with the citizenship of Asian countries was formed by the nationals of Vietnam (40%), the Republic of Korea (24%) and China (15%).

As for the American continent, the largest group of immigrants had the citizenship of the USA (64%), Brazil (10 %) and Canada (7%).

**Table 6 - Emigration from the SR by Basic Citizenship Groups and by Gender in the Period 2004-2008**

Indicator	Year				
	2004	2005	2006	2007	2008
	Absolute Number				
Total Emigration	6 525	2 784	3 084	3 570	4 857
whereof: Males	3 813	1 317	1 614	1 976	2 790
Females	2 712	1 467	1 470	1 594	2 067
Emigrants – Slovak Nationals	1 523	1 704	1 560	1 574	1 547
whereof: Males	536	573	573	586	581
Females	987	1 131	987	988	966
Emigrants – Foreign Nationals	5 002	1 080	1 524	1 996	3 305
whereof: Males	3 277	744	1 041	1 390	2 205
Females	1 725	336	483	606	1 110
Emigrants from EU-25, EU-27	3 906	1 955	2 065	2 530	2 736
whereof: Males	2 173	769	945	1 284	1 482
Females	1 733	1 186	1 120	1 246	1 254

Emigrants – Third-Country Nationals	2 619	829	1 019	1 040	2 121
whereof: Males	1 640	548	669	692	1 308
Females	979	281	350	348	813
Emigration Structure (%)					
Total Emigration	100	100	100	100	100
whereof: Males	58	47	52	55	57
Females	42	53	48	45	43
Emigrants – Slovak Nationals	23	61	51	44	32
whereof: Males	8	21	19	16	12
Females	15	41	32	28	20
Emigrants – Foreign Nationals	77	39	49	56	68
whereof: Males	50	27	34	39	45
Females	26	12	16	17	23
Emigrants from EU-25, EU-27	60	70	67	71	56
whereof: Males	33	28	31	36	31
Females	27	43	36	35	26
Emigrants – Third-Country Nationals	40	30	33	29	44
whereof: Males	25	20	22	19	27
Females	15	10	11	10	17

Source: BBAP Mol SR and SO SR.

The development in the total number of emigrants from the SR in the period 2004–2008 had a decreasing tendency, and from 2006 a growing tendency. The changes in the number of foreign emigrants compared to Slovak emigrants followed the same pattern.

Of the total number of emigrants in 2008 who cancelled their permanent or temporary residence or whose residence permit expired, foreign nationals constituted 68%. Slovaks constituted 32% in the total emigration.



Almost 76% of the emigrants had the citizenship of European countries, including Slovakia; 16% of them had the citizenship of Asian countries, 6% had the citizenship of American countries, 1% of them came from African countries, and, again, emigrants with the citizenship of the countries of Australia and Oceania constituted a statistically negligible group. Within the group of citizenships of European countries, the highest share in the number of emigrants by citizenship was formed by the nationals of Slovakia (42%), Ukraine (14%), Romania and Germany (7% each), the Czech Republic (6%) and Hungary (3%). The highest share of emigrants with the citizenship of Asian countries is formed by the nationals of the Republic of Korea (39%), Vietnam (17%) and China (12%). As for the American continent, the citizens of the USA (76%) and Brazil (8%) formed the largest group.

As for gender, males made up 57% of the total number of emigrants in 2008.

**Table 7 - Migration by Basic Age Groups in the Period 2004-2008**

Indicator	Year				
	2004	2005	2006	2007	2008
	Absolute Number				
Immigration	10 390	9 410	12 611	16 265	17 820
0 – 14 years	990	924	1 091	1 278	1 065
15 – 64 years	8 886	8 128	11 134	14 592	16 353
>65	514	358	386	395	402
Emigration	6 525	2 784	3 084	3 570	4 857
0 – 14 years	392	311	306	322	297
15 – 64 years	5 781	2 333	2 718	3 114	4 380
>65	352	140	60	134	180
	Migration Structure (%)				
Immigration	100	100	100	100	100
0 – 14 years	9	10	9	8	6
15 – 64 years	86	86	88	90	92

>65	5	4	3	2	2
Emigration	100	100	100	100	100
0 – 14 years	6	11	10	9	6
15 – 64 years	89	84	88	87	90
>65	5	5	2	4	4

Source: BBAP MoI SR and SO SR.

The migration analysis by basic age groups shows a declining tendency in the number of persons in pre-productive and post-productive age and a slightly raising tendency in the number of migrants in productive age (Table 7).

## 3.2 Usual Residence

The total population of the Slovak Republic as of 31 December 2008 was 5,412,254, of which 5,359,709 were Slovak nationals (99.03%), and 52,545 were foreign nationals (0.97%). Of the total number of foreign nationals in the SR, 62.25% were nationals of the EU-27. Nationals of the EU-15 countries represented 33.17% of foreign nationals, and third-country nationals constituted 37.75%.

**Table 8 - Population of the SR by Main Groups of Citizenship (in persons)**

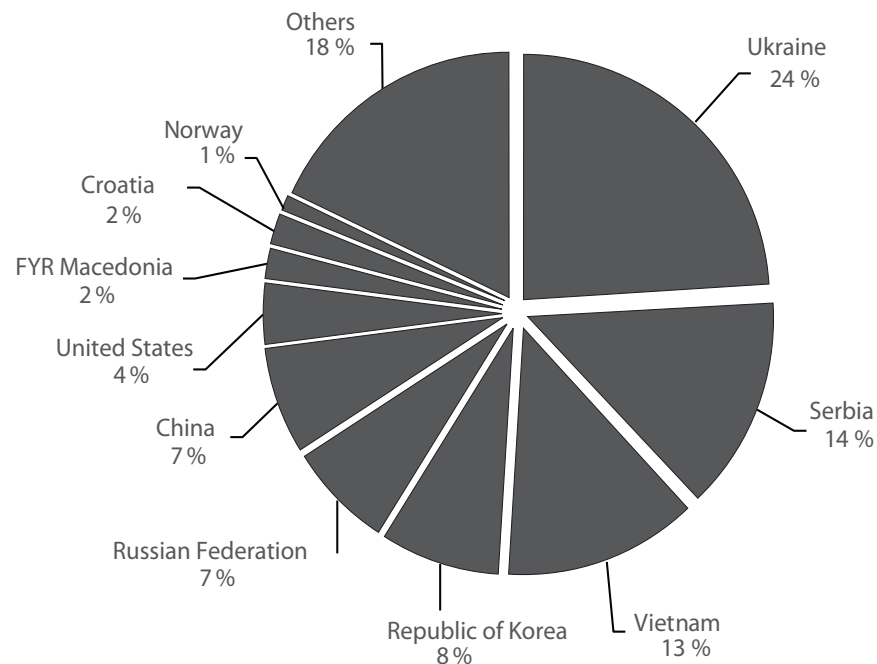
Population by Citizenship	2007		2008	
	Absolute Number	Relative Number (%)	Absolute Number	Relative Number (%)
Total Population	5 400 998	100,00	5 412 254	100,00
Slovak Nationals	5 360 094	99,24	5 359 709	99,03
Nationals of EU-27	25 909	0,47	32 709	0,60
whereof Nationals of EU-10	12 944	0,24	15 281	0,28
whereof Nationals of EU-2 (Bulgaria, Romania)	3 990	0,07	6 321	0,12
Third-Country Nationals	14 995	0,28	19 836	0,37

Source: SO SR and BBAP MoI SR.

The most numerous groups of third-country nationals as of 31 December 2008 was constituted by the citizens of Ukraine (4,717 persons), Serbia (2,853), Vietnam (2,517), Republic of Korea (1,492), the Russian Federation (1,483), China (1,477), the United States (826), the former Yugoslav Republic of Macedonia (349), Croatia (338), and Norway (295). The total number of nationals of other third countries with usual residence was 3,489. When comparing the numbers of third-country nationals one year back (as of 31 December 2007), the order changes very slightly: Ukraine (3,745 persons), Vietnam (1,432), Serbia (1,418), the Russian Federation (1,354), China (1,198), Republic of Korea (1,136), the United States (769), the former Yugoslav Republic of Macedonia (651), Croatia (328), and Turkey (171).

The analysis of the structure of foreign nationals by citizenship implies that the share of third-country nationals in the total number of foreign nationals increased by 1.09 percentage points compared to the previous year.

**Chart 1 – Structure of Third-Country Nationals in the SR as of 31 December 2008**



Source: BBAP MoI SR and SO SR.

### 3.3 Acquisition of Citizenship

In accordance with Article 3 (1d) of the Migration Statistics Regulation, the citizenship of the Slovak Republic was granted to 478 persons in total with usual residence in the SR in 2008 (222 males and 256 females), while 142 persons previously had the citizenship of another EU Member State, 332 had the citizenship of third countries, and the previous citizenship was not listed in four cases.

Within the group of other EU countries, the citizenship of the SR was in the majority of cases granted to the nationals of the Czech Republic (90), Romania (19), Hungary (13), Bulgaria and Poland (7).

As for third-country nationals, the citizenship of the SR was in the majority of cases granted to the nationals of Ukraine (181), Vietnam (37), the Russian Federation (26) and Serbia (19), Belarus (9), the United States (8), China (6) and Armenia (4).

The analysis of the age of persons who were granted the citizenship of the SR in 2008 indicates that up to 83% were persons in productive age (15–64 years); the group of persons in pre-productive age constituted 10%, and the rest (7%) were persons in post-productive age. The number of persons in productive age by sex was almost equal; the number of females who were granted the citizenship of the SR was higher by only 28 compared to the number of males.

The data on the granting and loss of citizenship by gender and age of the applicants is processed by the Department of Citizenship and Registers of the Public Administration Section under the Ministry of Interior of the SR.

Table 9 presents the development trends concerning the highest numbers of granted citizenship of the SR by previous citizenship, regardless of the usual residence in the SR.



**Table 9 - Countries by the Number of Persons Who Were Granted the Citizenship of the SR in the Period 1996-2008<sup>3</sup>**

Country of Previous Citizenship	Rok												
	1996	1997	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007	2008
Czech Republic	575	416	399	849	3903	2391	2106	597	775	167	121	158	93
Ukraine	203	134	114	72	79	76	120	251	549	450	377	704	203
CIS/Russia	72	46	94	50	17	26	43	65	96	37	35	42	31
Romania	223	141	78	35	40	16	99	450	442	220	147	100	31
Yugoslavia/ Serbia and Montenegro	10	23	43	75	51	40	256	438	506	183	73	112	53
Vietnam	35	27	18	6	0	16	113	405	619	40	40	62	37
USA	1	0	0	23	293	131	187	97	136	64	113	110	93
China	1	1	0	1	1	2	33	484	200	6	5	4	6
Bulgaria	112	31	69	43	24	37	38	66	42	24	35	19	7
Macedonia	1	3	10	11	7	13	98	175	143	12	4	10	3

<sup>3</sup> The statistics show the number of persons who were granted citizenship, but did not necessarily have usual residence in the SR. There is a difference compared to Eurostat data which only indicates the number of persons who were granted citizenship and had usual residence in the SR.

Poland	11	23	11	3	5	8	23	43	26	14	20	18	7
Germany	0	0	0	5	30	27	31	19	30	10	13	16	16
Syria	2	13	16	7	4	4	17	10	15	0	1	1	0
Armenia	0	4	1	3	0	6	38	44	39	3	3	5	4
Afghanistan	12	12	16	4	0	12	23	18	8	2	1	8	1
Canada	8	0	0	0	11	23	24	6	25	7	8	8	12
Croatia	1	0	1	0	0	2	19	35	50	22	16	18	5
Hungary	13	4	7	9	3	3	2	5	9	7	9	6	15
Switzerland	0	0	0	1	7	6	20	12	9	2	8	3	1
Other Countries	64	57	57	69	50	47	194	272	297	123	96	74	62
<b>Total</b>	<b>1 344</b>	<b>935</b>	<b>934</b>	<b>1 266</b>	<b>4 525</b>	<b>2 886</b>	<b>3 484</b>	<b>3 492</b>	<b>4 016</b>	<b>1 393</b>	<b>1 125</b>	<b>1 478</b>	<b>680</b>

Source: Department of Citizenship and Registers of the Public Administration Section of Mol SR.



## International Protection (Article 4)

The Migration Office of MoI SR as the first-instance administration body deciding on granting asylum and subsidiary protection to foreign nationals proceeds in accordance with the provisions of the Act No 480/2002 Coll. on Asylum, which specifically reflects the provisions of the Geneva Convention Relating to the Status of Refugees (1951), the New York Protocol Relating to the Status of Refugees (1967), as well as the related European directives and regulations governing international protection of aliens.

The year 2008 was the first year following the accession of the Slovak Republic to the Schengen Area (21 December 2007), which is considered as a remarkable success of the Ministry of Interior of the SR in the field of migration policy. In this regard, above all the tasks resulting from Slovakia's membership in the Schengen Area were executed in 2008, i. e. special emphasis was put on the protection of the borders between the Slovak Republic and Ukraine, which became the external border of the EU.

In 2008, the Asylum Act was amended two times. The first change occurred

after 1 January 2008 by transposing the Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status (Procedure Directive) into the Asylum Act (No 643/2007 Coll.). By transposing this Directive, the first stage of constructing the common asylum system in the EU was completed, clarifying the rules for conducting interviews with asylum seekers with an emphasis on the special rights of unaccompanied minors. Interviews with unaccompanied minors can only be conducted in the presence of their guardians who can inform the minor about the importance and possible consequences of the interview and prepare them for the interview. The amendment to the Act also specified the reasons for refusing the application as manifestly unfounded, such as applicants failing to comply with the conditions for granting asylum or subsidiary protection who, moreover, entered into the territory of the SR illegally and failed to apply for international protection without any serious reason, or did not submit to fingerprint identification, or represent a risk to the security of the SR or the society. This amendment modified the Penal Code, too, responding to cases where foreign nationals to be prosecuted or punished abroad misused the institute of asylum by repeatedly applying for asylum and delaying their extradition or avoiding their punishment. According to the new legislation, it is now possible to extradite an asylum seeker who has repeatedly applied for asylum and on the application of whom a final decision has already been taken.

Under this amendment, foreign nationals with granted subsidiary protection as one of the forms of international protection, who are accommodated in any of the facilities of MoI SR, are obligated, from 2008 onwards, to inform of any of their incomes. Every foreign national with granted subsidiary protection with an income of at least 60% of the subsistence minimum is obligated to pay the costs of accommodation in the accommodation centre of MoI SR. MoI SR has been granting subsidiary protection since 1 January 2007 when the Council 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 (Qualification Directive) was transposed into the Slovak legislation. Subsidiary protection applies to foreign nationals who were not granted asylum and face the risk of serious harm (e. g. imposition of death penalty or inhuman or degrading treatment). Subsidiary protection is also granted to the spouse of a foreign national, his/her children up to 18 years, and to

the parents of a foreign national younger than 18 years.

Subsidiary protection cannot be granted to a foreign national who has committed serious crimes. Subsidiary protection in the SR is granted for a period of one year, and can be extended after expiry of this period. In connection with the introduction of the institute of subsidiary protection since 1 January 2007, the number of positive decisions issued in the asylum procedures significantly increased in 2007 and 2008.

The purpose of the amendment to the Asylum Act, which is in force from 1 December 2008 (No 451/2008 Coll.), is further harmonisation of the Slovak asylum legislation with the asylum legislation of the European Union. Article 15 of the Council Directive 2005/85/EC (Procedure Directive), which was transposed into the Slovak Asylum Act, imposes the Member States to provide free legal assistance to unsuccessful asylum seekers in appealing against a negative decision taken in the asylum procedures. This service is provided by the Legal Assistance Centre, which is an organisation financed from the state budget and falls under the budget of the Ministry of Justice of SR as its founder. Since 1 December 2008, those asylum seekers are entitled to free legal assistance in the case of which the Mol SR issued any of the following decisions under the asylum granting procedure: decision on denying asylum, decision on denying the application for asylum as manifestly unfounded; decision on asylum revocation or decision on cancellation or non-prolongation of subsidiary protection; or decision on aborting the asylum granting procedure due to the fact that a decision on the application had already been taken.

The amendment to the Asylum Act changed certain provisions of the Act based on practical experience. For example, it abolishes the dual review of obstacles to administrative expulsion. Before the amendment to the Asylum Act, there was a review by Mol SR within the asylum procedure and a subsequent review by the police based on the Act on Stay of Aliens. In accordance with the amendment, obstacles to administrative expulsion are only subject to review by the respective police department. The amendment also extended the deadline for appealing a decision to dismiss an asylum application as “unfounded” or “impermissible” from 7 to 20 days.

## 4.1 Applications for International Protection

Since its accession to the EU in 2004, the Slovak Republic has reported a decending trend in the number of applications for international protection. In 2008, 909 applications for asylum were submitted, which is less by 1,743 (65% decrease) compared to the previous year. This is the lowest number reported since 1998. The average monthly number of asylum applications submitted in 2008 was 75 compared to 220 monthly applications filed in 2007. This sharp decline is caused by persisting factors, including enforcement of the Dublin Regulation, improved effectiveness of the state borders protection after acceding the Schengen Area, but also absence of large foreigners' communities in the SR, a less-developed economic environment compared to the economically more advanced countries of the European Union, and the overall decline in the number of asylum seekers in the majority of the European Union countries. The fact that the Slovak Republic continues to be a transit country for asylum seekers is manifested by the large number of suspended asylum granting procedures. In 2008, such cases represented a half of the number of asylum applications filed, i. e. 457 suspended procedures of the total of 909 asylum applications. Foreigners do not show any interest in having their applications reviewed in the Slovak Republic. Even though the number of suspended procedures in 2008 decreased compared to the previous year (in 2007, it was almost two thirds of number of applications filed – 64%), the number of cases where the application for asylum was carefully reviewed and a decision was taken thereon increased. In 2008, such cases represented 40% compared to 28% in 2007. Though, the number of cases where the asylum granting procedure was aborted remains still high.

In 2008, 40 applications for international protection were withdrawn. Since the Migration Office of Mol SR did not record this data in 2007, it is not possible to provide a comparison with the previous year. The SR did not collect and did not supply to Eurostat any data on first-time asylum seekers in 2008 because the delivery of such data was based on the principle of voluntariness by EU Member States.

The situation concerning the composition of asylum seekers in the Slovak Republic as per continents has been stable over the past few years. In 2008,

asylum applications were filed by persons of 36 different citizenships. The number of asylum applications indicates that Asia and Europe have clearly dominated in the asylum seekers' composition recently. In 2008, the number of asylum applications submitted by nationals of European countries rose by 8.5 percentage points compared to 2007 (2007 – 21.9%; 2008 – 30.4%), and the number of applications presented by nationals of Asian countries decreased by 9 percentage points (2007 – 76.4%, 2008 – 67.4%). As far as Europe is concerned, most applicants in 2008 came from Georgia (119) and Moldova (113), and in 2007 from Russia (307) and Moldova (208); while regarding Asia, the majority of applicants came in both years from Pakistan (2008 – 109; 2007 – 650) and India (2008 – 88; 2007 – 619). The number of asylum applications from Africa and America and applications filed by stateless persons can long be considered as negligible; in 2007 and 2008 it hardly reached 2% of the total number of applications filed in the respective years.

Compared to the previous year, the number of asylum applications submitted by females slightly increased by 1 percentage point in 2008.

As for the age structure of asylum seekers, the majority of the applicants were aged between 18 and 34 both in 2007 and 2008. This age group formed about 75% of all the applicants in 2007, and approx. 68% in 2008. The second most numerous age category in 2007 and 2008 was the 35-64 range (approx. 18% in 2008, and about 15% in 2007); followed by the 0-17 range (approx. 13% in 2008 and about 10% in 2007); no asylum application was filed in the age category of over 65 years.

## 4.2 Decisions on International Protection

In 2008, the Migration Office of MoI SR took 965 decisions under the asylum and subsidiary protection granting procedure. With regard to the age structure and gender, it can be concluded that applications were mostly filed by males in the age category of 18-34 years. In 2008, MO MoI SR granted international protection to 88 persons from the total number of 909 applications (9.7%) compared to 96 cases from the total of 2,643 applications (3.6%) in 2007. Compared to the previous year, the number of asylums and subsidiary protections granted grew by 6.1%. In 2008, the to-

tal share of the forms of international protection granted<sup>4</sup> reached 17.5%, which is an increase by 10% against 2007.

Asylum as one of the forms of international protection was granted in 22 cases in 2008, mostly to the nationals of Iraq (8), Cuba (8), and Palestine (2). Asylum for humanitarian reasons was granted to three persons – nationals of Afghanistan (1), Iraq (1), and Vietnam (1). In both years, asylum was mainly granted for the reasons provided in the Geneva Convention (Art. 8 of the Act on Asylum No. 480/2002 Coll.). The share of the number of granted asylums in the number of asylum applications filed was 2.4% in 2008, and 0.5% in 2007. Compared to 2007, the number of asylums granted increased by approx. 2%.

While asylum granted under Art. 8 of the Asylum Act<sup>5</sup> represented almost 85.7% of all the cases in 2007, in 2008 this number slightly grew by 1 percentage point (86.4%).

In 2008, the Migration Office of MoI SR granted subsidiary protection to 66 foreign nationals, mostly to asylum seekers from Afghanistan (29) and Iraq (25). Compared to 2007 when the subsidiary protection instrument was introduced, this kind of protection was granted in 82 cases (Iraq – 42, Syria – 11, Somalia – 9, and other).

While there were 96 positive decisions taken in 2007 (14 asylums and 82 subsidiary protections granted), in 2008 it was 88 positive decisions (22 asylums and 66 subsidiary protections granted).

Most of the positive decisions in 2007 and 2008 were issued to the nationals of Iraq (2007 – almost 44% – almost exclusively subsidiary protection; 2008 – 38% both asylum and subsidiary protection granted), and in 2008 also to the nationals of Afghanistan (33% – only subsidiary protection

4 Total share of the forms of protection granted = (number of asylums granted + number of subsidiary protections provided / number of asylums granted + number of subsidiary protections provided + number of decisions on denying asylum) \* 100.

5 Unless the Act on Asylum No 480/2002 Coll. stipulates otherwise, the Ministry of Interior of the SR would grant asylum to an applicant who:

a) has substantiated fears from being persecuted on racial, ethnic or religious grounds, for holding certain political attitudes or for belonging to a certain social group in his/her country of origin, and due to these fears he/she cannot or does not want to return to this country; or b) is prosecuted for claiming political rights and freedoms in his/her country of origin.

granted). Mol SR did not grant temporary shelter in any of these two years.

Pursuant to the Act on Asylum No 480/2002 Coll., international protection may only be granted by a first-instance body (granting asylum or subsidiary protection)<sup>6</sup>; hence, the statistical data only concerns decisions taken under first-instance asylum procedures. In 2008, decisions on denying asylum were taken in 416 cases, representing 45.8% of the total number of decisions taken under first-instance international protection granting procedure. Under the administrative procedure for providing international protection, the Migration Office of Mol SR issued 31.7% decisions on denying asylum applications as manifestly unfounded, and 2.6% decisions on denying asylum applications as inadmissible. The number of procedures suspended in 2008 was 457, which is less by 1,236 compared to the previous year. Most of the procedures were suspended in connection with asylum seekers coming from the Russian Federation – including Chechnya (86), Georgia (76), and Moldova (72). In 2008, no asylum was revoked under first-instance procedure, no temporary shelter was abolished, and no residence permit was cancelled due to humanitarian reasons. In the same year, 21 subsidiary protections were cancelled under first-instance procedures.

In 2008, the highest number of asylums and subsidiary protections were granted to applicants in the age group 18–34, of which females constituted approx. one third. In 2007, too, most applicants were males in the age group 18–34, females representing more than a third. This age group is followed in both years by the category of 35–64 years and 0–17 years, and no decision was taken in the age group of over 65 years.

Since the Slovak Republic did not join any resettlement programme in 2008, it is not possible to present this data and a comparison with the year 2007.

### 4.3 Unaccompanied Minors

In 2008, unaccompanied minors filed 71 applications for international protection, which is approx. 8% of the total of 909 asylum applications.

<sup>6</sup> The first-instance administrative body is the Migration Office of the Mol SR.

The share of minor applicants in the total number of applications submitted last year formed approx. 6%. Even though the share in the number of asylum applications filed increased by 2 percentage points in 2008, a substantial decrease in the number of applications against the previous year can be observed (157 applications from the total of 2,643) by about 55% (86 cases). This fact is due to the substantial decline in the number of asylum applications filed in 2008. The most numerous age category of unaccompanied minors remains the 16-17 range; this group represented approx. 83% in 2007, and 68% in 2008 of asylum applications in the given category. As for the gender of unaccompanied minors, this group is clearly dominated by males. In 2007 and 2008, only one asylum application filed by a female was reported. The order of countries with the largest number of asylum applications filed by unaccompanied minors in 2008 was as follows: Moldova, Afghanistan, Bangladesh, Georgia and Iraq. In 2007, the order was as follows: Pakistan, India, Bangladesh, Moldova and Iraq.

### 4.4 Dublin Transfers

The Dublin Centre established under the Migration Office of Mol SR ensures and conducts activities arising from the Council Regulation (EC) 343/2003 of 18 February establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (Dublin Regulation). The Centre collaborates with the Forensic Institute of the Presidium of the Police Force in the use of the EURODAC system which serves for fingerprints comparison for the purpose of an effective implementation of the Dublin Regulation. In practice that means that the system would reliably identify whether the person had earlier applied for asylum in any other Member State or whether he/she had been detained, most frequently in connection with illegal entry through the external border of the EU. An inevitable element in this regard is close collaboration with BBAP Mol SR in the organisation and execution of foreigners' transfers in the case of accepted requests received in the Slovak Republic and accepted requests forwarded from the Slovak Republic to a Member State responsible for reviewing the request. The criteria (the individual provisions of the Dublin Regulation) under which the given country is entitled to review the asylum application are as follows: applicants' family ties (Article 6, 7, 8 and 14);



the fact that the applicant holds a visa or a residence permit in any of the Member States (Article 9); the fact that the applicant has illegally crossed the border of a Member State (Article 10.); is entitled to enter into the territory of a Member State without a visa (Article 11); and the most important criteria is the first application for international protection submitted in the territory of a Member State (Article 4.5, 16.1.c, d, e).

There are three types of requests under the Dublin procedures: request for taking charge, request for taking back, and request for information. All the three types of requests can be received or forwarded; that means that a request for examination by the competent country is received from another Member State, or the Slovak Republic forwards the request to another EU Member State (plus Switzerland, Norway and Island).

The different requests for taking charge and taking back can be further divided as follows:

- a) non/registration by EURODAC number;
- b) by articles under which the requests are received/forwarded, namely Articles 6, 7, 8, 9, 10, 11, 12, 14 and 15 of the Council Regulation (EC) 343/2003 relating to the requests for taking charge, and Articles 4.5, 16.1 c, 16.1.d and 16.1.e of the Council Regulation (EC) 343/2003 concerning the requests for taking back;
- c) by the decision received with the reply to the request. The decision as such can be either acceptance or rejection. In the case of acceptance, the applicant is transferred to/from Slovakia depending whether the request is received or forwarded.

Requests for information cannot be subdivided to further categories, as these requests can only be replied, and the requested information is provided. However, no country is obligated to give a reply.

In 2008, the following agreements entered into force in the Slovak Republic:

- *Administrative Agreement on Cooperation between the Government of the Slovak Republic and the Government of the Republic of Hungary with the Purpose of Implementing the Council Regulation (EC) No 343/2003 of 18 February 2003*, which entered into force on 11 December 2008 (published in the Collection of Laws of the SR under no. 574/2008). This

Agreement has an impact on the periods and deadlines concerning the Dublin procedure, and speeds up the procedure as such.

- On 19 August 2008, the *Agreement between the Government of the Slovak Republic and the Federal Government of the Republic of Austria on Changes and Amendments to the Protocol on the Implementation of the Agreement between the Government of the Slovak Republic and the Federal Government of the Republic of Austria on the Readmission of Persons Entering the Territory of the State Illegally (Readmission Agreement) of 20 June 2002* (exchange of notes made on 15 May 2008 and 31 July 2008; published in the Collection of Laws of the SR under no. 347/2008);
- The *Agreement between the Government of the Slovak Republic and the Federal Government of the Republic of Austria on the Establishment of the Joint Contact Point Jarovce – Kittsee (Prague, 15 May 2008)* entered into force 1 July 2008, published in the Collection of Laws under no. 409/2008.

### Number of requests received and forwarded under the Dublin Regulation in 2008

In 2008, 681 requests in total were received; applicants filed 111 requests for taking charge and 570 requests for taking back. The majority of the requests for taking charge was received under Articles 9, 10, 11 and 12 of the Council Regulation (EC) No 343/2003 (100 requests in total). The other 11 requests for taking charge were received under Articles 6, 7, 8 and 14 of the Council Regulation (EC) No 343/2003, relating to family ties. As for accepted requests for taking back, the majority of requests (506) fell under Article 16.1 c) of the Council Regulation (EC) No 343/2003. The second largest group of requests (60) fell under Article 16.1.e. of the Council Regulation (EC) No 343/2003. A large percentage of received requests were based on the EURODAC system (80.3%). The number of received requests for information was 382, and only 11 of them were not answered by the end of 2008. The Slovak Republic records no case of failing to reply to a received request for information.

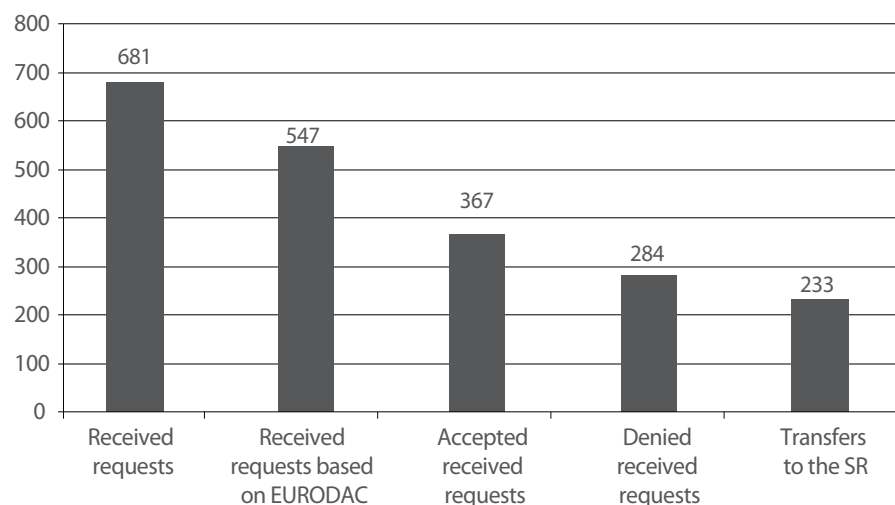
As shown in Chart 2, 367 requests were received and accepted in 2008, including 233 transfers to the Slovak Republic. The number of rejected requests in Slovakia is always lower than the number of accepted requests, the reason for which is Slovakia's character as a transit country. That means

that the amount of received requests is always higher than the amount of transmitted requests. The highest share of accepted requests falls under Article 16.1.c of the Council Regulation (EC) No 343/2003 (almost 73%). Less than a half of the requests was denied.

As for the number of requests forwarded in 2008, approx. 1/3 of the forwarded requests were rejected and 2/3 were accepted. There were 158 forwarded requests in total in 2008, of which 86% were requests for taking back and only 14% were forwarded requests for taking charge. The requests for taking back were mainly based on Article 16.1.c of the Council Regulation (EC) No 343/2003 (129 requests) and 7 requests were based on Article 16.1.e of the Council Regulation (EC) No 343/2003. There were also two non-accepted requests based on humanitarian reasons (Article 15). 2/3 of the requests were based on the EURODAC system. The number of the requests for information reached 42.

Most of the received requests came from Austria (214), representing almost 1/3 of the total number of received requests. Austria is followed by Germany with 137 requests and France with 94 requests. As for Austria,

**Chart 2 – Requests Received in the SR in 2008 under the Dublin Regulation** (in number of requests)

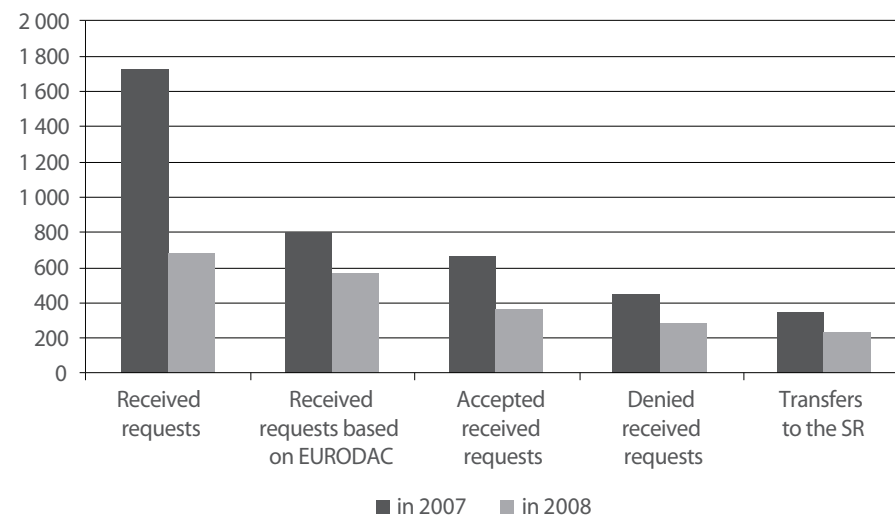


Source: MO Mol SR.

74% of the requests were accepted, which is a much higher share compared to other countries due to the proximity of Austria and its attractiveness for the persons submitting the requests. On the other hand, only 32% requests from France were accepted, for example. At the same time, France counts with the highest number of rejected requests.

On the other hand, the highest number of requests transmitted from Slovakia went to Poland (63 requests), followed by Austria (40 requests) and by Germany and Hungary with the same number of requests (10). The number of requests forwarded from SR to Poland is high mainly due to the fact that the requests concerned family members. The amount of transfers, too, manifests the fact that whole families were being transferred. In 2008, there were 66 people submitting requests. Compared to 2007 (Chart 3), there is a substantial change as to the number of received requests. While in 2007 there were 1,731 requests received in total, in 2008 it was only 681, implying a decline in the number of received requests to less than a half. This trend can be observed also in the neighbouring countries as a natural development after the entry of the Slovak Republic into the Schengen

**Chart 3 – Comparison of the Total Numbers of Received Requests under the Dublin Regulation (Number of Received Requests for Taking Charge and for Tacking Back to the SR)** (in number of requests)



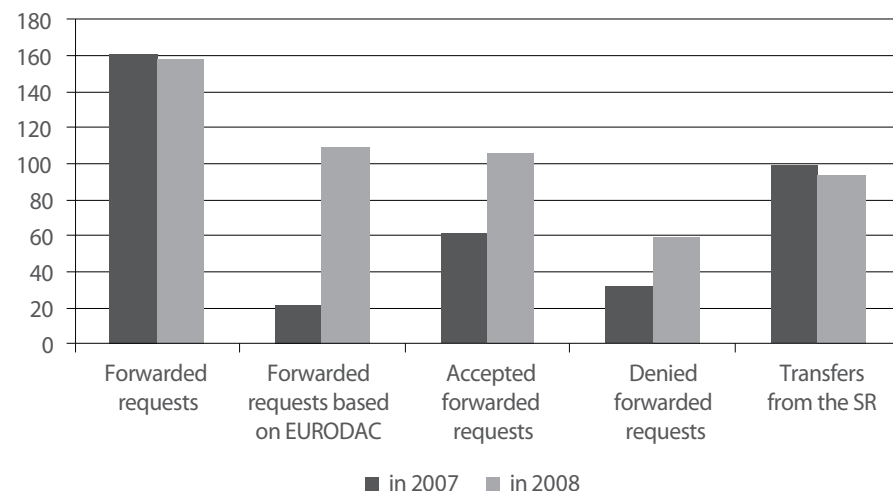
Source: MO Mol SR

Area. The impact of this change was not manifested before 2008. The influx of new migrants through the Eastern border was largely reduced since Slovakia was capable of protecting its border with Ukraine, as evaluated by EU experts. The operation of the border was assessed as one of the best examples of practical implementation of the Schengen Code.

On the other hand, the number forwarded requests (Chart 4) remained almost identical. That means that the number of asylum seekers in the Slovak Republic did not increased. A clear difference as regards forwarded requests for taking charge of an asylum seeker can be observed in the requests based on the EURODAC system; in 2008, this number was four times higher than the number of requests supported by EURODAC. Hence, the number of persons who had previously applied for asylum in another Member State or who had been detained, above all, due to their illegal entry through the external EU border increased in Slovakia.

It should be noted, however, that the statistics of 2007 were not as precise as in 2008.

**Chart 4 – Requests Forwarded under the Dublin Regulation in 2007 and 2008 (Number of Forwarded Requests for Taking Charge and Taking Back from the SR) (in number of requests)**



Source: MO Mol SR.

In both years, Slovakia recorded the highest number of requests received from Austria, followed by Germany and France. Great Britain, too, repeatedly occupies one of the first six positions. As for the category of forwarded requests, Slovakia most frequently asked Poland (58 transmitted requests) and Austria for taking charge in both years. In 2007, Slovakia forwarded 13 requests to Hungary, by which Hungary became the third country with the highest number of requests forwarded by the SR. Hungary and Germany remained the third most requested countries in 2008. The most demanding stage under the Dublin procedure is the transfer of asylum seekers. In general, the number of persons transferred to the Slovak Republic during the two years was still higher (approximately three times) than the number of persons transferred from the Slovak Republic. The disproportion in the number of requests received in the Slovak Republic (62) in 2007 and the transfers from the Slovak Republic (99) was caused by the fact that also large families were considered as one request in the statistics of 2007. That means that under one acceptance several persons could have been physically transferred (for example, one request filed by a mother with three children was recorded in the statistics as one acceptance and four persons actually transferred). There are no such discrepancies in the statistics of 2008; the number of acceptations corresponds to the number of persons.



# 05

## Prevention of Illegal Entry and Stay (Article 5)

The data of 2008 presented in this chapter are taken from the statistic data provided to Eurostat pursuant to the Migration Statistics Regulation – Eurostat Statistics Database. This statistical data is slightly different from the official data published by the Bureau of the Border and Aliens Police of MoI SR.

Since the first statistical data provided to Eurostat under the Migration Statistics Regulation concerned the year 2008, no comparable data for 2007 was available. Yet, the official data published by BBAP MoI SR has been used in this chapter for the purpose of comparison. The definitions of this statistical data slightly differ from the definitions given by Eurostat.

The issue of legal and illegal migration of foreign nationals in the territory of the SR, i. e. the conditions of entry into the SR and departure from the

SR, the conditions of aliens' stay in the SR, the conditions and the process of administrative expulsion of aliens from the territory of the SR, the conditions of aliens' apprehension and their placement in the facilities for aliens, as well as any other provisions concerning the Border and Aliens Police agenda are regulated by the Act on Stay of Aliens which entered into force on 1 April 2002.<sup>7</sup>

In line with the obligation to harmonise the conditions of entry and stay of third-country nationals in the territory of the SR with the existing European Community's legislation, all the existing directives of European Communities concerning regular and irregular migration were transposed into the Act on Stay of Aliens.

The Act on Stay of Aliens has been amended several times since it entered into force. In 2008, the following acts amending the Act on Stay of Aliens entered into force:

1. *The Act No. 342/2007 on Changing and Amending Certain Acts in Connection with the Entry of the Slovak Republic into the Schengen Area.* Some of the provisions of this Act entered into force on 22 December 2007, and the rest on 1 January 2008. The purpose of this Act was to ensure the implementation of the Schengen acquis in connection with the joining of the Schengen Information System and suspension of internal controls at the EU's internal borders as to that date. This amendment to the Act on Stay of Aliens modified the listing of undesirable persons in the Schengen Information System and cancelled the duplicate or divergent provisions concerning visa granting with the Common Consular Instructions. Act No 342/2007 Coll. transposed the Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third-country nationals into the Act on Stay of Aliens. According to this amendment, the police department would enforce

<sup>7</sup> Important sources of law concerning the material or procedural aspects of legal and illegal migration include international legislation, especially the Convention for the Protection of Human Rights and Fundamental Freedoms, and the Convention on the Rights of the Child; or European legislation, such as Council Decision No 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders. At the national level, an important source of law, besides the Act on Stay of Aliens, is the Act No 171/1993 Coll. on the Police Force, and Act No 71/1967 Coll. on Administrative Proceedings, as well as internal regulations defining these issues, such as ordinances, guidelines, etc.

the decision on expulsion also in case such decision is issued by any of the EEA countries. Such a decision can also be enforced in the following cases: the foreign national has been sentenced to imprisonment for a minimum of one year; there is a reasonable suspicion that the foreign national committed or attempted to commit a crime in that country; or the foreign national violated the legal regulations of the country specifying the conditions of entry and residence of foreign nationals. Such a decision cannot be enforced in relation to EEA nationals and family members of EEA nationals. Before the enforcement of the decision, the police department must consult this fact or ask for an opinion the country that took such decision, as well as the EEA country in which the foreign national holds the residence permit. At the same time, the police department would review whether the expulsion is conducted in compliance with the international and national regulations, and subsequently inform the country issuing the decision about the enforcement of the decision. The costs of the expulsion are paid by the country that took the decision.

2. *The Act No. 643/2007 on Changing and Amending the Act No 480/2002 Coll. on Asylum and on Changes and Amendments of Certain Other Acts As Amended* entered into force on 1 January 2008. This amendment modified the Act on Stay of Aliens by specifying the cases of cancellation of the tolerated stay permit under law.
3. *The Act No. 233/2008 on Changing and Amending the Act No 172/2005 Coll. on the Organisation of Activities of the Government and on the Organisation of Central State Administration As Amended and on Changing and Amending Certain Other Acts* transposed into the Act on Stay of Aliens some provisions of the Council Regulation 2005/71/EC of 12 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research. This amendment specified the conditions for granting the temporary residence permit for the purposes of special activities to foreigners conducting research or development.
4. *The Act No. 451/2008 Coll. on Changing and Amending the Act No. 480/2002 Coll. on Asylum and on Changing and Amending Certain Other Acts As Amended* modified the Act on Stay of Aliens by specifying the conditions for granting long-term visas, the conditions for extending short-term visas, the possibility of determining the age of unaccompanied minor foreigners by medical examination, defined the obligations of the person/entity providing accommodation, etc.

In 2008, 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 was adopted.

The purpose of these changes was not only to comply with the commitments of the Slovak Republic by transposing the directives into the Act on Stay of Aliens, but also to harmonise the European law and the national legislation. Hence, substantial changes were made mainly in the procedural issues concerning entry and stay of foreign nationals in the country. These changes improved the legal protection of the foreign nationals entering the territory of the Slovak Republic illegally, extended the cooperation with the member states of the Schengen Area, unified the information system and extended the possibilities of legal entry into the territory for third-country nationals. After regularly entering the country, foreign nationals often failed to fulfil the purpose they had declared, and after cancellation or expiry of their residence permit they did not leave the territory of the Slovak Republic or they entered into the asylum procedure.

## 5.1 Refusals

The data of 2008 provided in sub-section 5.1 is taken from the Eurostat Statistics Database – third-country nationals refused entry on the border (on the external land border and external air border). The table contains data on the total number of third-country nationals refused entry, disaggregated by the type of border (land, air) and grounds for refusals (Annex V, Part B of the Schengen Borders Code lists nine reasons for refusal of entry on the border). The rule followed in the compilation of this data is that a person can be included in the total number of third-country nationals refused entry only once. In case there were several reasons for which a person had been refused entry, only one – the most serious – reason was considered. Reason “H” means reasons H1 and H2 (refer to the explanation under Table 10).

For the purposes of comparison of the numbers of refusals with the previous year, the statistical data on the number of refusals of entry into the territory of the SR on the external border in 2007 was used (as officially

published by BBAP MoI SR). The statistical data definition of the number of refusals was similar to the Eurostat definition. Unlike the Eurostat definition, the definition used herein excluded the rule that one person can be counted only once. As a result, the conclusions drawn from the comparative data on the numbers of refusals can be considered as realistic.

The border control on the external border comprises check of compliance with the conditions for entry into the territory of the Slovak Republic and search for data on persons to be apprehended or persons refused entry into the Slovak Republic or the Schengen Area. The refusal of entry serves the purpose of preventing the entry of undesirable persons and persons failing to comply with the conditions of entry, which has a certain preventative effect on the elimination of illegal migration.

Of the total of 1,540 refusals reported in 2008, 97.7% related to the external land border and 2.3% to the external air border. The most frequent reason for refusal of entry by third-country nationals was absence of a valid visa or residence permit – 62.7%. The other frequent reasons were the following: failing to present the required documents to justify the purpose and conditions of stay (17.9%), and the fact that it is a person for whom an alert has been issued for the purposes of refusing entry in the Schengen Information System (16.6%). As for risk to the society, the highest risk is represented by attempts to enter into the territory of the Slovak Republic with false or forged travel documents, or with false and forged visas or residence permits. As a result, 15 foreign nationals were refused entry.

The structure of foreign nationals refused entry by citizenship is given by the geographical position of the Slovak Republic. Since Slovakia has a common external land border with Ukraine only, the number of Ukraine nationals in this category is the highest – up to 92.2%, followed by Moldavians with a 2.3% and Russians with a 2.0% share. As for other citizenships, their share in the total number of refusals did not reach 1%. People coming from countries geographically most distant from the Slovak Republic arrive in the Slovak Republic by air, which is manifested by the fact that all the persons refused entry – nationals of India (10), Ecuador (10) and Iran (5) – arrived through the external border at airports.

As for the disaggregation by gender, 69.0% of males and 31.0% of females

were refused entry on the external land borders, and 87.5% of males and 12.5% of females on the external borders at airports in 2008. While the highest share (96.0%) in the total number of refusals at the external land border is constituted by Ukrainians, the nationals of India represented the highest share of 41.6% (10 refusals) at the external borders at airports. In connection with the disaggregation by age, the largest share was represented by people in productive age.

Compared to the identical period of the previous year, the number of refusals increased by 7% in 2008.<sup>8</sup> Although the number of refusals did not change much compared to the previous year, the frequency of the reasons for refusal did change. The largest growth can be observed in relation to reasons such as absence of a valid visa or residence permit, or where it is a person for whom an alert has been issued for the purposes of refusing entry in SIS. On the other hand, the largest decline is observed in relation to reasons such as absence of appropriate documents to justify the purpose and conditions of stay, or insufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit.

<sup>8</sup> As provided in the methodology, refusals on only the external border serve as comparison data of 2007 (the total number of refusals in 2007 is not being compared; it was significantly higher on all border sections – temporary external borders and external borders).

**Table 10 – Refusals of Entry by Third-Country Nationals on the External Borders by Reasons for Refusal in 2007 and 2008**

Reasons for Refusal	2007			2008		
	Total	Whereof:		Total	Whereof:	
		Land Border	Air Border		Land Border	Air Border
A	13	11	2	5	5	0
B	3	1	2	5	0	5
C	489	445	44	965	950	15
D	22	10	12	15	10	0
E	463	400	63	275	270	5
F	25	25	0	5	5	0
G	296	290	6	20	20	0
H1	58	49	9	245	235	10
H2	35	34	1	10	10	0
I	28	27	1	0	0	0
Total	1 432	1 292	140	1 540	1505	30

Source: BBAP Mol SR.

**Reasons pursuant to the Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code):**

A - has no valid travel document(s)

B - has a false/counterfeit/forged travel document

C - has no valid visa or residence permit

D - has a false/counterfeit/forged visa or residence permit

E - has no appropriate documentation justifying the purpose and conditions of stay

F - has already stayed for three months during a six-month period on the territory of the Member States of the European Union

G - does not have sufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit

H1 - is a person for whom an alert has been issued for the purposes of refusing entry in the SIS

H2 - is a person for whom an alert has been issued for the purposes of refusing entry in the national register

I - is considered to be a threat to public policy, internal security, public health or the international relations of one or more of the Member States of the European Union.

## 5.2 Apprehensions

The data taken from the Eurostat Statistics Database were used to describe the data of 2008 in sub-section 5.2 Apprehensions. The table contains data on the total number of third-country nationals who were apprehended in the territory of the SR while illegally crossing the state borders of the Slovak Republic or illegally staying in the SR. Third-country nationals are disaggregated by gender and age. The table provides the total of the age of males and females according to the specified age groups (0 – 13 years, 14 – 17 years, 18 – 34 years, over 35 years). The total number of third-country nationals does not include persons refused entry and persons apprehended in another country and admitted to the SR under readmission agreements. The authors of this report also respected the rule by which one person can only be included once in the total number.

For the purpose of comparing the number of apprehended third-country nationals with the previous year, the statistical data on the number of foreign nationals apprehended in the territory of the SR in 2007 was used (as officially published by BBAP Mol SR). The definition of apprehended foreign nationals comprises the number of foreign nationals apprehended while illegally crossing the state borders of the SR or illegally staying in the SR. There is no available data for 2007 broken down by age and gender.

The development in the field of illegal migration throughout the past years has been characterised by a declining tendency. For the past five years, the smallest number of illegal migrants in the Slovak territory was recorded in 2008. Compared to the previous year 2007, this share decreased by 62%. This large decline occurred as a result of the entry of Slovakia into the Schengen Area in December 2007 and related cancellation of border controls on the internal borders. Besides this reduction in illegal migration, the shares of the two basic categories changed, too – illegal crossing of the state border of the SR and illegal stay in the territory of the SR. While illegal state border crossing prevailed prior to Slovakia's entry into the Schengen Area, the category of illegal stay in the territory of the SR became dominating after entering the Schengen Area.

**Table 11 - Number of Apprehended Foreign Nationals in the Territory of the SR in 2004-2008** (in number of persons)

	2004	2005	2006	2007	2008
<b>Total</b>	<b>10 778</b>	<b>7 970</b>	<b>7 620</b>	<b>6 110</b>	<b>2 320</b>
Illegal crossing of the state border of the SR	8 239	5 104	4 129	3 311	1 020
Illegal stay in the territory of the SR	2 539	2 866	3 491	2 799	1 300

Source: BBAP Mol SR.

The number of discovered illegal migrants substantially decreased both in the case of illegal state border crossing and illegal stay. The largest decline in the number of discovered illegal migrants can be observed on the internal Schengen border; it was an expected and logical consequence of the cancellation of border controls at the given state border sections. Also, there was a minimum illegal migration pressure on the external Schengen air borders. The reason for this development is primarily the fact that the capacity of the three Schengen airports in the SR is small, and the number of flights from countries outside of the Schengen Area is very low. In spite of the lower number of discovered illegal migrants, the pressure on the Slovak-Ukrainian border remained high in 2008, since it is the only external Schengen land border being the main migration flow as a part of the Eastern-European migration route.

The Slovak Republic has long been a transit country for the majority of illegal migrants, and this trend did not change in 2008. The facts proving that the SR is a transit country for the majority of illegal migrants, mainly include misuse of the asylum instrument upon apprehension (legalisation of the stay and subsequent wilful departure from asylum facilities and continuation in illegal migration to more developed EU countries), Dublin transfers from the countries of destination to the territory of the SR, migrants' statements, etc.

The highest share (25%) in the total number of illegal migrants apprehended in 2008 was formed by Ukrainians, just as in 2007. Ukrainians are typical overstayers in the SR. Of the total number of apprehended Ukrainians,

50% were apprehended upon their illegal stay in the country, mainly preceded by legal entry into the territory of the SR; 40% of them were discovered at border crossings upon exit from the SR, and only approx. 10% of them were detained upon illegal crossing of the external land border. The share of Moldova nationals in the total number of persons apprehended in 2008 constituted approx. 20%, and slightly increased compared to the previous year. Moldavians were apprehended upon illegal crossing of the external land border in 75% of cases, and upon illegal stay after their illegal entry into the country in 25% of the cases. They are typical transit migrants. In 2008, the nationals of Georgia represented the highest increase in the share of apprehended illegal migrants – from 5% in 2007 to 10% in 2008. The reason for this increase was the war conflict between Russia and Georgia for Abkhazia and South Ossetia in August. An increase was also recorded in relation to the nationals of Afghanistan. On the other hand, the share of Pakistanis and Indians declined. As for other citizenships, no significant changes occurred. Most of the apprehended illegal migrants came from the category of transit migrants.

As per age, the persons apprehended most frequently were persons in productive age; the number of minors represented only 10%. The average share of males was 83%, and that of females 17%, similarly as in the case of minors where 80% in average were males and 20% were females. More females could be found among the nationals of Ukraine, Russia and China. On the other hand, males prevailed in the group of the nationals of Pakistan, Bangladesh, Georgia and India.

96% of all the persons apprehended upon illegal state border crossing in 2008 were apprehended at the external land border – at the Slovak-Ukrainian state border section through which the main migration flow runs. Migrants crossed this border section mainly by foot, outside of the border crossing through the so-called green border, and in the majority of cases with the help of smugglers, without travel documents and in the direction of the SR. Just a very small part of them attempted to cross the border through the border crossing. The other illegal migrants were apprehended at airports and upon attempts to cross the internal borders. As for secondary migration flows, only the migration flow Poland – Slovakia – Austria was used from the beginning of 2008. This migration flow was almost exclusively used by the nationals of the Russian Federation of Chechnyan



ethnicity who applied for asylum in Poland and started to move to their countries of destination (especially Austria) after the accession of new EU Member States into the Schengen Area. The biggest pressure by this group of migrants was manifested in the first quarter-year of 2008, and gradually decreased in the next months up to the current low pressure.

An analysis of the discovered illegal stays of migrants from the point of view of their previous entry into the territory of the SR, the reasons for their stay and the place of being discovered gives us three basic categories to be assessed separately.

The first category is illegal stay discovered inland and preceded by an illegal entry into the territory of the SR, and includes illegal migrants staying in Slovakia for a minimum period of time and just transiting our territory. As a result of the cancellation of border controls on the internal borders (after entering into the Schengen Area), the stay in the territory of the SR and the transit of smuggled illegal migrants was reduced. In the majority of cases, these migrants have no identity documents, and usually use the main migration route – the external land border. The nationals of Moldova and Pakistan were mostly represented in this category.

The second category is illegal stay discovered inland, preceded by a legal entry into the territory of the SR (or the Schengen Area). A characteristic feature of this category is that foreign migrants falling into this group stay in our territory longer, and have a visa or a residence permit in the SR or in any other Schengen country. This category is known as “overstayers” – their stay in the SR has become illegal by having exceeded the period of stay specified in the visa, residence permit or no-visa agreement, etc. This category is closely connected with the problem of illegal work which is the most frequent reason for staying in the territory of the SR. Mostly represented in this category are the nationals of Ukraine, followed by the nationals of Korea and Vietnam. For this group of nationals, the Slovak Republic is also a country of destination.

The third category is illegal stay discovered at border crossings upon exit from the SR, including, again, overstayers returning to their home countries. Nationals of Ukraine returning home through the border crossing at the external land border constitute up to 82% of the total number. Ukrain-

ians are economically motivated to enter the SR and the EU, and higher wages offered in the neighbouring EU countries will continue to be an important factor of attractiveness. A specific feature of these cases is that it is often difficult to prove whether the foreigner stayed (worked) in the Slovak territory or in another EU Member State.



## Residence Permits and Residence of Third-Country Nationals (Article 6)

The data of 2008 presented in Chapter 6 is taken from the Eurostat Statistics Database compiled in accordance with the definitions of the Migration Statistics Regulation and Expert Technical Instructions for Data Collection based on Article 6 of the Migration Statistics Regulation.

For the purpose of comparison with the year 2007, the authors used the data of 2007 which the Slovak Republic compiled and provided to Eurostat under its participation in the preparatory stage of the future obligatory delivery of such statistics pursuant to the Migration Statistics Regulation (the first reference year was the year 2008).

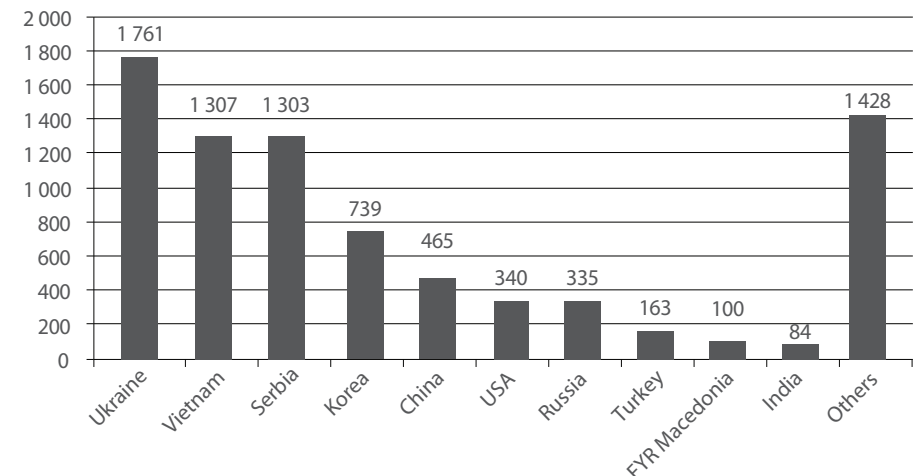
In 2008, 8,025 residence permits were issued in the Slovak Republic. Of the total number of permits, 1,224 (15%) were permits for family reasons, 449 (6%) for study reasons, 3,984 (50%) for the purposes of employment,

and 2,368 (29%) for other reasons. As for the proportion of the different citizenships, the largest group was represented (just as in 2007) by the nationals of Ukraine (22%), Vietnam (16%) and Serbia (16%) who made up 54% of the total number of granted residence permits. Compared to 2007, the number of residence permits grew by 26% (+2,076 applications filed). The highest increase was reported in the category of applications filed for the purposes of employment – by 49% (1,957 applications), and the largest decline in the category of applications filed for other reasons – by 2% (–44 applications).

The most frequent purpose of permitted stays for third-country nationals throughout the analysed period was employment, with the nationals of Vietnam (29%), Ukraine (26%), and China (9%) holding the highest share. Chart 5 shows the share of third-country nationals with the highest number of residence permits in the Slovak Republic in 2008.

In 2008, the total of 442 third-country nationals changed their immigration status (purpose of stay). Of this number, the largest groups were constituted by the nationals of Korea 19% (85), Ukraine 19% (85), Serbia 10% (44),

**Chart 5 – First-Time Residence Permits by Citizenships in 2008**  
(in persons)

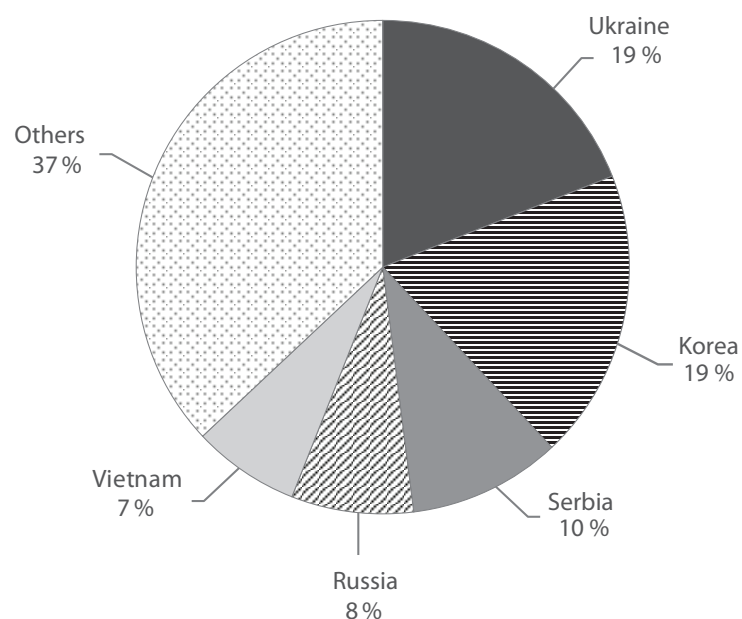


Source: BBAP Mol SR.

Russia 8% (34), Vietnam 7% (30) and other third countries 37% (164) (Chart 6). The available comparable statistical data implies that 232 third-country nationals changed their immigration status in 2007. Compared to 2008, this number grew by 48% (by 210 applications). The nationals of Ukraine 21% (48), Japan 16% (36), Korea 9% (20), Vietnam 7% (16) and Russia 6% (15) represented the biggest share in the number of persons changing their immigration status in 2007.

As of 31 December 2008, 19,962 valid residence permits were registered. Compared with the period as to 31 December 2007, this number rose by 39% (+7,749). Of the total number of residence permits, stays over 12 months and more prevailed – 19,328 (97%). The most frequent reason for stay were other reasons 48% (9,530), employment 30% (5,980), family reasons – 18% (3,662) and study reasons 4% (790). Compared to the period ending on 31 December 2007, the number of stays for other reasons grew by up to 47% (4,443), for reasons of employment by 41% (2,462), family

**Chart 6 – Change of Migration Status by Citizenship in 2008**  
(in persons)

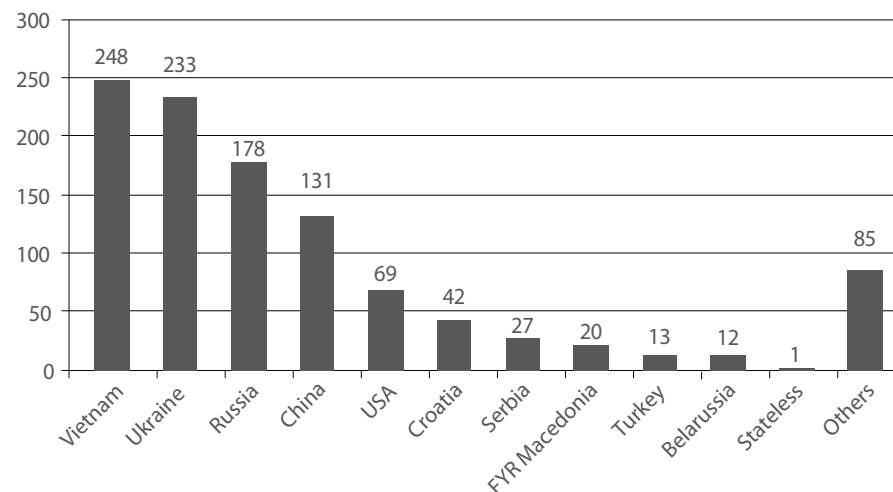


Source: BBAP Mol SR.

reasons by 22% (796) and study reasons by 6% (48).

When comparing the number of persons with long-term residence in the territory of the Slovak Republic with the number one year before (as of 31 December 2007), a decline by 18% (–235) was reported. The largest groups with long-term residence permit were traditionally constituted by the nationals of Ukraine, Vietnam and Russia. As for the share of the different citizenships, no significant changes occurred compared to the previous period.

**Chart 7 – Number of Long-Term Residence Permits by the Citizenship of Immigrants as of the End of 2008** (in persons)



Source: BBAP Mol SR





## Returns (Article 7)

The data from the Eurostat Statistics Database was used to present the 2008 data in Chapter 7 Returns. The table contains data on the total number of third-country nationals bound to leave the territory of the SR (number of issued decisions on administrative expulsion or judicial expulsion of third-country nationals) and data on the total number of third-country nationals who have in fact left the territory of the SR based on the decision on administrative expulsion or on the basis of a judicial decision.

The total number of third-country nationals bound to leave the territory of the SR and of those who have in fact left the territory of the SR does not include persons who were denied entry and persons taken back from the SR under the Dublin Regulations. The rule under which one person can be listed only once was also respected.

For the purposes of comparing the number of returns with the previous year, the authors used the statistical data on the number of persons apprehended upon illegal crossing of the Slovak state border and upon illegal stay who were issued the decision on administrative/judicial expulsion, as

well as the data on persons actually expelled from the Slovak Republic in 2007, as officially published by BBAP Mol SR. This data slightly differ from the Eurostat definition and does not comprise all forms of returns (such as assisted voluntary returns).

Under the Act on Stay of Aliens, measures to prevent any further illegal acts and actions aimed at their return are taken against the foreign nationals who illegally crossed the state border or violated the conditions of stay. Except for cases where a foreign national applies for asylum or voluntary return, or is issued a decision in another Member State, foreign nationals get a decision on administrative expulsion or judicial expulsion.

In 2008, 1,655 decisions on return were issued, which is 71.3% of the total number of apprehended migrants (28.7% of them applied for asylum in the Slovak Republic or for voluntary return, or were returned to the territory of another Member State under the Dublin procedure, or were unaccompanied minors). Compared to the previous year in which 3,090 decisions on return were issued, it forms a decrease by 46.4%. To correctly understand this difference, it is necessary to consider the number of persons apprehended in the respective years. There was a year-to-year decline in this number by up to 62.0% - from 6,110 apprehended persons in 2007 to 2,320 in 2008. This fact implies that the proportion of issued decisions on return to the number of persons apprehended in 2007 increased by up to 20.8 percentage points in 2008 (from 50.5% in 2007 to 71.3% in 2008). In 2008, the share of enforced decisions on return rose from 72.7% in 2007 to 78.4% in 2008, which is an increase by 5.7 percentage points.

Most of the decisions on return in 2008 were issued in relation to the nationals of Ukraine (35.2%), followed by the nationals of Moldova (19.4%), Georgia (8.3%), Pakistan (6.7%) and India (5.1%). As for other citizenships, the share in the total number of decisions on return did not reach 5%. When comparing this data with the previous year, no significant differences were observed in the proportion of particular citizenships to the total number of issued decisions, with the exception of Ukrainian nationals, where a year-to-year decline by 8.8% was reported, and Georgians with a year-to-year increase by 4.0%.

In 2008, 78.4% of third-country nationals, who were issued the decision on return, verifiably left the territory of the SR. The majority of them were expelled from the Slovak Republic through the Slovak-Ukrainian border; yet, it is not possible to find out whether these foreigners in fact returned to their country of origin (with the exception of Ukrainians). Just a very small part of foreign nationals left the Slovak territory through the external border at airports (out-of-Schengen lines).

The other third-country nationals who were issued the decision on return and in the case of whom it was not possible to verifiably prove their departure from the Slovak territory represent the group of migrants with a share of 21.6%. This group includes illegal migrants who were issued the decision on return and were released with the commitment to leave the territory of the Slovak Republic within the set period, or about the physical return of which no decision was taken, or the physical return of which was executed in the year following the year analysed in this Report (in 2009).

## 7.1 Relationship between Refusals, Apprehensions and Returns

In the field of illegal migration, the Slovak Republic as one of the Schengen Area member states uses different instruments consisting not only of repressions against foreign nationals, but, above all, preventative measures. Refusal is an instrument with a positive impact on the elimination of illegal migration. In case third-country nationals fail to comply with the conditions for entry into the Slovak Republic (Schengen Area), they are refused entry, and the border guard prevents them from entering into the territory of the SR (Schengen Area). As for the citizenship of third-country nationals who were refused entry in 2008, this group was dominated by the nationals of Ukraine (93.2%), followed by Russians (2.3%), and Moldavians (2.0%). Besides these groups, entry was denied to the nationals of four other countries. It is evident that the refusal is related to the geographical location of Slovakia, especially in cases concerning refusals on the external land border. Refusals on the external borders at airports form only 2.2% and relate to citizenships of geographically more distant countries.

On the other hand, the ethnic composition of apprehended third-country nationals is diverse, and the shares of particular citizenships do not correspond to the shares of particular citizenships in refusals. There is a close relation between apprehensions, decisions on return and executed returns. The reason for this is the fact that the foreign nationals apprehended upon illegal migration are issued the decision on return, and the returns are carried out on the basis of the decisions on return.

The number of issued decisions is largely influenced by the *modus operandi* of illegal migration and by the fact whether it concerns unaccompanied minors (it is not possible to issue a decision on expulsion for unaccompanied minors, except that it is in their interest). In cases where third-country nationals are being apprehended inland after they had illegally entered the Slovak Republic, about a half of them applies for asylum in Slovakia after being apprehended, and hence the decision on return is not issued. Where third-country nationals violated the conditions of stay (overstayers), they were usually issued the decision on return and were bound to depart from the territory of the SR within the set period; yet, in the majority of cases, it was not possible to verifiably prove whether they have in fact left the territory of the SR (e. g. Koreans). Most of the decisions on return and most of the returns as compared to the number of apprehended persons were enforced in relation to third-country nationals who had been apprehended upon illegal crossing of the external border (e. g. Georgians, Moldavians, Ukrainians).



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