



# The Organisation of Asylum and Migration Policies

## Factsheet: Slovak Republic

### NOTICE

This factsheet was updated for the EMN educational seminar entitled *Labour Migration Opportunities and Challenges* as of 16 August 2013. The original factsheet was from October 2012.

### 1. Introduction

This factsheet provides an overview of how asylum and migration policies are organised in the *Slovak Republic*, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals coming for the purpose of legal immigration or for international protection. It is based on information provided in the Slovak Republic National Report of the EMN Study *The Organisation of Asylum and Migration Policies in EU Member States*<sup>1</sup>, as at December 2008 updated in *May 2010 and July 2012 consecutively*. The Report was based on desk research: key sources were the Ministry of Interior (including its Migration Office and Bureau of Border and Alien Police), International Organization for Migration (IOM) and Human Rights League.

### 2. Overview of organisation of political, legislative and institutional framework

#### 2.1 The political system and institutional context

Aspects of migration and asylum fall under the auspices of three ministries: Ministry of Interior (MoI), Ministry of Foreign and European Affairs (MoFEA), and Ministry of Labour, Social Affairs and Family (MoLSAF).

MoI implements relevant policies mainly through the Migration Office and the Bureau of Border and Alien Police. MoI is the responsible body for the Solidarity and Management of Migration Flows Programme for the period 2007-2013, with the Department of Foreign Aid as the responsible entity.

MoLSAF establishes legal norms and regulation for employing foreigners in the SR and sets up criteria for entry into the Slovak labour market. Under this Ministry is also the Sub-department of Migration and Integration of Foreigners. The Central Office of Labour, Social Affairs and Family under the MoLSAF has 46 subordinate regional and local offices with duties related to work permits. The Centre for Legal Assistance under the Ministry of Justice provides free legal assistance to asylum seekers appealing negative decisions and free legal assistance in the second stage of appeals procedure of administrative expulsion.

UNHCR assists asylum seekers and recognised refugees in the SR. IOM provides assistance in return and resettlement programmes, integration of foreigners and victims of trafficking in human beings. Otherwise, the most active NGOs working in the field are the Milan Šimečka Foundation, the Center for the Research of Ethnicity and Culture, the Human Rights League, the Slovak Humanitarian Council, the Goodwill Society and OZ Marginal.

#### 2.2 The legal framework

Laws relevant to migration and asylum are passed by the National Council - the Parliament - and enacted by the Government. Asylum is covered by the Act No. 480/2002 Coll. on Asylum and on Changes and Amendments of Some Acts. Act No. 404/2011 Coll. on Residence of Aliens and on Changes and Amendments of Some Acts governs the field of entry and residence of foreigners and their basic rights and obligations. Employment of foreigners is governed by the Act No. 5/2004 on Employment Services and on changes and Amendments of Some Acts as Amended. There are also relevant acts covering recognition of qualifications, citizenship and health care.

<sup>1</sup> Available on the EMN website

### 3. Development of migration and international protection systems

Legislative changes have been made to transpose EU directives. In 2011, the special department of MoLSAF dealing with the migrant integration issues was established. In August 2011, the new Migration Policy with the perspective until 2020 was approved by the Government.

### 4. Organisation of policy

#### 4.1 Overview of migration and international protection policy

Granting visas and accepting applications for residence permits is the competence of the MoFEA. Granting residence permits, registering residence as well as detecting and preventing illegal migration is overseen by the MoI. As for entry procedures, the legislation distinguishes between temporary residence and permanent residence. The missions abroad review tourist visa applications and receive applications for residence permits. Applications can be filed also directly in the country. There are no specific entry requirements for asylum applicants - applicants remain under the care of the Migration Office who also reviews the applications. A decision must be given within three months.

A temporary residence is principally granted for a period exceeding 90 days. The purposes for a permit include: employment, business, study, family reunification, duties as a member of civilian units of the armed forces, special activity including e.g. lecturing, art, and sports, research and development, status of a Slovak living abroad and a status of a person with a long term residence in another Member State. Temporary residence is also a residence on the basis of an EU Blue Card. A permanent residence is first issued for five years, where after it can be renewed for an unlimited period. Additionally, an alien may apply for tolerated stay for specific purposes defined by the law. There are no fixed conditions regarding integration, but it can be included as a factor in decisions to extend residence permits.

Access to the labour market consists of two steps: granting a work permit and subsequently a temporary residence permit for the purpose of employment. A work permit is not required if the foreigner holds a permanent residence permit, a temporary residence permit for the purpose of a family reunification for more than 12 months or for study. A work permit and a temporary residence permit for the purpose of employment may only be applied for the specific activity for which it was granted. Asylum applicants who have not received a decision within one year do not require a work permit. Persons granted asylum or subsidiary protection have access to employment without a permit.

Administrative expulsions are carried out by the police and judicial expulsions are issued by the court. Detention may be used in this procedure. Forced expulsions may be accompanied by a ban on entry for up to 10 years. A foreigner without legal stay can use an Assisted Voluntary Return and Reintegration Programme organised by IOM.

#### 4.2 Links with other policies

There are links between migration issues and foreign, development, employment and social policies. Hence, MoFEA has built partnerships with some countries of origin of illegal migration or assist (potential) migrants in countries of origin. Otherwise it is primarily health care or problems related to the employment of foreigners from third countries, which are the primary issues linking migration with other policy areas.

### 5. Analysis of asylum and migration systems

Even though Slovakia has not been a primary country of destination for many migrants, there has been a need to implement projects in the field of migration and asylum, e.g. to establish and maintain counselling centres for migrants. As an essential step forward can be considered the adoption of the Concept of the Foreigners Integration (2009) and the adoption of a new Migration Policy (2011), however migration and asylum is still a field which receives relatively limited attention.

Several legislative changes have been made in recent years in relation to the transposition of EU Directives and it is assessed that the transposition of EU legislation has had a positive impact on the migration and asylum policy.

### ANNEX: Institutional Chart for Slovak Republic.