

Mgr. Ivana Potočková, E.MA

ANNUAL REPORT ON MIGRATION
AND ASYLUM POLICIES 2009
SLOVAK REPUBLIC

Annual Report on Migration and Asylum Policies 2009 Slovak Republic

Mgr. Ivana Potočková, E.MA

National Study for the European Migration Network

December 2009 – February 2010
Bratislava



The EMN has been established via Council Decision 2008/381/EC and is financially supported by the European Union.

Financed by the European Union and the Ministry of Interior of the SR.

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

IOM International Organization for Migration
National Contact Point of the Slovak Republic in the European Migration Network
Grösslingová 4
811 09 Bratislava, Slovak Republic
E-mail: ncpslovakia@iom.int
Tel.: +421 2 5262 3335

ISBN 978-80-970307-4-2



Preface

This report was compiled by the IOM International Organization for Migration Bratislava in its function as the National Contact Point (NCP) of the Slovak Republic in the European Migration Network (EMN). This national report follows the common specifications and methodology prepared by the European Migration Network. The report was compiled by external expert contracted by IOM in 2009/2010.

Contents

Executive summary	10		
List of Abbreviations	11		
01. General structure of political and legal system in the Slovak Republic	12		
1.1. General structure of the political system and institutional context relevant for migration and asylum, developments in 2009	12		
1.2. General structure of the legal system in the area of migration and asylum in the Slovak Republic	13		
02. Political, legislative and institutional developments in the area of migration and asylum	15		
2.1. General political developments in 2009	15		
2.2. Overview of the main policy and legislative debates that have occurred on migration and asylum issues during 2009	16		
2.3. Institutional developments in the area of migration and asylum in 2009	20		
03. Specific developments in asylum and migration	21		
3.1. Control and Monitoring of Immigration	21		
3.1.1. European Pact on Immigration and Asylum	21		
II(c) ensure that risks of irregular migration are prevented	23		
II(h) an Expulsion Decision taken by one Member State (MS) should be applicable throughout the EU and entered into the SIS/ implementation of Directive 2001/40/EC	23		
III(a) more effective control of the external land, sea and air borders:	24		
III(b) generalise the issue of biometric visas, improve cooperation between MSs' consulates and set up joint consular services for visas:	24		
III (d) solidarity with MS subjected to disproportionate influxes of immigrants	24		
III(e) deploy modern technological means for border control	24		
III(f) Intensify cooperation with the countries of origin and of transit in order to strengthen border control	25		
3.1.2. Additional/Complementary developments	25		
3.2. Refugee Protection and Asylum	27		
3.2.1. European Pact on Immigration and Asylum	27		
IV(c) solidarity with MS which are faced with specific and disproportionate pressures on their national asylum systems	27		
IV(e) MS are invited to provide the personnel responsible for external border controls with training in the rights and obligations pertaining to international protection	27		
3.2.2. Additional/Complementary developments	27		
3.3. Unaccompanied Minors (and other vulnerable groups)	29		
3.3.1. European Pact on Immigration and Asylum	29		
3.3.2. Additional/Complementary developments	29		
3.4. Economic Migration	30		
3.4.1. European Pact on Immigration and Asylum	30		
I(a) Implement policies for labour migration	30		
I(b) increase the attractiveness of the EU for highly qualified workers and further facilitate the reception of students and researchers:	30		
I(c) Do not aggravate the brain drain:	30		
3.4.2. Additional/Complementary Developments	31		
3.5. Family Reunification	31		
3.5.1. European Pact on Immigration and Asylum	31		
I(d) To regulate family migration more effectively	31		
3.6. Other legal migration	31		
3.6.1. European Pact on Immigration and Asylum	31		
I(f) Improve information on the possibilities and conditions of legal migration	31		
3.6.2. Additional/Complementary developments	31		
3.7. Integration	32		
3.7.1. European Pact on Immigration and Asylum	32		
I(g) Promote harmonious integration in line with the common basic principles	32		
I(h) Promote information exchange on best practices in terms of reception and integration	34		
3.7.2. Additional/Complementary developments	34		
3.8. Citizenship and Naturalisation	36		
3.8.1. European Pact on Immigration and Asylum	36		
3.8.2. Additional/Complementary developments	36		
3.9. Illegal Immigration	36		
3.9.1. European Pact on Immigration and Asylum	36		
II(a) only case-by-case regularisation	36		
II(g) take rigorous actions and penalties against those who exploit illegal immigrants	37		
3.10. Actions against human trafficking	37		
3.10.1. European Pact on Immigration and Asylum	37		
II(e) cooperation with the countries of origin and of transit, in particular to combat human trafficking and to provide better information to communities under threat	37		
3.10.2. Additional/Complementary developments	38		
3.11. Return Migration	39		
3.11.1. European Pact on Immigration and Asylum	39		
II(b) To conclude readmission agreements at EU or bilateral level	39		

Contents

II(f) To devise incentive systems to assist voluntary return and to keep each other informed	39
3.12. External relations/ Global Approach	41
3.12.1. European Pact on Immigration and Asylum	41
V(a) conclude EU-level or bilateral agreements with the countries of origin and of transit containing clause on legal and illegal migration as well as development	41
V(b) the nationals of partner countries to the East and South of Europe opportunities for the legal immigration	41
V(c) cooperation with the countries of origin and of transit in order to deter or prevent illegal immigration	41
V(d) More effective integration of migration and development policies	41
V(e) promote co-development actions and support instrument for transferring migrants' remittances	42
04. Implementation of EU Legislation	43
4.1 Transposition of EU legislation 2009	43
4.2 Experiences, debates in the (non-) implementation of EU legislation	43
Annex – Methodology, Statistics and Bibliography	44
A1.1. Methodology	44
A1.2. Statistics - Migration	46
A1.3. Bibliography	59

Executive Summary

The Annual Policy Report on Asylum and Migration 2009 provides an overview of the most important changes regarding legislative, institutional and practical aspects of migration and asylum that have taken place in the Slovak Republic in the reference period from 1 January 2009 to 31 December 2009. The national annual policy report has been elaborated within the framework of the European Migration Network activities by the EMN National Contact Point in the SR. The EMN is an initiative of the European Commission. The structure and the contents of the chapters follow the specification set by the European Commission. The specification is identical for all EU Member States.

The Report is divided into four main chapters: 1. General structure of political and legal system in Slovakia in 2009; 2. Political and institutional developments in Slovakia in 2009; 3. Specific developments in asylum and migration in Slovakia in 2009 that comprises parts on implementation of the European Pact on Migration and Asylum in the SR; and 4. Implementation of EU legislation. The Annex consists of Methodology, List of Abbreviations, Statistics and Bibliography.

In 2009 there have not been any significant changes on political, institutional and legal level that would influence the migration and asylum policy. The development of migration has been affected by the global financial crisis in 2009 on the wide scale, mainly the area of labour migration. The Government of the Slovak Republic in connection with the global financial crisis did not introduce any restrictive measures regarding the employment of the third-country nationals in the SR or specific measures that would support return of the migrants to the countries of origin. Generally, the financial crisis did not have an impact on the national legislation in the area of migration in 2009.

The Slovak Republic Government approved the *Concept of Foreigner Integration in the Slovak Republic* in May 2009 which defines elementary goals, tools and principles of the foreigners' integration policy in the SR. *The third-country nationals' migration and integration Steering Board*, which was established in 2009, is responsible for the implementation and monitoring of the tasks resulting from the *Concept of Foreigner Integration in the Slovak Republic* and the *Concept of Migration Policy of the Slovak Republic*.

Many activities (projects, researches, conferences and workshops) were carried out during the reference period in the area of migration and asylum by the governmental bodies, NGOs and academic sphere. In the framework of projects financed by the EU, three new information websites on migration were established: www.migration.sk, www.migracia.euoiuris.sk www.migranti.sk. At the same time, the huge information campaign on voluntary assisted returns aimed at third-country nationals in the SR was undertaken during the year 2009.

Besides the amendment to the Act on Stay of Aliens in connection with the transposition of the Return Directive there were no significant changes of the laws regulating the area of migration and asylum in 2009.

The year 2009 in the SR was characterised by further decrease of the pressure on the state borders – decline in the number of asylum seekers and reduction of illegal migration (considering the statistics on the recorded cases of illegal migration).

Public debates regarding migration, integration and asylum were present on the expert meetings which number increased comparing to the year 2008. However, the public was not involved significantly with regards to the discussions. Illegal migration, asylum, labour migration and integration of the third-country nationals were issues that attracted most of the media attention. The report provides a brief overview of media monitoring in this field.

List of Abbreviations

APD – Alien Police Unit of the Police Corps (oddelenie cudzineckej polície Policajného zboru)
BBAP MoI SR – Bureau of Border and Alien Police of the Ministry of Interior of SR (Úrad hraničnej a cudzineckej polície Ministerstva vnútra SR)
CBSAR – Common Border Security Assessment Report
Coll. – Collection of Laws of the SR (Zbierka zákonov SR)
COSPOL – Comprehensive, Operational, Strategic Planning for the Police
DMIF – Department of Migration and Integration of Foreigners of the MoLSAF SR (odbor migrácie a integrácie cudzincov MPSVR SR)
ECDC – European Centre for Disease Prevention and Control
EC – European Community (Európske spoločenstvo)
EEA – European Economic Area (Európsky hospodársky priestor)
EIF – European Fund for the Integration of Third Country Nationals (Európsky fond pre integráciu)
EMN – European Migration Network (Európska migračná sieť)
ERF – European Refugee Fund
EU – European Union (Európska únia)
EUBAM – European Border Assistance Mission (Európska misia na pomoc v oblasti hraníc)
EUROPOL – European Law Enforcement Agency (Európsky policajný úrad)
EUROSUR – European Border Surveillance System (Európsky systém na ochranu hraníc)
EWG – expert working group
FRONTEX – Európska agentúra pre riadenie operačnej spolupráce na vonkajších hraniciach
HRL – The Human Rights League
INTERPOL – International Criminal Police Organisation (Medzinárodná policajná organizácia)
IOM – International Organisation for Migration (Medzinárodná organizácia pre migráciu)

IVO – Institute for Public Affairs
MEKOMIC – Inter-departmental Commission on Labour Migration and Integration of Foreigners (Medzirezortná komisia pre oblasť pracovnej migrácie a integrácie cudzincov)
MIC – Migration Information Centre (Migračné informačné centrum)
MO MoI SR – Migration Office of the Ministry of Interior of the SR (Migračný úrad MV SR)
MoFA SR – Ministry of Foreign Affairs of the SR (Ministerstvo zahraničných vecí SR)
MoJ SR – Ministry of Justice of the SR (Ministerstvo spravodlivosti SR)
MoI SR – Ministry of Interior of the SR (Ministerstvo vnútra SR)
MoLSAF SR – Ministry of Labour, Social Affairs and Family of the SR (Ministerstvo práce, sociálnych vecí a rodiny SR)
NCP – National Contact Point
NGO – non-governmental organization
NR SR – National Council of the Slovak Republic (Národná rada Slovenskej republiky)
ODA – Official Development Assistance
Pact – European Pact on Immigration and Asylum
RABIT – Rapid Border Intervention Teams
SAV – Slovak Academy of Science (Slovenská akadémia vied)
SIS – Schengen Information System (Schengenský informačný systém)
SNSLP – Slovak National Centre for Human Rights (Slovenské národné stredisko pre ľudské práva)
SP – subsidiary protection (doplnková ochrana)
SR – Slovak Republic (Slovenská republika)
UAM – unaccompanied minor (maloletí bez sprievodu)
UNHCR – United Nations High Commissioner for Refugees (Úrad vysokého komisára OSN pre utečencov)
ÚPSVR – Centre of labour, social affairs and family
Visa Code – Community Code on Visas

1.1 General structure of the political system and institutional context relevant for migration and asylum, developments in 2009

The Slovak Republic is a parliamentary democracy. According to the Constitution of the SR the Slovak Republic is a sovereign, democratic state governed by the rule of law¹ and a unitary state². The president of the SR is formally the head of state³. The Constitution of the SR divides the power into three branches: executive, legislative and judicial. The executive power is exercised by the President and the Government. The legislative power is exercised by the parliament (National Council of the Slovak Republic) and judicial power is exercised by the independent and impartial courts.

Territorial self-administration shall be composed of a municipality and a higher territorial unit⁴. Legal provisions regarding territorial self-administration on both levels (municipalities and higher territorial units) respect exercising of self-administration by the municipalities (towns) and their bodies. Higher territorial units do not present superior level of the self-administration towards the municipal self-administration⁵.

The main actors in the area of migration and asylum in the SR, as in year 2008, are the following three ministries. The Ministry of Interior of the

1 Article 1 of the Constitution of the Slovak Republic No. 460/1992 Coll., as amended by the Constitutional Law No. 244/1998 Coll., Constitutional Law No. 9/1999 Coll., Constitutional Law No. 90/2001 Coll., Constitutional Law No.140/2004 Coll., Constitutional Law No. 323/2004 Coll.

2 Article 3 of the Constitution of the Slovak Republic

3 Article 101 of the Constitution of the Slovak Republic

4 Article 64 of the Constitution of the Slovak Republic

5 Machajová et coll.: *Všeobecné správne právo* (General Administrative Law (translation by the author), 3rd publication, Bratislava 2009, p. 113, according to the Act No. 416/2001 Coll. During the period 2002 – 2004 400 competencies were transferred in 5 phases to the municipalities and higher territorial units from the ministries and state governed bodies on the regional levels.

SR is competent mainly in the field of legal and illegal migration through its Migration Office, and the Bureau of Border and Alien Police⁶. The Ministry of Labour, Social Affairs and Family of the SR⁷ is responsible by means of its specific department⁸ established in 2007 for the area of labour migration and integration of foreigners. Another field of activity of the MoLSAF SR is social care for unaccompanied minors and other categories of foreigners, asylum seekers etc. The Ministry of Foreign Affairs of the SR⁹ is responsible, through its diplomatic offices abroad, for the issuance of visas and acceptance of applications for residence permit in the SR. It also assists in the return procedure of minor foreigners and the preparation of readmission agreements.

More detailed information regarding the structure of the legal system in the area of migration and asylum is available in the Study on the Organisation of Asylum and Migration Policies in the Slovak Republic¹⁰ and in the Annual Report on Migration and Asylum Policies 2008 Slovak Republic¹¹.

There were not any significant changes regarding the structure of the political system or institutional context in the field of migration and asylum in the year 2009 comparing to 2008, besides establishment of the *third-country nationals migration and integration Steering Board* (hereinafter "Steering Board"), which is the coordinating, inter-institutional, expert and initiative body of the SR in the field of migration and

6 The Minister of Interior in 2009 was Mr. Robert Kaliňák (SMER – Social Democracy).

7 The Minister of Labour, Social Affairs and Family in 2009 was Ms. Viera Tomanová (SMER – Social democracy).

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

9 The Minister of Foreign Affairs of the SR until the 26 January 2009 was Mr. Ján Kubiš (SMER – Social Democracy). The President of the SR, Mr. Ivan Gašparovič, appointed new Minister of Foreign Affairs Mr. Miroslav Lajčák.

10 Grethe Guličová, Bargerová, Study on the Organisation of Asylum and Migration Policies in the Slovak Republic, European Migration Network, Bratislava, 2008, available at the website: <http://www.emn.sk> (consulted on 28 January 2010).

11 Bargerová, Številová, Annual Report on Migration and Asylum Policies 2008 Slovak Republic European Migration Network, Bratislava, 2009, available at the webpage: <http://www.emn.sk> (consulted on 28 January 2010).

asylum. More detailed information regarding the *Steering Board* is available in chapter 2.2 and 3.7.2 of this Report.

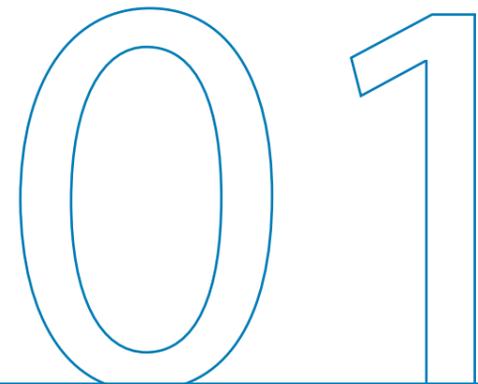
1.2 General structure of the legal system in the area of migration and asylum in the Slovak Republic

The Slovak Republic legal system belongs to, so called, *continental legal system*. Therefore, the law-making, not only in the area of migration and asylum, is a *process* regulated by the Constitution of the SR and valid laws and realised by the state bodies or self-administration bodies (secondary legislation) with the aim to create, change or abolish normative legal acts or their parts containing legal norms with universal or local force¹².

The sources of law in the SR are the Constitution of the SR and constitutional laws (legal norms on top of the hierarchy of legal order), laws, regulations of the Government of the SR, generally binding legal regulations of the ministries and other central bodies of the state administration of the SR, generally binding regulations issued by municipal representation, decisions of the President of the SR, decisions (findings, judgments and rulings) of the Constitutional Court of the SR.

International treaties on human rights and fundamental freedoms, international treaties whose executions does not require a law and international treaties which directly establish rights or obligations of natural persons or legal persons and which were ratified and promulgated in a manner laid down by law shall have primacy over the laws and belong also to the sources of law according to the Article 7 (5) of the Constitution of the SR. In accordance with the Article 7 (2) of the Constitution of the SR legally binding acts of the European Communities

12 Prusák, *Teória práva* (The Theory of Law (translated by the author)), Bratislava, 2001, p. 184.



General structure of political and legal system in the Slovak Republic

and European Union shall have as well primacy over the laws of the SR. It is necessary to point out that the decisions of the general courts (judicial precedents) are not source of law in the SR in comparison with the common law legal system¹³.

The most important legal norms regulating the area of migration and asylum are as follows: Act on Stay of Aliens¹⁴, Act on Asylum¹⁵, Act on Employment Services¹⁶, Labour Code¹⁷, Act on Illegal Work and Illegal Employment¹⁸, Act on Social and Legal Protection of Children and Social Custody¹⁹, Act on Social Insurance²⁰, Act on Citizenship of the Slovak Republic²¹, Civil Procedure Code²², Act on Administrative Procedure (Administrative Procedure Code)²³, Criminal Code²⁴, Act on Help in Material Destitute²⁵, Act on Upbringing and Education (the School Act)²⁶, Act on Universities²⁷, Act on Health Insurance²⁸, Act on Family²⁹, Act on Travel Documents³⁰, Act on

the State Border Safeguarding³¹, Act on Administrative Fees³², etc. The rights and duties of foreigners are further regulated by a wide variety of legal norms relating to the particular aspects of their lives in the SR³³.

More detailed information is available in the EMN Annual Report on Migration and Asylum Policies 2008 Slovak Republic³⁴.

13 Cibulka, Posluch, Štátne právo Slovenskej republiky (Constitutional Law of the Slovak Republic), Bratislava, 2003, p. 134-136.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

34 Bargerová, Številová, Annual Report on Migration and Asylum Policies 2008 Slovak Republic European Migration Network, Bratislava, 2009, available at the webpage: <http://www.emn.sk> (consulted on 28 January 2010).

2.1 General political developments in 2009

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

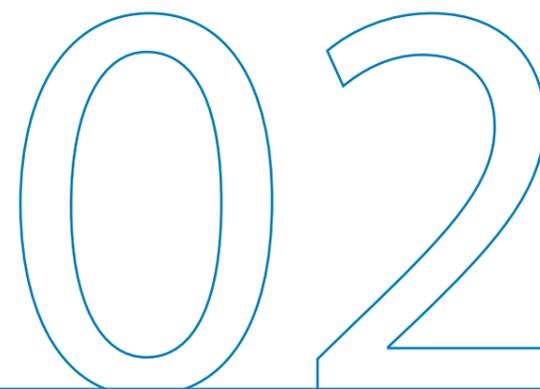
At present the Government of the SR is composed of 16 members: the Prime Minister, four Deputy Prime Ministers of the Government of the SR (while three of them holding the posts of Minister of Interior, Minister of Education and Minister of Justice, the fourth Deputy Prime Minister³⁵ is a member of the Government who is not appointed as a minister of any of the ministries) and 11 ministers. On 26 January 2009 President Ivan Gašparovič accepted demission of Ján Kubiš, the Minister of Foreign Affairs. Ján Kubiš became the executive secretary of the UN Economic Commission for Europe (UNECE) in Geneva. Miroslav Lajčák, who served as the High Representative of the International Community in Bosnia and Herzegovina, was appointed as a new Minister of Foreign Affairs. The posts of other ministers (Minister of Interior, Minister of Labour, Social Affairs and Family) relevant from the point of view of migration and asylum remained unchanged in 2009 when comparing to 2008.

Year 2009 was significant for several events on the political scene.

The third direct election of the president of the SR took place in March and April 2009³⁶. Incumbent president Ivan Gašparovič was re-elected in the second round of the elections beating opposition candidate Iveta Radičová. Part of the electorate took part in the additional elections to the representative bodies of the municipality

35 Deputy Prime Minister of the Government of the Slovak Republic for knowledge-based society, European affairs, human rights and minorities.

36 The first round of presidential elections was held on 21 March 2009. Two first candidates advanced to the second round. The second round of the presidential elections was held on 4 April 2009.



Political, legislative and institutional developments in the area of migration and asylum

self-administration in April 2009.

The 2009 elections for the European Parliament took place in June 2009³⁷. Slovakia was characterised with the lowest turnout with only 19.64 % in the whole EU³⁸.

In November 2009³⁹ communal election to the representative bodies of the higher territorial units took place.

However, topics of migration or asylum were not present during the political debates within the election campaigns.

2.2 Overview of the main policy and legislative debates that have occurred on migration and asylum issues during 2009

There were several changes with respect to the migration and asylum at ministerial levels in 2009 comparing to 2008.

The MoLSAF SR elaborated in 2009 the *Concept of Foreigner Integration in the Slovak Republic* (hereinafter "the Concept") which proposes legislative, organizational, conceptual and practical measures, defines main goals and tools of the integration policy in the SR, and mechanisms for the cooperation and coordination of the activities carried out by the key actors in that area.

Under the supervision of the MoLSAF SR five working groups (hereinafter "WG") of the Inter-Departmental Commission on Labour Migration and Integration of Foreigners (MEKOMIC) took part on elaboration of the Concept (WG on the legislative issues and residence, WG on

employment and labour market access, WG on health care and social security, WG on education and WG on housing).

The Government of the SR approved the Concept of Foreigner Integration in the Slovak Republic by Government Resolution No. 338 as of 6 May 2009. In this respect the MoLSAF organised the *Conference on the integration of the third-country nationals in Slovakia: from the Concept to Integration* on 29 June 2009. The aim of the Conference was to present the Concept of Foreigners Integration in the Slovak Republic from the point of view of implementation of further practical and integration implementation measures⁴⁰. Department for the Migration and Integration of Foreigners of the MoLSAF accepted several conclusions and recommendations on the basis of discussion among the main key actors involved⁴¹. The Conference, attended also by internationally recognised experts, was also the final phase of the national project of the European Integration Fund for the third-country nationals - "*Elaboration of the analyses and recommendations related to the Concept of Foreigner Integration in the Slovak Republic*" financed by the EU⁴². *More detailed information regarding the Concept of foreigner integration in the SR is available in Chapter 3.7 dedicated to integration.*

During the Inter-Departmental Commission on Labour Migration and Integration of Foreigners (MEKOMIC) meetings and on the meeting with representatives of foreigners in the SR held in December 2009 following issues were discussed: particular possibilities of integration measures implementation, intensification of the cooperation between ministries, *the Concept* tasks for the other central bodies of the state administra-

40 More detailed information is available in Chapter 3. 7. 1 I (h) of this report.

41 Conclusions and recommendations approved during the Conference are available at: <http://www.employment.gov.sk/index.php?SMC=1&id=16552> (consulted on 10 February 2010).

42 Within the EIF project the financial support was used also for working meetings and round tables in the preliminary phase of the elaboration of the Concept, press conference organized with the aim to present the document approved by the Government of the SR, as well as for preparation and print of the booklet in Slovak and English language and a CD.

tion of the SR and cooperating institutions, as well as involvement of the bodies of municipal self-administration into the foreigners integration process. The debate was held also on topics of health insurance and access of different categories of foreigners to the health care.

In 2009, the *third-country national migration and integration Steering Board* was established. The Steering Board is responsible for the implementation and monitoring of the tasks resulting from the Concept of Foreigner Integration in the Slovak Republic and the Concept of Migration Policy in the Slovak Republic⁴³. The Steering Board is also responsible for the policy coordination and unification of the statements within the ministries towards the EU and other international organizations. The chair of the Steering Board is the Director of the Migration Office of the MoI SR. The Steering Board is composed of permanent members – representatives of the relevant ministries and public institutions – and ad hoc members including the NGOs and international organizations. Organizational structure of the Steering Board comprises expert working groups which are basic and thematically oriented working bodies of the Steering board. The expert working groups (hereinafter "EWG") fulfil the tasks resulting from the *Concept of Foreigner Integration in the Slovak Republic* and the *Concept of Migration Policy in the Slovak Republic* or they take part on implementation of both concepts on particular subject. There was created 6 EWG altogether (EWG No.1 on legal migration, EWG No. 2 on illegal migration, readmission and returns, EWG No. 3 on visa, EWG No. 4 on asylum, EWG No. 5 on integration of foreigners, EWG No. 6 on migration and development)⁴⁴. There were two meeting of the Steering Board in 2009.

Other following debates on professional level, media activities or other non-political activities had an impact on developments in the area of integration of foreigners, labour migration and asylum (part of the relevant information is available

43 More detailed information is available in the Chapter 3. 7. 2.
44 Article 7 of the Statute of the third-country national migration and integration Steering Board.

according to the Specification in the Chapter 3):

The IOM implemented a research project entitled *Migration in the Slovak Republic after the entry to the EU (2004-2008)* from April to December 2009⁴⁵. The project comprised following activities – 1. research of the migration trends and developments of the migration policy in the SR; 2. representative research on the public opinion; 3. presentation of the research reports from the both previously mentioned activities on the press conference and public discussion organized by the IOM under the title *Migration in the Slovak Republic in 2009, held on 17 December 2009* and attended by the experts from the state administration, academic and scientific sphere and representatives of the foreigners living in the SR. Two panel discussions entitled "*What is the attitude towards migrants in the SR?*" and "*Are we prepared to accept migrants in the SR?*" took place during the conference

Further, the IOM has implemented also during the year 2009 an ongoing project entitled *Increasing public health security along the new eastern external borders of the EU* since June 2007. The aim of the project is to minimize the risks endangering public health, building capacities of the state border guards and health workers, as well as to contribute to fulfilment of the one of the fundamental human rights – the right of the migrants to health care. Within project implementation co-operated the following EU member states: Hungary, Poland, Romania and Slovakia; as well as the European Centre for Disease Prevention and Control (ECDC), FRONTEX, the WHO in Europe⁴⁶. One of the spe-

45 The issue of migration was practically almost not present in academic studies or researches in the SR and only few research studies were carried out on the general analysis of the foreign migration or its specific aspects. More detailed information is available on the website: <http://www.iom.sk/sk/aktivita/integracia-migrantov/aktualne-projekty/17-migracia-v-slovenskej-republike-po-vstupe-do-eu-2004-2008-analyza-migracnych-trendov-a-postojov-verejnosti-k-otazkam-migracie-a-integracie-cudzincov> (consulted on 10 February 2010).

46 More detailed information on the project is available on the webpage: <http://www.iom.sk/sk/aktivita/ine-aktivita/aktualne-projekty/21-zvysovane-bezpecnosti-verejneho-zdravie-pozdiz-novej-vychodnej-hranice-eu> (consulted on 10 February 2010).

cific targets of the project was to minimize the risk endangering the public health resulting from the migration along the external borders of the enlarged EU.

The Milan Šimečka Foundation organised the 4th year of the "New Minorities Week" festival, held from 19 to 25 October 2009 in Bratislava. The festival comprised discussions, presentations, movies and targeted the broad public and university students, and the objective was to increase the awareness of migration and new communities in Slovakia and to promote the mutual dialogue⁴⁷.

The second meeting of the *National Convent on the EU on topic Migration and its consequences* was held on 8 October 2009⁴⁸. The participants discussed the issues related to the trans-national migration, state border security and socio-economic consequences of this phenomenon⁴⁹.

The Nitra Self-Governing Region (higher territorial unit) as the only self-governing region in the SR that, became a partner of the project OPEN-Cities, organized public discussion entitled *Migrants – people living among us* on 17 June 2009 in Nitra in order to open the issue of foreigners' integration in the Nitra Self-Governing Region.

Košice Self-Governing Region (higher territorial unit)⁵⁰ implemented from May to December 2009 project entitled "*IKAROS*" – *information campaigns realized by opening of the social dialogue with the third-country nationals with legal residence in the SR, experts and youth at the high schools within the Košice Self-Governing Region*⁵¹.

47 More detailed information on festival „Týždeň nových menšín“ („The New Minorities Week“ (translated by the author)) is available at: <http://www.nadaciamilanashimecku.sk/index.php?id=142> (consulted on 12 February 2010).

48 More information is available on the webpage: www.euractiv.sk/buducnost-eu/clanok/mzv-sr-narodny-konvent-o-eu-riesi-problematiku-migracie (consulted on 2 February 2010).

49 The National Convent is prepared by the Matej Bel University, Faculty of Political Sciences and International Relations in cooperation with the Government Office of the Slovak Republic and the Ministry of Foreign Affairs of the SR.

50 The Department of the Crisis Management and Community Projects of the Košice Self-Governing Region Office.

51 More detailed information is available on the webpage:

Information campaigns were organized at ten high schools that were founded by the Košice Self-Governing Region. The target group was high school students before the school leaving exam who are capable to understand the problems on the general level and can put themselves in the situation of being a migrant in a foreign country.

The Slovak Humanitarian Council launched a project entitled *Bridges to Tolerance V* in November 2009. The aim of the project is to effectively contribute to the prevention of different forms of discrimination, racism, xenophobia, anti-Semitism and intolerance towards refugees from the side of the majority population of the SR through interactive cultural lectures⁵².

The Slovak National Centre for Human Rights carried out a research entitled *Perception of human rights and the principle of equal treatment by the adult population in the SR*. Within this project the attitudes and opinion of the Slovak population towards specific groups of people and immigrants were traced⁵³.

The Institute for Sociology of the Slovak Academy of Science published a working paper on labour migration from the SR⁵⁴.

<http://www.vucke.sk/apir/sk/Stranky/Article.aspx?ID=753> (consulted on 10 February 2010).

52 More detailed information is available on the webpage: <http://www.shr.sk/index.htm> (consulted on 2 February 2010).

53 Chaloupka, V., Kotvanova, A., Münchnerová, Vnímание ľudských práv a zásady rovnakého zaobchádzania u dospelých populácie v SR (záverečná správa z výskumu), (Perception of human rights and the principle of equal treatment by the adult population in the SR (final report of the research) The Slovak National Centre for Human Rights, (translated by the author)), Bratislava, 2009, p. 25. The data published in the report are related to the year 2008 since during elaboration of this report the 2009 data were not available, yet.

54 Bahna, M.: Pracovná migrácia zo Slovenska po vstupe do EÚ v kontexte krajín EÚ (Labour migration from Slovakia after the entry into the EU in the context of the EU member states (translated by the author)), text was presented during the Workshop on intercultural dialogue and migration organized by the Centre for European policy on 24 January 2008 in Trenčianske Teplice. Date of internet publication: 16 December 2009, the working paper is available on the webpage:

http://www.sociologia.sav.sk/cms/uploaded/1216_attach_Pracovna_migracia_zo_Slovenska_v_kontexte_EU_10.pdf (consulted on 10 February 2010).

In 2009, there was not elaborated enough on migration and asylum topics scholarly also with respect to the fact that these two issues were not present between the topics discussed in relation to the global financial crisis.

Media monitoring in 2009 shows that the information transmission about the migration phenomenon increased in the Slovak media in 2009 comparing to 2008, however, it can be claimed that in comparison to other topics, the issues of migration and asylum in the SR are only little discussed.

In 2009, media reported on third-country nationals' employment in the SR⁵⁵, sporadically on the work permits for the third-country nationals⁵⁶, on the EU Blue Cards (after adoption of the EU Blue Cards Directive)⁵⁷. Regarding employment the media drew attention on the impact of the economic crisis on the labour market and on the increasing number of unemployed citizens of the SR. Media informed about the expulsion of the third-country nationals illegally working in the SR⁵⁸ and detention of the third-country nationals on the Slovak – Ukrainian border⁵⁹.

More attention was dedicated to the issues of asylum granting⁶⁰ and resettlement⁶¹, than to

55 Employment Institute, Labour migration to the SR will continue, published on 23 July 2009, available on the webpage: <http://www.iz.sk/sk/partneri/migration/seminar-migracia-na-slovensko> (consulted on 13 February 2010).

56 Slovak Radio, Pracovné povolenia pre ľudí z tretích krajín (Work permit for the third-country nationals (translated by the author)), 6 February 2009.

57 Slovak Radio, Blue Cards, 26 May 2009.

58 Slovak Television, Cudzinci pracujúci na Slovensku, (Foreigners working in Slovakia (translated by the author)), 3 June 2009; Television JOJ, Spoveď vyhostenej Ukrajinky, (Confession of the Ukrainian being expelled (translated by the author)) 16 August 2009, Vyhostené Ukrajinky, (Expelled Ukrainian (translated by the author)) 11 October 2009.

59 For instance SITA, Na hranici s Ukrajinou zadržali 31 migrantov, (On Ukrainian border 31 migrants were apprehended (translated by the author)), *Hospodárske noviny*, 28 March 2009.

60 For instance, Habrmanová, S., Údajný terorista nedostal azyl, (Alleged terrorist not granted asylum (translated by the author)), *Hospodárske noviny*, 29 October 2009; Slovak Radio, Zamietli žiadosť o azyl, (Asylum application dismissed (translated by the author)), 28 October 2009.

61 For instance, Kováčová, M., Do Humenného príde sto Pa-

lestínčanov (100 Palestinians comin to Humenne (translated by the author)), *SME*, 21 July 2009; TASR, Na Slovensko mieri stovka palestínskych utečencov, (About 100 Palestinians refugees in direction Slovakia), *aktualne.sk*, 20 July 2009.

62 Barrot, J., (Opinion) Migranti a utečenci: aká je reakcia Európy?, (Migrants and refugees, the only reaction of Europe? (translated by the author)) *Hospodárske noviny*, 19 June 2009, available on the website: <http://hnonline.sk/c1-37496250-migranti-a-utečenci-aka-je-reakcia-eurovy> (consulted on 2 February 2010), Slovak Radio, O azyl v EÚ usilovalo 240 000 ľudí, (240 000 asylum applicants in the EU (translated by the author)), 10 May 2009.

63 For instance, Television TA3, Migračné informačné centrum, (Migration and information centre (translated by the author)), 29 May 2009.

64 For instance, TASR, Vzdelávacia príručka o migrácii a azyle bude na internete do 10. mája, (Handbook on migration and asylum available on the internet until 10 May (translated by the author)), *oPeniazoch.sk*, 2 May 2009, available on the webpage: <http://openiazoch.zoznam.sk/info/zpravy/zprava.asp?NewSID=76060> (consulted on 2 February 2010).

65 For instance, Slovak Radio, Program dobrovoľného návratu migrantov späť do vlasti, (Programme of voluntary returns to the country of origin (translated by the author)), 17 August 2009; SITA, Na Slovensku budú migrantov lákať domov bilbord, (Billboards will lure migrants back home (translated by the author)), *WEBNOVINY*, 17 August 2009; ČTK, Dobrovoľne sa vrátia zo Slovenska do vlasti desiatky cudzincov, (Tens of migrants will return home voluntarily from Slovakia (translated by the author)) *Pravda*, 20 December 2009, available on the webpage: http://spravy.pravda.sk/dobrovolne-sa-vratia-zo-slovenska-do-vlasti-desiatky-cudzincov-pwk-/sk_domace.asp?c=A091220_165005_sk_domace_p29 (consulted on 2 February 2010).

66 For instance, Macek, L., Stavili sme na cudzincov. Tí nám získavajú medaily, (We bet on foreigners and they bring us medals (translated by the author)), *Hospodárske noviny*, 24. 2. 2009.

67 For instance, Kováčová, M., Cudzincov si nepúšťame k telu, *SME*, 19. 12. 2009, available on the webpage: <http://www.sme.sk/c/5161031/cudzincov-si-nepustame-k-telu.html> (consulted on 2 February 2010); *Internetoviny.sk*, Konferencia „Integrácia cudzincov na Slovensku: od koncepcie k implementácii“, (Conference: Integration of foreigners in Slovakia from the

It is possible to conclude that despite increased attention of media to certain aspects of migration and asylum in 2009 comparing to 2008, as well as despite adoption of the *Concept on Foreigner Integration in the SR*, the absence of broader public debate on the state migration, asylum and integration policy is obvious.

2.3 Institutional developments in the area of migration and asylum in 2009

No changes were noticed regarding the institutional framework in the area of migration and asylum in 2009 comparing to 2008.

Concept to implementation (translated by the author), 4. 7. 2009, available on the webpage: <http://www.internetoviny.sk/spravy-z-domova/531-konferencia-integracia-cudzincov-na-slovensku-od-koncepcie-k-implementacii.html> (consulted on 2 February 2010).

03

Specific developments in asylum and migration

3.1 Control and Monitoring of Immigration

3.1.1 European Pact on Immigration and Asylum

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

The Slovak Republic continued to develop the system for more effective physical and technical border control (external border of the *Schengen Area*) with Ukraine. The southern part of the border with Ukraine is equipped with the automatic detection system revealing illegal border crossing. The development of technical protection of the northern part of the border with Ukraine including the development of *virtual fence* along the border in order to automatically detect illegal border crossing continues at present. The pilot project introducing the virtual fence along the 3.5 km border started in 2009.

The SR improved the quality of technical facilities for border control. In the course of the pilot project all border crossings were equipped with the electronic passport readers and new technical devices for detecting false and forged travel documents. New information systems on detection of illegal migration (MIGRA) are planned to be delivered in the end of 2009 - beginning of 2010. The basis of the systems should be the software enabling analytical functions in relation to illegal migration.

At a practical level, the cooperation has taken place between police forces of the EU Member States on bilateral and multilateral level in the form of membership in the Europol analysis files, Interpol, and active involvement in the COSPOL initiatives in connection with the measures to prevent illegal migration.

The Slovak Republic participates in the joint activities organized by the FRONTEX Agency. For further information, see also section 3.1.1 III (d).

Legislative developments

Draft amendment to the *Act on Stay of Aliens* was presented during the 172nd session of the Slovak Republic Government on 30 September 2009 by the Deputy Prime Minister of the Government of the Slovak Republic and Minister of Interior of the Slovak Republic and it was approved by the Slovak Republic National Council on 1 December 2009, with effect from 15 January 2010⁶⁸.

The changes introduced by the amendment of the *Act on Stay of Aliens* refer to the three areas: issuance of visas, changes in issuance of individual types of residence permits and changes related to the removal and apprehension of the third-country nationals. Modifications related to the issuance of visas respond to the Visa Code. Further changes refer to the issuance of temporary residence permit and they are related last but not least also to the requirement of transposition of the *Return Directive*.

In accordance with the section II (c) *Illegal immigration* of the *Pact* commitment there is a modification in respect of stay of the third-country nationals. The Act that amends the *Act on Stay of Aliens* approved by the parliament on 1 December 2009 regulates the issuance of the temporary residence permit for business purposes to the third-country nationals – this type of residence permit can be issued also to the persons acting on behalf of the commercial company or cooperative society.

The temporary residence permit for the purpose of employment is regulated in such a way that certain groups of third-country nationals (mainly third-country nationals (workers) posted to the Slovak Republic) do not need to apply for a residence permit within 90 days of their stay (they are allowed to work directly after coming in the SR and applications for resi-

68 The Act that amends the Act No. 48/2002 Coll. on Aliens Stay has not been published in the Collection of Laws yet, and therefore there is not provided a number of the Act. Currently it is pending for the signature of the President of the Slovak Republic. <http://www.nrsr.sk/Dynamic/Download.aspx?DocID=341411> (consulted on 11 December 2009).

dence permit for the purpose of employment are to be lodged by the third-country nationals at the police unit). The same, i. e. not requiring residence permit within 90 days after the date of entry, applies for students and third-country nationals carrying out specific activities. These third-country nationals are entitled to enter in the SR (and to stay for a maximum period of 90 days) on the basis of issued visa. According to the previous state of law, they had to apply for the residence permit before entering in the SR.

In terms of the procedure of granting the permanent residence permit, the amendment of the *Act on Stay of Aliens* regulates unification of certain provisions with the similar provisions related to the issuance of temporary or tolerated residence permit, e.g. by adding the reasons for refusal of application for the permanent residence permit.

In case of tolerated residence permit due to the respect for private and family life of the third-country national, the categories of third-country nationals that cannot apply for this type of residence permit are explicitly mentioned. It concerns third-country nationals who fulfil the requirements for issuance of another type of the residence permit. New reasons are established for tolerated stay of the third-country nationals in the SR. In addition, the third-country national may not appeal against issuance of the tolerated residence permit prolongation, *de facto* against the decision allowing the application.

The amendment of the *Act on Stay of Aliens* is planned also in connection with transposition of the *High Qualified Workers Directive*⁶⁹. The *High Qualified Workers Directive* introduces *EU Blue Cards* for the purposes of highly qualified employment of the third-country nationals and defines the conditions of entry and residence of third-country nationals as *EU Blue Cards* holders and their family members in the EU Member States⁷⁰.

69 OJ L 155, 18.6.2009.

70 The Directive is due to be transposed by 19 June 2011.

Other legislative changes are necessary due to the transposition of the *Employers Sanctions Directive*⁷¹ by 20 July 2011⁷².

II(h) an Expulsion Decision taken by one Member State (MS) should be applicable throughout the EU and entered into the SIS/ implementation of Directive 2001/40/EC

The provisions regarding the decision on the expulsion of third-country nationals issued by any EEA Member State are fully applicable within the SR in accordance with the Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals.

The Report on the fulfilment of the measures from the *2008 Schengen Action Plan of the Slovak Republic for the period 2008 – 2009*⁷³ (hereafter “the Report”) stated that there has been qualitative progress on the level of police cooperation in fight against organised crime and in the localisation of missing persons and missing objects via the SIS.

By 1 September 2008, 2 954 valid records were entered into the SIS in the SR according to the Article 96 for the purpose of refusing entry to the third-country nationals. By 1 September 2009, 3 219 valid records were entered into the SIS⁷⁴. By 1 January 2010, 2 798 records were entered in to the SIS totally by the SR according to the Article 96 (third-country nationals to be

71 OJ L 168, 30. 6. 2009.

72 For more information, see p. 17.

73 The Report on the fulfilment of the measures from the 2008 Schengen Action Plan of the Slovak Republic for the period 2008 – 2009 was approved by the Slovak Republic Government Resolution No. 217 as of 18 March 2009, available at: [http://www.rokovania.sk/app/materi.al.nsf/0/085AD33A2BD4D-183C125759A00364111/\\$FILE/Zdroj.html](http://www.rokovania.sk/app/materi.al.nsf/0/085AD33A2BD4D-183C125759A00364111/$FILE/Zdroj.html) (consulted on 27 November 2009).

74 The Report further presents that in the period from the 1 September 2007 until 31 December 2008 there were successfully located 438 persons who were subject to the European arrest warrant issued by the courts in the Slovak Republic. On the other hand, there were arrested 144 persons who were subject to the European arrest warrant issued by the courts in other EU Member States.

refused entry into the Schengen territory)⁷⁵. In 2009, 1 235 decisions on administrative or judicial expulsion were rendered. The administrative or judicial decisions were rendered to the third-country nationals, including the third-country nationals apprehended by the police of the neighbouring state by air by any EU Member State and returned to the SR on the basis of the readmission agreement. In total, 953 decisions were executed in 2009, out of which 18 were rendered in 2008 and 938 were rendered in 2009⁷⁶.

III(a) more effective control of the external land, sea and air borders:⁷⁷

*The National plan on border control management of the Slovak Republic*⁷⁸ for the period 2007-2013 (hereafter “National Plan”) is medium and long term planning document in the area of the EU border control referring to Schengen Action Plan for safeguarding the entry of the SR into the Schengen area⁷⁹. The National Plan was elaborated by the BBAP MoI SR and it was approved by the Slovak Government Resolution No. 465 as of 30 May 2007.

The National Plan deals with two periods: first one comprised the period until the full engagement to the Schengen cooperation and second period was until the abolition of checks at the common borders.

Within the second period, the Slovak Republic committed itself to establish fully functional technical protection of the northern part of the border with Ukraine. At present, the development and establishment of the pilot project – *virtual fence* – continues along the state border.

75 Information provided by the BBAP MoI SR.

76 Information provided by the BBAP MoI SR.

77 Ibidem.

78 The National Plan on border control management of the Slovak Republic is available on the webpage: [http://www.rokovania.sk/app/materi.al.nsf/0/6B9DC2D4A9BE2581C-12572F900492E3C/\\$FILE/Zdroj.html](http://www.rokovania.sk/app/materi.al.nsf/0/6B9DC2D4A9BE2581C-12572F900492E3C/$FILE/Zdroj.html) (consulted on 24 November 2009).

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

Complete technical protection of the northern highland part of the state border shall be due by the end of the year 2012.

Presently, RALEN system is used in case of border controls. RALEN system, developed in the Slovak Republic, is unique in the world because it reacts on the biological human body field – it reacts 100% on human beings and not for instance on animals. RALEN system is used at railway border crossing points (Čierna nad Tisou, Maťašovské Vojkovce) and also at highway border crossing point (Vyšné Nemecké, where the new detector system was installed during the reconstruction and it detects presence of a human being hidden in the lorry with 100% efficiency). RALEN system is one of the portable technical devices regarding the protection of the external Schengen border with Ukraine.

Measures related to the increase of operative instruments for strengthening the protection of the problematic parts of the external Schengen border are being implemented currently: the SR provided Cessna aircraft in the Aegean Sea (Greek Islands) and Tyrean Sea (Sicily) in the frame of common FRONTEX activities (RABIT teams).

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

In 2009 negotiations regarding the joint consular services for visas took place and the SR was approached by other EU Member States. The SR concluded inter-governmental agreement on mutual representation by means of diplomatic missions and consular offices of their countries in the visa granting procedure with Austria. Austria will represent the SR in visa issuance procedure in Jordan (Amman) and Lebanon (Beirut). The Agreement entered into force on 1 December 2009. The Agreement has not been executed yet, due to the preparation of the implementation protocols.

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

As already mentioned in the section 3.1.1 II (c), the SR brings into effect the measures related to the increase of operative instruments for strengthening the protection of the problematic parts of the external Schengen border, as follows: the SR provided Cessna aircraft in the Aegean Sea (Greek Islands) and Tyrean Sea (Sicily) in the frame of common FRONTEX activities (RABIT teams).⁸⁰

III(e) deploy modern technological means for border control

The EUROSUR⁸¹, currently created, represents decisive step in further progress regarding the creation of the integrated European border management system. The expectations in respect of the EUROSUR are as follows: to prevent the number of illegal migrants who are able to enter the EU without being subject of detection, to increase the whole interior security of the EU by contributing to the prevention of cross-border crime, to strengthen the searching and rescuing capacities. Further information are also in the section 3.1.1 II (c).

In accordance with the Pact commitment to focus on establishment of the electronic recording of entry and exit, together with a fast-track procedure for European citizens and other travellers from the year 2012, depending on the Commission proposals, the SR fulfils the commitments concerning the creation of the entry and exit registration system for the third-country nationals.

During the meeting of the Frontiers Working Group, so called "mini project" was agreed on and approved by the Member States. Each Member State provided weekly data collection on the external Schengen border in the period from

⁸⁰ Information provided by the BBAP MoI SR.

⁸¹ Further information is available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/86&format=HTML&aged=0&language=SK&guiLanguage=en>, (consulted on 27 November 2009).

the 31 August 2009 until 6 September 2009.

Each border crossing point was provided with a table that contained weekly collected entry/exit data (numbers of persons using the free movement right, number of third-country nationals subject to the visa requirement, number of the third-country nationals who are not subject to the visa requirement). By 12 September 2009, the collected data were sent by e-mail to the General Secretariat of the Council of the EU. The Commission will map the heavier burden on particular border crossing points and other data relevant also for development of the third-country national's entry/exit system⁸². For more information, see also section III (a).

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

The priority of the SR, in particular, is to support and strengthen the cooperation with Ukraine in the area of the adherence of the Slovak-Ukrainian border control regime. With the FRONTEX Agency approval, the Ukrainian partners participate in the joint operations organized along the Slovak-Ukrainian border. In 2009, four Ukrainian border guards (with observer status) took part in the 4-phased JO JUPITER.

The training activities have been undertaken within the FRONTEX training activities in relation to the neighbouring third countries (Romania, Ukraine, Moldova, etc., and bilateral training activities of the Slovak Republic and Ukraine and Moldova (in cooperation with the EUBAM)). In the framework of the cooperation with the EUBAM, the BBAP MoI participated in the NIKONY operation aimed at improvement of the effectiveness on the Slovak-Ukraine border in fight against the cross border crime by strengthening local and international cooperation. NIKONY operation had two phases: first phase (period 29 April 2009 to 13 May 2009) and second phase (2 September 2009 to 16 Sep-

⁸² Information provided by the BBAP MoI SR.

tember 2009). The EUBAM supports operational activities, FRONTEX activities and it participates in the incorporation of the IBM model in Moldova and Ukraine by monitoring and providing the border services with professional assistance in cooperation with the FRONTEX Agency. The EUBAM and FRONTEX participate in the joint meetings and sessions. On the basis of the EUBAM recommendation, the monthly reports CBSAR, elaborated by the Moldovan and Ukrainian partners, are regularly sent to the FRONTEX Agency.

The EUBAM and the FRONTEX cooperate also in respect to the illegal migration analyses. The experts from the SR shall take part in the training activities in the future⁸³.

3.1.2 Additional / Complementary developments

According to the statistical data contained in the BBAP MoI SR Yearbook on legal and illegal migration in 2009⁸⁴, 1,785 cases of illegal migration were reported in 2009, which proved a declining tendency⁸⁵. Out of this number, 611 were cases of illegal crossing of the Slovak state border (570 cases of external border crossing in the direction to the SR), and 1,174 were cases of illegal stay in the SR. The statistics show that in the majority of cases, the state borders of the Slovak Republic were crossed illegally by the nationals of Moldova (181), Georgia (99), Ukraine (65), Afghanistan (62), Pakistan (47), the Russian Federation (44) and Armenia (24). The illegal state border crossing mainly concerned the external land border; only 17 persons attempted to cross the external air border during the reference period. As far as smuggling is concerned, the statistics report that 2076 foreigners were smuggled, out of which 267 migrants were detained, and the number of the acts of people smug-

⁸³ Information provided by the BBAP MoI SR.

⁸⁴ CASR, ÚHCP MV SR, Štatistický prehľad legálnej a nelegálnej migrácie v Slovenskej republike za rok 2009, Bratislava 2009.

⁸⁵ For comparison in year 2008, 2,355 case of illegal migration were reported, in 2007, 6,716 cases and in year 2006, 7,620 cases.

gling reached 160. 150 persons were suspected of smuggling and 92 of them were exhibited of charge in 43 cases. Slovak nationals (65) and the nationals of India (15) constituted to be the most numerous group of smugglers; no nationality was identified in 32 cases, as these cases were under investigation.

Regarding organized groups of smugglers, in 8 cases charges were brought against 50 smugglers (48 men, 2 women) in 2009. In these cases together at least 1513 illegal migrants were smuggled.

Regarding criminal groups of smugglers, in 1 case the charges were brought against a smuggler from the SR who smuggled at least 163 illegal migrants in 2009.

435 persons were extradited from Slovakia, and 43 foreigners were admitted to the SR under re-admission. The Slovak Republic extradited the majority of the foreigners to Ukraine (425), and admitted 18 foreigners from Ukraine and 17 foreigners from the Czech Republic.

In 2009, 1,542 foreigners were recorded as undesirable persons; i.e. a decision on administrative or judicial expulsion was issued in relation to these persons. This category, too, reported a decrease compared to the year 2008, when 1,743 undesirable foreigners were registered. Yet, this declining tendency relates to the overall decrease in illegal migration. The largest group of persons expelled administratively was made up by the nationals of Ukraine (392), Croatia (234) and Moldova (161); the same applies to judicial expulsion (80 Ukrainian state nationals and 13 Moldovan state nationals). The most frequent reason for listing a person as undesirable was his/her illegal entry and stay in the SR (955 cases). 237 persons were listed as undesirable for representing a threat to the state security, public order, health or to the right and freedom of other persons and nature at determined areas (an increase by 232 cases compared to the year 2008). This increase is due to the riots of the Croatian football fans of the FC Hajduk Split in

Žilina in July 2009. The football fans of Hajduk on their way to the stadium according to the police destroyed restaurants premises and vehicles. FC Hajduk played Europe league in Žilina against the local FC⁸⁶.

The statistics are available in the Annex A.1.3.

Public debates, analysis and studies

The Euro-Atlantic Centre organized a conference on illegal migration and its security aspects held under the auspices of Deputy Prime Minister and Minister of Interior of the Slovak Republic in cooperation with the Representation of the European Commission in the Slovak Republic and in cooperation with the NATO Public Diplomacy Division and the University of Economics in Bratislava on 15 October 2009. It was the fifth conference from the series National Security Table III with a subheading "Security as a Public Good". The aim of the conference was to initiate a critical discussion about the new challenges in the area of security⁸⁷.

Only a few authors and researches paid attention to the issues of illegal/irregular migration as well as the media focused on cases of illegal migrants' detention or revealed smugglers.

86 Trško, M., Kotris, T., Fanúšikovia Hajduku útočili v Žiline, minister sa za nich ospravedlnil, SME, 30. 7. 2009, available on the webpage: <http://zilina.sme.sk/c/4955711/fanusikovia-hajduku-utocili-v-ziline-minister-sa-za-nich-ospravedlnil.html> (consulted on 14. February 2010).

87 More detailed information is available on the webpage: <http://www.eac.sk/page.php?doc=522> (consulted on 10 February 2010).

3.2 Refugee Protection and Asylum

3.2.1 European Pact on Immigration and Asylum

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

In 2009, the SR was not involved in the regional resettlement programmes on the voluntary basis. The SR plans to participate in the resettlement programmes in 2010, taking into account the material and technical capacity and available financial means. Ten refugees located in Malta shall be resettled⁸⁸.

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

The Members of the Police Force of the BBAP Mol SR regularly take part in the specialised trainings related also to the methodology and instructions. The aim of the trainings is to improve the law awareness, with the emphasis on the asylum matters, of the external border control staff. In this respect, monthly trainings have been organized for police officers who have a first contact with migrants within regular monthly evaluation of the work of the Border Police Services and Alien Police basic units.

The seminar on professional skills strengthening in respect to the work with detained third-country nationals and representatives of the third sector was organised in cooperation with the UNHCR for the police officers of the BBAP Mol SR on 25 – 27 November 2009 in Liptovský Ján, the SR. The participation in the seminar was as follows: five officers of the Police Force of the BBAP Mol SR, twenty police officers of

88 Information provided by the MO Mol SR.

the Police Force basic units administratively under the BBAP Mol SR (Police Detention Centre in Medveďov, the Police Detention Centre in Sečovce, Asylum Department of the Police Force in Gbely, Asylum Department of the Police Force in Humenné, Border Police Directorate in Sobrance, Border Control Department of the Police Force in Zboj, Ulič, Topoľa, Ublá, Podhorod', Petrovce, Vyšné Nemecké, Maťašovské Vojkovce, Velké Slemence, and Čierna nad Tisou).

Currently all basic units of the Border Police Services on the external border, as well as, on the international airports in Bratislava, Košice, and Poprad fulfil all criteria regarding the asylum procedure on the borders with respect to the personnel, professional, material and technical aspects, so that the asylum seekers can apply for asylum directly on these spots during the 24 hour period⁸⁹.

3.2.2 Additional / Complementary developments

The development in the number of applications for international protection and granting of asylum and subsidiary protection in 2009 was as follows.

The most fundamental issue concerning refugee migration in the SR was a clear decrease in the number of filed applications for asylum comparing to previous periods⁹⁰. In 2009, 822 persons applied for asylum in the Slovak Republic, which is the lowest number since 1999. Compared to the previous years, the number of asylum seekers granted asylum decreased to 14 (for comparison: in 2008, 22 asylums were granted, in 2006 – 8 asylums). However, on the other hand the, MO Mol SR granted 97 subsidiary protections in total which constitutes increase by 31 cases. The procedure was suspended in 460 cases, and no asylum was granted in 330 cases⁹¹.

89 Information provided by the BBAP Mol SR.

90 In year 2008, 909 persons applied for asylum in the SR, in year 2007 it were 2,643 persons, in year 2006, it were 2, 849 persons and for comparison in year 2004, it were 11, 395 persons. Source: MO Mol SR

91 MO Mol SR, Yearly Statistics 2009. Bratislava. 2009. available:

As per ethnicity, the majority of asylum applications were filed by asylum seekers of Punjabi (155), Georgian (68), Moldovan (66) and Vietnamese (53) ethnicity. As per citizenship, most of the asylum applications in the SR in 2009 were presented by the nationals of Pakistan (168), Georgia (98), Moldova (73), and the Russian Federation including Chechnya (72), India (57), Vietnam (56) and Afghanistan (51)⁹².

With regard to the citizenship of the persons who were granted asylum in 2009, the majority of them were nationals of Iran (3) and Cuba (3).

The majority of subsidiary protections were granted to asylum seekers from Afghanistan (48), Somalia (11) and Iraq (9). On the other hand, most of the procedures were suspended in the case of the asylum seekers from Georgia (79), the Russian Federation including Chechnya (75), Pakistan (71) and Moldova (50)⁹³.

More detailed statistical information is provided in Annex A.1.3.

In August 2009, the SR accepted 98 Palestinian refugees for the period of 6 months originally placed at the Al Waleed camp located in Iraq at the border of the Syrian Arab Republic, on the basis of tripartite Agreement between the Government of The Slovak Republic, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration concerning humanitarian transfer of Refugees in need of international protection through the Slovak Republic⁹⁴. The stay of the Palestinian refugees in the SR is temporary. After 6 month period they will be resettled to a third country⁹⁵.

www.minv.sk/?statistiky-20 (consulted on 14. February 2010).

⁹² Ibidem.

⁹³ Ibidem.

⁹⁴ Agreement between the Government of The Slovak Republic, the Office of the United Nations High Commissioner for Refugees and the International Organization for Migration concerning humanitarian transfer of Refugees in need of international protection through the Slovak Republic is available on the following website: [www.rokovania.sk/appl/material.nsf/0/.../\\$FILE/vlastnymat.rtf](http://www.rokovania.sk/appl/material.nsf/0/.../$FILE/vlastnymat.rtf) (consulted on 27 November 2009).

⁹⁵ Information provided by the Migration Office of the Ministry

Activities of the international organizations and non-governmental organisations in 2009 in the SR were as follows:

Also during the year 2009, the AMAS project of monitoring and support of asylum seekers' access to the asylum procedure was implemented. The project was carried out at the border crossings of the Slovak-Ukrainian border and in the transit premises of the M. R. Štefánik Airport in Bratislava – Ružinov. This project has been implemented under the tripartite agreement concluded between the BBAP Mol SR, the Regional UNHCR Office for Hungary, Poland, Slovakia and Slovenia, and the non-governmental organisation The Human Rights League. The main objective of the project is to monitor the access to the asylum procedure at the M. R. Štefánik Airport in Bratislava and at the Eastern Slovakian border, and ensure the right of the persons applying for asylum to enter the territory of the Slovak Republic, commence the asylum procedure, and provide support to BBAP officers and other parties involved. A specific project objective is the monitoring of the situation of persons in potential need of international protection, who are hence persons in UNHCR's interest⁹⁶.

The Human Rights League organized in 2009 also another project entitled „Legal assistance during asylum procedure in the SR and Asylum clinic III“ and project „Legal counselling for foreigners“. The HRL was involved in the “COI network III” project organized by the Austrian Red Cross part ACCORD (Austrian Centre for Country of Origin and Asylum Research and Documentation). The project involved 18 cooperating governmental and non-governmental organizations from 15 Member States of the EU⁹⁷.

In September 2008, the UNHCR in Slovakia launched an international project aimed at

of Interior of the Slovak Republic.

⁹⁶ The Human Rights League Projekt AMAS. More detailed information is available on the webpage: <http://www.hrl.sk/?a=projects> (consulted on 2 February 2010).

⁹⁷ More detailed information regarding the HRL projects is available on the webpage: <http://www.hrl.sk/?a=projects> (consulted on 2 February 2010).

evaluating the quality of decisions issued in the asylum procedure. The expected duration of the project is 18 months, until February 2010⁹⁸.

The Slovak Humanitarian Council implemented the project entitled “Better quality of life for all II” co-financed by the European Refugee Fund during 2009 with the aim to improve the quality of life of asylum seekers and their situation in facility (reception centre) of the MO Mol⁹⁹.

Media

In 2008, the media informed about the case of an asylum seeker from Algeria suspected from terrorism¹⁰⁰, who came to the SR to see his wife in 2007. His case is subject to asylum procedure in the SR. The case is not resolved. The Supreme Court of the SR ruled in August 2008 that he cannot be extradited nor returned to the country of origin (in compliance with the Article 3 of the European Convention for Protection of Human Rights and Fundamental Freedoms)¹⁰¹.

More detailed information regarding the protection of asylum seekers are available in the Annual Policy Report on migration and asylum 2008¹⁰² due to the fact that there were not any legislative or system changes in the area of asylum in 2009 comparing to 2008.

⁹⁸ Information provided in the interview with Mgr. Barbora Meššová, UNHCR Slovakia, on 13 June 2009.

⁹⁹ More detailed information is available on the webpage: <http://www.shr.sk/utecenci.htm> (consulted on 10 February 2010).

¹⁰⁰ Slovak National Centre for Human Rights, Report on the observance of human rights in the Slovak Republic Správa 2008, Bratislava, 2009, p. 13-14.

¹⁰¹ For instance: TASR, Údajný terorista Mustafa Labsi azyl nedostane (Alleged terrorist Mustafa Labsi will not be granted asylum (translated by the author)), SME, 28. 10. 2009, available on the webpage: <http://www.sme.sk/c/5082842/udajny-terorista-mustafa-labsi-azyl-nedostane.html> (consulted on 14 February 2010); TASR, Údajný terorista Mustafa Lábsi utiekol zo Slovenska do Rakúska (Alleged terrorist Mustafa Labsi escaped from Slovakia to Austria (translated by the author)), 21. 12. 2009, Bratislava, available on the webpage: <http://tvnoviny.sk/spravy/domace/udajny-terorista-mustafa-labsi-utiekol-zo-slovenska-do-rakuska.html> (consulted on 14 February 2010).

¹⁰² Bargerová, Z., Številová, Z., Annual Policy Report on Migration and Asylum Policy 2008 the Slovak Republic, European Migration Network, June 2009.

3.3 Unaccompanied Minors (and other vulnerable groups)

3.3.1 European Pact on Immigration and Asylum

No developments noticed in this area in 2009.

3.3.2 Additional / Complementary developments

The IOM as the Slovak EMN NCP organized an EMN meeting on 20 October 2009 with the aim to discuss the situation of unaccompanied minors in the context of the EMN Study on unaccompanied minors from the view point of Ireland, Austria and the SR.

The HRL organized a conference on unaccompanied minors in the SR on 14 December 2009. The conference was held on the occasion of publication of the research results in the study entitled “Legal status and possibilities of integration of the unaccompanied minors in the SR, analysis of the state of law and practice“. The study was co-financed by the ERF. The results of the study were the recommendations and proposals aimed at improvement of the unaccompanied minors care, mainly in the area of integration, asylum procedure, guardianship and custody, care in Orphan House for unaccompanied minors, communications and co-operations as well as proposed long-term solutions¹⁰³.

More detailed information on UAM is available in the EMN Study on Unaccompanied minors¹⁰⁴ and in the Annual Report 2008¹⁰⁵.

¹⁰³ Fajnorová, K., Številová, Z., Právne postavenie a možnosti integrácie maloletých cudzincov bez sprievodu v Slovenskej republike. Analýza právneho stavu a praxe, OZ Liga za ľudské práva, Bratislava, 2009.

¹⁰⁴ Grethe Guličová, M., Policies on reception, return, integration, arrangements for, and numbers of, unaccompanied minors in the Slovak Republic, European Migration Network, Bratislava, May 2009.

¹⁰⁵ See FN 111.

3.4 Economic Migration

3.4.1 European Pact on Immigration and Asylum

I(a) Implement policies for labour migration

In 2009 in comparison with the year 2008 there was a significant change of a situation regarding the labour market due to the global financial crisis, particularly, with respect to the increasing unemployment in the SR. The employment of the third-country nationals correlates with the development on the labour market in the SR. The extent of the labour migration has not been limited yet. The Government of the Slovak Republic, in connection with the global financial crisis, did not introduce any restrictive measures regarding the employment of the third-country nationals in the SR or specific measures that would support return of the migrants to the countries of origin. Generally, the financial crisis did not have impact on the national legislation in this area in 2009.

The MoLSAF SR supports recruitment and employment of the third-country nationals in the SR, only in accordance with the labour market needs, and stresses the employment of the high-qualified employees, research workers, students and other qualified migrants. At the same time, the MoLSAF SR promotes labour migration management focusing on the compensation of the lack of available labour force in the labour market, primarily in problematic sectors where shortage professions exist and there is a lack of labour force in the labour market. Important factor when assessing employment of the third-country national is the fulfilment of the qualification requirements (the eligibility).

Due to the demographic development in the SR there is no distinct need for organizing legal migration at present. However, there is expected "mild decrease of productive population (in the

extent of 5,000 to 11, 000 persons per year)¹⁰⁶ in the following years. Despite this fact, it is necessary to define the scope of the labour migration in the whole context of the migration, as well as, and to clearly define third-country nationals' employment policy on the governmental level in the SR.

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

With view to implement the commitment to increase the attractiveness of the EU for highly qualified workers, the SR plans to change national legislation regarding the access to the labour market. The third-country nationals who are graduates of the Slovak Universities, registered by the Ministry of Education of the Slovak Republic, will be able to access the labour market without any work permit. In 2009, however, no concrete measures were adopted in this regard due to the financial crisis.

In the second half of the year 2010, legislative proposals are expected in connection with the transposition of the *High Qualified Workers Directive*¹⁰⁷.

I(c) Do not aggravate the brain drain:

The SR does not implement policy that would aggravate the brain drain from the third countries. Therefore, currently there are no available data on preventing measures in this respect or list of countries with the highest percentage of "brain drain" cases and professions that cause brain drain from the countries of origin.

¹⁰⁶ Concept of Foreigners Integration in the Slovak Republic, May 2009.

¹⁰⁷ OJ L 155, 18.6.2009.

3.4.2 Additional / Complementary Developments

Although in previous period the number of employed foreigners in the SR has grown, in 2009 there was a significant decrease in number of application for foreigners' work permit. In 2009, 2656 foreigners were registered with valid work permit in the SR (2039 men and 617 women). In 2009 11 323 foreigners coming from the EU/EEA were registered in the SR (9 218 in the form of employment relationship and 2 105 temporarily posted in the SR from another EU Member State). The number of foreigners by whom the work permit is not required pursuant to the Article 22 (7) of the Act on Employment Services was 1 285. As of 31 December 2009, there were 15 264¹⁰⁸ foreigners in total (including third-country nationals and EU/EEA citizens) registered in the labour market. For comparison, as of 31 December 2008 there were 14 241 foreigners registered totally in the labour market¹⁰⁹.

The Euroiuris – Legal Centre is a civic association that organized a project entitled "Support of qualification recognition, professional practice and preparation of the third-country nationals" in period 1 March to 31 December 2009. The aim of the project was to identify and define legal shortcomings leading to the low percentage of submitted and successful applications for qualification recognition in the SR, as well as to propose necessary changes of the current Slovak legislation. Within the project were created the information webpage - www.migracia.euroiuris.sk, a booklet for the migrants and a publication entitled "Recognition of the professional qualifications of the third-country nationals in the SR". The closing conference to this project was held on 8 December 2009¹¹⁰.

¹⁰⁸ Centre of Labour, Social Affairs and Family (UPSVR), Annual report on employment of foreigners, Employment of foreigners in the SR in 2009.

¹⁰⁹ Bargerová, Z., Številová, Z., Annual Policy Report on Migration and Asylum Policies 2008 the Slovak Republic, European Migration Network, June 2009..

¹¹⁰ Project of the civil societu EUROIURIS – European Legal Centre was financed from the European Fund for Integration of third country nationals, Solidarity and management of the

3.5 Family Reunification

3.5.1 European Pact on Immigration and Asylum

I(d) To regulate family migration more effectively

No developments noticed in 2009. More detailed information regarding the legislative developments, developments in practice and judiciary are available in Annual Policy Report on Migration and Asylum Policies in 2008¹¹¹.

3.6 Other legal migration

3.6.1 European Pact on Immigration and Asylum

I(f) Improve information on the possibilities and conditions of legal migration

Initiation of the Immigration Portal is prepared on the EU level (2010-2011) in cooperation with the EU Member States. The Immigration Portal will contain basic information regarding possibilities and conditions of legal migration into every EU Member State and links on the national websites comprising information on legal immigration.

The official website of the MoLSAF SR contains this kind of information on the website – www.employment.gov.sk in the part: EU and international relations – free movement of persons and migration. Further information are available on the website of the MoI SR – www.minv.sk in the part: asylum and migration and on the IOM website – www.mic.iom.sk.

migration flows.

¹¹¹ Bargerová, Z., Številová, Z., Annual Policy Report on Migration and Asylum Policies 2008 the Slovak Republic, European Migration Network, June 2009.

3.6.2 Additional / Complementary developments

The Centre for the intercultural dialogue (CID), a civic association, launched a website - www.migranti.sk at the end of 2009 covering issues related to migration in the SR. The website was created within the project "Feel at Home" financed by the EIF. The aim of the project was to contribute to the easier orientation and integration of the foreigners in the Slovak society as well as to introduce problems related to inclusion of foreigners into the society in the SR¹¹².

The Institute of Public Policy of the Comenius University in Bratislava launched a project entitled "Labour Pool for Migrants in the SR" in 2009. The project aimed at supporting of migrant integration and inclusion into the Slovak labour market and local communities. The target group of the project were not only the migrants but also active or prospective employers. During the implementation of the project the key questions were identified concerning the potential of the labour migrants and the need for labour migration management. The research results will be further processed in the form of recommendations for the elaboration of the quality and long-term migration policy. In October 2009, the website www.migration.sk was launched within this project providing information on migration policy in the SR, information for the foreigners and migrants in the SR, for instance manuals and examples of solutions in different situations. The website is supposed to be the educational tool of the first contact mainly for migrants and also for students, lecturers, businessmen, workers, family members, self-employed persons in the SR. On this webpage, the foreigners can ask for the individual counselling by means of virtual counselling and publicize their questions in the on-line forum¹¹³.

112 More detailed information regarding the project is available on the webpage: www.migranti.sk and information on CID are available on the webpage: www.cidsk.eu.

113 Integration and information tool - www.migration.sk - is one of the most important results coming out of the almost a year team work at the Institute of Public Policy of the Faculty of Social and Economic Science of the Comenius University. More

The Institute of Public Policy of the Faculty of Social and Economic Science of the Comenius University in Bratislava organized a public debate entitled "Slovakia joined the battle for high-qualified migrants" on 9 October 2009 in the context of project results. The participants were the representatives of the state administration, self-administration, public and private schools, employers, NGOs and representatives of the foreigners living in the SR¹¹⁴.

3.7 Integration

3.7.1 European Pact on Immigration and Asylum

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

The MoLSAF SR elaborated crucial strategic document - *the Concept of Foreigner Integration in the Slovak Republic* (hereafter "Concept") which was approved by the Slovak Republic Government Resolution No. 338 as of 6 May 2009. The key impetus for adoption of the *Concept* was the gradual legislation harmonization with the EU laws and creation of the EU common integration policy. The *Concept* was adopted on the basis of the Slovak Government Resolution No. 415 as of 9 May 2007 and Resolution No. 390 as of 11 June 2008 in respect to the *Summary Report on the state of implementation of the commitments from the Concept of Migration Policy of the Slovak Republic by the governmental departments 2005 - 2006*, by which the Slovak Republic Government imposes "implementation of the efficient measures providing the accomplishment of the commitments related to the creation of the conditions connected with the migrants integration into the society" onto the

detailed information is available on the webpage: www.euro.gov.sk/17901/einclusion:-novy-informacny-portal-wwwmigrationsk-pre-pristahovalcov-na-slovensku.php a www.migration.sk (consulted on 2 February 2010).

114 Further information ara available at : <http://www.iz.sk/sk/partneri/migration/konferencia-2009-12-09> (consulted on 13. February 2010).

Deputy Prime Minister of the Government of the Slovak Republic and Minister of Interior of the Slovak Republic and onto the Minister of the Labour, Social Affairs and Family of the Slovak Republic.

The *Concept* is based on the EU migration and integration policy principles and it proposes legislative, organizational, conceptual and practical integration measures. The aim of the *Concept* is to implement integration measures contributing to the prevention of emergence of the economic, social and culturally diverse society. So called *integration mainstreaming* is one of the key elements of the *Concept* in relation to the drafting laws, creating sectoral policies, regulations, and adopting measures. It is necessary to reflect the consequences of such measures on the foreigner's integration.

The *Concept* defines integration measures in the following areas:

The proposed measures regarding access to the labour market and employment of the foreigners, as one of the key principles of the successful foreigners integration, are for instance simplification of the administrative accession to the labour market and employment for foreigners, simplification of the administrative procedure in respect to the obtaining of the residence permit for the employment purposes and providing flexibility in case of change of the employer, help in elimination of the social barriers and biases in the form of intercultural education and discussions between employers, public and officers.

The proposed measures in the area of the education are as follows: the measures related to the language education, retraining programmes and in area of international recognition of certificates, for instance by setting up a teaching methods for learning of the Slovak language for adult foreigners at different levels, drafting the proposal of the structure and finance system regarding the Slovak language courses, drafting and creating the support system in relation to the cultural and civic orientation courses in

order to inform the foreigners about the fundamental values of the society, institutional framework etc., completing of the qualifications and professions recognition system and verifying of the education and eligibility of the foreigners regarding the employment requirements.

The proposed measures in the area of the social security scheme are as follows: consistently taking into account the foreigners and their family members needs when preparing and drafting laws in the area of social security scheme in order to reduce and eliminate poverty and prevent social exclusion of the foreigners with the aim of position approximation of the foreigners target group residing legally in the SR with the citizens of the SR, continuously adopting measures related to the improvement of life quality of the foreigners living in the Slovak Republic and keeping categories of foreigners within the groups of potentially vulnerable with regard to the exclusion and poverty.

Further measures are proposed in the area of access to accommodation and health care, in the area of naturalization and integration of the foreigners into the majority population taking into account the measures related to the civic integration, raising awareness towards foreigners and information - communication strategies. The *Concept* proposes long term legislative and practical measures in the area of integration policy and instruments and mechanisms for cooperation and coordination of the main stakeholder activities in this area.

The proposed legislative and practical measures in the area of integration define the tasks for the period of upcoming three to five years. Content and coverage of the *Concept* was discussed during the elaboration with several stakeholders from the state administration, regional authorities, academic sphere, NGOs, and with the representatives of the third-country nationals living in the Slovak Republic. In the final phase of the *Concept* elaboration, some of the proposed integration measures were re-evaluated and modified with respect to the global financial cri-

sis. The practical implementation of the *Concept* measures will be possible to evaluate in the following years.

I(h) Promote information exchange on best practices in terms of reception and integration

The MoLSAF SR organised the *Conference on the integration of the third-country nationals in Slovakia: from the Concept to Integration* on 29 June 2009 within the national project of the European Integration Fund for the third-country nationals - *“Elaboration of the analyses and recommendations related to the Concept of Foreigner Integration in the Slovak Republic”* financed by the EU115. The aim of the Conference was to present the Concept of Foreigners Integration in the Slovak Republic from the point of view of implementation of further practical and integration implementation measures. The participants at the Conference were representatives of the state administration, regional authorities, international organisations, NGOs, scientific and research organizations, academic sphere and representatives of the third-country nationals living in the SR.

3.7.2 Additional / Complementary developments

As an *Annex to the Summary Report on the state of implementation of the commitments from the Concept of Migration Policy of the Slovak Republic by the governmental departments in 2008* the *Statute of the third-country nationals migration and integration Steering Board* (hereafter “Steering Board”) was approved by the Slovak Republic Government Resolution No. 467 as of 24 June 2009¹¹⁵. The Steering Board is responsible for the implementation and monitoring of the

115 Further information on Conference is available on the website: <http://www.employment.gov.sk/index.php?SM-C=1&id=16552> (consulted on 28 November 2009).

116 Further information is available on the website: <http://www.rokovania.sk/app/materiál.nsf/0/E23AB906FD6AA70BC-12575D8003E9330?OpenDocument> (consulted on 27 November 2009).

tasks resulting from the Concept of Foreigner Integration in the Slovak Republic (May 2009) and the Concept of Migration Policy in the Slovak Republic (updating planned in 2010), as well as, for policy coordination and positions of the governmental departments towards the EU and other international organizations. The Steering Board consists of permanent members (representatives of the relevant Ministries and public institutions) and ad hoc members including NGOs and international organizations, representatives of self-administration and other stakeholders.

The Migration information Centre IOM was established in order to support social, economic and cultural integration of migrants in the SR. In 2009 (March-December), the MIC followed its activities launched in first phase in years 2006 to 2008 under EU initiative Equal. During the ten months in 2009, the MIC was addressed by 527 individual clients. The main activity was characterised by providing legal counselling. The MIC IOM consultants were mainly addressed with the questions related to the resident permits, employment of migrants in the SR, family reunification and family life. Within this activity 3 info booklets (Resident permits of foreigners in Slovakia, Employment of foreigners in Slovakia, Citizenship of the SR) were published and distributed in 13.000 copies, and running of the webpage – www.mic.iom.sk, which provides information on important areas of foreigner life the SR, as well as the answers on many questions related to the foreigners and foreigners employment.

Another activity of the MIC IOM in 2009 was the help with the migrant integration on the labour market. Within this activity, 33 financial contributions on education/ new qualification courses were distributed among the migrants. The biggest interest was in courses of the Slovak language for foreigners, driving school courses and computer skills courses. The individual counselling, which included preparation of the curriculum vitae, orientation on the labour market and assistance in job finding, was requested

in case of 14 clients. The MIC IOM traditionally cooperates with the migrant communities in the SR. In 2009, the cooperation with 14 cultural mediators took place. The cultural mediators organized 13 info meetings for the communities and broad public in different towns of the SR¹¹⁷.

The IOM implemented in the year 2009 the project entitled “Building capacity of the key stakeholder in the area of integration, labour migration and intercultural dialogue” co-financed by the EIF. The aim of the project was to contribute to the fulfilment of the foreigners` integration policy in the SR by enhancing professional knowledge of the key state administration, self-administration and non-profit sector representatives in the area of integration, labour migration and intercultural dialogue, enhancing mutual cooperation among the key stakeholders. Within this project the following activities took place: study tours (the Netherlands, the UK, Sweden and Portugal) of the state administration employees (MoLSAF SR, Centre of labour, social affairs and family, BBAP Mol) and self-administration representatives (from Košice, Nitra, Bratislava) in order to extend the knowledge regarding the migration and integration management and their possible application in the SR; 2 workshops on integration, intercultural dialogue and labour migration¹¹⁸ linked to the study tours. The outcomes of the project (findings, recommendations) were presented during a discussion panel entitled “Are we prepared to accept migrants in Slovakia?” at the Conference “Migration in the SR in 2009” and in a text book which comprises excerpt of studies, materials gained during the study tour meetings and workshops. The text book comprises inputs by study tour and workshops` participants, information on approved policies in countries with longer experience regarding the migrants` integration, methods and approaches resulting in better integration of the migrants.

117 www.mic.iom.sk

118 Integration of migrants on municipal level – Exchange of experience and future challenges (27 – 29 October 2009) and Building competitiveness of labour migration policy for the future (18 – 20 November 2009).

On 14 December 2009 a seminar entitled “Migrants` integration – do we know what we want?” took place on which projects of several institutions were presented. The Comenius University presented project entitled “Research quality – condition of a successful integration”. Milan Šimečka Foundation presented project entitled “Integration of the children of third-country nationals into the Slovak education system”¹¹⁹, the Institute for Public Affairs (IVO) presented a project entitled “International exchange of experience in the area of use of integration indicators”. Consequently, the workshops aimed at public policy and indicators of migration policy and experience with the foreigners` education in schools took place¹²⁰.

The IVO implemented a project entitled “Family and gender aspects of integration of the third-country migrants” during March – December 2009. The aim of the project was the research regarding the position of third-country migrants living in Slovakia, particularly their family life, gender aspects and the possible integration. The research was oriented on the specific situation of the migrant women who are more disadvantaged comparing to other groups of migrant. The main focus was on integration in all relevant dimensions – socio-economic, legal, political, cultural and religious. The results of the project were the recommendations to the public stakeholders, prospective employers and migrants themselves¹²¹.

The IVO implemented also a project entitled “International cooperation and exchange of the experience in the area of use of integration indicators” financed by the EIF¹²².

Within the project, the international expert seminar held on 26 June 2009 in Bratislava en-

119 Both project were financed by the EIF.

120 More detailed information is available on the webpage: http://www.ivo.sk/buxus/docs/migracia/Program_Integracia_migrantov.pdf (consulted on 10 February 2010).

121 More detailed information related to the project is available on the webpage: na.ivo.sk.

122 Cooperating organizations: the Institute for Public Affairs, Multicultural Centre Prag, Migration Policy Group.

titled "Exchange of the experience in the area of use of integration indicators" with the aim to open discussion about the key issues related to the research and monitoring of the foreigners' integration in the SR¹²³. The main outcome of the project was to create a network of experts who are professionally involved in migration and migrant integration research. The network exchanges professional and practical experience regarding the integration indicators in order to use them at setting the integration policies as well as afterwards information gathering about the level of migrants' integration¹²⁴.

3.8 Citizenship and Naturalisation

3.8.1 European Pact on Immigration and Asylum

No changes noticed in this area after adoption of the Pact in comparison to the previous period.

3.8.2 Additional / Complementary developments

Within the approved *Concept of Foreigner Integration in the SR* several measures were proposed for the upcoming years in the area of citizenship granting. It was proposed to amend the Act on Citizenship and approve relevant executing orders in such a way that the interpretation of the Act would be clear, mainly with regards to the proof of the general knowledge required in order to obtain a citizenship. The level of knowledge necessary for granting a citizenship should be specified with regards to the content and study literature available for all applicants. Another proposed measure is the re-evaluation and specification of the criteria for the assess-

123 The Seminar was attended by the representatives of the public administration, experts and activists from Slovakia as well as experts from foreign workplaces – Migration Policy Group or Multicultural Centre Prag.

124 More detailed information is available on the webpage: www.ivo.sk.

ment of foreigners' command of Slovak language, i. e. the acquired level of knowledge according to the international norms of the Common European Framework of Reference for Languages: Learning, Teaching, Assessment (CEFR); re-evaluation of the legal definition of a continual permanent residence as a condition for granting of citizenship of the SR and allowance of an exception for violating the period in extraordinary cases according to the law (for instance a study internship abroad, public interest) and other measures.

There were no changes in legislation on citizenship during the year 2009.

The UNHCR organised a roundtable discussion on the stateless persons in the SR on 16 December 2009. The discussion was attended by the representatives of governmental and non-governmental organisations. The main focus of the discussion was on the need of clear and uniform rules regarding the assessment of the status of a person as a stateless person in the SR.

3.9 Illegal Immigration

3.9.1 European Pact on Immigration and Asylum

II(a) only case-by-case regularisation

No developments noticed in this area in 2009. According to the REGINE publication, *Regularisations in Europe*¹²⁵, no regularisation programme has ever been carried out in Slovakia. However, according to the Mol SR "the status of tolerated stay can be seen as a regularisation mechanism according to the definitions¹²⁶ of the

125 Baldwin-Edwards, M., Kraler, A. (ed.), REGINE Regularisations in Europe, European Commission/Amsterdam University Press, Amsterdam 2009, p. 432-433.

126 Ibidem, s. 9; „The term regularisation has no clear defined meaning, either legally or through general usage. Historically, legalisation or amnesty for those in an irregular status has very different origins across countries...“ „For the purpose of the REGINE project: Regularisation is defined as any state procedure by which third country nationals who are illegally residing, or who are otherwise in breach of national immigration rules, in their

REGINE project". The mechanism of tolerated stay aims to prevent illegal residence and it was introduced in the SR in 2002¹²⁷. According to the Mol SR the mechanism of tolerated stay is sufficiently working and there are no plans to implement any regularisation programmes in the near future¹²⁸.

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

In the framework of combating illegal migration, the Employers Sanctions Directive¹²⁹ was adopted. In the SR it is necessary to amend valid legislation within the transposition period with the objectives stated in the Directive – particularly the Act on Illegal Work and Illegal Employment, Act on Employment Services, the Labour Code, Act on Aliens Stay, Criminal Code.

3.10 Actions against human trafficking

3.10.1 European Pact on Immigration and Asylum

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

In 2009, following activities were significant for the cooperation with the countries of origin and of transit in particular to combat human trafficking and to provide better information to communities under threat:

The EUBAM meeting was held on 4 and 5 March 2009 in Chisinau. The EUBAM organised meeting of the border guard services at operational

current country of residence are granted a legal status".

127 The tolerated stay was introduced by the new Act on Aliens Stay in 2002.

128 Baldwin-Edwards, M., Kraler, A. (ed.), REGINE Regularisations in Europe, European Commission/Amsterdam University Press, Amsterdam 2009, p. 434.

129 OJ L 168, 30. 6. 2009.

level dealing with tackling of organized forms of Moldavian and Ukrainian citizen illegal migration. The participants at the meeting were representatives of Austria, Italy, Slovakia, Moldova, Ukraine, FRONTEX and Europol¹³⁰.

Within the activities of the Mobility Partnership with Moldova (namely the "Exchange of the Information and Best Practices in the Area of Combating Illegal Migration and Smuggling"), ten Moldavian police officers attended the workshop on combating illegal migration, external border surveillance, visa and residence permit regimes, readmission, and asylum organised by the BBAP Mol SR at the end of the year 2009. The Protocol between the BBAP and the Ukrainian State Border Services Authority on Direct Mutual Cooperation between the Operational Bodies is concluded. On bilateral level, operational border meetings on detection of smuggling with the elements of organised crime are organised in the cooperation with the Ukrainian State Border Services Authority and the BBAP Mol SR. The meetings with the Ukrainian State Border Services Authority are organised on three levels:

- four times per month: border operational meetings with participation of the operational border staff
- once per month: meetings of the regional heads of operational services
- two/three times per year: meetings of the managing directors of operational services

The cooperation is satisfactory.

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

130 Information provided by the BBAP Mol SR.

3.10.2 Additional / complementary developments

Since 2008, the IOM *Programme on Return or Re-integration of the Trafficked Persons* as part of the national *Programme of Support and Protection of Victims of Trafficking in Human Beings* is funded by the Mol SR. The aim of the programme is to support voluntary returns and reintegration of the traded persons¹³¹ by means of complex assistance according to the international law related to the victims of trafficking in human beings help and protection. In 2009, a project entitled *"Rendition of complex reintegration assistance and educational activities in the area of prevention and capacity building of cooperating subjects of the Programme of Support and Protection of*

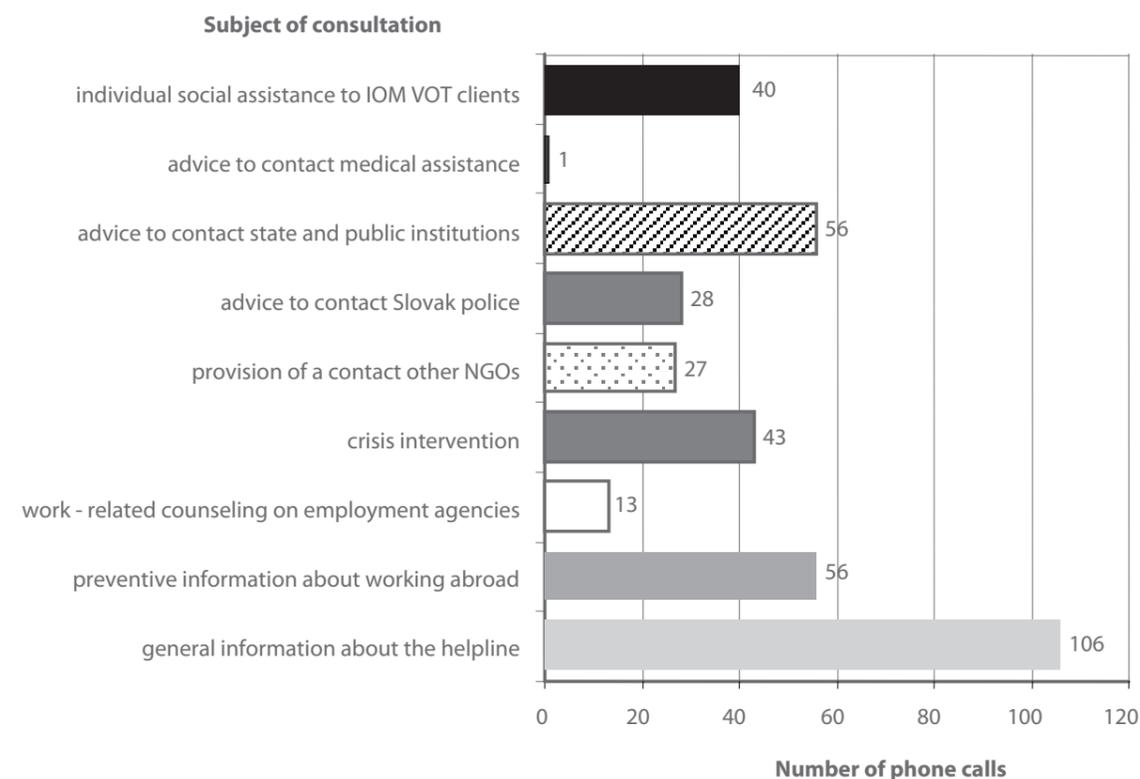
131 The target group are the Slovak citizens who were trafficked to other countries, as well as foreigners who are suspected of being a victim of trafficking in the SR.

Victims of Trafficking in Human Beings in the SR". The part of the project was also launching of the National Anti-Trafficking Hotline 0800 800 818¹³². The National Anti-Trafficking Hotline received all together 1073 calls in 2009¹³³. Within provided consultations the following areas were advised upon, see Chart no. 1 below.

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

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

Chart 1. Telephone Consultations in period of 1.1.2009 - 31.12.2009



Source: IOM, January 2010

Thanks to the National Anti-Trafficking Hotline five persons were identified in 2009 who were victims of trafficking in human beings in the past.

The specific aim of the project was capacity building within relevant organizations and institutions in the SR in order to enhance mechanism of trafficked persons' identification and secure wide accessible and quality reintegration services to the victims of trafficking in human beings in the SR¹³⁴.

Project entitled *"Enhancing identification of the victims of trafficking in human beings among asylum seekers in the SR and complex information system about assisted voluntary returns considering the needs of migrants"* was co-financed by the ERF and implemented by the IOM during the period March – December 2009. The aim of the project was a systematic education of the experts working with the asylum seekers thematically focused on early identification of the victims of trafficking in human beings among asylum seekers, provision of necessary professional assistance via the National reference framework and essentials of pre-return preparation if the victim decides to join the *Programme of assisted voluntary returns* in order to return home¹³⁵.

In 2009, trainings were realized within the project entitled *"Building capacities of selected experts in the area of prevention of trafficking in human beings who work with the vulnerable, socially disadvantaged groups"* financed by the Council of the SR for criminality prevention. The aim of the project was to create local groups of experts and realize individual and group prevention activities with the socially disadvantaged groups which are specifically endangered by trafficking

134 More detailed information is available on the webpage: <http://www.iom.sk/sk/aktivita/obchodovanie-s-ludmi/aktualne-projekty/15-program-navratu-a-reintegracie-obchodovanych-osob> (consulted on 10 February 2010).

135 More detailed information is available on the webpage: <http://www.iom.sk/sk/aktivita/obchodovanie-s-ludmi/aktualne-projekty/14-posilnenie-identifikacie-obeti-obchodovania-s-ludmi-medzi-ziadatelmi-o-azyl-v-sr> (consulted on 10 February 2010).

in human beings.

The result of the mutual coordination of the Mol SR, Council of the SR for criminality prevention and the ERF were 38 trainings within which 522 selected experts from the cooperating subject of the *Programme of Support and Protection of Victims of Trafficking in Human Beings in the SR* were educated in the area of prevention, identification and consequent assistance to the victims of trafficking in human beings.

3.11 Return Migration

3.11.1 European Pact on Immigration and Asylum

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

On 13 October 2009 the readmission agreement with Croatia entered into force. The implementation protocols to the readmission agreements with Russia, Albania, Serbia, the former Yugoslav Republic of Macedonia, Montenegro, Moldova and Ukraine have been prepared.

In 2009, there was not any change against the previous period regarding the conclusion of the readmission agreements.¹³⁶

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

The Government of the Slovak Republic has been implementing assisted voluntary returns in co-operation with the IOM since 1998 based on the *Agreement on Cooperation between the International Organization for Migration and the Ministry of Interior of the Slovak Republic on the*

136 The SR concluded readmission agreements on bilateral level with following states: EU Member States (Czech Republic, Poland, Hungary, Austria, Romania, Slovenia, Bulgaria, France, Italy, Spain, Germany, Sweden, Belgium, Luxembourg, the Netherlands), Norway, Switzerland and states outside the EU (Ukraine (executable only during the transitional period stated in the agreement on the EU level), Croatia and Vietnam).

Assistance to the Rejected Asylum Seekers and Illegal Migrants with the Return to the Country of Origin as of 20 August 1998. Legal base for the assisted voluntary returns is, besides the above mentioned agreement, the Act on Stay of Aliens and Act on Asylum.

In 2009, the BBAP MoI SR participated in the implementation of the IOM projects related to the assisted voluntary returns that are co-financed by the European Union funds:

1. *“Enhancing the mechanisms and standard harmonization in the area of assisted voluntary returns of migrants illegally staying in the EU Member States”*; the target group comprises illegal migrants from the third countries staying in Visegrad four (V4) countries, and three phases of the project are subject to the realisation since 2006, the project should be concluded by 31 January 2010. The goal of this project is to provide the financial means for the assisted voluntary returns of the target group and harmonization of the procedures with the EU policy. Within the project and its three phases 37 persons requested assistance. In cooperation with the IOM missions 19 foreigners were supported who elaborated realistic proposal for entrepreneurial activity generating income after the return to the country of origin.

2. *“Assistance in the return and reintegration of the unsuccessful asylum seekers and illegal migrants from the Slovak Republic to the country of origin”*. The objective of this project is to inform the target group about the assisted voluntary returns and build up mechanisms for providing efficient reintegration assistance into stability after return of the target group to the country of origin. The project begins on 22 April 2009 anticipated duration period is until 30 April 2010. Within the framework of the project several activities were conducted: Slovak wide info campaign on assisted voluntary returns and reintegration assistance in the country of origin, advertisement on advantageous info hotline 0850 211 262, update of the website www.avr.iom.sk, returns to the third-countries were accomplished (in 2009,

139 foreigners were returned to the country of origin), practical pre-return assistance, pocket money during return and financial means for reintegration activities after return to the country of origin¹³⁷. During the project, 20 foreigners asked for the reintegration financial means. Until February 2010 the reintegration assistance was granted to 10 persons. Until the end of April 2010, 3 more foreigners can obtain the financial contribution for the reintegration activities.

3. *“Enhancing cooperation with the relevant third-country authorities in the area of assisted voluntary returns”*. The aim of this project is to increase the effectiveness of the assisted voluntary returns of the third-country nationals to the country of origin by enhancing cooperation and synergy between the IOM, and other relevant stakeholders in the SR (the MoI SR, MoFA SR etc.) and transit third-countries stakeholders that provide information and emergency travel documents in order to transfer the migrant to the country of origin (third-country ministries, consular and migration offices)¹³⁸. In the framework of the project two activities were conducted: roundtable discussion comprising information exchange on assisted voluntary returns programme and process of safeguarding of emergency travel documents by the concerned parties and the business journey to India. The outcome is the detailed report comprising recommendations for further enhancing of cooperation between the IOM and concerned stakeholders in the SR and selected countries. The project was realised from June until the end of November 2009.

The objective of the all above mentioned projects is to enhance the assistance in voluntary returns to the country of origin, improvement of the counselling services, spreading of the

¹³⁷ More detailed information regarding the assisted voluntary returns project is available in chapter 3 and on the webpage: <http://avr.iom.sk/donor-projektu/o-projekte.html> (consulted on 10 February 2010).

¹³⁸ More detailed information is available on the webpage: <http://www.iom.sk/sk/aktivita/dobrovolne-navraty/aktualne-projekty/10-posilnenie-spoluprace-s-prislusnymi-organmi-tretich-krajin-v-oblasti-asistovanych-dobrovolnych-navratov> (consulted on 10 February 2010).

information about the voluntary returns programme, building capacities, enhancing cooperation with the state institutions and providing the voluntary return programme to the utmost group of migrants.

3.12 External relations/ Global Approach

3.12.1 European Pact on Immigration and Asylum

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

The SR did not conclude any agreements on bilateral level with the countries of origin and transit containing provisions on legal and illegal migration in the given period.

Within the Global Approach to Migration, the SR participates in the Mobility Partnership project with Moldova and in the Building of Migration Partnership project where the SR is the one of the partner states of the project¹³⁹.

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

No developments noticed in this area in 2009.

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

The BBAP MoI SR endeavours, within the fight against the illegal migration, to sign the readmission agreements with the countries of origin considering that operative fulfilment of the readmission agreements is one of the effective

¹³⁹ Information provided by the BBAP MoI SR.

forms of deterring from the illegal migration.

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

Slovakia's top ODA priorities for the years 2009-2013 period include the strengthening of stability and good governance in regions and countries that are among the priority areas of Slovakia's concern, including in terms of Slovakia's economic interests, as well as encouraging development, thus reducing poverty and hunger in developing countries through more effective and better-targeted development and humanitarian aid¹⁴⁰.

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

One of the three basic principles of the Slovak ODA is the coherence for the development policy, i. e. strengthening the coherence of Slovak development policy with the country's priorities in foreign, security, economic and migration policies. The Slovak ODA will be provided to the countries that represent, from the point of view of the SR and the EU, important countries of origin and transit of migrants (for instance Ukraine, Georgia, Moldova, Afghanistan and Vietnam).

The *Strategy* respects the commitment of the

¹⁴⁰ Medium-Term Strategy for Official Development Assistance of the Slovak Republic for the years 2009-2013, available at: [http://www.rokovania.sk/appl/material.nsf/0/1B-71C1003E418302C125756900473162/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/1B-71C1003E418302C125756900473162/$FILE/Zdroj.html) (consulted on 28 November 2009).

Member States, as stated in the Pact, to focus, within the sectoral priorities identified with the partner countries, on solidarity development projects that raise the living standards of citizens, for example in the areas of nutrition, health, care, education, vocational training and employment.

The *Strategy* defines four sectoral priorities for Slovak ODA that should primarily facilitate sustainable development (economic, social and environmental) of partner countries: building of the democratic institutions, rule of law, civic society and peace.

Slovakia remains prepared to share its transformational experience and knowledge of the reform process in key sectors such as democratisation, the building of the rule of law, civic society development, etc. Slovakia is willing to help with health sector, child and adult education programs, and social services. Slovakia will share its experience with and knowledge of economic reforms. This mainly concerns economic development, building of market environment, strengthening of macroeconomic environment, public finance management and support to small and medium-sized enterprises (e.g. creation of a business environment, including support to employment growth). Infrastructure development with a positive impact on sustainable development and environmental protection – Slovakia will support e.g. the building of trade-related economic infrastructure, environmental protection, agriculture, food security, etc.¹⁴¹.

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

No developments noticed in this area in 2009.

¹⁴¹ The Medium-Term Strategy for Official Development Assistance of the Slovak Republic for the years 2009-2013, approved by the Slovak Republic Government Resolution No. 170 as of 4 March 2009, available at: [http://www.rokovania.sk/appl/material.nsf/0/1B71C1003E418302C125756900473162/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/1B71C1003E418302C125756900473162/$FILE/Zdroj.html) (consulted on 28 November 2009).

04

Implementation of EU Legislation

4.1 Transposition of EU legislation 2009

Transposition of Directive 2008/115/EC

The amendments to the Act on Stay of Aliens transposing the return directive 2008/115/EC and the changes related to the adoption of the Visa Code are described in part 3.1.1. II (c) Legislative developments.

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

There were not noticed any public debates or academic contributions with respect to the adoption and following implementation of the EU legislative form the area of migration and asylum in national legal order in 2009 except one exception. As already mentioned in part 3.6.2, the Institute of Public Policy of the Faculty of Social and Economic Science of the Comenius University in Bratislava organized a public debate entitled "*Slovakia joined the battle for high-qualified migrants*" on 9 October 2009. The participants were the representatives of the state administration, self-administration, public and private schools, employers, NGOs and representatives of the foreigners living in the SR. Contribution on "*EU Blue Cards and readiness of the SR to implement the new EU Blue Cards Directive*" was presented by representative of the Section of the Legislative and External Relations of the Mol SR in relation to the need of transposition of the High Qualified Workers Directive¹⁴².

¹⁴² More detailed information is available on the webpage: <http://www.iz.sk/sk/partneri/migration/konferencia-2009-12-09> (consulted on 13 February 2010).

Annex – Methodology, List of abbreviations, Statistics and Bibliography

A1.1 Methodology

The National Report on Asylum and Migration Policies 2009 in the Slovak Republic was compiled in accordance with the requirements of the European Commission. From the methodological point of view, the report is based on the available expert literature, legislation, press monitoring, research studies, Internet sources, information provided on the websites of key institutions and organisations, statistical information and information on migration and asylum known to the author of the Report from her own experience.

The author of the Report also obtained information from interviews with the representatives of the BBAP MoI SR, MO MoI SR, MoLSAF SR, and IOM. The BBAP MoI SR and MO MoI SR and MoLSAF SR provided information and statistical data.

The consultation and information on the situation regarding respect of the fundamental human rights of the migrants in the SR and media monitoring were provided by the representatives of the Slovak National Centre for Human Rights.

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

Since the literature dealing with asylum and migration in the Slovak Republic is not extensive, the author based her work not only on the available literature, but also on the reports published by the European Migration Network in

last years: Grethe Guličová, Bargerová, *Study on the Organisation of Asylum and Migration Policies in the Slovak Republic*, European Migration Network, Bratislava, 2008, available at the website: <http://www.emn.sk> and Bargerová, Številová, *Annual Report on Migration and Asylum Policies 2008 Slovak Republic* European Migration Network, Bratislava, 2009, available at the webpage: <http://www.emn.sk>

Abbreviations of laws

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

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

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

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

Act on Labour Inspection – Act No. 125/2006 Coll. on the Labour Inspection and on Amendment to the Act no. 82/2005 Coll. on Illegal Work and Illegal Employment and on the Amendments of Certain Acts

Constitution of the SR - Constitution of the Slovak Republic No. 460/1992 Coll., as amended by the Constitutional Law No. 244/1998 Coll., Constitutional Law No. 9/1999 Coll., Constitutional Law No. 90/2001 Coll., Constitutional Law No.140/2004 Coll., Constitutional Law No. 323/2004 Coll.

Employers Sanctions Directive - Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-

country nationals

High Qualified Workers Directive – Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment

Labour Code – Act No. 311/2001 Coll. Labour Code as amended

Return Directive – Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.

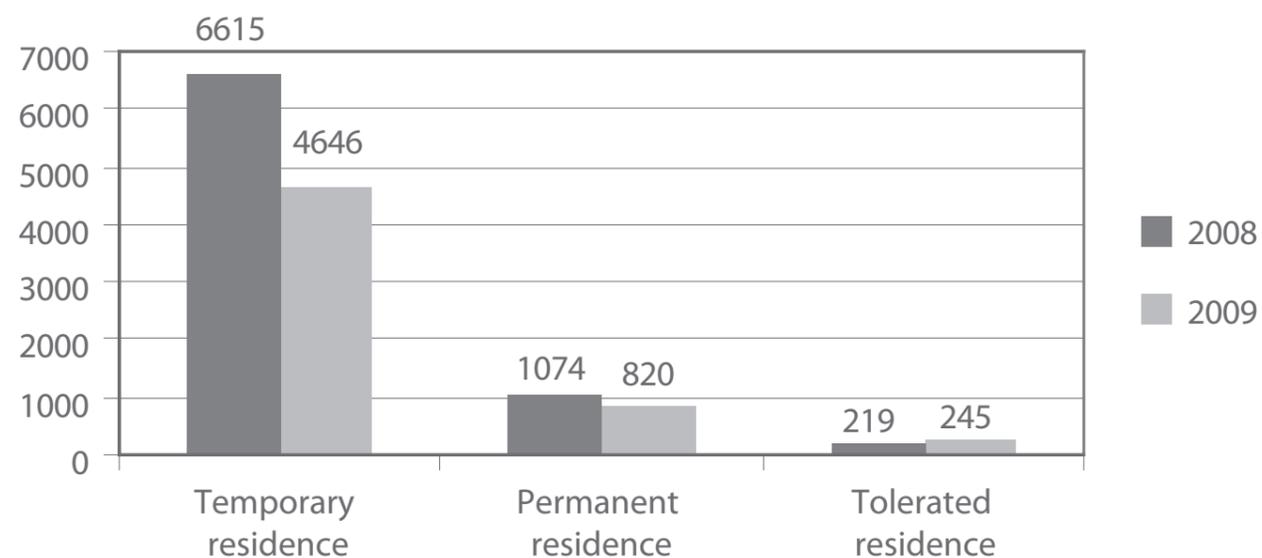
A1.2 Statistics - Migration

Types of residence permits granted in 2008 and 2009

Types of residence		2008	2009
Temporary residence		6 615	4 646
Thereof:	Third country nationals	6 615	4 646
Permanent residence		9 689	6 871
Thereof:	Third country nationals	1 074	820
	Nationals of the European Economic Area	8 615	6 051
Tolerated residence		249	273
Thereof:	Third country nationals	219	245
	Nationals of the European Economic Area	30	28
Total		16 553	11 790
Thereof:	Third country nationals	7 908	5 711
	Nationals of the European Economic Area	8 645	6 079

Source: BBAP Mol SR

Types of residence permits granted in 2008 and 2009



Source: BBAP Mol SR

Overview of detected illegal migrants per years

Year	2005	2006	2007	2008	2009
Number of illegal migrants detected	8 049	7 620	6 761	2 355	1 785

Source: BBAP Mol SR

Overview of illegal migration in the territory of SR in 2008 and 2009

	2008			2009		
	Total	Thereof:		Total	Thereof:	
		from SR	to SR		from SR	to SR
Illegal state border crossing at the external borders	994	7	987	594	24	570
Thereof:						
Land border	978	0	978	578	15	563
Air border	16	7	9	16	9	7
Illegal state border crossing at the internal borders	40	5	35	17	15	2
Thereof:						
State border with Austria	5	5	0	15	15	0
State border with Hungary	0	0	0	2	0	2
State border with Czech Republic	2	0	2	0	0	0
State border with Poland	33	0	33	0	0	0
Total illegal state border crossing	1 034	12	1 022	611	39	572
Illegal stay	1 321	---	---	1 174	---	---
Total illegal migration	2 355			1 785		

Source: BBAP Mol SR

Overview of illegal stay by individual months of years 2008 and 2009

	Total	I.	II.	III.	IV.	V.	VI.	VII.	VIII.	IX.	X.	XI.	XII.
2008	1 321	85	106	126	134	107	103	90	89	120	151	120	90
2009	1 174	52	82	129	94	75	101	94	101	133	135	95	83

Source: BBAP Mol SR

Illegal stay by nationality, place of detection and the previous entry in 2009 (top 10)

Nationality	Total	Inland			At the BCPs at exit from SR		
		Total	Thereof:		Total	Thereof:	
			after legal entry	after illegal entry		land border	air border
Ukraine	361	212	166	46	149	149	0
Pakistan	160	160	3	157	0	0	0
Viet Nam	144	144	107	37	0	0	0
Moldova	94	93	5	88	1	1	0
Afghanistan	55	55	0	55	0	0	0
China	45	45	25	20	0	0	0
India	42	37	2	35	5	0	5
Russia	37	31	1	30	6	5	1
Georgia	35	35	0	35	0	0	0
Serbia	30	30	13	17	0	0	0
others	171	165	67	98	6	1	5
Total	1 174	1 007	389	618	167	156	11

Source: BBAP Mol SR

Illegal stay by nationality, place of detection and the previous entry in 2008 (top 10)

Nationality	Total	Inland			At the BCPs at exit from SR		
		Total	Thereof:		Total	Thereof:	
			after legal entry	after illegal entry		land border	air border
Ukraine	574	335	269	66	239	239	0
Moldova	123	122	5	117	1	1	0
Pakistan	84	83	0	83	1	0	1
India	80	47	3	44	33	0	33
Russia	74	68	8	60	6	2	4
Afghanistan	64	63	1	62	1	0	1
Republic of Korea	55	55	54	1	0	0	0
Viet Nam	43	43	19	24	0	0	0
Bangladesh	33	33	0	33	0	0	0
China	31	31	12	19	0	0	0
others	132	123	67	56	9	2	7
Total	1 321	1 031	438	593	290	244	46

Source: BBAP Mol SR

Overview of illegal state border crossing by nationality and border type in 2009

Nationality	Total	Thereof:			
		External border			Internal border
		Total	Thereof:		
	Land border		Air border		
Moldova	181	181	181	0	0
Georgia	99	99	99	0	0
Ukraine	65	65	61	4	0
Afghanistan	62	62	62	0	0
Pakistan	47	37	37	0	10
Russia	44	44	44	0	0
Armenia	24	24	24	0	0
Somalia	15	15	15	0	0
India	12	8	6	2	4
others	62	59	49	10	3
Total	611	594	578	16	17

Source: BBAP Mol SR

Overview of the persons handed and taken over according to Readmission Agreements related to illegal migration in 2008 and 2009

Reason for refusals	2008			2009		
	Total	Thereof:		Total	Thereof:	
		Land border	Air border		Land border	Air border
A	5	5	0	6	6	0
B	6	1	5	10	7	3
C	988	974	14	314	298	16
D	13	11	2	12	12	0
E	308	305	3	329	324	5
F	3	3	0	10	10	0
G	22	22	0	32	32	0
H1	254	248	6	166	153	13
H2	12	10	2	6	6	0
I	0	0	0	3	2	1
Total	1 611	1 579	32	888	850	38

Reasons according to Regulation of the European Parliament and the Council (ES) No 562/2006, which determines Schengen Borders Code::

- A - has no valid travel document
- 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 in the territory of Member States of the EU
- G - does not have sufficient means of subsistence to the period and form of stay, or the means to return to the country of origin or transit
- H1 - is the person, who was accorded the caution for the purposes of entry refusal in SIS
- H2 - is the person, who was accorded the caution for the purposes of entry refusal in the inlands evidence
- I - is considered to be a threat to public policy, internal security, public health or the international relations of Member States of EU.

Source: BBAP Mol SR

Overview of the persons handed and taken over according to Readmission Agreements related to illegal migration in 2008 and 2009

Readmission Agreement with state:	2008		2009	
	Persons handed over	Persons taken over	Persons handed over	Persons taken over
Ukraine	691	7	425	18
Austria	0	31	2	2
Hungary	1	2	5	6
Czech Republic	0	2	3	17
Poland	3	0	0	0
Total	695	42	435	43

Source: BBAP Mol SR

Applications for asylum and first-instance decisions in the SR (2009)
(in number of applications)

Country of origin	New application	Repeated application	Granted ref.stat.	Application rejected as manifestly unfounded	Application rejected as inadmissible	Denied ref. status		Terminated procedure	Terminated procedure
						Denied SP	Reversed decision Provided SP		
Afghanistan	51		1	1	3		48		10
Albania									2
Algeria	1					1	2		
Armenia	21			1		5	5		13
Azerbaijan	5								9
Bangladesh	15			1		9			9
Stateless	2		1				3		1
Belarus	3					1			2
Bosnia and Herzegovina	1			1					
Bulgaria	1				1				
Czech Republic	1				1				
Montenegro	1					1			
China	39		1	22		6			12
Egypt	3								2
Ghana	1			1					
Georgia	98			7		18			79
Croatia	1			1					
India	57			9		18			37
Indonesia	1								1
Iraq	13		1	1	1	2	9		3
Iran	10		3	2		1	7		2
Israel	2				1				1
Kamerun			1				1		
Kazakhstan	1			1					
Colombia	1					1			
Congo							1		
Dem. Rep. of the Congo	2		1				1		
Cuba	3		3				1		
Liberia	2								2
Libya	1						1		

Country of origin	New application	Repeated application	Granted ref.stat.	Application rejected as manifestly unfounded	Application rejected as inadmissible	Denied ref. status		Reversed decision	Terminated procedure	Terminated procedure
						Denied SP	Provided SP			
the fom.Yug. Rep.of Macedonia	3			2						1
Marocco	1			1						
Moldova	73			18		9				50
Mongolia	1					1				
Nepal	1									1
Nigeria	9			1		3				4
Pakistan	168		1	35	4	56				71
Palestine	8		1		2	2				2
Romania	12									12
Russian Federation	72			3		9	1			75
Somalia	13						11			
Serbia	19			5		4				3
Serbia and Montenegro	1			1						
Sri Lanka	18					5				16
Syrian Arab Republic	10						6			8
Turkey	5				1	3	1			3
Ukraine	13			6		2				5
Uzbekistan	2									2
Viet Nam	56			31		8				22
Total	822	0	14	151	14	165	98	0	0	460

Source: MO Mol SR

Asylum seekers in the SR by age and state nationality (2009)

Country of origin	0 – 14		15 – 17		18 – 25		26 – 39		40 – 49		nad 50		Total	
	men	women	men	women	men	women	men	women	men	women	men	women	men	women
Afghanistan		1	7	1	37	2	2				1		46	5
Armenia	2	1		1	3		9	1	3	1			17	4
Azerbaijan					1		4						5	0
Bangladesh					6		9						15	0
Bulgaria								1					0	1
Bosnia and Herc.										1			1	0
Belarus							2		1				3	0
Congo the Dem.R..		1					1						1	1
Columbia									1				1	0
Cuba							1		1	1			2	1
Czech Republic								1					0	1
Algeria							1						1	0
Egypt					1		2						3	0
Georgia	2				21		57	1	11	1	5		96	2
Ghana					1								1	0
Croatia									1				1	0
China					2	1	10	12	14				26	13
Indonesia							1						1	0
India					22		28		6		1		57	0
Iran		1					5	3	1				6	4
Iraq					6		7						13	0
Israel							1				1		2	0
Kazachstan											1		1	0
Liberia					2								2	0
Libyan							1						1	0
Sri Lanka			1		9		7	1					17	1
Morocco							1						1	0
Moldova			9	1	33	3	22	2	2	1			66	7
Montenegro					1								1	0
Macedonia							2				1		3	0
Mongolia								1					0	1
Nigéria					1		8						9	0

Country of origin	0 – 14		15 – 17		18 – 25		26 – 39		40 – 49		nad 50		Total	
	men	wo-men	men	wo-men	men	wo-men	men	wo-men	men	wo-men	men	wo-men	men	wo-men
Nepal							1						1	0
Pakistan					72		83		12		1		168	0
Romania	1	1			1	1	5	2				1	7	5
Serbia	2	3		1	2	1	3	2	5				12	7
Russian Federation	6	8	0	2	9	1	24	3	14	4		1	53	19
Serbia and Montenegro							1						1	0
Somalia	3			1	6		2			1			11	2
Syria	1	1		1			5	1	1				7	3
Turkey					1		3		1				5	0
Ukraine						1	5	2	1	1	3		9	4
Uzbekistan								1	1				1	1
Viet Nam	1	1			8	5	16	7	17			1	42	14
Palestinian					2		5				1		8	0
Stateless									1		1		2	0
Total	18	18	17	8	247	15	334	41	94	10	16	4	726	96

Source: MO Mol SR

Unaccompanied minors by country of citizenship and age group – asylum seekers in the SR (2009)

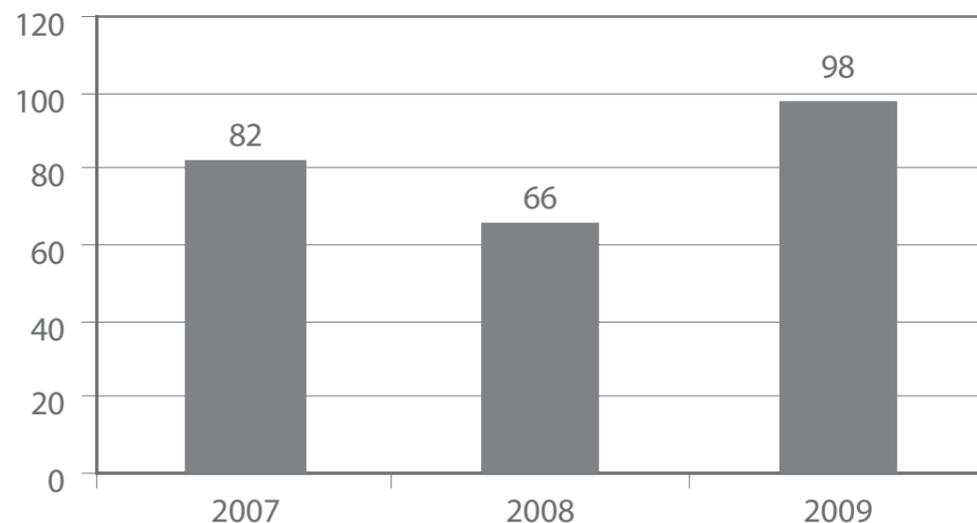
(in number of applications)

Country of Origin	0 – 13	14 – 15	16 – 17	Summary
Afghanistan	0	0	5	5
Bangladesh	0	0	1	1
Montenegro	0	0	1	1
Georgia	0	0	1	1
India		0	1	1
Iran		0	1	1
Pakistan	0	0	1	1
Serbia		0	1	1
Sri Lanka	0	0	1	1
Moldova	1	1	13	15
Total	1	1	26	28

Source: MO Mol SR

Number of persons with subsidiary protection granted during the reference period of 2007 - 2009

(in number of persons)



Source: MO Mol SR

A1.3. Bibliography

Publications

Baldwin-Edwards, M., Kraler, A. (ed.), REGINE Regularisations in Europe, European Commission/Amsterdam University Press, Amsterdam 2009.

Bargerová, Številová, Výročná správa o politikách v oblasti migrácie a azylu 2008 Slovenská republika, Európska migračná sieť, Bratislava, jún 2009, dostupná na <http://www.emn.sk> (citované dňa 28. 1. 2010).

CASR, ÚHCP MV SR, Štatistický prehľad legálnej a nelegálnej migrácie v Slovenskej republike za rok 2009, Bratislava 2009.

Cibulka, Posluch, Štátne právo Slovenskej republiky, PF UK v Bratislave, Bratislava, 2003.

Fajnorová, K., Številová, Z., Právne postavenie a možnosti integrácie maloletých cudzincov bez sprievodu v Slovenskej republike. Analýza právneho stavu a praxe, OZ Liga za ľudské práva, Bratislava, 2009.

Grethe Guličová, M., Maloletí bez sprievodu v Slovenskej republike – politiky riadiace ich príjem, návrat a integračné opatrenia, Európska migračná sieť, Bratislava, máj 2009.

Grethe Guličová, Bargerová, Organizácia azylovej a migračnej politiky v Slovenskej republike, Európska migračná sieť, Bratislava. 2008, dostupné na webovej stránke: <http://www.emn.sk> (citované dňa 28. 1. 2010).

Chaloupka, V., Kotvanova, A., Müncnerová, Vnímание ľudských práv a zásady rovnakého zaobchádzania u dospelých populácie v SR (záverečná správa z výskumu), Slovenské národné stredisko pre ľudské práva, Bratislava, 2009.

Machajová a kol.: Všeobecné správne právo, 3. aktualizované vydanie, EUROKÓDEX, Bratislava 2009.

MÚ MV SR. Ročná štatistika 2009. Bratislava. 2009. Dostupné na: www.minv.sk/?statistiky-20 (citované dňa 14. 2. 2010).

Prusák, Teória práva, PF UK v Bratislave, Bratislava, 2001.

(kol. autorov), Slovenské národné stredisko pre ľudské práva, Správa o dodržiavaní ľudských práv vrátane zásady rovnakého zaobchádzania v Slovenskej republike za rok 2008, Bratislava, 2009.

Articles

Bahna, M.: Pracovná migrácia zo Slovenska po vstupe do EÚ v kontexte krajín EÚ, Text bol prezentovaný na Workshope Interkultúrny dialóg a migrácia organizovanom Centrom pre európsku politiku 24.1.2008 v Trenčianskych Tepliciach. Dátum publikovania na Internete: 16.12.2009, text je dostupný na webovej stránke: http://www.sociologia.sav.sk/cms/uploaded/1216_attach_Pracovna_migracia_

zo_Slovenska_v_kontexte_EU_10.pdf (citované dňa 10. 2010).

Barrot, J., (Názor) Migranti a utečenci: aká je reakcia Európy?, Hospodárske noviny, 19.6. 2009, dostupné na webovej stránke: <http://hnonline.sk/c1-37496250-migranti-a-utecenci-aka-je-reakcia-euro-2010> (citované dňa 2. 2. 2010).

ČTK, Dobrovoľne sa vrátia zo Slovenska do vlasti desiatky cudzincov, Pravda, 20. 12. 2009, dostupné na webovej stránke: http://spravy.pravda.sk/dobrovolne-sa-vratia-zo-slovenska-do-vlasti-desiatky-cudzincov-pwk-sk-domace.asp?c=A091220_165005_sk_domace_p29 (citované dňa 2. 2. 2010).

EAC, National Security Table III Nelegálna migrácia a jej bezpečnostné aspekty, 15. 10. 2009, dostupné na: National Security Table III Nelegálna migrácia a jej bezpečnostné aspekty (citované dňa 10. 2. 2010).

EurActive, <http://www.euractiv.sk/informacna-spolocnost/clanok/maliarik-chceme-schengensky-informacny-system-druhej-generacie-video-013177> (citované dňa 20. 11. 2009).

EurActive, MZV SR: Národný konvent o EÚ rieši problematiku migrácie, 8. 10. 2009, dostupné na webovej stránke: <http://www.euractiv.sk/buducnost-eu/clanok/mzv-sr-narodny-konvent-o-eu-riesi-problematiku-migracie> (citované dňa 2. 2. 2010).

European Parliament, Results of the 2009 European elections, dostupné na: http://www.europarl.europa.eu/parliament/archive/elections2009/en/turnout_en.html (citované dňa 28. 1. 2010).

Habrmanová, S., Údajný terorista nedostal azyl, Hospodárske noviny, 29.10.2009; Slovenský rozhlas, Zamietli žiadosť o azyl, 28. 10. 2009.

Inštitút zamestnanosti, Migrovanie za prácou na Slovensko bude pokračovať, publikované dňa 23. 7. 2009, dostupné na webovej stránke: <http://www.iz.sk/sk/partneri/migration/seminar-migracia-na-slovensko> (citované dňa 13. 2. 2010).

Inštitút zamestnanosti, Diskusné fórum 9. decembra, 4. 12. 2009, dostupné na webovej stránke: <http://www.iz.sk/sk/partneri/migration/konferencia-2009-12-09> (citované dňa 13. 2. 2010).

Internetoviny.sk, Konferencia „Integrácia cudzincov na Slovensku: od koncepcie k implementácii“, 4. 7. 2009, dostupné na webovej stránke: <http://www.internetoviny.sk/spravy-z-domova/531-konferencia-integracia-cudzincov-na-slovensku-od-koncepcie-k-implementacii.html> (citované dňa 2. 2. 2010).

Kováčová, M., Cudzincov si nepúšťame k telu, SME, 19. 12. 2009, dostupné na <http://www.sme.sk/c/5161031/cudzincov-si-nepustame-k-telu.html> (citované dňa 2. 2. 2010).

Kováčová, M., Do Humenného príde sto Palestínčanov, SME, 21. 7. 2009.

Liga za ľudské práva. Projekt AMAS. Ďalšie informácie sú dostupné na webovej stránke: <http://www.hrl.sk/?a=projects> (citované dňa 2. 2. 2010).

Macek, Ľ, Stavili sme na cudzincov. Tí nám získavajú medaily, Hospodárske noviny, 24. 2. 2009.

SITA, Na hranici s Ukrajinou zadržali 31 migrantov, Hospodárske noviny, 28. 3. 2009.

SITA, Na Slovensku budú migrantov lákať domov bilbordov, WEBNOVINY, 17. 8. 2009.

Šlosár, D., Projekt IKAROS v cieľi, 2. 12. 2009, dostupné na <http://www.vucke.sk/apir/sk/Stranky/Article.aspx?ID=753> (citované dňa 10. 2. 2010).

TASR, Na Slovensko mieri stovka palestínskych utečencov, aktualne.sk, 20.7.2009.

TASR, Vzdelávacia príručka o migrácii a azyle bude na internete do 10. mája, oPeniazoch.sk, 2. 5. 2009, dostupné na webovej stránke: <http://openiazoch.zoznam.sk/info/zpravy/zprava.asp?NewsID=76060> (citované dňa 2. 2. 2010).

TASR, Údajný terorista Mustafa Labsi azyl nedostane, SME, 28. 10. 2009, dostupné na webovej stránke: <http://www.sme.sk/c/5082842/udajny-terorista-mustafa-labsi-azyl-nedostane.html> (citované dňa 14. 2. 2010).

TASR, Údajný terorista Mustafa Lábsi utiekol zo Slovenska do Rakúska, 21. 12. 2009, Bratislava, dostupné na webovej stránke: <http://tvnoviny.sk/spravy/domace/udajny-terorista-mustafa-labsi-utiekol-zo-slovenska-do-rakuska.html> (citované dňa 14.2.2010).

Trško, M., Kotris, T., Fanúšikovia Hajduku útočili v Žiline, minister sa za nich ospravedlnil, SME, 30. 7. 2009, dostupné na webovej stránke: <http://zilina.sme.sk/c/4955711/fanusikovia-hajduku-utocili-v-ziline-minister-sa-za-nich-ospravedlnil.html> (citované dňa 14. 2. 2010).

Úrad splnomocnenca vlády SR pre informačnú spoločnosť, eInclusion: nový informačný portál www.migration.sk pre prisťahovalcov na Slovensku, 22. 10. 2009, dostupné na: <http://www.euro.gov.sk/17901/einclusion:-novy-informacny-portal-wwwmigrationsk-pre-pristahovalcov-na-slovensku.php%20a%20www.migration.sk> (citované dňa 2. 2. 2010).

Zhodnotenie vytvorenia Európskeho systému hraničného dozoru (EUROSUR), Brusel, 13. 2. 2008, dostupné na: <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/86&format=HTML&aged=0&language=SK&guiLanguage=en> (citované dňa 27. 11. 2009).

Documents

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

Centre of Labour, Social Affairs and Family (UPSVR), Annual report on employment of foreigners, Employment of foreigners in the SR in 2009.

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

Conference on the Integration of the third-country nationals in Slovakia: from the Concept to Integration, held on 29 June 2009, further information available at: <http://www.employment.gov.sk/index.php?SMC=1&id=16552> (consulted on 28 November 2009).

Examining the creation of a European Border Surveillance System (EUROSUR), Brussel, 13 February 2008, available at: <http://europa.eu/rapid/pressReleasesAction.do?reference=MEMO/08/86&format=HTML&aged=0&language=SK&guiLanguage=en> (consulted on 27 November 2009).

EurActive, <http://www.euractiv.sk/informacna-spolocnost/clanok/maliarik-chceme-schengensky-informacny-system-druhej-generacie-video-013177> (consulted on 20 November 2009).

Medium-Term Strategy for Official Development Assistance of the Slovak Republic for the years 2009-2013, approved by the Slovak Republic Government Resolution No. 170 as of 4 March 2009, available at: [http://www.rokovania.sk/appl/material.nsf/0/1B71C1003E418302C125756900473162/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/1B71C1003E418302C125756900473162/$FILE/Zdroj.html) (consulted on 28 November 2009).

National Council of the Slovak Republic, www.nrsr.sk

National plan on border control management of the Slovak Republic, available at: [http://www.rokovania.sk/appl/material.nsf/0/6B9DC2D4A9BE2581C12572F900492E3C/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/6B9DC2D4A9BE2581C12572F900492E3C/$FILE/Zdroj.html) (consulted on 24 November 2009).

Report on the fulfilment of the measures from the 2008 Schengen Action Plan of the Slovak Republic for the period 2008 – 2009 was approved by the Slovak Republic Government Resolution No. 217 as of 18 March 2009, available at: [http://www.rokovania.sk/appl/material.nsf/0/085AD33A2BD4D183C125759A00364111/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/085AD33A2BD4D183C125759A00364111/$FILE/Zdroj.html) (consulted on 27 November 2009).

Schengen Action Plan for safeguarding the entry of the Slovak Republic into the Schengen area, approved by the Slovak Republic Government Resolution No. 264 as of 14 March 2007, available at: [http://www.rokovania.sk/appl/material.nsf/0/CC6EF4CA51C3C7A0C125729C003989D0/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/CC6EF4CA51C3C7A0C125729C003989D0/$FILE/Zdroj.html) (consulted 20 November 2009).

Slovak Government Resolution No. 672 as of 30 September 2009 related to the draft amendment to the Act No. 48/2002 Coll. on Aliens Stay and Amendments and Supplements to Certain Acts as amended, č. 27966/2009, available at: [http://www.rokovania.sk/appl/material.nsf/0/C3B3F9B617182ECFC1257647002422FA/\\$FILE/Zdroj.html](http://www.rokovania.sk/appl/material.nsf/0/C3B3F9B617182ECFC1257647002422FA/$FILE/Zdroj.html) (consulted on 24. November 2009).

Statute of the third-country nationals migration and integration Steering Board, Annex to the Summary Report on the state of implementation of the commitments from the Concept of Migration Policy of the Slovak Republic by the governmental departments in 2008, approved by the Slovak Republic Government Resolution No. 467 as of 24 June 2009, available at: <http://www.rokovania.sk/appl/material.nsf/0/E23AB906FD6AA70BC12575D8003E9330?OpenDocument> (consulted on 27 November 2009).

Other sources

Slovenská televízia, Cudzinci pracujúci na Slovensku, 3. 6. 2009;

Slovenský rozhlas, Modré karty, 26.5.2009.

Slovenský rozhlas, O azyl v EÚ usilovalo 240 000 ľudí, 10. 5. 2009.

Slovenský rozhlas, Pracovné povolenia pre ľudí z tretích krajín, 6.2.2009, Slovenský rozhlas, Modré karty, 26.5.2009.

Slovenský rozhlas, Program dobrovoľného návratu migrantov späť do vlasti, 17. 8. 2009.

Televízia JOJ, Spoved' vyhostenej Ukrajinky, 16. 8. 2009, Vyhostené Ukrajinky, 11. 10. 2009.

Televízia TA3, Migračné informačné centrum, 29. 5. 2009.

Legislative sources:

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

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

Act No. 455/1991 Coll. on Small Trade Business (the Trade License Act) as amended

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Act No. 125/2006 Coll. on the Labour Inspection and on Amendment to the Act no. 82/2005 Coll. on Illegal Work and Illegal Employment and on the Amendments of Certain Acts

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

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

Act No. 594/2009 Coll., which changes and amends Act No. 48/2002 Coll. on Aliens Stay and Amend-

ments and Supplements to Certain Acts as amended.

Constitution of the Slovak Republic No. 460/1992 Coll., as amended by the Constitutional Law No. 244/1998 Coll., Constitutional Law No. 9/1999 Coll., Constitutional Law No. 90/2001 Coll., Constitutional Law No.140/2004 Coll., Constitutional Law No. 323/2004 Coll.

Council Directive 2001/40/EC of 28 May 2001 on the mutual recognition of decisions on the expulsion of third country nationals

Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment, OJ L 155, 18. 6. 2009.

Decree of the Ministry of Education of the SR No. 207/1993 Coll. on the Equivalence of Education Documents defining details on the equal standing of educational certificates issued by the foreign primary and secondary schools.

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

Directive 2009/52/EC of the European Parliament and of the Council of 18 June 2009 providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals,

European Pact on Immigration and Asylum, Council of the European Union, 13440/08, ASIM 72.

Websites:

Euroatlantic Centre / Euroatlantické centrum (EAC) – <http://www.eac.sk>.

IOM – www.iom.sk.

The Institute of Public Policy /Inštitút pre verejné otázky – www.ivo.sk.

Human Rights Ligue/Liga za ľudské práva (HRL) – www.hrl.sk.

MoLSAF SR /MPSVR SR – www.employment.gov.sk.

MoI SR /MV SR – www.minv.sk.

MoFA SR /MZV SR – www.mzv.sk.

Milan Šimečka Foundation/Nadácia Milana Šimečku – www.nadaciamilanasimecku.sk.

National Council of the Slovak Republic /Národná rada Slovenskej republiky – www.nrsr.sk.

Slovak Humanitarian Council/Slovenská humanitná rada – www.shr.sk.

www.migranti.sk

www.migration.sk.

www.emn.sk



**IOM International Organization for Migration
Office in the Slovak Republic
National Contact Point of the European Migration Network in the SR**
Grösslingová 4, 811 09 Bratislava, Slovak Republic
www.iom.sk, www.emn.sk

ISBN 978-80-970307-4-2