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ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN THE SLOVAK REPUBLIC OVERVIEW

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INTRODUCTION

This document provides basic overview of how migration and asylum policies for third country nationals (TCNs) in the **Slovak Republic (SK)** are organised from the point of view of institutions and their mutual relations. The overview is based on information provided by the Slovak Republic in **January 2024**.



OVERVIEW OF ORGANISATION OF INSTITUTIONAL AND LEGISLATIVE FRAMEWORK

THE INSTITUTIONAL CONTEXT

Policies and measures in migration and international protection of the TCNs are in the SK mainly the responsibility of these three ministries:

- Ministry of Interior (MoI),
- Ministry of Labour, Social Affairs and Family (MoLSAF), and
- Ministry of Foreign and European Affairs (MoFEA).

MoI creates and implements policies in the area of border management, legal and irregular migration including combatting migrant smuggling, as well as international protection, citizenship, return and the fight against trafficking in human beings. It implements its agenda primarily via:

- Bureau of Border and Foreign Police of the Police Force Presidium (BBFP PFP), which is responsible mainly for border control, visa practice, entry, exit, residence, checks and returns of foreigners, as well as countering human trafficking, irregular migration and smuggling. It also analysis risks and travel documents, publishes statistics, and implements some tasks related to asylum process and the Dublin Regulation.

After the outbreak of the war in Ukraine the BBFP PFP began to be responsible mainly for the registration of temporary protection. Large-capacity centres were also established for this purpose.

- Migration Office, which is responsible for the reception and basic care for asylum seekers in asylum facilities, decides on granting of international protection (i.e. asylum and subsidiary protection) as a first instance administrative body, implements the Dublin Regulation, analyses information on countries of origin, publishes statistics and coordinates the creation of migration policy of the state. Through non-governmental organisations (currently the Slovak Humanitarian Council) it also provides additional care for asylum seekers and participates in the integration of persons with granted international protection.

Also after the outbreak of the war in Ukraine the Office has been deciding on the provision of temporary protection in special cases (in case of the birth of the

child and for persons who arrived without documents), and marking the termination of the temporary protection including termination by its cancellation. In the asylum facilities and integration centre also temporary protection holders have been accommodated and provided with food and selected services by the non-governmental and international organisations.

- The Crisis Management Section in the field of migration is responsible for emergency accommodation. After the outbreak of the war in Ukraine it prepared a Contingency Plan in connection with the mass influx of Ukrainian residents to the territory of the Slovak Republic and established coordination staff where several ministries are represented.

Since the outbreak of war in Ukraine the MoI has been providing allowances for accommodation of temporary protection holders to individuals and legal entities that don't do business in the area of accommodation.

In autumn 2023, the position of Advisor to the Minister of the Interior for Internal Security was created, whose agenda also covers irregular migration.

MoI serves also as the Steering Body for the EU Home Affairs Funds for the period 2021 – 2027 which includes the Asylum, Migration and Integration Fund (AMIF), Internal Security Fund (ISF), and Border Management and Visa Instrument (BMVI). MoI also held the position of the Responsible Body for the Home Affairs Funds for the years 2014 –2020.

MoLSAF coordinates labour migration, national integration policy and Inter-ministerial Expert Commission for Labour Migration and Integration of Foreigners (MEKOMIC). It draws up legal regulations on social care and employment of foreigners and entry criteria for specific categories of TCNs into the Slovak labour market. Among its competencies is also the care for unaccompanied minors. The scope of the MoLSAF includes:

- Centre for Labour, Social Affairs and Family, which coordinates 46 labour offices deciding, inter alia, on work permits for the TCNs, maintains central record and statistics on employment of

foreigners, and provides care for unaccompanied minors;

- and National Labour Inspectorate, which together with BBFP PFP participates in measures against illegal employment and bad working conditions of foreigners in Slovakia.

After the outbreak of the war in Ukraine the MoLSAF extended the range of financial and non-financial assistance and support for temporary protection holders, for unaccompanied minors and for families. It ensured immediate access to labour market, extended employment services for temporary protection holders and supported their employability.

MoFEA as part of the consular agenda issues visas and accepts applications for residence or citizenship for foreigners through consulates and embassies of the SK. It coordinates development cooperation and humanitarian assistance of the SK. It builds partnerships with the countries of origin of irregular migrants and helps (potential) forced migrants in other countries. MoFEA is responsible for the external dimension of migration. After the outbreak of the war in Ukraine the MoFEA started to be responsible mainly for establishing and intensifying cooperation with international organisations that help refugees and for contacts with non-EU countries in the repatriation of their citizens who fled to Slovak Republic from Ukraine.

Ministry of Transport after the outbreak of the war in Ukraine, in addition to rental housing for foreigners, started to cover also the area of housing for temporary protection holders in the form of providing allowances for accommodation of temporary protection holders to legal and natural persons doing business according to a special regulation (so called business entities). Within the coordination of allowances reimbursement it cooperates with MoI in verifying the eligibility of allowance provision.

Ministry of Health covers the field of healthcare for foreigners. After the outbreak of the war in Ukraine, it started to cover the legal framework for the provision of urgent and necessary health care for temporary protection holders and work on simplification of the entry of Ukrainian healthcare workers into the system of the Slovak Republic, including the recognition of their medical qualifications. Psychological assistance, also in connection

with the war, is provided by the non-governmental organisations (IPČKO, Modrý anjel tím krízovej intervencie, Liga za duševné zdravie) based on the Memorandum of Cooperation from 2022; till the end of September 2023 the assistance was provided also at the National Mental Health Support Line.

Ministry of Education is responsible mainly for education of foreigners, their integration into the Slovak education system and recognition of their education and professional qualifications. After the outbreak of the war in Ukraine it prepared support materials and webinars to help with the adaptation of temporary protection holders to schools in the SK. It also prepared Slovak language courses for them and keeps records of the number of temporary protection holders enrolled or admitted to schools.

Inter-ministerial coordination of migration and integration policy of the SK is implemented within these platforms:

- Steering Board for Migration, Integration and Inclusion of Foreigners, coordinated by the Migration Office and which was renamed and restructured in 2022 also as a result of the war in Ukraine;
- Inter-Ministerial Expert Commission for Labour Migration and Integration of Foreigners (MEKOMIC), which is an advisory body to the Minister of Labour, Social Affairs and Family; and
- Steering Board for Implementation of European Integrated Border Management, which was created at the end of 2022 and should coordinate the fulfilment of tasks contained in the relevant national strategy for years 2023 to 2026 (see below).

Other responsible state institutions are:

- The Legal Aid Centre, which provides free legal assistance and representation in asylum matters, in proceedings on administrative expulsion or detention of TCNs or an asylum seeker. It also provides legal assistance in these matters in proceedings before a court in administrative judiciary and in proceedings before the Constitutional Court of the SK. Since the outbreak of the war in Ukraine the Centre has been providing assistance also to people from Ukraine in its Offices and consultation

premises (till the end of 2023 also at the large-capacity centres in Bratislava and Michalovce).

- The Public Defender of Rights, who, as an independent body of the SK, protects the fundamental rights and freedoms of persons, including foreigners, in proceedings before public authorities, if their actions, decisions or inactions are in conflict with the law.
- Statistical Office, which harmonises numerical data on foreigners with EU and UN standards and documents approved by the Slovak government and coordinates its work with Eurostat. It also processes data on foreign migration and organises censuses, which forms basis for the processing of population statistics between two censuses.

Regional courts and Supreme Court review the legality of decisions of the Migration Office and bodies within the competence of BBFP PFP.

On its territory the SK in the area of migration cooperates with the following international intergovernmental organisations:

- International Organization for Migration (IOM), which, among other things, provides counselling to TCNs through the IOM Migration Information Centre, implements Assisted Voluntary Return and Reintegration Program (AVRR) and coordinates the European Migration Network (EMN) in Slovakia.
- The Office of the United Nations High Commissioner for Refugees (UNHCR), which has the right of access to an asylum seeker and, with his or her consent, to an asylum procedure.

After the outbreak of the war in Ukraine, UNHCR, the United Nations Children's Fund (UNICEF) and the International Federation of Red Cross and Red Crescent (IFRC) established their offices in Slovakia. The office of the World Health Organization (WHO) also reinforced its presence in Slovakia. All the mentioned organisations began to provide various forms of assistance to people fleeing from Ukraine. They coordinate their activities in regular working groups and inter-institutional meetings.

Among active non-profit organisations in Slovakia in the area of migration also in 2022 were mainly Centrum pre výskum etnicity a kultúry, Človek v ohrození / Človek v tísní,

Liga za ľudské práva, Mareena, Marginal, Nadácia Milana Šimečku, Nitrianska komunitná nadácia/COMIN, Slovenská humanitná rada a Slovenská katolícka charita. After the outbreak of the war in Ukraine they started to assist refugees from Ukraine together with other non-profit organizations (e.g. Adra, Asociácia samaritánov SK, Evanjelická diakónia ECAV na Slovensku, IPčko, Liga za duševné zdravie, Maltézska pomoc Slovensko, Slovenský Červený kríž, Slovenský skauting, Tenenet).

LEGAL FRAMEWORK

In the field of migration the Slovak Republic draws from several strategic documents:

- ✓ Migration Policy of the Slovak Republic with a view to 2025 (2021);
- ✓ Slovakia's Recovery Plan: Component 9 – More efficient management and strengthening of research, development and innovation funding; Component 10 – Attracting and Retaining Talent; Component 16 – Fighting corruption and protecting the population (2021);
- ✓ Integration Policy of the Slovak Republic (2014);
- ✓ Strategy of Labour Mobility for Foreigners in the Slovak Republic (2018),
- ✓ Economic Policy Strategy until 2030 (2018);
- ✓ National Strategy for Integrated Border Management for 2023 to 2026 (2022);
- ✓ National Strategy for the Promotion and Protection of Human Rights (2015).

Laws relevant to migration and international protection are approved by the National Council of the Slovak Republic (the Parliament). These are in particular:

- ✓ Act No. 404/2011 Coll. on the Residence of Foreigners, which regulates, inter alia, entry of foreigners, their stay and basic rights and obligations, or expulsion;
- ✓ Act No. 5/2004 Coll. on Employment Services, which regulates the employment of foreigners; and
- ✓ Act No. 480/2002 Coll. on Asylum, which regulates, inter alia, asylum proceeding and sets out the procedure for provision of temporary protection.

Other laws deal with e.g. professional qualifications, citizenship, illegal work and illegal employment, health care, etc.

After the outbreak of the war in Ukraine the SK adopted:

- ✓ several laws, the so called Lex Ukraine, which regulate the legal status and inclusion of people coming to Slovakia from Ukraine (e.g. provision of temporary protection even without the Council of the EU Decision, provision of allowance for accommodation of temporary protection holders, measures in social field such as provision of benefit in material need, child allowances, establishment of so called children's groups; recognition of previous education, provision of health care and access to the labour market); and
- ✓ Contingency Plan of the Slovak Republic for Dealing with an Emergency Situation for the period October 2022 – March 2023 (2022) and its update for the period of July – December 2023 (2023).

The following document was prepared on the international level:

- Ukraine Situation Regional Refugee Response Plan January – December 2023 (January 2023)

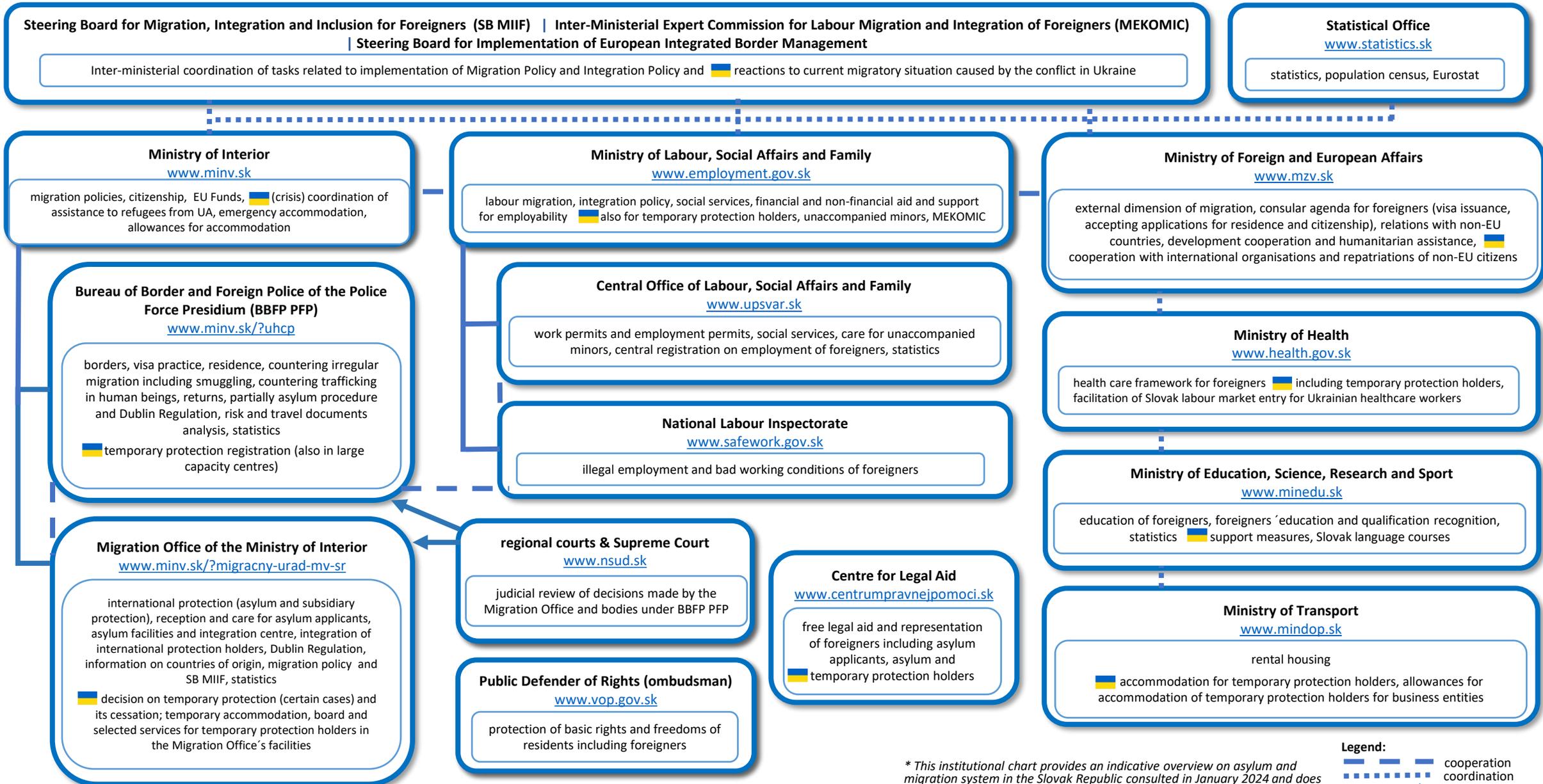
whose coordinator and author is UNHCR in cooperation with other UN agencies and the Slovak Republic.

Of the two strategic, legally non-binding documents that the UN adopted in the area of migration and refugees in 2018, the SK supported the Global Compact on Refugees. SK has not joined the Global Compact for Safe, Orderly and Regular Migration.



INSTITUTIONAL CHART

The current institutional chart forms an annex to this overview.



* This institutional chart provides an indicative overview on asylum and migration system in the Slovak Republic consulted in January 2024 and does not represent its complete structure.