

Report of the National Contact Point
of the European Migration Network for the Slovak Republic

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ANNUAL REPORT ON MIGRATION AND ASYLUM POLICIES SLOVAK REPUBLIC 2016

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This report was prepared within the European Migration Network (EMN) which provides up-to-date, objective, reliable and comparable information on migration and international protection in EU Member States and Norway in order to support national and EU policymaking. EMN activities are focused on migration of third-country nationals. The activities are implemented through national contact points in all EU Member States and Norway in coordination with the European Commission (Directorate-General for Migration and Home Affairs).

The report was elaborated by the International Organization for Migration (IOM) Bratislava as the coordinator of the EMN National Contact Point for the Slovak Republic. The Slovak EMN National Contact Point comprises Ministry of Interior of the Slovak Republic (Bureau of Border and Aliens Police of the Police Force Presidium, Migration Office, Department of Foreign and European Affairs of the Office of the Minister of Interior), Ministry of Labour, Social Affairs and Family of the Slovak Republic (Department of Migration and Intergation of Foreigners), Statistical Office of the Slovak Republic (Section of Social Statistics and Demography) and IOM.

Reference documents and information from the following central state administration authorities have been used to compile the report: Ministry of Interior of the Slovak Republic, Ministry of Labour, Social Affairs and Family of the Slovak Republic, Ministry of Foreign and European Affairs of the Slovak Republic, and Ministry of Economy of the Slovak Republic. The report was reviewed by the experts from the Ministry of Interior of the Slovak Republic, Ministry of Labour, Social Affairs and Family of the Slovak Republic, Ministry of Foreign and European Affairs of the Slovak Republic, and Statistical Office of the Slovak Republic. The report was approved by Department of Foreign and European Affairs of the Office of the Minister of Interior.

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Preface

The report informs about the main changes, developments and activities in the field of migration and international protection in Slovakia in 2016. In the Slovak Republic, the report is a unique publication of its kind which annually maps all areas of migration of third-country nationals.

The report forms part of the EMN Synthesis Report with the same focus which is prepared at EU level, summarising the findings of national reports compiled by EU Member States and Norway on the basis of common specifications. Since 2015, the Synthesis Report fully replaced the European Commission's Annual Report on Immigration and Asylum. The report feeds also into EASO's Annual Report on the Situation of Asylum in the EU 2016 as well as EMN Country Factsheets 2016.

The Synthesis Report and the individual reports of EU Member States and Norway are available in English on the European Commission website www.ec.europa.eu/emn. The report of the Slovak Republic is published in Slovak and English. Both versions are available on the website of the Slovak EMN National Contact Point www.emn.sk.

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List of Abbreviations and References

AMIF – Asylum, Migration and Integration Fund
APD(s) PF – Aliens Police Department(s) of the Police Force
AVR(s) – assisted voluntary return(s)
AVRR – Assisted Voluntary Return and Reintegration Programme
AWP – Asylum Working Party
BBAP PFP – Bureau of the Border and Aliens Police of the Police Force Presidium
BCD PF – Border Control Department of the Police Force
CEAS – Common European Asylum System
COI – country of origin information
Coll. – Collection of Laws of the Slovak Republic
COLSAF – Central Office of Labour, Social Affairs and Family
DBAP – Directorate of the Border and Aliens Police
DFEA MIO – Department of Foreign and European Affairs of the Minister of Interior Office
DM(s) – diplomatic mission(s)
EASO – European Asylum Support Office
EBF – European Border Fund
EEA – European Economic Area
EIF – European Fund for the Integration of Third-Country Nationals
EC – European Commission / European Community
EMN – European Migration Network
EMPACT – European Multidisciplinary Platform against Criminal Threats
EP – European Parliament
ERF – European Refugee Fund
ESF – European Social Fund
EU – European Union
EURES – European Employment Services
EUROSTAT – Statistical office of the European Union
EUROSUR – European Border Surveillance System
FAD EPS MoI SR – Foreign Aid Department of the European Programmes Section of the Ministry of Interior of the Slovak Republic
Frontex – European Agency for the Management of Operational Cooperation at the External Borders of the Member States of the European Union
GRETA – Group of Experts on Action against Trafficking in Human Beings
Integration Policy – Integration Policy of the Slovak Republic
IOM – International Organization for Migration
IPCR – Integrated Political Crisis Response
JHA – Justice and Home Affairs
MEKOMIC – Inter-Ministerial Expert Committee for Labour Migration and Foreigners' Integration
MIC – IOM Migration Information Centre
Migration Policy – Migration Policy of the Slovak Republic: Perspective until 2020
MoE SR – Ministry of Economy of the Slovak Republic
MoESRS SR – Ministry of Education, Science, Research and Sport of the Slovak Republic
MoLSAF SR – Ministry of Labour, Social Affairs and Family of the Slovak Republic
MO MoI SR – Migration Office of the Ministry of Interior of the Slovak Republic

MoI SR – Ministry of Interior of the Slovak Republic
MoFEA SR – Ministry of Foreign and European Affairs of the Slovak Republic
MS – Member State(s)
NGO(s) – non-governmental organisation(s)
NUCIM BBAP PF – National Unit to Combat Irregular Migration of the Bureau of the Border and Aliens Police of the Police Force Presidium
ODA – official development assistance of the Slovak Republic
OLSAF(s) – office(s) of labour, social affairs and family
PDCA(s) – Police Detention Centre(s) for Aliens
PDR – Public Defender of Rights / Ombudsman
PF – Police Force
PFP – Police Force Presidium
REG – Return Expert Group
RF – European Return Fund
SBA – Slovak Business Agency
SIS – Schengen Information System
SlovakAid – official development cooperation of the Slovak Republic
SO SR – Statistical Office of the Slovak Republic
SPCSG – socio-legal protection of children and social guardianship
SR – Slovak Republic
TCN(s) – third-country national(s)
UAM(s) – unaccompanied minor(s)
UN – United Nations
UNHCR – United Nations High Commissioner for Refugees
UNRWA – United Nations Relief and Works Agency for Palestine Refugees
US(A) – United States (of America)
VIS – Visa Information System
V4 – Visegrad Group

Explanations of symbols (not applicable to Table 4 in the Annex):

(:) – Data unavailable.
 (-) – Event does not exist.

Methodology and Terms

Methodology and Elaboration

This report is compiled on the basis of common specifications which were prepared by EU Member States and the European Commission. Common specifications for all EU Member States and Norway enable comparability of national reports and their subsequent use for the European-wide EMN annual report and other outputs at EU level.

The report has Part 1, which is prepared for the European Commission and is not publicly available, and Part 2, which as a publication serves the Member States. The publication is based on Part 1 while the text is adjusted to national needs (e.g. in Slovakia, the text is extended by other national activities). The report includes also national statistics which are not collected at EU level (through Eurostat or Frontex).

In terms of methodology, the report uses secondary research and has a descriptive nature. The report for Slovakia is based on available expert publications, statistics, legislation, Slovakia's policy documents, internet sources and media monitoring¹. Significant sources of information were reference documents and information obtained from the following state administration bodies: MoI SR (namely BBAP PFP, MO MoI SR, Department of Foreign and European Affairs of the Office of the Minister of Interior, Information Centre for Combating Trafficking in Human Beings and Crime Prevention of the MoI SR and FAD EPS MoI SR), MoLSAF SR, COLSAF (through MoLSAF SR), MoFEA SR, Ministry of Justice of the SR (through FAD EPS MoI SR) and IOM. Materials, publications, and websites of other state, European, international and non-governmental institutions also represent important sources of information. The report also refers to several EMN publications and activities.

Each chapter uses also media releases as sources of information. The text therefore contains links to media references to migration topics and activities carried out by public administration, non-governmental sector and international organisations.

The report was compiled by the International Organization for Migration (IOM) Bratislava which is the coordinator of the EMN National Contact Point for the Slovak Republic (SR). The report was reviewed by the experts from the Ministry of Interior of the Slovak Republic, Ministry of Labour, Social Affairs and Family of the Slovak Republic, Ministry of Foreign and European Affairs of the Slovak Republic, and Statistical Office of the Slovak Republic. The report was approved by Department of Foreign and European Affairs of the Office of the Minister of Interior.

Terms and Definitions

The expert terms used in this report largely correspond with the definitions in the *EMN Migration and Asylum Glossary*.² In case the definitions from this Glossary cannot be used for some terms,

¹ IOM as the coordinator of the EMN National Contact Point for the Slovak Republic in cooperation with a news agency has been carrying out weekly media monitoring of migration and international protection issues since 2012. The media monitoring is used for preparing EMN publications.

² Asylum and Migration Glossary 3.0 – a Tool for Better Comparability (2014). European Migration Network. Available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/glossary/index_a_en.htm (consulted on 24/1/2017).

the terms are used pursuant to the national or EU legislation (regulations, directives).

Special attention in this report should be paid to the term *alien (foreigner)*, which under the Slovak legislation, namely Art. 2(2) of the Act on Residence of Aliens³, is considered anybody who is not a national of the Slovak Republic. According to the EMN Glossary, an alien (foreigner), in the EU context, is a person who is not a national of an EU Member State, and, in the global context, a person who is not a national of a given State. The Slovak legislation, however, defines an alien who is not a national of an EU Member State as third-country national⁴. In this report, the term alien (foreigner) is therefore mainly used in texts and statistics which are related to or are kept in compliance with the national legislation. In such case, the term alien (foreigner) corresponds with the definition under Art. 2(2) of the Act on Residence of Aliens, and not with the definition in the EMN Glossary.

The term *migrant* is also used in the report, which, unlike the definition in the EMN Glossary⁵, is used as a synonym of the words alien or third-country national.

Terms *irregular* and *illegal* are considered as synonyms in the report and their use depends on the specific context. The Slovak legislation uses the term *illegal*.

Terms *migration crisis*, *refugee crisis* and *migration situation* are used in the text as synonyms. They refer to the situation since 2015 which occurred in the EU as a result of increasing number of migrants coming from third countries.

³ Act No. 404/2011 Coll. on Residence of Aliens and on changes and amendments to some acts

⁴ Under Art. 2 (4) of the Act on Residence of Aliens, a third-country national is anybody who is not a national of the Slovak Republic or an EU national. A third-country national is also a stateless person.

⁵ According to the EMN Asylum and Migration Glossary, migrant is defined as follows: "In the global context, a person who is outside the territory of the State of which they are nationals or citizens and who has resided in a foreign country for more than one year irrespective of the causes, voluntary or involuntary, and the means, regular or irregular, used to migrate. In: Asylum and Migration Glossary 3.0 – a Tool for Better Comparability (2014). European Migration Network, p. 187. Available at http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/glossary/index_a_en.htm (consulted on 24/1/2017).

Executive Summary

The report informs about the main changes, developments and activities in the field of migration and international protection in Slovakia in 2016. In the Slovak Republic, the report is a unique publication of its kind which annually maps all areas of migration of third-country nationals. The report describes changes, developments and activities at the legislative, institutional, political and practical levels from 01 January 2016 till 31 December 2016, and puts them into the context of EU policies and legislation. The report describes general political and policy developments and discussions on migration, and deals with legal migration and mobility, international protection including asylum, unaccompanied minors and other vulnerable groups, combating trafficking in human beings, migration and development, irregular migration including smuggling, and returns. In the annex, the report presents also selected statistics which are not collected at EU level.

One of the key topics of the political, media and social discussions in Slovakia in 2016 was the migration of third country nationals, particularly the topic of forced and irregular migration into the EU. The topic of migration was also an important part of the election campaign and was addressed also by the new Slovak Government of the Slovak Republic in its manifesto for the years 2016–2020. The historically first Presidency of the SR in the Council of the EU commenced in the second half of 2016 with priorities being sustainable migration and asylum policy, based on the external border protection, integrity of the Schengen Area, cooperation with third countries and solidarity. Due to the cross-sectional nature of the topic of migration, MoFEA SR established a *Task Force for Migration* as well as a position of the *ambassador-et-large for migration*.

No substantial changes occurred in the Slovakia with respect to the labour market policy in 2016 compared to previous year. In the current period of economic growth, however, Slovak employers are beginning to feel a lack of a labour force that will probably intensify during the upcoming decades due to population ageing. In 2016, Slovak Republic started preparing amendments of the Act on Employment Services and Act on the Residence of Aliens, transposing among others the directives on seasonal employment and intra-corporate transfer. The Ministry of Economy of the Slovak Republic has desisted from the idea of issuing start-up visa. The Government of the SR also approved the *Programme of Working Holiday for Japanese Participants in the Territory of the Slovak Republic* for young people between 18 and 30 years of age.

The *Integration Policy of the SR* was the main programme document on integration of migrants from third countries also in 2016, providing a basis for the MoLSAF SR's second interdepartmental *Summary Report on the Fulfilment of Objectives and Measures of the Integration Policy of the SR for 2015*. Slovakia also approved *The Action Plan of the Integration Policy in the MoLSAF SR for 2017–2018* and postponed the date of establishing the state integration programme for beneficiaries of international protection from 31 December 2016 to the end of 2017. From the 1 December 2016 there was a change of the implementer of the integration services for beneficiaries of international protection that started to be implemented as a third-year project.

Strategical documents on irregular migration in Slovakia are the *National Border Control Management Plan of the SR for 2015–2018* and the updated *Schengen Action Plan of the SR*. Slovakia did not record any increase in irregular migration in 2016. In total, there were 2170 irregular migration cases out of which more than half concerned citizens of Ukraine and to a lesser extent

citizens of Iraq, Serbia and Afghanistan. In 2016, Slovakia did not carry out temporary border controls and did not record pressure on its external border. There were no major trend changes in returns in 2016. As for the forced returns in 2016, 314 persons were forcibly returned from the SR, 1,094 persons (foremost Ukrainian citizens) were returned voluntarily, while 116 of them opted for assisted voluntary return through IOM.

In 2016, the number of asylum seekers in Slovakia was historically the lowest. The amendment to the Administrative Procedure Code led to several changes in the legislation regarding international protection including the introduction of the cassation complaint and the reintroduction of the possibility for asylum seekers to be legally represented by a non-governmental organization. A significant result of this recodification of the procedural law is the fact that the decision of the MoI SR on the asylum procedure is considered in force from the moment the Ministry announces it.

In 2016, Slovakia started with relocations of asylum seekers from other EU MS. By the end of 2016, 9 persons originally from Syria entered the territory of the SR through this mechanism. The SR also continued humanitarian transfers of refugees and persons under UNHCR's into their resettlement countries. Slovakia also continued to provide accommodation for the asylum seekers from Austria in its Gabčíkovo asylum facility.

2016 saw no legislative changes affecting the UAMs or other vulnerable migrant groups. COLSAF, however, has prepared several application and methodical guidelines directing the activities of the socio-legal protection of children and social guardianship bodies in provision of care for the UAMs. The number of registered UAMs in Slovakia was low also in 2016. A persistent issue in providing care for the UAMs is their disappearance about which a research analysis is currently being prepared.

The number of identified foreign or third-country victims of human trafficking has been continuously low in Slovakia. Similar to previous year 2015, one victim of human trafficking from a third country was identified in 2016. As for the Slovak victims of human trafficking, while most of them were trafficked for sexual exploitation in the previous years, in the recent period forced labour has come to the fore and forced marriages are a new trend. In 2016, the Slovak Republic updated *Methodical Tool on the Procedure of the Provision of Assistance to Human Trafficking Victims with a Special Focus on Children and Foreigners*.

In 2016, Slovakia did not perform systemic measures to support the development impacts of migration. Compared to previous years, the Slovak Republic was, however, more active in mainstreaming of migration in development policies, following-up on the legislation (new Act on Development Cooperation), documents and activities prepared/initiated in 2015. Syria and neighbouring countries from Near and Middle East were included among the territorial priorities of the Slovak development cooperation. Slovakia also offered for Syrian refugees additional 30 scholarships of the Slovak Government. Throughout 2016, humanitarian activities of the Slovak Republic were aimed at assistance to countries and organisations affected by the migration crisis.



Introduction

The EMN Annual Report on Migration and Asylum Policies (also EMN Annual Policy Report) informs about the most important changes, developments and activities in the field of migration and international protection in Slovakia in 2016, while focusing on third-country nationals.⁶ The report serves as a basis for European-wide EMN Annual Policy Report⁷ which in 2015 fully replaced the European Commission's Annual Report on Immigration and Asylum⁸. The report will be also a source of information for the EASO's Annual Report on the Situation of Asylum in the EU 2016⁹ and EMN Country Factsheets 2016¹⁰.

The report describes changes, developments and activities at the legislative, institutional, political and practical levels from 01 January 2016 till 31 December 2016, and puts them into the context of EU policies and legislation. In eight chapters, the report describes general political and policy developments and discussions on migration, and deals with legal migration and mo-

⁶ The general structure of the political and legal system in the field of migration and international protection in Slovakia can be found in the updated version of the EMN study on Organisation of Asylum and Migration Policies in the Slovak Republic from 2014. Available at: <http://emn.sk/sk/studie-emn/item/138-organizacia-azylovej-a-migracnej-politiky.html> (consulted on 24/1/2017).

⁷ The latest EMN Annual Report on Immigration and Asylum 2015 available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/docs/annual-policy/2014/00.emn_annual_report_on_immigration_and_asylum_synthesis_report.pdf (consulted on 24/1/2017).

⁸ The last 5th Annual Report on Immigration and Asylum 2013 available at: https://ec.europa.eu/anti-trafficking/eu-policy/5th-annual-report-immigration-and-asylum-2013_en (consulted on 24/1/2017)

⁹ The latest Annual Report on the Situation of Asylum in the European Union 2015 available at: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/reports/nationalreports_en (consulted on 24/1/2017)

¹⁰ EMN Country Factsheets 2015 available at: http://ec.europa.eu/dgs/home-affairs/what-we-do/networks/european_migration_network/reports/factsheets/index_en.htm (consulted on 24/1/2017).

bility, international protection including asylum, unaccompanied minors and other vulnerable groups, combating trafficking in human beings, migration and development, irregular migration including smuggling, and returns. In the annex, the report presents also selected statistics which are not collected at EU level through Eurostat or Frontex, and contains also Bibliography.

The chapter *Context for asylum and migration policy developments* provides a general picture which shaped migration policies and legislation in Slovakia in 2016. This overview describes the relevant political, legislative and institutional developments, policy, public and media discussions, as well as wider developments that influenced different areas of migration and international protection.

The chapter *Legal migration and mobility* describes the policy, legislation, measures and activities concerning the satisfying of labour market needs, the facilitation of admission and guaranteeing rights of migrants from third countries, support for students and researchers, and the family reunification. This chapter is also devoted to migration and mobility management, visa policies, the Schengen Area governance, and provision of information to migrants from third countries on routes to and conditions of legal migration.

The chapter *International protection* contains information on the implementation of the Common European Asylum System (CEAS), institutional and legislative changes, national and European jurisprudence, ensuring the effectiveness and quality of the asylum system, cooperation with the European Asylum Support Office (EASO), intra-EU relocations and resettlement, integration of asylum seekers and persons with granted international protection, and other activities. The chapter *Unaccompanied minors and other vulnerable groups* addresses the policies, legislation, measures and activities related to admission and care for unaccompanied minor migrants and other vulnerable groups of migrants from third countries.

The chapter *Integration* focuses on socio-economic integration measures for third-country nationals including specific groups, measures related to non-discrimination and integration at local level. The chapter also informs about awareness-raising actions on migration in the host society and countries of origin involvement.

The chapter *Return and reintegration* follows up on the chapter on irregular migration, and analyses forced returns and readmissions, voluntary returns and reintegrations, as well as the activities of the EMN Return Expert Group (REG).

The chapter *Irregular migration including smuggling* includes information on external border management, fight against the misuse of legal migration channels, combating the facilitation of irregular migration (smuggling), and on the monitoring and identification of migration routes.

The chapter *Countering trafficking in human beings* deals with the policies, legislation, international monitoring, national projects, campaigns and other activities, as well as cooperation at bilateral and multilateral levels in this field.

The chapter *Migration and development* provides an overview of the activities and measures for mainstreaming migration into sectoral policies, mitigating brain-drain in the countries of origin, and related to co-operation with third countries in economic migration, work with diasporas and remittances.

The Annex *National statistics* summarises selected statistics for Slovakia on migration and international protection in 2016 which are not collected at EU level through Eurostat¹¹ or Frontex agency¹². The Annex shows the figures on first residence permits, administrative fees for residence permit applications, visas, smuggled persons, reflection periods and residence permits granted to smuggled persons, smugglers, returns, relocations and resettlements, unaccompanied minors and victims of human trafficking from third countries, reflection periods and residence permits granted to victims of human trafficking, and on the numbers of traffickers.

02

Context for Asylum and Migration Policy Developments

One of the key topics of the political, media and social discussions in Slovakia in 2016 was the migration of third country nationals, particularly the topic of forced and irregular migration into the EU. The topic of migration was also an important part of the election campaign and was addressed also by the new Slovak Government of the Slovak Republic in its manifesto for the years 2016–2020. The historically first Presidency of the SR in the Council of the EU commenced in the second half of 2016 with priorities being sustainable migration and asylum policy, based on the external border protection, integrity of the Schengen Area, cooperation with third countries and solidarity. Due to the cross-sectional nature of the topic of migration, MoFEA SR established a *Task Force for Migration* as well as a position of the *ambassador-et-large for migration*.

2.1 General political and institutional developments

One of the key topics of the political, pre-election, media and social debates in Slovakia in 2016 was the migration of third country nationals (TCNs), particularly the topic of forced and irregular migration into the EU.¹³ For the first time in the history of elections, most election programmes

¹¹ Available at: http://ec.europa.eu/eurostat/statisticsexplained/index.php/Migration_and_migrant_population_statistics (consulted on 24/1/2017).

¹² Available at: <http://frontex.europa.eu/publications/> (consulted on 24/1/2017).

¹³ For example: <http://www.pravda.sk/trendove-temy/utecenci/>, <https://dennikn.sk/tema/utecenci/>, <http://www.cafeeuropa.sk/index.php/po/126-mame-sa-bat-migrantov>, <https://www.minedu.sk/na-vedeckej-konferencii-vyzvy-21-storocia-dominovala-tema-migracie-a-ludskej-dostojnosti/>, <https://euractiv.sk/clanky/vysehradskaja-skupina/v4-a-migracia-mala-sanca-na-zmenu-pozicii/> (consulted on 14/2/2017).

of political parties¹⁴ addressed the migration topics.¹⁵

Based on the elections to the National Council of the SR (i.e. Parliament) held on 5 March 2016, a government coalition was formed by the following parties: Smer-SD, Slovenská národná strana, and Most-Híd^{16,17} The heads of Ministries, relevant from the perspective of migration and asylum (Interior; Labour, Social Affairs and Family; Foreign and European Affairs), have remained the same as during the last government (2012 – 2016). Robert Kaliňák (SMER-SD) was appointed the Minister of Interior; Ján Richter (SMER-SD) the Minister of Labour, Social Affairs and Family; and Miroslav Lajčák (SMER-SD) the Minister of Foreign and European Affairs.

As for the European policies, the *Manifesto of the Government of the Slovak Republic 2016–2020* states that it is of “key importance to support measures that will contribute to the better management of the external borders of the EU and functioning Schengen Area as a positive achievement of the European integration”. In this document, the Government of the SR also supports “constructive solutions for the unprecedented migration crisis that will be in line with the specificities and capacities of individual member countries”. In the context of security, the Government of the SR declared that “special attention will be paid especially to the issues of illegal and uncontrollable migration”.¹⁸

In 2016, migration and granting international protection became the subject of multiple parliamentary and government negotiations, including the Security Council of the SR. The situation was repeatedly commented on by the President of the SR and the Public Defender of Rights.

Within the inter-ministerial cooperation and coordination in the field of migration, the following bodies continued their activity also in 2016:

- On its sessions on 5 February and 12 September 2016, *Steering Committee for Migration and Foreigners' Integration* dealt with mainly the current situation and measures adopted within the field of migration and asylum on the national and European level and got informed about the preparation and state of play of the Slovak Presidency of the Council of the EU, as well as about the activities of a *working group for asylum with focus on integration of beneficiaries of international protection*, established at the end of 2015 within the Committee.¹⁹
- On its session on 16 December 2016, *Inter-Ministerial Expert Committee for Labour Migration and Foreigners' Integration (MEKOMIC)*²⁰ has focused on the current state of play regarding the integration of the TCNs on the national and European level, beneficiaries of international protection included, as well as on the activities of SK PRES. The members familiarised themselves with implementation of action plans of the Intergation Policy of the SR, as well as with the need to submit material necessary for fulfilling the goals and measures stemming from the

14 For example: http://www.strana-sas.sk/program/file/4330/SaS_volebny_program.pdf, <http://strana-smer.sk/priority-programu-strany-smer-sd-pre-roky-2016-2020-0>, http://www.sns.sk/engine/assets/uploads/2016/01/volebny_program_2016.pdf, <http://siet.sk/program/>, <http://www.most-hid.sk/sk/tags/volebny-program> (consulted on 14/2/2017).

15 Source: <https://euractiv.sk/analyzy/buducnost-eu/slovenske-volby-nr-sr-2016-rozsirenje-bojoveho-pola/> (consulted on 24/1/2017).

16 A total of 8 political subjects entered the Parliament. Besides coalition parties, the following parties were among them: Sloboda a Solidarita, Obyčajní ľudia a nezávislé osobnosti – NOVA, Kotleba – Ľudová strana Naše Slovensko, SME RODINA – Boris Kollár, and Siet'.

17 Source: <http://www.volbysr.sk/en/index.html> (consulted on 24/1/2017).

18 Source: <http://www.vlada.gov.sk/data/files/6489.pdf> (consulted on 24/1/2017).

19 Information provided by the MO Mol SR.

20 MEKOMIC is a coordinating body of MoLSAF SR in the field of migration and integration policy and an advisory body of the Minister of Labour, Social Affairs and Family of the SR. Among its members are experts of the central state administration bodies, which pursue the aims and implement the measures of the Integration Policy. If needed, MEKOMIC meetings are attended by inter-governmental and non-governmental organisations.

above-mentioned concept material for 2016.²¹

- In 2016, the *National Contact Point of the European Migration Network*²² (EMN) in the SR²³ supported the creation of policies at the EU level and its MS through various activities including the preparation of publications²⁴, ad hoc questions²⁵, conferences (including the high-level international conference on returns²⁶, organised in Bratislava in July 2016, see further), seminars, and other work meetings²⁷; every year, these events address issues regarding the TCN migration mainly for participants such as representatives of the public administration, policy makers, research institutes, academia, and third sector.²⁸

Due to the cross-sectional nature of the topic of migration, MoFEA SR established a *Task Force for Migration* that included representatives of the relevant departments of MoFEA SR; it evaluated the current development in the migration agenda on a regular basis.²⁹ Similarly, coordination between the internal section of the Permanent Representation of the SR to the EU in Brussels and the Political and Security Committee – (PSC), actively communicating with the target group, took place.

MoFEA SR established the position of the *ambassador-et-large* for migration in 2016, to which Igor Slobodník was appointed. In the preparatory and implementation stages, the Presidency regularly attended relevant events and actively monitored the situation in European countries. Its activities have been performed in close coordination mainly with the Permanent Representation of the SR to the EU and will continue also after the end of the Presidency.³⁰

With effect from 1 November 2016, Jozef Buček³¹ (the former State Secretary of the Ministry of Interior of the SR) was appointed as the *Plenipotentiary of the SR for Tasks Regarding the Implementation of the Schengen Acquis in the SR*.³²

2.2 Slovak Presidency of the Council of the EU

The historically first Presidency of the SR in the Council of the EU started in the second half of 2016 and in the framework of the rotation system continually followed on the activities of the Dutch Presidency.^{33,34} The Slovak presidency was influenced by the negative result of the UK's referendum to remain in the EU, migration and refugee crisis, terrorist attacks in European cities and continuous consequences of the financial and economic crisis in Europe. Therefore, among

21 Information provided by the MoLSAF SR.

22 The European Migration Network (EMN) provides up-to-date, objective, reliable, and comparable information on migration and international protection supporting the creation of policies of the EU and its MS. EMN implements its activities through National Contact Points in each MS and Norway in coordination with the EC, particularly the Directorate-General for Migration and Home Affairs. These activities focus on issues related to the migration of TCNs.

23 The EMN National Contact Point in the SR comprises the Ministry of Interior, MoLSAF SR, SO SR, and IOM as the coordinator.

24 Source: <https://emn.sk/en/download/emn-documents.html> (consulted on 24/1/2017).

25 Source: <https://emn.sk/en/activities/ad-hoc-queries.html> (consulted on 24/1/2017).

26 Source: <https://emn.sk/en/activities/meetings-and-conferences/262-emn-international-conference-about-sustainable-returns-and-cooperation-with-the-countries-of-origin-was-held-in-bratislava.html> (consulted on 24/1/2017).

27 Source: <https://emn.sk/en/activities/meetings-and-conferences.html> (consulted on 24/1/2017).

28 Source: www.emn.sk (consulted on 24/1/2017).

29 Information provided by the MoFEA SR.

30 Information provided by the MoFEA SR.

31 The resolution of the Government of the Slovak Republic No. 493/2016 of 26 October 2016 regarding the appointment of the Plenipotentiary of the SR for Tasks Regarding the Implementation of the Schengen Acquis in the SR and statute proposal.

32 Information provided by the BBAP PFP.

33 Source: <http://www.mzv.sk/europske-zalezitosti> (consulted on 24/1/2017).

34 Source: <http://www.eu2016.sk/> (consulted on 24/1/2017).

the SK PRES priorities belonged efforts for “enhancing unity, cohesion and resistance of the EU against the external and internal challenges as well as strengthening the citizens’ confidence in the EU project”^{35, 36}

The topic of mixed migration flows and international protection became the priority of the *18-Month Programme of the Council* covering the three consecutive upcoming presidencies: Presidency of Netherlands, Slovakia, and Malta³⁷. One of the priorities of our Presidency in the Council was sustainable migration and asylum policy, based on the external EU border protection, integrity of the Schengen Area, cooperation with third countries and solidarity. SR also considered the effective cooperation in returns and readmissions as crucial.^{38, 39}

The Slovak Presidency of the Council of the EU was managed by the MoFEA SR, which established the *Secretariat of the Slovak Presidency in the Council of the European Union* specifically for this period.

Significant activities related to the Slovak Presidency of the Council of the EU in the field of migration included, among others, also these meetings at the ministerial or expert level, organised in Bratislava (in chronological order):

- On 1 July 2016: Meeting of the *College of the European Commission*⁴⁰, where migration was one of the key topics.⁴¹
- On 6 and 7 July 2016: *Rethinking Returns from the EU: Sustainable Returns and Cooperation with Countries of Origin*⁴², an European-wide Annual EMN Conference held in Bratislava was organised by the EMN National Contact Point in Slovakia.⁴³ The aim of this international conference was to discuss the current state, good practice, and experience regarding the return and reintegration of migrants outside the EEC that can prove useful to the EU and the MS.⁴⁴ Among speakers there were 22 experts from the European Commission, Frontex EU Agency, selected EU countries, inter-governmental and non-governmental organisations active in the countries of return, and think tanks. The European Commissioner for Migration, Dimitris Avramopoulos, Home Affairs and Citizenship, IOM director general, William L. Swing and the Minister of Interior of the SR, Robert Kaliňák spoke at the conference that had been in preparation since 2015 and focused on the returns in the context of cooperation with the third countries.⁴⁵
- On 7 - 8 July 2016: *Informal Justice and Home Affairs (JHA)*⁴⁶ *Council in Slovakia* during which

35 Source: The resolution of the Government of the Slovak Republic no. 267/2016, available at: <http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-201517?prefixFile=m> (consulted on 7/2/2017).

36 Information provided by FAD EPS MoI SR.

37 Special attention will be paid to the Smart Borders Package and the implementation of certain measures as provided in the announcement of the Committee on the European Migration Agenda of May 2015, and the conclusions of the European Council from June and October 2015, including the work on the future development of a common European asylum system, relocation and resettlement, returning and readmission, border management, intensifying the fight against smuggling, and further work regarding legal migration. Besides that, these three presidencies will work on the improvement of the connection between migration, security, and external policy. Three presidencies aim at reaching progress in the currently running legislative activities regarding the new management of the external borders and Visa Code. Another important aspect influencing the Slovak Presidency will be the approval and implementation of the proposals regarding the European Border and Coast Guard.

38 Information provided by the MoFEA SR.

39 Source: <http://www.eu2016.sk/> (consulted on 24/1/2017).

40 Available at: https://ec.europa.eu/slovakia/node/899_sk (consulted on 14/2/2017)

41 Information provided by the MoFEA SR.

42 Source: <https://emnconference.sk/> (consulted on 24/1/2017).

43 Source: <http://www.minv.sk/?tlacove-spravy-6&sprava=predsednictvo-sr-v-rade-eu-minister-vnutra-robert-kalinak-vystupil-na-konferencii-onavratoch-migrantov> (consulted on 24/1/2017).

44 The panel discussions addressed the following topics: return as a part of migration management, strengthening cooperation with countries of return from the EU perspective, practical cooperation in reaching sustainable returns and reintegration, situation regarding returns and reintegration and their perception in the country of origin, solving the situation of unsuccessful asylum seekers who cannot be returned.

45 Source: <https://www.emn.sk/sk/aktivita-emn/stretnutia-a-konferencie/261-v-bratislave-sa-konala-medzinarodna-konferencia-emn-o-udrzatelnych-navratoch-a-spolupraci-s-tretimi-krajinami-2.html> (consulted on 24/1/2017).

46 Source: [the ministers of interior focused mainly on migration and durable solutions, as well as on the issues connected to the external EU border and Schengen Area protection. Debates covered also global dimension of migration also in the context of \(then\) upcoming migration summits in New York, September 2016. Minister of Interior of the SR highlighted the need of so called flexible solidarity among the EU Member States which would take into account the capacities of each state \(during SK PRES this concept was gradually developed and introduced in the form of effective solidarity on December summit of the European Council\). Ministers also dealt with the CEAS reform.⁴⁷](http://www.minv.sk/?tlacove-spravy&sprava=migracia-ochrana-hranic-a-schengenskeho-priestoru-boli-temami-neformálneho-stret-</p>
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- On 14 - 15 July 2016: *Informal Meeting of Ministers for Employment and Social Policy (EPSCO)*⁴⁸ was organised also briefly touched upon the migration issue (migration of the highly-qualified workers, demographic changes, migration and digitalisation).⁴⁹
- On 18 - 19 July 2016: *Informal meeting of the Strategic Committee for Immigration, Frontiers and Asylum (SCIFA)*.⁵⁰
- On 2-3 September 2016: *Informal Meeting of EU Foreign Affairs Ministers (GYMNICH)*⁵¹, attended also by the Turkish minister Celik, the topic of which was migration, more specifically the EU-Turkey Deal.⁵²
- On 7 - 8 September 2016: *Meeting of the FRONTEX Steering Board*.⁵³
- On 19 - 20 September 2016: Ministerial Conference of the Prague Process⁵⁴ *Addressing Challenges Together*, where implementation of the action plan was assessed and future steps of this process were reflected^{55, 56}

The Slovak Presidency hosted abroad:

- On 5 December 2016: *Ministerial Meeting EU-USA* in Washington, dealing with the fight against terrorism, foreign fighters of Daesh, cybercrime, human trafficking as well as the new European system in making ETIAS (European Travel Information and Authorisation System), to be launched in Europe. This meeting was preceded by the meeting of EU and US high officials aimed at cooperation in the field of justice and interior and main challenges EU and US are presently facing. This meeting was held on 8 - 9 September 2016 in Bratislava.⁵⁷
- On 15 - 16 December 2016: *EU Ministerial Conference on Western Balkans* for the areas of justice and interior in Slovenian town Brdo pri Kranju, where ministers of interior discussed the migration- and internal security-related questions. Western Balkans was represented by the ministers of interior and justice of Albania, Bosnia and Herzegovina, Montenegro, Macedonia, Serbia and Kosovo. In the negotiations also the following presidencies in the Council of the EU, i.e. Malta and Estonia participated.⁵⁸

nutia-europskych-ministrov-v-ramci-slovenskeho-predsednictva-v-rade-eu (consulted on 24/ 1/ 2017).

47 Information provided by the MO MI SR

48 Available at: <http://www.eu2016.sk/en/political-and-expert-meetings/informal-meeting-of-ministers-for-employment-and-social-policy> (consulted on 14/2/2017).

49 Information provided by the MoLSAF SR.

50 Information provided by the MoFEA SR.

51 Source: <http://www.eu2016.sk/sk/tlacove-spravy/v-bratislave-sa-uskutocnilo-neformalne-stretnutie-ministrov-zahranicnych-veci-krajin-eu-gymnich> (consulted on 14/2/2017).

52 Information provided by the MoFEA SR.

53 Information provided by the MoFEA SR.

54 Definition of the Prague Process available at: https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary/p_en

55 Source: <http://www.eu2016.sk/en/political-and-expert-meetings/third-ministerial-conference-of-the-prague-process> (consulted on 21/1/2017).

56 Information provided by the BBAP PFP.

57 Source: <http://www.minv.sk/?predsednictvo-eu-mv&sprava=slovenske-predsednictvo-usa-a-eu-o-spolocnych-vyzvach>, <http://www.minv.sk/?tlacove-spravy&sprava=vymena-citlivych-informacii-medzi-usa-a-eu-je-klucova-v-boji-proti-terorizmu> (consulted on 14/2/2017).

58 Information provided by the FAD EPS MoI SR.

On 24 October 2016, European Commission (Eurostat) has organised a *Round Table on Migration* in Bratislava attended by officials and representatives of Eurostat and Statistical Office of the Slovak Republic. The aim of this meeting was to discuss the upcoming data and information requirements necessary for migration policies and policies related to migration and how these requirements could be fulfilled by official statistics in the European Community. Discussions resulted into choosing topics for further detailed research, including e.g. the following elements of methodology: what is to be measured in migration, the concept and terminology of migration, alternative sources of data, metadata, timeliness of statistics, cooperation among the national statistical institutions, processors of the administrative data sources and researchers, migration patterns, length of stay and migration cycles, migration routes analysis, migrants' characteristics, data mapping on national level, migrants' skills and remittances sent to sending countries. The topics were divided among the experts depending on the research tasks. Results of this project will be presented on the 2017 conference in Brussels^{59, 60}

2.3 Migration in media

Media continued to be highly interested in migration and international protection topics.^{61 62} Media covered foremost the continuing intense migration of asylum-seekers into the EU, EU measures in this regard, situation in the Mediterranean sea, Syria and affected countries of the Middle East, as well as Greece, Italy, and Balkan transit countries.⁶³ These topics and proposals for solutions in this field were also the topic of the pre-election discussions of the political parties before the parliamentary elections which took place in March 2016.

⁵⁹ Available at: www.powerfromstatistics.eu (consulted on 15/ 2/2017).

⁶⁰ Information provided by the SO SR.

⁶¹ Unsorted data obtained through media monitoring include 62,408 reports collected in 2016. Monitoring includes a small percentage of irrelevant or marginal reports.

⁶² Information provided by IOM.

⁶³ Source: Unsorted media monitoring for 2016. Received by IOM in SR (consulted on 24/1/2017).

03

Legal Migration and Mobility

No substantial changes occurred in the Slovakia with respect to the labour market policy in 2016 compared to previous year. In the current period of economic growth, however, Slovak employers are beginning to feel a lack of a labour force that will probably intensify during the upcoming decades due to population ageing. In 2016, Slovak Republic started preparing amendments of the Act on Employment Services and Act on the Residence of Aliens, transposing among others the directives on seasonal employment and intra-corporate transfer. The Ministry of Economy of the Slovak Republic has desisted from the idea of issuing start-up visa. The Government of the SR also approved the *Programme of Working Holiday for Japanese Participants in the Territory of the Slovak Republic* for young people between 18 and 30 years of age.

3.1 Economic migration

3.1.1 Main developments

Policies

No substantial changes occurred with respect to the labour market policy in 2016. Slovakia has no quotas or lists of scarce jobs in place regarding labour migration. Labour migration focuses on compensation of the lack of a disposable labour force in the labour market or job positions unattractive for the domestic labour force.⁶⁴

⁶⁴ Information provided by the MoLSAF SR.

On 21 April 2016, the Representation of the European Commission in the SR and Institute for Economic and Social Reforms (INEKO) organised a seminar in order to discuss migration in the context of labour market needs in the SR.⁶⁵ According to the seminar outputs in the current period of economic growth, Slovak employers are beginning to feel a lack of a labour force that will probably intensify during the upcoming decades due to population ageing^{66,67}

Legislation

In relation to legislative changes regarding admitting and employing TCNs, Act No. 353/2015 Coll. on changing and amending Act No. 5/2004 Coll. on Employment Services⁶⁸ and on changes and amendments to some acts, as amended, and amending some other acts, entered into force on 1 January 2016. These changes have been described in detail in the Annual Report for 2015⁶⁹. In the course of 2016, an amendment to the Act on Residence of Aliens that transposed the directives of the European Parliament and Council on seasonal employment⁷⁰ and intra-corporate transfer⁷¹ was prepared. It is expected that the amendment to the Act on Residence of Aliens will be approved by the National Council of the SR until 15 May 2017.

Presidency of the SR in the Council of the EU

Priorities of the Slovak Presidency in the field of legal migration included negotiations on the recall of the EU Blue Card Directive. In September, the Presidency finished the first reading of the proposal and from October 2016, submitted compromise proposals at the meetings of the Working Party on Integration, Migration and Expulsion; it also examined the provisions regarding qualifications recognition, double status of beneficiaries of international protection, and provisions on relatives of EU citizens. Different possibilities regarding the salary threshold were discussed in depth and the MS had the opportunity to present their national schemes for accepting highly-qualified workers from third countries.

3.1.2 Facilitating admission of migrants into Slovakia

In 2016, the Slovak Republic granted 10,304 first residence permits for family reasons, for the purpose of education and study, as well as remunerated and other activities (see the **Table 1** in Annex). Administrative fees for residence permit applications has not changed compared to 2015 (see the **Table 2** in Annex).

Highly qualified workers

A draft of amendment to the Act on Employment Services aimed at attracting interest in and facilitating access of highly-qualified TCNs to the Slovak labour market was submitted for the legislative process in 2016. It was also proposed that the validity period of the Blue Card granting temporary residence should be extended from three to four years. This proposal was approved

65 Source: <http://www.ineko.sk/projekty/potrebuje-slovensky-pracovny-trh-migraciu> (consulted on 25/1/2017).

66 Source: <http://www.ineko.sk/projekty/potrebuje-slovensky-pracovny-trh-migraciu> (consulted on 25/1/2017).

67 Information provided by the MoLSAF SR.

68 Act No. 353/2015 Coll. on changing and amending Act No. 5/2004 Coll. on Employment Services and on changes and amendments to some acts, as amended, and amending some other acts

69 Zdroj: <https://emn.sk/en/emn-annual-policy-reports/item/366-apr-2015.html> (consulted 14/2/2017).

70 Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.

71 Directive 2014/66/EU of the EP and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer.

by the Government of the SR on 11 January 2017 and will be further discussed in the National Council of the SR^{72,73}

Intra-Corporate Transferees (ICTs)

Amendments to Acts (Act on Residence of Aliens; Act on Employment Services) related to the need for the transposition of the EU acquis⁷⁴ has been in the legislative process since 2016; it is expected to be approved by May 2017.⁷⁵

Seasonal Workers

Amendments to Acts (Act on Residence of Aliens; Act on Employment Services) related to the need for a transposition of the EU acquis⁷⁶ has been in the legislative process since 2016; it is expected to be approved by May 2017.⁷⁷

Entrepreneurs

The Slovak Republic has not carried out any changes related to entrepreneurs from third countries in 2016.

Au pairs

The Slovak Republic has not carried out any changes related to au pairs from third countries in 2016.

Other remunerated persons

As for other remunerated persons from third countries, the Slovak Republic has not carried out any changes related to them in 2016. The presented draft amendment to the Act on Employment Services (see above) proposes to extend the groups of TCNs who do not need the confirmation of the possibility to fill a vacancy corresponding the highly-qualified employment, confirmation of the possibility of filling a vacancy, and work permit.⁷⁸

72 Source: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=26196> (consulted on 25/1/2017).

73 Information provided by the BBAP PFP.

74 Directives 2014/66/EU of the EP and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer

75 The draft amendment to the Act on Employment Services sets out the activities a TCN can perform within the intra-corporate transfer based on a single permit (a single document entailing entry, temporary residence, and work permit) issued by the competent Police Force department based on the confirmation of the possibility to fill a vacancy including the approval/disapproval of the fill. It was proposed for this kind of confirmation to be issued regardless of the labour market situation for the purpose of intra-corporate transfer. In accordance with the Directive, TCNs who hold a valid work permit issued by a MS and were transferred within a company, are permitted to enter and work in one or more MS as well as temporary reside, exceeding 90 days.

76 Directives 2014/36/EU of the EP and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers.

77 For TCNs performing seasonal work whose temporary residence in the territory of the SR will not exceed 90 days, i. e. they are not subject to a visa requirement or they applied for Schengen Visas for the purpose of seasonal employment as provided in the Visa Code, it was proposed to issue a work permit for seasonal employment in order to enter the labour market in the SR. For TCNs performing seasonal work whose temporary residence lasts more than 90 but less than 180 days and who applied for temporary residence for the purpose of seasonal employment in accordance with the Act on Residence of Aliens, it was proposed to issue a confirmation of the possibility to fill a vacancy upon an application submitted to the competent Police Force department.

Amendments to the Act on Employment Services include modification of the terms of granting, withdrawing, and prolonging of work permits; modification of the terms of issuing and cancelling the confirmation of the possibility to fill a vacancy for granting of temporary residence for the purpose of seasonal employment; modification of the competencies of the Central Office of Labour, Social Affairs, and Family; modification of the responsibilities of the employer regarding seasonal employment of a TCN and sanctions for failing to fulfil them; and modifications of the requirements regarding the work permit for the purpose of seasonal employment.

78 The category is to be extended by TCNs who a) hold national visas and will participate in a film project in the territory of the SR within the

The Ministry of Economy of the Slovak Republic (MoE SR) has desisted from the idea of issuing start-up visa. However, in the framework of the prepared amendment of the Act on Residence of Aliens (see above) the SR considers a possibility of support to foreign persons who apply for a temporary residence for the purpose of business and submit their “*business plan on implementation of an innovative, so called start-up project*”. This plan would be sent to the MoE SR for assessment. In case of a positive outcome, the whole approval process could be shortened from the current 90 to 30 days. After obtaining this type of temporary residence these persons could, as already registered entrepreneurs in the SR, join the programs targeting the small and medium businesses that aimed at supporting the start-ups.⁷⁹

On 17 August 2016, the Government of the SR approved the *Agreement between the Government of the Slovak Republic and the Government of the State of Israel on Employment of Family Members of Diplomatic Mission and Consular Office Staff*.⁸⁰ The Agreement defines the employment procedure regarding relatives of a diplomatic mission or consular office staff in the receiving state based on reciprocity. The Agreement specifies who is considered a family member of the diplomatic mission or consular office staff. It also provides the rules for applying for employment in the SR and the State of Israel as well as reasons for termination of this work permit.

On 18 May 2016, the Government of the SR approved the *Programme of Working Holiday for Japanese Participants in the Territory of the SR*⁸¹, which started on 1 June 2016. The goal of the working visit was to mutually facilitate procedures required for the entry and temporary residence of Japanese nationals between 18 and 30 years of age in the territory of the other state with the purpose of spending a holiday in the territory of another state. Programme participants have the opportunity to find temporary employment to cover their travel costs or enrol into short-term language courses or courses focusing on getting to know the culture and day-to-day life of another country for a period of one year.^{82, 83}

3.1.3 Guaranteeing rights for migrants legally resident on the EU territory

Long-term residence

No new developments occurred as compared to 2015. The amendments to relevant Acts (Act on Residence of Aliens and Act on Employment Services), in accordance with the EU Acquis⁸⁴, plans to allow TCNs who are long-term residents to register at the Labour Office as job seekers⁸⁵.

support of the audiovisual industry in the SR in the field of larger co-production film projects in the territory of the SR, b) provides professional training for employees of centres of strategic services, if the period of their employment relationship with such a centre does not exceed 90 days in a calendar year (in accordance with the Action Plan to promote Business Service Centres in Slovakia granted by the resolution of the Government of the SR No. 287 of 7 July 2016).

79 Information provided by the BBAP PFP and MoLSAF SR, resp. MoE SR.

80 Available at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=25811> (consulted on 25/1/2017).

81 Source: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=25572> (consulted on 25/1/2017). The proposal was submitted by the Deputy Prime Minister, Minister of Interior of the SR, and Minister of Labour, Social Affairs and Family of the SR.

82 Information provided by the MoLSAF SR.

83 Information provided by the MoLSAF SR.

84 Directive 2003/109/EC of the European Parliament and Council of 25 November 2003 concerning the status of third-country nationals who are long-term residents

85 The amendment proposes to make the legal status of these persons equal to that of SR and EU MS nationals when provisions on employment services considered. The proposal is related to Article 11, Paragraph 1, Letter d) of Directive 2003/109/EC according to which long-term residents have the right to equal social security as defined by national law. Since pursuant to Act No. 461/2003 on social security as amended, the eligibility to unemployment benefit as a part of social security depends upon whether the job seeker is listed in the Register of Job Seekers at the Office of Labour, Social Affairs, and Family. It is necessary to modify the conditions for listing the TCNs in the Register of Job Seekers provided in the Act on Employment Services. A legislative change will enable the TCNs to register with the Labour Office as a job seeker, thus providing them the access to the active labour market policy tools. The upcoming amendment to the Act on Employment Services, Section 34, Paragraph 14, Let-

Amendments to these Acts have been in the legislative process since 2016; they are expected to be approved by May 2017.

Intra-EU mobility

No new developments occurred as compared to 2015. The draft amendment to the Act on Employment Services created in 2016 proposes to extend the TCN groups who do not need to provide a confirmation of the possibility of filling a vacancy corresponding to highly-qualified employment or a confirmation of the possibility to fill a vacancy and work permit, by the TCNs who temporarily work at a host entity in the territory of the SR based on the mobility of their employer in the EU MS within the intra-corporate transfer (pursuant to Directive 2014/66/EU on the intra-corporate transfer)^{86, 87}

3.1.4 Efforts to avoid social dumping'

Compared to 2015, there were no new developments in the area of measures specifically addressing labour exploitation or social dumping of TCNs granted legal residence. No changes are planned in the given area. Security and repressive operations of respective forces are constantly taking place in order to reveal such illegal practices.⁸⁸

In 2016 the legislation⁸⁹ generally applying to posted workers whose employer resides in another MS of the EU or EEA and posts an employee to perform work as regards the provision of services from their territory to the SR, was adopted. A posted worker can also be a TCN⁹⁰.

ter j) proposes not to register a TCN with long-term residence in the territory of the SR in the Register of Job Seekers if they were not covered by unemployment insurance during two years prior to requesting to be registered in the Register of Job Seekers. In Section 36, Paragraph 1, Letter t) an extension of reasons for exclusion of a job seeker from the Register of Job Seekers through the following reason is proposed: if a job seeker who is a TCN loses their long-term residence in the SR and therefore they are not legally allowed to stay in the territory of the SR.

86 The transposition of this Directive aims to facilitate the mobility of managing directors and experts within supranational companies residing in the EU MS. The mobility regime presupposes performing work within the intra-corporate transfer without being granted temporary residence in the territory of the SR. This includes cases in which an MS granted a TCN a work permit within the intra-corporate transfer who later, following the relevant mobility rules, was transferred to the territory of the SR. The draft provides detailed conditions, which must be fulfilled by both TCN and the host entity in the MS so that mobility can be performed. The draft also provides an opportunity to raise an objection against mobility in case these conditions have not been met. In such case, the TCN is obliged to immediately cease their mobility and leave the territory of the SR.

87 Information provided by the BBAP PFP.

88 Information provided by the BBAP PFP.

89 On 18 June 2016, Act No. 351/2015 Coll. on cross-border cooperation as regards posting employees to perform work as regards the provision of services as amended (hereinafter referred to as Act No. 351/2015 Coll.) entered into force thus implementing the Directive 2014/67/EU of the European Parliament and of the Council of 15 May 2014 regarding the implementation of Directive 96/71/EC Of the European Parliament and of the Council concerning the posting of workers in the framework of the provision of services that amends Regulation (EU) No. 1024/2012 of the European Parliament and of the Council of 25 October 2012 on Administrative Cooperation through the Internal Market Information System and repealing Commission Decision 2008/49/EC ('the IMI Regulation'). Act No. 351/2015 Coll. that entered into force on 18 June 2016 amended also the Labour Code.

90 The Act has also amended the competencies of the National Labour Inspectorate as well as the Labour Inspectorates involved in cross-border cooperation with the competent authority in another MS of the EU or EEA; during inspections of compliance with the rules regarding posting employees to perform work as regards the provision of services, posting identification, and enforcement of penalties; and obligations of the hosted and home employers have been set out.

In accordance with the new competencies, Labour Inspectorates inspect whether the hosted and home employers fulfil their obligations when posting workers to perform work as regards the provision of services.

The monitoring of compliance with the aforementioned terms of posting workers and enforcement of penalties for failing to comply also across the border is a new legal measure with the purpose of preventing the social dumping and labour exploitation of workers, i. e. workers whose employer resides in another MS of the EU or EEA, and who posted their employee (applies also to TCNs) to perform work as regards the provision of services from their territory to the territory of the SR.

The amendment to the Labour Code established a right for the hosted worker, who believes his/her rights or legally protected interests have been infringed due to the failure of complying with the terms of posting workers, to submit a complaint directly or through the representatives of employees to the competent Labour Inspectorate, or seek legal protection at the court. The amendment further determines that the hosted worker to whom the hosted employer did not provide the due salary or its rightful part at his/her posting, has the right to claim the payment from the natural person or legal entity providing the given service in the territory of the SR, and whose direct subcontractor is the hosted employer. The service provider is obliged to provide the hosted workers with the due salary or its rightful part, which has not yet been paid, in 15 days after the request of the hosted worker was delivered, after the compulsory deduction that would be deducted from their salary by the

In 2016 the SR observed a significant rise in the number of TCNs (mainly Serbian and Ukrainian nationals) who were employed in the surrounding MS and posted to the SR to perform work as regards the provision of services. The work in question included mainly simple manual works in line production in which the domestic labour force is not interested. In relation to this topic, the amendment to the Act on Employment Services in preparation will also focus on restricting the conditions regarding the register of job seekers.⁹¹

3.2 Students and researchers

In 2016, policies in this area did not change. According to the Act on Employment Services, the TCN with temporary residence granted for the purpose of studies can work 10 hours a week; and if s/he is a university student, s/he can work 20 hours a week. Since there were cases in which the residence purpose was misused mainly for employment activities, a legislative change is being prepared in order to restrict the possibility to work simultaneously.⁹²

3.3 Family reunification and family formation

No new developments occurred as compared to 2015.

3.4 Information on routes to and conditions of legal migration

The Resolution of the Government of the SR No. 568 of 21 October appointed the MoLSAF SR as one of the coordinators of the creation and administration of an information web portal that will serve as a complex and up-to-date information source on the integration of foreigners in the SR. The portal has been available since January 2016 at the webpage of MoLSAF SR in the "Integration of Foreigners in Slovakia" section.⁹³ The webpage includes four main sections: entry and residence, housing, employment, and education. The portal is being continuously updated in coordination with other competent ministries⁹⁴.

3.5 Visa policy and Schengen governance

3.5.1 Visa Policy

As for the material scope of BBAP PFP (issuing Visas at borders and their prolongation), no change in the implementation of the relevant provisions of the Visa Code or new developments have taken place, nor are they planned. As for VIS, it is fully implemented in all regions. It means that for every Visa application, biometric data (fingerprints and photograph of the face) are collected.

hosted worker if they paid it.

Similarly, this procedure is to be followed if the worker was posted temporarily. In accordance with the amendment, in case of temporary posting, the hosted worker has the right to a salary at least as favourable as that of a comparable employee of the employer who uses their services. The obligation to provide this salary, or the difference between the salary of a comparable employee of the employer who uses their services and the salary provided to the employee by the hosted employer shall be transferred (after compulsory deductions) to the employer who uses the services. The employer is obliged to do so in 15 days after the payment date agreed upon between the hosted employer and the temporarily assigned employee.

91 Information provided by the MoLSAF SR.

92 Information provided by the BBAP PFP.

93 Available at: <https://www.employment.gov.sk/en/integration-foreigners-slovakia/> (consulted on 22/1/2017).

94 Information provided by the MoLSAF SR.

Fingerprints are not collected only in special cases defined in the Visa Code. The SR successfully finished the VISMAIL II international testing that was successfully launched on 20 January 2016.⁹⁵

In the SR, all Visas are issued with biometric data and 63,553 visas were issued in 2016 (see **Table 3** in Annex). The Consular Offices that issue Visas are obliged to take a photograph of the applicant and collect their fingerprints in compliance with the Schengen Visa Code. This practice is implemented also in the case of national Visas type "D" to which the Act on Residence of Aliens applies.⁹⁶

3.5.2 Schengen Governance

In 2016, tasks arising from the *National Border Control Management Plan of the Slovak Republic 2015 – 2018* were continued to be fulfilled.⁹⁷

The SR actively participated in the Frontex Agency activities by posting police officers and providing technical equipment for joint operations in 2016.⁹⁸

Presidency of the SR in the Council of the EU

During the period of the Presidency, the implementation of Regulation (EU) 2016/1624 of the European Parliament and of the Council on the European Border and Coast Guard⁹⁹ whose implementation already began.

The Slovak Presidency reached a political consensus on the draft of the Regulation (EU) of the European Parliament and of the Council amending Regulation (EU) 2016/399¹⁰⁰ regarding strengthening border control at the external borders using relevant databases.

The Slovak Presidency also worked on quickly reaching the opinion of the Council towards the Regulation of the European Parliament and of the Council establishing the entry/exit system (EES).¹⁰¹

During the Slovak Presidency, the first reading of Regulation of the European Parliament and of the Council that establishes the European Travel Information and Authorisation System (ETIAS) took place.^{102 103}

95 Information provided by the BBAP PFP.

96 Information provided by the MoFEA SR.

97 More detailed information on National Border Control Management Plan of the Slovak Republic 2015 – 2018 can be found in the report form the last year.

98 Information provided by the BBAP PFP.

99 Regulation (EU) 2016/1624 of the European Parliament and of the Council of 14 September 2016 on the European Border and Coast Guard and amending Regulation (EU) 2016/399 of the European Parliament and of the Council and repealing Regulation (EC) No 863/2007 of the European Parliament and of the Council, Council Regulation (EC) No 2007/2004 and Council Decision 2005/267/EC

100 Regulation (EU) 2016/399 of the European Parliament and of the Council of 9 March 2016 on a Union Code on the rules governing the movement of persons across borders (Schengen Borders Code).

101 Regulation of the European Parliament and of the Council establishing the entry/exit system (EES) that collects data on entry, exit and denied entry for TCNs trying to cross the external borders of EU MS, and which sets out conditions upon which the entry/exit system can be accessed in order to enforce the law, and which amends Regulations 767/2008 (EC) and 1077/2011 (EU), and the Regulation amending Regulation 2016/399 (EU) of the European Parliament and of the Council regarding the use of the entry/exit system.

102 Regulation of the European Parliament and of the Council (that establishes the European Travel Information and Authorisation System (ETIAS), amending Regulations 515/2014 (EU); 2016/399 (EU), 2016/794 (EU), and 2016/1624 (EU) took place

103 Information provided by BBAP PFP.



International Protection

In 2016, the number of asylum seekers in Slovakia was historically the lowest. The amendment to the Administrative Procedure Code led to several changes in the legislation regarding international protection including the introduction of the cassation complaint and the reintroduction of the possibility for asylum seekers to be legally represented by a non-governmental organization. A significant result of this recodification of the procedural law is the fact that the decision of the MoI SR on the asylum procedure is considered in force from the moment the Ministry announces it.

In 2016, Slovakia started with relocations of asylum seekers from other EU MS. By the end of 2016, 9 persons originally from Syria entered the territory of the SR through this mechanism. The SR also continued humanitarian transfers of refugees and persons under UNHCR's into their resettlement countries. Slovakia also continued to provide accommodation for the asylum seekers from Austria in its Gabčíkovo asylum facility.

4.1 Statistics and trends

The number of asylum applications in Slovakia has been low in the long-term. Since entry of the SR into Schengen Area at the end of 2007, the number of asylum applications did not exceed the number one thousand while the decreasing trend continues¹⁰⁴.

¹⁰⁴ In 2007, a total of 2,642 asylum applications was submitted, in 2008 the number decreased to 909 applications, in 2012 the SR recorded 732 asylum applications, in 2013 a total of 441 applications was submitted, in 2014 a total of 331 and 330 applications in 2015. Among 330 asylum applicants is also 149 applications of refugees from Iraq whom the SR provided assistance within ad-hoc humanitarian admission in 2015.

Since the creation of the Slovak Republic, the number of asylum applications was historically the lowest (146)¹⁰⁵ in 2016, out of which 99 were the first applications. The SR granted 167 asylums (including 149 asylum which SR granted to resettled refugees from Iraq within an ad-hoc humanitarian admission at the end of 2015) and 12 subsidiary protections, in 35 cases suspended the asylum procedures, in 29 cases refused to grant asylum and in 13 cases refused to grant subsidiary protection. Among the largest groups of asylum applicants were also in 2016 applicants from Ukraine (25), Afghanistan (16), Iraq (14) a Syria (14). The continuous trend of decrease of the number of asylum applications Slovakia recorded in case of applicants from Somalia. In 2012 a total of 222 applicants were from Somalia, in 2013 their number decreased to 57 and in 2014 to 19, in 2015 number of 4 was recorded and in 2016 only 6 asylum applicants from Somalia.^{106 107}

4.2 Common European Asylum System (CEAS) and legislative changes

Legislative changes

On 1 July 2016 Act No. 162/2015 Coll. Administrative Procedure Code (hereinafter referred to as Administrative Procedure Code) entered into force, introducing several legislative changes regarding asylum.¹⁰⁸ In relation to the Administrative Procedure Code, Act No. 125/2016 Coll. on Some Measures related to the Code of Civil Dispute Procedure, the Code of Civil Non-Dispute Procedure, the Code of Administrative Procedure, and on the Amendments and Supplements to some other Acts was adopted. In Article LXXIX it amended the Act on Asylum (hereinafter referred to as Amendment to the Act on Asylum), which entered into force on the same day. According to the new concept of the Administrative Procedure Code, administrative courts will no longer decide on the remedy against the invalid decisions of public administration authorities. A significant result of the recodification of the procedural law is the fact that the decision of the Ministry of Interior of the SR on the asylum procedure is considered in force from the moment the Ministry announces it.¹⁰⁹

Further legislative changes resulting from the adoption of the new Administrative Procedure Code include e.g.:

- Prosecutor's competencies (Article 45 and following), which include the authorisation to submit an administrative appeal or cassation complaint regarding asylum, if they filed an appeal that was turned down.
- Asylum seekers can be legally represented by non-governmental organisations that provide assistance to foreigners; in this case an authorized employee or a member of such an organisation with a second law degree can act on its behalf.
- The public administration authority is bound by the legal opinion in case an annulment judgement was issued by the administrative court, and in case the public administration authority fails to comply with the legal opinion of the administrative court, and the administrative court

¹⁰⁵ Source: <https://dennikn.sk/666115/eurostat-na-slovensku-ziada-najmenej-cudzincov-o-azyl-z-celej-unie/?ref=box0> (consulted on 14/3/2017).

¹⁰⁶ Source: Statistical Report of Migration Office of the Ministry of Interior of the Slovak Republic – year 2016. Available at: <http://www.minv.sk/?statistiky-20> (consulted on 22/1/2017).

¹⁰⁷ Source: Statistical Report of Migration Office of the Ministry of Interior of the Slovak Republic – year 2015. Available at: <http://www.minv.sk/?statistiky-20> (consulted on 22/1/2017).

¹⁰⁸ Changes of the Administrative Procedure Code have had an impact on the detention procedure and the administrative expulsion procedure.

¹⁰⁹ Information provided by the MO MoI SR.

- repeatedly annuls the decision of the public administration authority due to the same reasons as previously, the administrative court can impose a fine on the public administration authority.
- The courts are not bound by the scope and pleas listed in the appeal against a decision regarding asylum filed by the asylum seeker (Article 134, Paragraph 2).
 - The administrative court shall base its decision on the current state at the moment when it announces or issues the decision (Article 135, Paragraph 2), therefore, besides the pleas provided in the Act, Article 191, Paragraph 1, the administrative court can annul the following: a contested decision based on the conclusion that since its issuing, the circumstances regarding the subject changed significantly (a similar provision was also incorporated in the Code of Civil Procedure).
 - Regarding the review of the decisions carried out by administrative courts, new institutes were introduced such as specialized type of administrative appeal regarding asylum and cassation complaint. By filing an administrative appeal, a person can request a review of a decision or measure taken by a public administration authority regarding asylum, subsidiary protection, temporary shelter, and handover of a person to another country. Filing an administrative appeal is accompanied by the possibility of requesting a suspensive effect in the case of decisions that do not automatically include a suspensive effect. A cassation complaint can be filed against a valid decision of a Regional Court; however, no new facts and evidence can be provided except for facts and evidence confirming the validity and timeliness of the cassation complaint.

The amendment to the Act on Asylum also modified the provision in Article 2, Letter h) of Act on Asylum according to which a foreigner is considered an asylum seeker also:

During the period for lodging an administrative appeal against a decision issued by the competent Ministry regarding the granting of asylum, except for the decision that suspends the asylum procedure, and in the duration of the administrative appeal procedure,

During the period for lodging a cassation complaint against a decision issued by the competent Ministry regarding the granting of asylum, except for the decision suspending the asylum procedure, and in the duration of the cassation appeal procedure.¹¹⁰

Asylum procedures

As in the previous periods, asylum seekers are informed of their rights and responsibilities before the asylum procedure begins. As a result of adopting the amendment to the Administrative Procedure Code, from 2016 asylum seekers can again be legally represented by non-governmental organisations providing assistance to foreigners; in this case an authorized employee or member of such organisation with second law degree can act on its behalf^{111, 112}

Dublin procedure and transfers

As of 31 December 2016, the Dublin Centre has performed all necessary actions regarding the 205 received applications requesting the determination of the responsibility for the examination of asylum applications from the MS that apply the Dublin Regulation. In 27 cases, persons in

question were taken over. The Dublin Centre sent 330 applications to other MS and 83 persons were taken over by different countries determined responsible for the asylum procedure.

In August 2016, a new version of the Dublinet license – the main communication tool for the “Dublin cases” – was installed.

As the greatest challenge of 2016 can be considered the suspension of transfers to Hungary from mid-June. Consequently, it was impossible to transfer almost 100 persons for which Hungary is responsible pursuant to the Dublin Regulation.¹¹³

Safe countries of origin

No new developments occurred in 2016 as compared to previous year.

An employee of the the MO Mol SR cooperated as a reviewer of the reports covering countries of the Western Balkans processed by EASO that were proposed to be listed among safe countries of origin.¹¹⁴

Measures related to vulnerable groups

In 2016 the Information Centre for Combating Trafficking of Human Beings and Crime Prevention of the Minister of Interior of the SR updated the *Methodological Guidelines regarding the procedures of providing aid for human trafficking victims with a special focus on children and foreigners*.

Measures adopted:

- The Order of the director of the BBAP PFP on performing tasks to implement the recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) No. 28/2016 of 28 July 2016.
- The Order of the director of the Bureau of the BBAP PFP on the schedule for implementing the recommendations of CPT No. 35/2016 of 5 December 2016.

Return of rejected asylum seekers

No new developments occurred in 2016 as compared to previous year.

Intra-EU relocations

In 2016, the MO Mol SR submitted three relocation pledges: May, August, and October; each pledge concerned ten persons. As of 31 December 2016, 2 pledges were approved and 9 persons entered the territory of the SR (3 mothers and 6 minors originally from Syria) (see **Table 7** in Annex).

On 4 January 2017, the Slovak party accepted all ten persons from the last pledge (3 women and 7 minors). Currently, their approval for relocation to the territory of the SR is awaited.

¹¹⁰ Information provided by the MO Mol SR.

¹¹¹ This option is supported through the Human Right League project which is funded through AMIF.

¹¹² Information provided by the MO Mol SR.

¹¹³ Information provided by the MO Mol SR.

¹¹⁴ Information provided by the MO Mol SR.

Cooperation with third countries

In February 2016, an employee of the MO Mol SR attended a mission in Macedonia that focused on preparation of a project that would support Macedonia in addressing migration pressure. The mission was organized within the cooperation of the V4 countries.

Presidency of the SR in the Council of the EU

In April 2016, the European Commission issued a communication titled "Towards a Reform of the Common European Asylum System and Enhancing Legal Avenues to Europe"¹¹⁵, which proposed systemic changes necessary to create a humane, just, and effective Common European Asylum System (CEAS) also during the period of a high migration pressure. The communication also proposed a set of measures to improve the management of legal migration. Based on these concept materials, two packages of legislative proposals were prepared. The first package included regulation proposals regarding Dublin, EURODAC, and the idea of the EU Agency for Asylum. The second package of legislative proposals, which included a proposal of qualification and procedural regulation, a review of the Reception Directive, aimed at completing the CEAS reform through the harmonisation of common procedures, standards, and reception conditions, as well as approximation of the rights granted to beneficiaries of international protection. The second package also presented a proposal regarding the resettlement scheme with the aim of creating a resettlement framework together with the introduction of unified resettlement procedures.

The proposals were discussed at the meetings of the Asylum Working Party (AWP). During the Slovak Presidency, AWP focused specifically on these proposals. The Presidency opted for the 3-track approach and primarily focused on the proposals that allowed for a constructive discussion leading to a significant progress. This way a partial general consensus regarding the EURODAC Regulation and the EU Agency for Asylum was reached. Further negotiations regarding the two proposals are about to start, however, they will be led by the Maltese Presidency. Other proposals were also simultaneously elaborated.

4.2.1 National and European Jurisprudence

There were no significant decisions taken in national jurisprudence regarding asylum that would have an impact on relevant policies in 2016. As for the decisions issued by the Court of Justice of the EU, the Mol SR takes into consideration the case law of the Court of Justice of the EU in the application practice; however, no specialized policies were adopted.

4.2.2 Efficiency and Quality of asylum system

The MO Mol SR implemented no significant changes influencing the effectiveness or quality of the asylum system in 2016. Similarly to the previous years, in 2016 MO Mol SR acted in compliance with the Further Developing Asylum Quality (FDQ) system that had been developed in cooperation with UNHCR¹¹⁶.

¹¹⁵ Communication from the Commission to the European Parliament and the Council: Towards a reform of the common European Asylum System and enhancing legal avenues to Europe [COM(2016) 197 final].

¹¹⁶ In the initial stage, the system focused on improving the quality of the asylum decision-making process and introducing an evaluation mechanism. In the second stage, the preparation of decision-makers was monitored as well as the interviews and written decisions on the applications for international protection. The primary goal of this monitoring was to:

4.2.3 Challenges in the national asylum system

Except for judicial review, the Migration Office of the Ministry of Interior of the SR recorded no criticism regarding the national asylum system that would require taking any measures in 2016.

4.3 Cooperation with the European Asylum Support Office (EASO)

The SR does not received any assistance from EASO in 2016.

Asylum Support Teams

Despite limited human resources (partly due to the SK PRES), the employees of the MO Mol SR actively participated in multiple activities under the auspices of EASO in the second half of 2016. On one hand, Slovakia has the opportunity to express its solidarity; on the other hand, it is gaining new and valuable experience. Specifically, the activities included the following:

As of 31 December 2016, the Mo Mol SR staff participated in the Asylum Support Teams (AST) active in Greece and Italy; the staff was posted 7 times with an average duration of 6 weeks. The posting within the AST included:

Posting of MO Mol SR Experts as a part of EASO support teams¹¹⁷:

- 12 January – 13 February 2016, Greece – Lesbos, Support of monitoring service provision and improving reception capacity regarding persons applying for international protection (7th call)
- 17 January – 13 February 2016, Italy – Rome, Support regarding processing of outgoing Dublin applications in relocation cases (1st call)
- 24 February – 25 March 2016, Greece – Lesbos, Second posting within the 7th call.
- 16 May 2016 – 24 June 2016, Italy – Bari, Support regarding registration of applicants for international protection in the context of relocation process (5th call)
- 5 September 2016 – 4 November 2016, Greece – Athens, Support regarding registration
- 12 September 2016 – 4 November 2016, Italy – Bari, Support regarding registration of applicants for international protection in the context of relocation process
- 3 December 2016 – 31 December 2016, Italy – Taranto, Support regarding provision of relevant information for the potential applicants for international protection¹¹⁸

In 2017, the MO Mol SR plans to intensify its participation in the AST. As of 9 January 2016, three postings of Slovak national experts in AST to Athens were confirmed from 16 January to 10 March 2017 to provide support regarding the provision of relevant information for the poten-

- promptly identify unfounded, inadmissible, and subsequent asylum applications and evaluate whether any undue or unjustified delay occurred;

- objectively evaluate age and identity of the applicants/evaluate their bone age, obtain an expert opinion, expert report, language analysis, confirmation of passport or other identity documents by a specialized Alien Police Department or Police Institute of Criminalistics and Forensic Expertise;

- provide a complex analysis and evaluation of "persecution" pursuant to Article 8 of the Act on Asylum;

- provide a complex analysis and evaluation of "serious harm" pursuant to Article 2, Letter f) of the Act on Asylum.

¹¹⁷ Information valid as of 12 October 2016.

¹¹⁸ Information provided by the MO Mol SR.

tial applicants for relocation, including complete registration; to Rome from 23 January to 17 February and from 20 February to 31 March 2017 to provide support regarding the processing of Dublin applications for the takeover of applicants in the context of the relocation process.¹¹⁹

Trainings

In 2016 an employee of the MO Mol SR worked as a trainer for the Inclusion Module during a training in Greece.

In 2016, 3 EASO employees were trained to become national trainers (2 for the Exclusion Module, 1 for the Inclusion Module). One national training for the COI module for 11 participants was held.

Besides the above mentioned, a Seconded National Expert was posted to EASO in February 2016, who currently works in the department providing the operative support of MS.¹²⁰

Development of common practical tools

As for the COI in 2016, employees of the Department of Documentation and Foreign Cooperation participated in the update of a report on the security situation in Afghanistan (researchers); a complex report on Somalia (co-author); COI reports on the countries of the Western Balkans (reviewer); Origin Verification Tool for Syria (co-author). Following the agreement between the EU and Turkey of 18 March 2016, the MO Mol SR continued to actively participate in the Fast Track Queries regarding Turkey; the project focuses on the operative answering of ad hoc questions on Turkey in order to support the proceedings on the admissibility in Greece.

4.4 Intra-EU solidarity including relocation

4.4.1 Support to national asylum systems

Based on the Memorandum of Understanding between the SR and Austria of 2015, the SR continued to provide accommodation for asylum seekers from Austria in its asylum facility in Gabčíkovo. The SR provided temporary accommodation for approximately 1,220 asylum seekers whose applications are being assessed in Austria.

On several occasions and levels, Austria repeatedly appreciated the support provided by the SR regarding accommodation for asylum seekers.

A MO Mol SR expert was posted to Greece in January 2016 to work as an EASO national trainer to provide EASO training for the employees of the Greek Asylum Service in relation to the EASO Inclusion Module.

In February 2016, a MO Mol SR expert was seconded to EASO for the period of one year with the possibility of extension.

¹¹⁹ Information provided by the MO Mol SR.

¹²⁰ Information provided by the MO Mol SR.

In the course of 2016, the SR repeatedly provided their experts to EASO, mainly regarding the facilitation of activities and running of hotspots. These experts subsequently worked in states that were exposed to unreasonable migration pressure, i. e. Italy and Greece. The SR provided experts for 8 postings.

The SR plans to continue these activities in the following year. In 2016 the SR:

- Participated in the AST, for more details see 4.3
- Participated in other activities under the auspices of EASO organized in Italy and Greece, for more details, see 4.3
- In December, two MO Mol SR employees participated in an evaluation mission in Italy in order to evaluate the effectiveness of the implementation of the IT operational plan that confirmed the justness of support in the country as well as the added value of such activities.¹²¹

Presidency of the SR in the Council of the EU

Within the Presidency, the SR presented a concept of effective (flexible) solidarity which served as a basis for further discussions on the EU level. The concept was outlined for the first time during the *Bratislava Declaration* at the informal summit of heads of 27 EU Member States in September 2016 and it has three pillars^{122, 123}. It is based on the principle that in case of an increased number of asylum applications of the arriving migrants, all EU Member States should share the burden of the migration crisis (e.g. through posting of experts to support the asylum procedure or protection of borders; provision of material and technical assistance; or provision of available accommodation capacities as mentioned above) and deal with the pressure within a foreseeable framework taking into account possibilities and capacities of individual MS.¹²⁴

4.4.2 Relocations

Based on the Council Decision (EU) 2015/1523 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece¹²⁵ (so called the First Relocation Decision), the SR voluntarily undertook to admit 100 persons. In accordance with the Decision, in May 2016 the SR submitted a pledge for the relocation of the first 10 persons from Greece, opting to focus on vulnerable groups, mainly single women with children. The SR accepted the responsibility upon the condition that these persons are holders of valid documents since it is impossible to verify the identity of persons without valid travel documents. In August 2016, the first three persons were admitted from Greece and granted asylum on humanitarian grounds. Subsequently, the SR submitted 2 more relocation pledges based on which it admitted 6 more persons from Greece. They were also granted asylum on humanitarian grounds (see **Table 7** in

¹²¹ Information provided by the Mo Mol SR.

¹²² 1. Improvement of the current system: In standard conditions when there is no excessive pressure on MS due to the migration flows, current Dublin system will be applied. However, this system will have to be revised according to the present EC proposal.

2. Mechanism of tailor-made contributions in case of deteriorating conditions: In case that asylum systems of individual MS are under pressure due to the high number of arrivals, it is necessary to apply a „solidarity clause“ of various forms.

3. Exceptional crisis mechanism in case of particular conditions: It involves exceptionally high number of arrivals resulting in destabilisation of the asylum system and requiring special and collective response. In such case, the European Council has to decide about additional support measures carried out on voluntary basis.

¹²³ Source: <https://euractiv.sk/clanky/bratislavsky-summit-eu/bratislavsky-summit-pridu-lidri-s-novou-viziou-pre-eu27-priebezne-aktualizujeme/> (consulted on 14/2/2017).

¹²⁴ Information was provided by the MoFEA SR and the DFEA MIO.

¹²⁵ Council Decision (EU) 2015/1523 of 14 September 2015 establishing provisional measures in the area of international protection for the benefit of Italy and of Greece

Annex). In both cases, the pledge involved 10 persons and the same criteria (single women with children).

The same procedure will be applied in 2017. So far, 4 persons were relocated in 2017.

The SR closely cooperated with the Greek partners and EASO in the area. For detailed information on relocations, see the sub-chapter 4.2, part Intra-EU Relocations.

Besides the above mentioned, two MO Mol SR employees appointed as liaison officers for relocations (from Greece and Italy) regularly attended negotiations regarding the topic organized by EC and EASO.

No other bilaterally planned relocations were carried out.¹²⁶

4.5 Enhancing external dimension including resettlement

4.5.1 Resettlement

Slovakia continued humanitarian transfers through the *Emergency Transit Centre (ETC)* in Humenné carried out in cooperation with the UNHCR and IOM since 2009 (see **Table 8** in Annex).¹²⁷ In 2016, 156 refugees were transferred into the ETC in Humenné; 196 refugees who came to the Centre in 2015 and 2016 were resettled to the USA. The majority of admitted and resettled refugees in 2016 was comprised of Somali nationals, the rest Sudanese and Ethiopian nationals. These were mostly families with small children forced to leave their homes due to persistent conflicts and unrests, and whose return was not possible.¹²⁸

In 2016, 149 Iraqi nationals admitted by the SR within the humanitarian admission in December 2015 were being integrated.¹²⁹

4.5.2 Enhancing the capacity of third countries of first asylum

In 2016, the SR performed no activities related to increasing capacities of third countries of first asylum. In the context of the Slovak Presidency, the MO Mol SR did not directly participate in projects aimed at increasing the capacity of third countries. In 2017, the MO Mol SR will participate in projects based on the country of destination and its own expert capacity.¹³⁰

¹²⁶ Information was provided by MO Mol SR.

¹²⁷ Information provided by MO Mol SR.

¹²⁸ Source: <http://www.iom.sk/sk/novinky-a-podujatia/847-iom-activities-and-achievements-2016> (consulted on 14/2/2017).

¹²⁹ Information provided by MO Mol SR.

¹³⁰ Information provided by MO Mol SR.

05

Unaccompanied Minors and Other Vulnerable Groups

2016 saw no legislative changes affecting the UAMs or other vulnerable migrant groups. COLSAF, however, has prepared several application and methodical guidelines directing the activities of the socio-legal protection of children and social guardianship bodies in provision of care for the UAMs. The number of registered UAMs in Slovakia was low also in 2016. A persistent issue in providing care for the UAMs is their disappearance about which a research analysis is currently being prepared.

5.1 Unaccompanied minors

Statistics and trends

Slovakia has not recorded a significant increase in the number of UAMs in 2016 (see **Table 9** in Annex). In cases of unauthorised border crossing and unauthorised stay a total of 23 UAMs were intercepted in 2016, out of which half of them was of Afghan nationality.¹³¹ In this year, SPCSG bodies recorded a total of 36 UAMs, most of them males, and out of them 33 UAMs were placed in the foster home for UAMs Dľaň in Medzilaborce.¹³²

¹³¹ Source: Statistical Overview of Regular and Irregular Migration in the Slovak Republic in 2016 (2017). BBAP PFP, Bratislava. Available at: http://www.minv.sk/swift_data/source/policia/uhcp/rocnky/rok_2016/2016-rocenka-UHCP-SK.pdf (consulted on 3/2/2017).

¹³² Information provided by MoLSAF SR.

In 2016, two UAMs sought asylum compared to 3 cases in 2015, 11 cases in 2014¹³³ and 5 cases in 2013¹³⁴. As for the UAMs not seeking asylum, there was a decrease from 68 UAMs in 2013¹³⁵ to 10 in 2014¹³⁶, 23 in 2015 and 31 in 2016 (see **Table 9** in Annex). One UAM was granted asylum, the child is being taken care of by a professional family. In 2016 foster care home in Medzilaborce provided mainly care for UAMs from Afghanistan (14 UAMs), Romania (4 UAMs), Nepal (3 UAMs) and Syria (3 UAMs). As of 10 January 2017, 7 UAMs were placed in the foster care home Dľaň Medzilaborce, out of them one being a female.¹³⁷

Disappearance remains a persistent problem in provision of care for UAMs. In 2016, a total of 19 UAMs left the facility for the enforcement of a court decision (i. e. the foster home for UAMs) without permission. Due to this a research task Identifying the Causes of Unaccompanied Minors Go Missing is being carried out within the contract between the MoLSAF SR and the Institute for Labour and Family Research, with the aim to analyse the causes of UAMs' escapes, propose and adopt measures for their elimination and prevention.¹³⁸

Policies, legislation and measures

Slovakia has not adopted any new legislation on receiving the UAMs or providing care for them in 2016. The currently prepared amendment to the Act on Residence of Aliens¹³⁹ proposes that a TCN stating to be an UAM is obliged to undergo a medical screening in order to determine his/her age in case the TCN is suspected to be an adult. Under the current legislation, only a person who is clearly a minor is not obliged to undergo the screening.¹⁴⁰

Apart from regular working meetings and methodical days, the COLSAF also uses the methodical and application guidelines to improve the quality of SPCSG measures' implementation. Internal COLSAF Directive No. IN 105/2015 "Implementation of Measures for the Socio-legal Protection of Children and Social Guardianship for Unaccompanied Minors" was prepared with respect to legislative changes and came into force on 15 December 2015. The directive defines closer details on the processes of OLSAFs during the implementation of SPCSG measures for UAMs present in the territory of the SR.¹⁴¹ The directive unified the process of SPCSG bodies in the particular phases of providing care for the UAMs in line with the amended legislation, implementation of international agreements in this field as well as needs stemming from the practice. As a follow-up on this directive, COLSAF prepared the "Application Guidelines on the Application of the Best Interests of the Child Principle in all Processes, Measures and Decisions Adopted in Relation to Unaccompanied Minors" in December 2015. The Guidelines are intended mainly for SPCSG bodies, foster homes and other bodies providing the UAMs with assistance.¹⁴²

133 Source: Bachtíková, Oboňová (2015): Annual Report on Migration and Asylum Policies. Slovak Republic 2014. European Migration Network, IOM, Bratislava.

134 Source: Bachtíková, Oboňová (2014): Annual Report on Migration and Asylum Policies. Slovak Republic 2013. European Migration Network, IOM, Bratislava.

135 Information provided by COLSAF.

136 Source: Bachtíková, Oboňová (2014): Annual Report on Migration and Asylum Policies. Slovak Republic 2013. European Migration Network, IOM, Bratislava.

137 Information provided by MoLSAF SR.

138 Information provided by MoLSAF SR.

139 The draft amendment is currently undergoing the legislative process and its adoption is expected until May 2017.

140 Information provided by the BBAP PFP.

141 This norm provides for a more detailed operation of OLSAFs activities in implementing measures of SPCSG for UAMs who are present on territory of the SR. It aims to amend procedures of SPCSG in the process of interception and identification of UAMs, protection of UAMs' rights and interests protected by law, implementation of immediate measures, placement to a facility for the enforcement of a court decision, carrying out role of a guardian, provision of care in the foster care home for UAMs, procedure in searching family and family reunification, integration of UAMs into society, cooperation with engaged actors and adopting durable solutions for UAMs.

142 Information provided by the MoLSAF SR.

As the UAMs are among the vulnerable groups threatened by human trafficking, the SPCSG bodies' procedure with respect to working with human trafficking victims, including the UAMs, was amended in Internal COLSAF Directive No. IN 085/2016 "Implementation of Measures for the Socio-legal Protection of Children and Social Guardianship for Victims of Human Trafficking"¹⁴³, which entered into effect on 1 November 2016.¹⁴⁴ The directive unified measures and rules of cooperation with engaged actors in identifying victims of human trafficking, provision of assistance, protection and support to identified or potential human trafficking victims.¹⁴⁵

Projects

The currently prepared national project Promoting Foreigners' Integration in the Facilities for the Socio-legal Protection of Children and Social Guardianship¹⁴⁶ will focus on finding a systematic solution to the comprehensive support for the integration of foreigners placed in the SPCSG facilities. The objective is to promote the smooth integration of foreigners who came to the SR as minors. The national project should, via quantitative and qualitative improvements in working with a child, promote the comprehensive care of the UAM, who is applying for asylum as well as prevent the socio-pathological phenomena causing social exclusion.¹⁴⁷

COLSAF has prepared the Promoting Foreigners' Integration in SPCSG Facilities national project with implementation planned for 2017–2019, in order to promote the increased participation of disadvantaged and vulnerable persons in society, including the labour market. Among the activities of the national project there are mainly the provision of interpreting services, legal counselling and assistance, personnel, material and technical equipment for psychological, educational and social care for UAMs as well as activities focusing on extending the teaching of Slovak, obtaining or achieving adequate education, success in the labour market, housing and other conditions necessary for the independence of young adults. Measures to promote the social and situational prevention of UAMs escaping the foster home as well as the education of employees of SPCSG facilities and bodies in specific areas of working with the UAMs (such as cultural mediation, prevention of human trafficking, determination of the best interest of the child, etc.) are an essential part of the project.¹⁴⁸

Assistance for the UAMs placed in the Foster Home Dľaň in Medzilaborce was ensured also through the already mentioned Human Rights League project "Legal Counselling for Residence and Citizenship 6".¹⁴⁹

5.2 Other vulnerable groups

In order to ensure the most adequate conditions for detained persons younger than 18 years, who, together with their parents, ended up in the PDCA, the currently prepared amendment to

143 This norm sets out procedures of SPCSG body in identification of indicators of trafficking in human beings, cooperation with Police Force bodies and MoI's contracting organisations in providing assistance to human trafficking victims, conditions for their placement to the Programme of Support and Protection for Human Trafficking Victims and other aspects of implementing of SPCSG measures for the victims, especially also in relation to UAMs who belong to vulnerable groups facing higher risk of trafficking in human beings.

144 Information provided by the MoLSAF SR.

145 Information provided by the MoLSAF SR.

146 The project will be executed under the Priority axis 4 Social Inclusion, investment priority 4.1 Active Inclusion and specific objective 4.1.1 Increasing Presence of the Most Vulnerable Persons in the Society, Including the Labour Market.

147 Information provided by the MoLSAF SR.

148 Information provided by the MoLSAF SR.

149 Information provided by the FAD EPS MoI SR.

the Act on Residence of Aliens¹⁵⁰ proposes to explicitly state the following in the text of the Act: providing meals to minors five times a day, increasing the number of daily leaves within the facility, allowing access to education by the end of the three-month period following the detention the latest, while the education of persons younger than 18 years old is already provided as soon as possible.¹⁵¹

06

Integration

The *Integration Policy of the SR* was the main programme document on integration of migrants from third countries also in 2016, providing a basis for the MoLSAF SR's second interdepartmental *Summary Report on the Fulfilment of Objectives and Measures of the Integration Policy of the SR for 2015*. Slovakia also approved *The Action Plan of the Integration Policy in the MoLSAF SR for 2017–2018* and postponed the date of establishing the state integration programme for beneficiaries of international protection from 31 December 2016 to the end of 2017. From the 1 December 2016 there was a change of the implementer of the integration services for beneficiaries of international protection that started to be implemented as a third-year project.

6.1 Policies and measures

The *Integration Policy of the SR*^{152 153} was the main programme document on integration of migrants from third countries also in 2016, providing a basis for the MoLSAF SR's second interdepartmental *Summary Report on the Fulfilment of Objectives and Measures of the Integration Policy of the SR for 2015*^{154 155}. The Deputy Prime Minister and Minister of Interior of the SR was assigned, by the Resolution of the Government of the Slovak Republic No. 568 from 21 October 2015, to

152 Integration Policy of the SR was approved by the Resolution of the Government of the Slovak Republic No. 45 from 29 January 2014 on Proposal for Integration Policy of the Slovak Republic. The resolution tasks the Minister of Labour, Social Affairs and Family to submit during the session of the Government of the SR the Summary Report on the Fulfilment of Objectives and Measures of the Integration Policy of the SR.

153 Source: <https://www.employment.gov.sk/sk/ministerstvo/integracia-cudzincov/zameranie-integracnej-politiky-sr.html> (consulted on 21/4/2017).

154 Source: http://www.rokovania.sk/File.aspx/ViewDocumentHtml/Mater-Dokum-200214?prefixFile=m_ (consulted on 3/2/2017).

155 The summary report contains evaluation of fulfilment of the integration measures in 2015 v different fields (self-governing regions, accommodation, cultural and social integration, healthcare education, employment and social protection, citizenship of the SR, unaccompanied minors).

150 The draft amendment is currently undergoing the legislative process and its adoption is expected until May 2017.

151 Information provided by the BBAP PFP.

the coordination of the state integration programme for beneficiaries of international protection by 31 December 2016. The deadline was later postponed to 31 December 2017. The programme should focus on three priority areas: housing, education, and employment of persons granted international protection.¹⁵⁶

*The Action Plan of the Integration Policy in the MoLSAF SR for 2017–2018*¹⁵⁷ was also approved in December 2016. The new plan contains objectives and measures updating the already existing measures. Their fulfilment is to be of a continuous nature. The plan also contains new, initiative measures proposed by the individual organisational ministerial units following the current situation in each area. Individual measures are of legislative (e. g. preparation of a proposal on an employment act of the TCNs in the Slovak Republic, transposition of EP and Council directives into Slovak law) or non-legislative (e. g. implementing measures, soft measures relating to the integration of aliens) nature (see Sub-chapter 2.6)¹⁵⁸.

MoLSAF SR's other plans in relation to pre- and post-entry migration measures for 2017 –2018 include the preparation and distribution of informational documents for state administration authorities, OLSAFs and other public administration authorities.¹⁵⁹

6.2 Integration projects

Slovak 2016 integration projects were funded by the AMIF fund approved on 29 July 2015. A national project relating to migration and integration of third-country nationals was, for the first time, supported by the EU Funds Section of the ESF: the Promoting Foreigners' Integration in SPCSG Facilities project (see Sub-chapter 5.1 Projects).

The following projects were implemented within the AMIF fund in 2016:

- IOM's Migration Information Centre to Support Integration of Migrants in Slovakia (phase VIII) project with the main objective to contribute to the effective social, economic and cultural integration of foreigners in Slovakia via counselling, training and information services. The project also supported cooperation between foreigners' communities and the major population; it created space for an intercultural dialogue and also supported foreigners' community life.¹⁶⁰ In 2016, the MIC offices in Bratislava and Košice provided 2,785 individual clients with 4,374 personal, phone or e-mail consultations concerning main areas of living in Slovakia such as residence, family, employment, entrepreneurship, education, or citizenship. It counselled a further 97 clients in cooperation with the representatives of foreigners' communities during field work. MIC clients came mainly from the Ukraine, Russian Federation, Serbia, India, USA and Iran. 43,126 people searched for information for foreigners on living in Slovakia on MIC website www.mic.iom.sk in 2016.¹⁶¹ The new project will recommence in January 2017 and last 3 years.
- The Human Rights League's Legal Counselling for Residence and Citizenship 6 project with the main objective to offer legal counselling to third-country nationals and unaccompanied

¹⁵⁶ Information provided by the MoLSAF SR.

¹⁵⁷ Available at: <https://www.mpsvr.sk/files/slovensky/ministerstvo/integracia-cudzincov/dokumenty/akcny-plan-integracnej-politiky-slovenskej-republiky-podmienkach-ministerstva-prace-socialnych-veci-rodiny-slovenskej-republiky-roky-2017-2018.pdf> (consulted on 14/ 2/2017).

¹⁵⁸ Information provided by the MoLSAF SR.

¹⁵⁹ Information provided by the MoLSAF SR.

¹⁶⁰ Information provided by the FAD EPS Mol SR.

¹⁶¹ Source: <http://www.iom.sk/sk/novinky-a-podujatia/847-iom-activities-and-achievements-2016> (consulted on 21/4/2017).

minors, including an online legal advisory service. During 12-month period legal counselling was provided to 665 persons and 18 UAMs.

- The Slovak Catholic Charity's RAFAEL III project with the main objective to provide services and counselling to persons granted international protection in the SR, including vulnerable groups. The aim of their services was to facilitate the integration processes in the SR conditions. The project lasted from 1 December 2015 to 30 November 2016 and during this period social, cultural and labour counselling was provided to 204 beneficiaries of international protection. From the 1 December 2016 there was a change of the implementer of the for this target group. A three-year project of the Civic Association Marginal STEP 3 project began, aimed at identical objectives and ensures the continuity of services provision to the target group of persons granted international protection in the SR. Apart from the main objective, the project also seeks to increase the public awareness of the project target group, via cooperation with government and self-governing authorities, public lectures and preparation of print and media outputs on integration of persons with granted international protection into host society.¹⁶²

6.3 Socio-economic integration

Measures to improve education and language skills

The Priority Axis 1 "Education" of the *Operational Programme Human Resources* partly deals with migrant-related issues as the interventions within the Priority Axis are focused on pupils and students of educational facilities at all levels, including pupils with special educational needs, on teaching and other professional personnel as well as persons taking part in continuous education, regardless of their status.

The COLSAF in cooperation with the MoLSAF SR prepared, in order to improve the provision of complex help to UAMs and within the *Operational Programme Human Resources*, the national project Promoting Foreigners' Integration in the Facilities for Socio-Legal Protection of Children and Social Guardianship. The implementation of the project is expected in 2017 – 2019. The project covers, among other issues, the activities focusing on the extension of teaching of Slovak, obtaining or achieving adequate education, success in the labour market, housing and other conditions necessary for the independence of young adults.

The implementation of the national project Supporting integration of foreigners in facilities for social protection of children and social guardianship is expected in 2017 – 2019. The project covers, among other issues, the activities focusing on the extension of teaching of Slovak, obtaining or achieving adequate education, success in the labour market, housing and other conditions necessary for the independence of young adults.¹⁶³

In compliance with the agreement between MoESRS SR and the Centre of Continuing Education at Comenius University in Bratislava, the educational programme Slovak as a Foreign Language – Intensive Course in Slovak Language and Cultural Orientation for Migrants/Persons Granted Asylum in Humenné was implemented between 15 and 26 February 2016. It comprised methodical teachers' training and a successful pilot testing by the education of 93 adult asylum

¹⁶² Information provided by the FAD EPS Mol SR.

¹⁶³ Information provided by the MoLSAF.

seekers from Iraq during their temporary stay at the Reception Centre in Humenné. The educational programme took place in the local grammar school and included teaching of Slovak language (4 lessons a day) and a Slovak realities (2 lessons a day). The main objective of the programme was to help the participants acquire basic Slovak communication skills in order for them to be able to function in a new language environment. They will be able to apply the newly obtained skills on an elementary level of spoken and written communication, i. e. elementary communication skills at the A1 level. The participants of the programme learnt basic information on living in Slovakia, cultural facts, and value system.¹⁶⁴

Access to social security, healthcare and housing

The SR did not implement any new policies or measures in this field in 2016.

Integration into the labour market

Following the proposed amendment to the Act on Employment Services from 2016, the access of several TCN categories to the SR labour market is facilitated. The proposal contains, among other things, an extension of TCN groups, who are not required to submit in order to work, the confirmation of the possibility to fill a vacancy corresponding to highly-qualified employment, the confirmation of the possibility to fill a vacancy, or a work permit.¹⁶⁵

A third-country national granted asylum or subsidiary protection under the provisions of the Act on Employment Services is considered a disadvantaged job seeker. Such a seeker, in relation to their access to the labour market, is not required to submit a work permit, the confirmation of the possibility to fill a vacancy corresponding to highly-qualified employment, or the confirmation of the possibility to fill a vacancy. Such a seeker also has access to the employment services tools of active labour market policy under the same conditions as Slovak citizens.¹⁶⁶

6.4 Integration of specific groups

A legislative change to the Act on Employment Services was in preparation since 2016, will provide a TCN granted a status of a third-country national who is long-term resident *in the EU* in Slovakia a legal status that is equal to the status of a Slovak citizen, in all legal relations under the Act on Employment Services.

The COLSAF, in cooperation with MoLSAF SR prepared, in order to improve the condition of comprehensive help for unaccompanied minors and within the *Operational Programme Human Resources* national project Supporting the integration of foreigners in facilities for social protection of children and social guardianship. The main aim of the project is to promote integration and increase the quality of protection for foreigners via the development of selected measures for the socio-legal protection of children and social guardianship (see Chapter 5).

Apart from standard government and non-governmental players, the volunteers from the Who Would Help¹⁶⁷ initiative took part in the integration of beneficiaries of international protection in Slovakia in 2016.

¹⁶⁴ Information provided by the MoLSAF.

¹⁶⁵ Information provided by the MoLSAF.

¹⁶⁶ Information provided by the MoLSAF.

¹⁶⁷ Source: <http://www.ktopomoze.sk/> (consulted on 3/2/2017).

6.5 Non-discrimination

The MoLSAF SR created a website devoted to discrimination issues in 2016. It is available at www.diskriminacia.gov.sk. The website on (non-)discrimination offers information to both the professional public and entities obliged to non-discriminate alongside basic counselling to persons endangered by discrimination. It also includes a separate chapter on information about the implementation of the horizontal non-discrimination principle in programmes and projects supported by structural funds in the 2014 – 2020 programming period. The expert public will find information on the theoretical foundations of equal treatment and prohibition of discrimination, such as types of discrimination, protected characteristics, and the areas where the prohibition of discrimination applies. The site also includes the decisions of the Court of Justice of the European Union, European Court of Human Rights, and national courts, which are relevant to the interpretation of the anti-discrimination law. An overview of documents and institutions forming the base of the anti-discrimination framework supplements this information, alongside practical information on protection against discrimination and the possibility of individual counselling.¹⁶⁸

In the first quarter of 2017, MoLSAF SR will, via the Implementation Agency as an intermediary under the *Operational Programme Human Resources* governing authority, launch a call for proposals "Counselling and Education on the Prevention and Elimination of Discrimination".¹⁶⁹

6.6 Integration at local level

Council of the Association of Towns and Communities of Slovakia (ZMOS) adopted in April 2016 a document *Possibilities of cooperation between Migration Office of the MoI SR and ZMOS in integration of beneficiaries of international protection* which suggests to create a consultation platform on integration policy issues (consisting of representatives of expert sections, pilot towns involved in project BUK and self governing bodies in case they express their interest to participate in such activity, as well as of representatives of NGOs with experience in this field) and communication networks involving specific individuals at ministries and state offices/organisations.¹⁷⁰

On 23 August 2016, the Human Rights League organised the *Forum on Refugee Integration and Resettlement in Central and Eastern Europe*.¹⁷¹ Both domestic and foreign experience regarding the involvement of local authorities in the integration of migrants and refugees, capacity-building of the authorities as well as the best practices and challenges of integration on the local level were presented during the forum.

On 25 November 2016, an EMN meeting entitled *Cooperation of Local/Regional Authorities and Other Actors in the Field of Integration of Refugees in Bratislava and Košice* was held in order to discuss and strengthen the cooperation of representatives from state administration, local authorities, educational institutions, non-governmental organisations, and private sector in the integration of beneficiaries of international protection, and involvement of individual participants in the process. Besides this, the meeting focused on the identification of problematic areas, pos-

¹⁶⁸ Information provided by the MoLSAF.

¹⁶⁹ Information provided by the MoLSAF.

¹⁷⁰ Available at: http://www.zmos.sk/download_file_f.php?id=695310 (consulted on 14/3/2017).

¹⁷¹ Available at: <http://www.hrl.sk/aktuality/presentations-videos-and-background-materials-forum-refugee-integration-and-resettlement> (consulted on 3/2/2017)

sible solutions, and effective ways of interconnecting the beneficiaries of international protection with the invited stakeholders.¹⁷²

The Deputy Prime Minister and Minister of Interior of the SR was assigned, by Resolution of the Government of the Slovak Republic No. 568 of 21 October 2015, to the coordination of the state integration programme for beneficiaries of international protection by 31 December 2016. The deadline was postponed to 31 December 2017. The preparation of the programme will require cooperation and the active involvement of local governments.¹⁷³

The Centre for the Research of Ethnicity and Culture (CVEK) and Slovak representation of the Friedrich Ebert Foundation organised a three-day information trip to Bavaria, Germany for 5 Slovak local politicians. They met dozens of people either directly working with refugees or being responsible for related processes at the local level. They explained how local administration faced the pressure created by large numbers of incoming refugees.¹⁷⁴

6.7 Awareness-raising on migration

The Resolution of the Government of the SR No. 568 of 21 October appointed the MoLSAF SR as one of the coordinators for the creation and administration of an information website, which would serve as a comprehensive and up-to-date information source on the integration of foreigners in the SR. The portal has been available since January 2016 under the MoLSAF SR webpage in the "Integration of Foreigners in Slovakia"¹⁷⁵ section. It includes four main sections: entry and residence, housing, employment, and education. It is regularly updated in cooperation with other responsible ministries.¹⁷⁶

The *Action Plan of the Integration Policy in the MoLSAF SR for 2017–2018* was approved in December 2016. It contains, alongside other areas, the measures for the better use of tools of active labour market policy intended for TCNs, for improved statistical data collection, and for raising the awareness of society on this topic and on the target group (TCNs). It seeks to remove barriers and social prejudice, to promote professional dialogue (among students and public administration workers) as well as deepen the cooperation with self-governments and non-profit sector in relation to solutions to key integration issues (housing, cultural, social and political integration). The Action Plan describes the measures related to broadening the host country awareness on migration: the measures will be continuously fulfilled by the responsible entities.¹⁷⁷

In 2016, the MoLSAF SR in cooperation with Human Rights League, IOM and the Press Council of the SR prepared the proposal of the *Ethical Rules of Presenting Information on the Topics of Migration and Integration*. After the approval of the final version of this document, the MoLSAF SR will arrange its release, dissemination and promotion.¹⁷⁸

A cooperation of the MoLSAF SR with NGOs is planned for 2017 in implementing projects based

172 Source: <https://emn.sk/en/activities/meetings-and-conferences/270-emn-small-scale-meeting-on-cooperation-of-local-regional-authorities-and-other-actors-in-the-field-of-integration-of-refugees-in-bratislava-and-kosice-bratislava-25-november-2016.html> (consulted on 3/2/2017).

173 Information provided by the MoLSAF.

174 Source: <https://euractiv.sk/clanky/socialna-politika/zvladate-to-slovenski-primatori-na-stope-utecencov-v-nemecku/> (consulted on 3/2/2017).

175 Available at: <https://www.employment.gov.sk/en/integration-foreigners-slovakia/> (consulted on 3/2/2017).

176 Information provided by the MoLSAF.

177 Information provided by the MoLSAF.

178 Information provided by the MoLSAF.

on the *Communication Strategy on the Benefits and Positive Aspects of Migration and Integration of Foreigners in Slovakia*. The strategy was jointly prepared by the Human Rights League and the MoLSAF SR. It was created within the project Integration Forum – Platform for an Open Dialogue about the Migration and Integration of Foreigners. The main reason for its creation is the lack of pro-active and positive communication on this topic. It is intended for the free and non-commercial use of individuals, organisations and institutions interested in creating a positive image of foreigners' life in everyday society. The MoLSAF SR will continue seeking further possibilities of cooperation in order to implement and later disseminate the strategy.¹⁷⁹

6.8 Involvement of countries of origin

Presidency of the SR in the Council of the EU

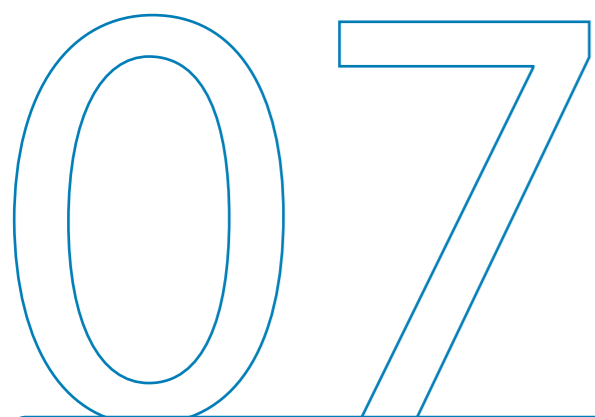
Given the need for the effective integration of TCNs as well as reflecting the *Action Plan on the Integration of Third-Country Nationals* published by the Commission in 2016¹⁸⁰, the Slovak Presidency has prepared a *draft proposal of the Council and of the Member States Governments' representatives' Conclusions on the integration of third-country nationals with legal residence in the EU*. The conclusions were approved by the Justice and Home Affairs Council on 9 December 2016.¹⁸¹ While preparing the conclusions, consultations took place in several Council work groups (employment, education, sports, youth and culture) and showed that this is a priority and cross-sectional topic.¹⁸²

179 Information provided by the MoLSAF.

180 COM (2016) 377 final.

181 Available at: <http://data.consilium.europa.eu/doc/document/ST-15312-2016-INIT/en/pdf> (consulted on 14/2/2017).

182 Information provided by the MoLSAF.



Return and Reintegration

There were no major trend changes in returns in 2016. As for the forced returns in 2016, 314 persons were forcibly returned from the SR, 1,094 persons (foremost Ukrainian citizens) were returned voluntarily, while 116 of them opted for assisted voluntary return through IOM.

7.1 EU readmission agreements

EU Readmission agreement	National development	Date of agreement
Bosnia and Herzegovina	<p><i>Implementing protocol between the Government of the Slovak Republic and the Council of Ministers of Bosnia and Herzegovina on the Implementation of the Agreement between the EC and Bosnia and Herzegovina on the Readmission of Persons Residing without Authorisation</i></p> <p>Announcement of the Ministry of Foreign and European Affairs of the Slovak Republic No. 133/2016 Coll. on signing the Implementation Protocol on 5 July 2015 in Bratislava, which entered into force on 8 February 2016, was published in the Collection of Laws of the Slovak Republic on 31 March 2016.</p>	<p>Signed: 5 July 2015</p> <p>Valid: 8 February 2016</p>
Ukraine	<p><i>Implementing protocol between the Government of the Slovak Republic and the Government of Ukraine on the Implementation of the Agreement between the EC and Ukraine on the Readmission of Persons</i></p> <p>In May 2016, the Slovak party sent the proposal of the Implementation Protocol to the Ukrainian party for them to comment on within the process of negotiating the wording. The Ukrainian party replied by requesting bilateral negotiations pertaining to the Protocol, which would contain negotiations on wording. Due to the Slovak Presidency, the negotiation was postponed to the first half of 2017.</p>	Not signed yet
Georgia	<p><i>Implementing protocol between the Government of the Slovak Republic and the Government of Georgia on the Implementation of the Agreement between the EU and Georgia on the Readmission of Persons Residing without Authorisation</i></p> <p>Announcement of the Ministry of Foreign and European Affairs of the Slovak Republic No. 124/2016 Coll. on signing the Implementation Protocol on 13 November 2015 in Bratislava, which entered into force on 1 March 2016, was published in the Collection of Laws of the Slovak Republic on 19 March 2016.</p>	<p>Signed: 19 March 2015</p> <p>Valid: 1 March 2016</p>
Azerbaijan	<p><i>Implementing protocol between the Government of the Slovak Republic and the Government of the Republic of Azerbaijan on the Implementation of the Agreement between the EU and the Republic of Azerbaijan on the Readmission of Persons Residing without Authorisation</i></p> <p>The parties exchanged the contact details of the competent authorities responsible for implementing the agreement through diplomatic channels, but no initiative of the Slovak or Azerbaijani party for the conclusion of the Implementing Protocol has been recorded to date.</p>	Not signed yet

7.2 Forced returns

The Slovak Republic has been inserting data on all denied entries (at the national level) to persons with identity confirmed based on a document issued by their home country into the SIS since 2007. Since the SIS II has been launched, each entry is to be accompanied by a photograph; from 1 July 2016, the SR sends in a photograph of each person regardless of whether their identity has been confirmed based on a document or not. The SIS II entry includes information on the type of identity (confirmed, unconfirmed, alias).¹⁸³

Within the AMIF projects in line with the National AMIF Programme in 2016 the following activities facilitating quick, sustainable, and effective return were performed¹⁸⁴:

- BBAP PFP project “Forced Return – AMIF I” which followed up previous national projects was aimed at improving effectiveness of return operations management and ensuring sustainable, safe and dignified return of TCNs. In this project activities to successful management and carrying out of return operations were implemented, including arrangement of transfer, travel and flight tickets, accommodation, and assistance to target group and enhancement of information provision, interpreting and expert age screening, arrangement of emergency travel documents for TCNs in the process of forced return. All these activities and their mutual interconnection in this project create the basis of successful returns from the territory of the SR as well as inevitable part of return policy of the SR. From the SR a total of 314 forced returns and 1,094 voluntary returns was carried out in 2016, most of them concerning Ukrainian nationals (see **Table 6** in Annex).
- The main goal of the Slovak Humanitarian Council’s project “KOMPAS” was to ensure efficient return process during which a specific assistance was provided to TCNs in detention. Clients were provided with complex services and the same conditions were set up in the PDCAs in Medved’ov and Sečovce. The needs of TCNs placed in PDCAs were addressed by providing basic, supplementary and supporting services for persons placed in these facilities. The project activities were aimed at all persons placed in PDCAs, however, with special focus on vulnerable groups who were provided with special attention and approach.
- The BBAP PFP project “Capacity Building in the field of Returns” was aimed at creating more efficient return process in order to reach smooth return, this via capacity building of employees directly involved in return policy, in the form of trainings for policemen carrying out returns as well as for representatives of selected DMs of the SR abroad. These trainings focused on the following topics: return-related legislation, especially issuance of decisions on administrative expulsion, implementation of such decisions, detention of foreigners in PDCAs, alternatives to detention, prevention of irregular migration of TCNs etc. Implementation of the project contributed to increased qualification of the employees involved in the return process and hence to more successful return operations and efficient return policy management.
- Project by IOM “Voluntary Return and Reintegration in the Country of Origin”, under which the AVRR programme is carried out (see Sub-chapter 7.3)
- Since the “KOMPAS” project was finished on 30 November 2011, a follow-up three-year project “KOMPAS II” will be implemented by the Slovak Humanitarian Council from 1 December 2016. It focuses on the same goals and strives for the continuity of the services provided. Also the BBAP PFP project “Forced Return – AMIF I” and IOM project “Voluntary Return and Reintegra-

tion in the Country of Origin” were finished on 31 December 2016. For a three-year period starting on 1 January 2017, the projects “Forced Return – AMIF II” (BBAP PFP) and “Voluntary Return and Reintegration in the Country of Origin” (IOM) will follow in order to reach the same objectives and facilitate the continuity of the services provided.

7.3 Voluntary returns

The main objective of IOM’s project “Voluntary Return and Reintegration in the Country of Origin” is to contribute to implementation of migration policy of the SR through AVRR Programme which provides migrants a possibility of humane and dignified return, including their integration into the labour market and society. For the SR it is a financially effective tool to enhance sustainability of TCNs’ returns. Complex services were provided within the project, including increase of information provision to the target group about AVRs and reintegrations as well as to cooperating institutions, preparation and carrying out of returns and provision of reintegration assistance in the countries of origin.

In 2016, 116 TCNs returned to their country of origin through AVRR programme. Most of them returned to Iraq (70), Algeria (9) and Ukraine (9), altogether to 18 countries. Reintegration assistance was used by 20 foreigners after returning to Iraq, Vietnam, India, Afghanistan, Russia, Iran, Thailand, Brazil, Peru, Belarus, Ukraine, and for the first time, also Cuba and the Philippines (see **Table 6** in Annex). Returnees were mostly interested in the assistance in starting small business activities, in material assistance and educational courses.¹⁸⁵

7.4 Other activities

The Slovak Republic has engaged in the activities of the EMN Return Expert Group (REG) also in 2016.

Within the Slovak Presidency, a high-level conference of the European Migration Network was held in Bratislava from 6 to 7 July 2016. It focused on sustainable returns and cooperation with the third countries¹⁸⁶ (see Chapter 2.1).

Within the Slovak Presidency, the High-Level Working Group on Asylum and Migration dealt with the partnership framework and implementation of activities in the five priority countries (Ethiopia, Mali, Niger, Nigeria and Senegal) with an emphasis on the results in the area of returns.¹⁸⁷

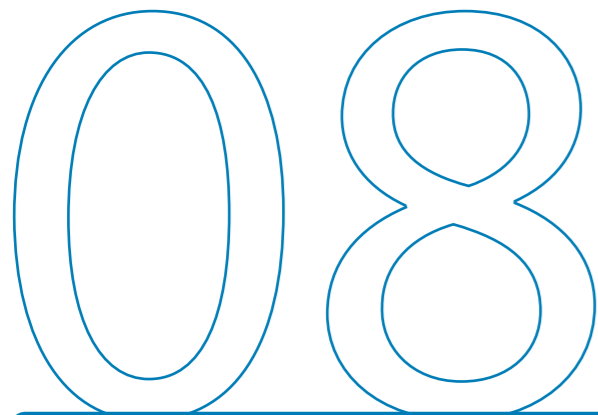
¹⁸³ Information provided by BBAP PFP.

¹⁸⁴ Information provided by the FAD EPS Mol SR.

¹⁸⁵ Source: <http://www.iom.sk/sk/novinky-a-podujatia/847-iom-activities-and-achievements-2016> (consulted on 22/1/2017).

¹⁸⁶ Source: <https://www.emnconference.sk/> (consulted on 22/1/2017).

¹⁸⁷ Information provided by MoFEA SR.



Irregular Migration Including Smuggling

Strategical documents on irregular migration in Slovakia are the *National Border Control Management Plan of the SR for 2015–2018* and the updated *Schengen Action Plan of the SR*. Slovakia did not record any increase in irregular migration in 2016. In total, there were 2170 irregular migration cases out of which more than half concerned citizens of Ukraine and to a lesser extent citizens of Iraq, Serbia and Afghanistan. In 2016, Slovakia did not carry out temporary border controls and did not record pressure on its external border.

8.1 Statistics and trends

The SR has recorded low scale of irregular migration in the long-term. In 2016, the SR also did not record any increase in irregular migration: unauthorised border crossing was detected at similar levels as in previous year (in 208 cases, out of which 92 were related to Ukrainian nationals, and 42 nationals of Afghanistan), unauthorised stay in the territory of the SR occurred in 1,962 cases. A total of 1,234 cases was related to Ukrainian nationals (while 863 persons were detected at the border crossing point when leaving the SR), 145 cases were nationals of Iraq, 123 cases were Serbian nationals and 114 cases were nationals of Afghanistan.¹⁸⁸ Statistics on smuggling are listed in **Table 4 and 5** in Annex and in more detail described in sub-chapter 8.4.1.

¹⁸⁸ Source: http://www.minv.sk/swift_data/source/policia/uhcp/rocnky/rok_2016/2016-rocnka-UHCP-SK.pdf (consulted on 3/2/2017).

8.2 Enhancement of external border management

8.2.1 Measures for border control

Technology, equipment and infrastructure

The BBAP PFP gradually changed or added camera systems on 5 border crossing points of the external border in 2016 – within the “*Improvement of Technical and Educational Capacities to Accelerate the Handling Process of the Joint Slovakia-Ukraine Border*” project financed by the Norwegian Financial Mechanism and the state budget of the SR. The objective of supplementing and renewing the camera system is to assess the waiting periods on border crossings more efficiently and subsequently allow the supervising authorities to adopt inapt coercive measures. Other objectives include lowering the potential for corruption, increasing the safety of citizens, members of the Customs Administration and the PF personnel, and contributing to the improvement in communication and attitude of public agents to citizens during the handling process at the border crossing points.¹⁸⁹

The department of the Border Police of the BBAP PFP was one of the possible implementers of the projects within the *National Programme ISF – Internal Security Fund under the specific objective 2 Borders*¹⁹⁰ in 2016. Testing the operations of special systems and equipment on the Slovak-Ukraine state border were executed. Background documents on the preparation of direct calls for grant applications were prepared based on the results of the testing operations. The implementation of the projects is planned to start in January 2017.¹⁹¹

Several projects focusing on the development and improvement of the border control system efficiency were approved in 2016, too. Their objectives aimed to improve the monitoring of the external Schengen border by purchasing a helicopter¹⁹², SIS II functioning within Mol SR, SIS II operation upgrade on the national level¹⁹³, the purchase of motorized vehicles to transport persons and police dogs¹⁹⁴ as well as the provision of further modernization and maintenance of the N-VIS^{195, 196}.

Other activities

Following the continual education of members of the Border and Aliens Police and aimed at ensuring the required level of knowledge and practical experience of BBAP PFP departments, an annual BBAP PFP director’s order is prepared in order to implement the continual education

¹⁸⁹ Information provided by the DFEA MIO and BBAP PFP.

¹⁹⁰ The aim of the National Programme ISF Borders is to ensure the effective management of visa and borders as well as focus on SR national priorities, which will complement the general objectives set in the particular EU regulation. The aims and tasks of the SR defined in the National Programme are: the promotion and development of existing capacities on a national level in relation to visa policy and management of external borders; provision of a due and unique application of the EU law for border control and visa; and strengthening the integrated border control system via testing and launching new tools to operative systems and methods and EUROSUR development. Given the set objectives, the defined results include a full implementation and functioning of the Visa Information System (VIS), the introduction of new modern technology on borders, professionally trained consular and Border Police staff, the strengthening of an information exchange system, the improvement of reaction capacity and a full implementation and functionality of the Schengen Information System (SIS).

¹⁹¹ Information provided by BBAP PFP.

¹⁹² Project (SK 2015 ISF SC2 NC6 A1) Beneficiary: Slovak Government Flying Service, Mol SR.

¹⁹³ Project (SK 2016 ISF SC2 NC6 A3) Beneficiary: Bureau for International Police Cooperation of the Police Force Presidium

¹⁹⁴ Project (SK 2016 ISF SC2 NC1 A2) Beneficiary: Financial Directorate of the Slovak Republic

¹⁹⁵ Project (SK 2016 ISF SC1 NC1 A2) Beneficiary: Ministry of Foreign and European Affairs of the Slovak Republic.

¹⁹⁶ Information provided by the FAD EPS Mol SR.

of the Border and Aliens Police members. Specialized courses on the national and international level were organized in 2016 which focused on specific areas of police work such as the forging of travel documents, stealing motorized vehicles, explosives, dog handlers, human trafficking, and fighting against organized crime – smuggling.¹⁹⁷

Nine training courses were funded by the Norwegian Financial Mechanism – 5 language trainings and 4 expert trainings for Slovak and Ukrainian police personnel. A total of 95 Slovak police officers tasked with border control and 65 members of the State Border Guard Service of Ukraine were trained. Educational activities involved information and experience exchange and concerned various aspects of border and migration management. Trainings covered topics such as border control, the forging and alternation of travel documents, basic human rights and freedoms including gender equality, border management, joint patrols, the stealing of motorized vehicles, and also language classes. Increasing the knowledge level of police officers serving in border control and meeting various groups of foreigners is the necessary precondition for ensuring the implementation of tried and tested processes in border control.¹⁹⁸

Slovakia actively participated in Frontex educational activities in order to increase the interconnection and effectiveness of cooperation in border protection and improve the efficiency of the Slovak Republic's external borders. They included specialized trainings and workshops aimed at preparing for operational activities, the detection of false travel documents, human trafficking, respect for human rights, and training for border surveillance (land and air border). Some were intended for screeners, debriefers and personnel providing second line airport checks as well as for escorts during joint return operations, and Schengen evaluators.

Apart from those, Slovak experts actively participated in the organization of Frontex educational activities – either as assistants or trainers for Common Core Curriculum (CCC), the detection of false documents, and language classes. They also participated in developing training manuals, courses, e-learning resources such as the electronic Schengen Code, the manual for screeners and for national coordination centre (NCC) operators.

Slovakia is represented in the annual Joint European Cross Border Cooperation study modules jointly organized by Frontex, the University of Malta and other partner academic institutions within the European Cross-Border Cooperation.

Slovakia has been organizing the international police internship Advanced Police Training Course intended for border guard members in cooperation with Frontex and the German Federal Police since 2014. The course is aimed at continual education of graduates from police academies.

The SR received police officers from Estonia, Poland, the Netherlands and Switzerland in the BCD PF contact point in Vyšné Nemecké within the 2016 Focal Point Land joint operations. It has also received police officers from Latvia and Macedonia in the BCD PF contact point in Bratislava Ružinov - Airport within the 2016 Focal Point Land joint operations. SR regularly attends the Frontex Rapid Border Intervention exercises.

With regard to the Foreign Unit of the Police Force activities, deployed police officers undergo a basic pre-departure training at every rotation. Professional training for members of the Border

¹⁹⁷ Information provided by BBAP PFP.

¹⁹⁸ Information provided by BBAP PFP.

and Coast Guard national reserve pool is provided and education system for members of the Foreign Unit of the Police Force is being prepared.¹⁹⁹

8.2.2 Cooperation with third countries in the area of border management

Title of agreement	Third country (countries) with whom the cooperation exists	Description
Agreement between the Ministry of Interior of the Slovak Republic and the Ministry of Interior of the Serb Republic on Joint Patrols in the Serb Republic Territory within the Joint Operations.	Serbia	Prevention and elimination of threats to the public order and fighting irregular cross-border activities.
Memorandum of Understanding between the Ministry of Interior of the Slovak Republic and the Ministry of Interior of the Republic of Macedonia on the Creation of Joint Patrols in the Republic of Macedonia Territory within the Joint Operations.	Macedonia (FYROM)	Prevention and elimination of threats to the public order and fighting irregular cross-border activities.

8.3 Measures against misuse of legal migration channels

8.3.1 Visa liberalisation

Given the low number of submitted asylum applications in 2016, it can be concluded that the visa liberalisation did not impact the number of unfounded applications.²⁰⁰

No special regime for monitoring the visa-free regime influence was introduced. It is expected that a joint ETIAS system for the registration of people travelling from visa-free countries, the adoption of which was supported by the SR, will be introduced.²⁰¹

¹⁹⁹ Information provided by BBAP PFP.

²⁰⁰ Information provided by the MO MoI SR.

²⁰¹ Information provided by BBAP PFP.

8.3.2 False or forged travel documents

Slovakia recorded a slight decrease in the number of cases regarding forging or alteration of travel, residence, and other documents in 2016 compared to 2015. Compared to the previous year, the number is still substantial. 166 persons provided false documents in 2016. Compared to 2015, this means a decrease by 69 persons. 136 false or altered documents (passports, ID cards, residence permits, visas, supporting documents) and 192 false, altered or illegally obtained border crossing stamps were identified in these cases. An overall year-on-year decrease of 24.5% in documents and of 21.3% in border crossing stamps was identified. Ukrainian nationals were identified as the most frequent users of false documents, amounting to 71.7% of all identified cases. They were followed by the nationals of Syria and the same number of cases (3) was recorded for the nationals of Iran, Nigeria, Turkey and Moldova. With respect to the place of identification, 105 persons were identified at the land border (51 at the entry point and 53 at the exit point), 40 persons inland and 21 persons at the airports.²⁰²

False border crossing stamps in passports represent the most frequently identified phenomenon during attempts to enter or exit the SR via a land border crossing. Unauthorized interventions (damage, covering of certain parts, removal of wet stamps) remain the second most frequent way of forging or altering travel documents at land border. Ukrainian nationals presented impostor ID cards at the international airports' border control in Bratislava, Košice, and Poprad. This was the first case of false documents at the Poprad airport.²⁰³

False criminal record statements of Syrian nationals with an altered issue date without an official record of the change were most frequently presented at the Aliens Police Departments together with the applications for the granting, renewal, or extension of residence permits. The applications were rejected, as the records showed signs of alteration. Syrian nationals, via legal representatives, appealed the procedure.

False border crossing stamps were also detected outside the SR – at the Slovak General Consulate in Uzhhorod. A decrease in the number of cases of both identified irregular border crossing stamps and altered passports was recorded. The passport alteration modus operandi was the same as the one used at the land border.

BBAP PFP has adopted measures to increase the effectiveness of prevention and improve the proficiency in the identification of false and altered documents. These measures mainly concern monthly meetings to inform the members of the Border and Aliens Police on individual forms and methods of forging and altering documents. Another measure is the use of operational information (ad-hoc information) on identified cases of the forging and altering of documents. The information is sent from various states and published on the BBAP PFP intranet. The measures also include regular, once-a-year trainings of police officers performing second-line checks. Trainings are to be held within a specialized work place of the travel documents analysis department of the Border Control Department of the BBAP PFP.

New measures also include the launch of a network of trainers present at the individual regional directorates of the DBAP BBAP PFP ("contact persons") as well as the use of expert foreign lectur-

ers training Border and Aliens Police officers and the trainers from the network of trainers on the identification of false and altered documents.

Depending on the availability of statistical data on identified cases of forging, alteration, and misuse of documents, statistics of legal and irregular migration in the territory of the SR, which are regularly updated and accessible on the BBAP PFP intranet (monthly, quarterly, bi-annually, annually) can be used by the Border and Alien Police.²⁰⁴

8.3.3 Free movement right

No new activities to monitor and analyse information on the fraud and misuse of free movement were implemented in 2016.

8.4 Prevention of unsafe migration and the fight against facilitation of irregular migration ('smuggling')

8.4.1 Policies, measures, activities and collection of statistics

With respect to the cooperation in combating smuggling on the international level, the NUCIM BBAP PF was a member of a joint investigation team formed with the Hungarian police in 2016. The team focused on the detection, investigation, and prosecution of offenders from the organized smuggling network on the Western Balkans route. The cooperation resulted in charging 19 offenders with the crime of smuggling. Such cooperation based on joint investigation teams can thus be evaluated as very effective and swift.²⁰⁵

NUCIM BBAP PF has not recorded any issues in monitoring and collecting statistical data on migrant smuggling. In 2016, the SR identified 1,181 smuggled persons, indicted charges for crime of migrant smuggling against 104 persons and convicted 88 persons (see the **Table 4 and 5** in Annex).

The Consular Department of MoFEA SR has been in active cooperation with the BBAP PFP SR and Frontex on the monitoring of irregular migration. The diplomatic missions of the SR were instructed, starting from 1 January 2017,²⁰⁶ to bi-monthly submit analytical information to the Department of Risk and Statistics Analysis of the BBAP PFP within the fulfilment of the tasks regarding the cooperation with Frontex stemming from Slovakia being an EU Member State. The information shall concern the following: 1. Fraudulent visa applications and the misuse of legal channels; 2. Facilitation of irregular migration to the EU; 3. Changes in the capacity of the third-country bodies which should prevent irregular migration to the EU; 4. Discovery of related information.²⁰⁷

²⁰⁴ Information provided by BBAP PFP.

²⁰⁵ Information provided by BBAP PFP.

²⁰⁶ Order R KONZ No 3/2016

²⁰⁷ Information provided by BBAP PFP.

8.4.2 Monitoring and identifying migration routes

New monitoring tools have not been introduced or planned, given the fact that Slovakia was not directly affected by the migration crisis. However, the SR continues to monitor the situation on migration routes via already existing tools. Apart from that, it continues to monitor the development in Ukraine, especially since Ukraine, in case of conflict escalation, might become a new source of migration that would directly affect the SR.

MoFEA SR actively monitored the development on migration routes in 2016 within the Slovak Presidency. Representatives of the Ministry attended regular teleconferences with representatives of EU Member States, institutions, and agencies as well as with the affected third-countries (video teleconferences dealt mainly with migration compacts, the EU–Turkey Agreement and the Western Balkan route). While preparing the background documents for constitutional officials and for their own analytical activities, the MoFEA SR personnel systematically used up-to-date information and data from the Integrated Political Crisis Response (IPCR) platform. Diplomatic missions in the countries, which are the source of migration, or those on the migration routes, were asked to submit regular reports on the developments in migration movements.

The NUCIM BBAP PF initiated the foundation of the Immigration Liaison Officer institute at the Border and Aliens Police. The United Kingdom of Great Britain and Northern Ireland is the country proposed for the posting. Expected date of posting is the first half of 2017.²⁰⁸

8.4.3 Prevention of irregular migration from third countries in different regions

On 20 September 2016 a ministerial conference of the Prague Process²⁰⁹ “Addressing Challenges Together” was organised in Bratislava within the framework of the Slovak Presidency. During this conference implementation of the action plan of the Prague Process and possibilities of future continuation of the process were discussed.^{210,211}

Eastern Partnership countries

2016 saw intensive cooperation between the NUCIM BBAP PF and the partner department of the State Border Service of Ukraine with respect to the Plan on Developing Cooperation between the Bureau of the Presidium and the State Border Service of Ukraine. 48 operational meetings were organized in order to exchange information on active cases of irregular migration.²¹²

Western Balkans countries

With respect to the Western Balkans, the NUCIM BBAP PF attended several conferences and negotiations in 2016. The detection, investigation and prosecution of offenders responsible for organized irregular migration via the Western Balkan countries is handled in a multilateral manner at the international level within Europol and via the EMPACT projects concerning irregular

migration. NUCIM representatives attended 8 coordination strategic meetings and 5 operational coordination meetings with foreign partners on specific open smuggling cases in 2016.

In October 2016, NUCIM took part in Europol joint action days “JAD ALBA CACIONE” within the EMPACT irregular migration; operation: irregular migration of the Western Balkans.

Over the course of 2016 activities within the JIT SOKRATES joint investigation team took place. The team was established between the SR (NUCIM BBAP PF) and Hungary (National Crime Agency, Department of Irregular Migration) and concerns crime within the organized irregular migration via the Western Balkans.

Two conferences of the Visegrad Group at the level of the heads of national departments responsible for combating irregular migration, smuggling, and human trafficking were organized in 2016. The result of joint negotiations was the creation of a working group composed of representatives of the departments of Poland, Slovakia and Hungary (including a possibility for the future involvement of German department) in order to cooperate in the detection and investigation of organized irregular migration from the Western Balkan countries to the territory of the involved countries.²¹³

208 Information provided by BBAP PFP.

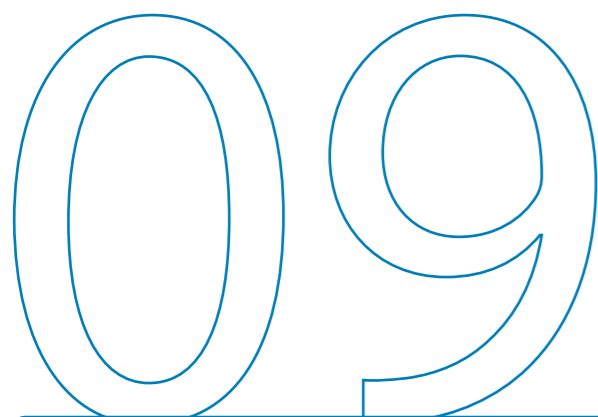
209 https://ec.europa.eu/home-affairs/what-we-do/networks/european_migration_network/glossary/p_en (cited 14.2.2017).

210 Source: <http://www.eu2016.sk/en/political-and-expert-meetings/third-ministerial-conference-of-the-prague-process> (cited 20.1.2017).

211 Information provided by BBAP PF.

212 Information provided by BBAP PFP.

213 Information provided by BBAP PFP.



Countering Trafficking in Human Beings

The number of identified foreign or third-country victims of human trafficking has been continuously low in Slovakia. Similar to previous year 2015, one victim of human trafficking from a third country was identified in 2016. As for the Slovak victims of human trafficking, while most of them were trafficked for sexual exploitation in the previous years, in the recent period forced labour has come to the fore and forced marriages are a new trend. In 2016, the Slovak Republic updated *Methodical Tool on the Procedure of the Provision of Assistance to Human Trafficking Victims with a Special Focus on Children and Foreigners*.

9.1 Legislation, policies and international monitoring

In 2016, Mol SR has prepared, in cooperation with MoLSAF SR, MoFEA SR and the Ministry of Health of the Slovak Republic, an updated *Methodical Tool on the Procedure of the Provision of Assistance to Human Trafficking Victims with a Special Focus on Children and Foreigners*²¹⁴ which fully replaces the previous methodical tool²¹⁵ from 2012. Objective of this methodical tool is to define a unique procedure for providing assistance to human trafficking victims with a special focus on specific groups of foreigners, i. e. adults as well as children. The tool's objective is also to enhance providing all participating entities with sufficient information on the procedure for the effective

²¹⁴ The guideline was published on the Mol SR intranet in the section Methodical Guidelines.

²¹⁵ Methodical Tool Aimed at the Procedure of all Stakeholders in the Cases of Providing Assistance to Human Trafficking Victims with a Special Focus on the Specifics of the Procedure in the Case of Foreign Human Trafficking Victims and of Human Trafficking of Minors.

support and protection of children and adults – foreign victims of human trafficking.²¹⁶

9.2 Statistics and trends

The SR is considered a country of origin and transit with regard to victims of human trafficking. Destination country is foremost for citizens of Ukraine and several African countries. The intelligence of operative police units tasked with counter-trafficking suggest that through the SR citizens of Ukraine, Moldova and Vietnam are transferred to Western Europe. The interception of such persons, however, is not statistically recorded within criminal proceedings and at the same time they are not listed as victims into the Programme of Support and Protection for Human Trafficking Victims.²¹⁷

In 2016, a total of 45 human trafficking victims were identified in the Slovak Republic and 21 of them have agreed to enter the Programme of Support and Protection for Human Trafficking Victims. Assistance and support within this programme was provided to 1 third-country national (see **Table 10** in Annex) and to 3 children from another EU MS.²¹⁸ Statistics from the Police Force and Ministry of Justice of the SR indicate that 57 persons were suspected from committing crime of human trafficking in 2016, 34 persons were indicted on charges of human trafficking and 4 persons were convicted (see **Table 11** in Annex).

A change in the exploitation of victims undoubtedly belongs to the newest trends in human trafficking on both the national and European levels. While most victims of human trafficking were subject to sexual exploitation in the previous years, in the recent period forced labour has come to the fore.²¹⁹

Human trafficking in the form of forced marriages is a completely new trend. As a consequence, Mol SR, via the Department for the Prevention of Crime, has taken part in the very first project dealing with forced and sham marriages entitled *HESTIA – Preventing Human Trafficking and Sham Marriages: A Multidisciplinary Solution*²²⁰. The project is funded by the EU. The Ministry of Interior of the Republic of Latvia is the principal applicant and other partners, apart from Mol SR, are the following: non-governmental organizations from Latvia, Lithuania, Estonia and Ireland as well as the European Institute for Crime Prevention and Control, affiliated with the United Nations (HE-UNI). The first research report on forced and sham marriages, along with the definition of a “sham marriage with exploitation elements”, are the main project output. The HE-UNI has defined, based on national researches (Latvia, Lithuania, Estonia, Slovakia and Ireland), the common and differentiating features in individual countries and outlined recommendations. However, the need for further research, especially regarding the third-country nationals entering forced or sham marriages with EU citizens, or serving as persons benefiting from such activities, was identified.²²¹

²¹⁶ Information provided by the DFEA MIO from the Information Centre for Combating Trafficking in Human Beings and Crime Prevention.

²¹⁷ Source: Bachtíková, Oboňová (2016): Annual Report on Migration and Asylum Policies. Slovak Republic 2015. European Migration Network, IOM, Bratislava.

²¹⁸ Information provided by the DFEA MIO from the Information Centre for Combating Trafficking in Human Beings and Crime Prevention.

²¹⁹ Information provided by the DFEA MIO from the Information Centre for Combating Trafficking in Human Beings and Crime Prevention.

²²⁰ Project activities were completed in December 2016.

²²¹ Information provided by the DFEA MIO from the Information Centre for Combating Trafficking in Human Beings and Crime Prevention.

9.3 National projects, campaigns and other activities

In 2016, several activities, events and training courses were held with a focus on capacity building, the development of the national reference mechanism, the exchange of information, and the raising of awareness of human trafficking. The activities did not specifically focus on the target group of victims of human trafficking who are TCNs. Since some of them are of a general nature or can be applicable/used with respect to all human trafficking victims irrespective of their citizenship, below is an overview of some of such activities:

The SR continued to provide the possibility to report potential human trafficking victims or to obtain preventive information on how not to become the victim of this crime through the free National Helpline 0800 800 818 for Victims of Human Trafficking also in 2016. This service has been provided continuously since 2008. Since 15 December 2014, the helpline has been operated by the Slovak Crisis Centre "Dotyk".²²²

Trafficking in human beings forms an integral part of the preparation of consular staff before being posted abroad, and training activities on this topic are held regularly at half-year intervals. Within the pre-departure preparation of consuls, the Information Centre for Combating Trafficking in Human Beings and Crime Prevention of the MoI SR trained, in cooperation with IOM and MoFEA SR, 30 consuls and other consular staff members of MoFEA SR, on identifying human trafficking victims in 2016.²²³

At the beginning of 2016, IOM published the new training manual Prevention of Trafficking in Human Beings for employees encountering potential human trafficking victims in the course of their work. The manual contains an overview of human trafficking issues and group activities, which can be used by professionals to organize effective informational meetings and educational events on human trafficking-related risks.

IOM launched a new website www.bezpecnecestovanie.iom.sk and published an updated How Not to Get Lost in the World brochure in April 2016. The website and brochure are intended for persons travelling or planning to work abroad. They direct attention to human trafficking risks and offer advice on how not to become a victim of modern-day slavers and on what to do in a crisis.

In October 2016, IOM created the SAFE Work & Travel Abroad mobile application, which uses an interactive game to point out human trafficking risks.²²⁴ It also contains the characteristics of human trafficking, hints for safe travelling abroad, important information on mediation of work or work contracts and useful contacts for emergencies. It is freely available at www.safe.iom.sk in Slovak, Czech, Polish, Hungarian, and English language version. A short manual for professionals was created along with the application. It contains downloading instructions and hints for prevention use in schools and facilities working with youth. IOM presented both the application and manual to 20 professionals working in human trafficking prevention during a pilot training at the end of November 2016.²²⁵

222 Source: <http://www.dotyk.sk/06-linka/index.php> (consulted on 24/1/2017).

223 Source: <http://www.iom.sk/sk/novinky-a-podujatia/757-iom-activities-and-achievements-2015> (consulted on 3/2/2017).

224 Source: <http://techbox.dennikn.sk/safe-work-travel-abroad-pracujte-zahranici-bezpecne/?ref=mpm> (consulted on 15/2/2017).

225 Source: <http://www.iom.sk/sk/novinky-a-podujatia/757-iom-activities-and-achievements-2015> (consulted on 13/2/2017).

9.4 Cooperation on bilateral and multilateral level

At present, no cooperation with third countries in combating the trafficking of human beings is under development. The Police of the SR collaborates mainly with destination countries (United Kingdom, Germany and Austria), in which Slovak citizens become victims of trafficking in human beings.²²⁶

Until October 2016, the SR has been a part of the international project TACT: Transnational Action - Safe and Sustainable Return and Reintegration for Victims of Trafficking Returning from France, Greece, Italy, Poland and Spain to Priority Countries (Albania, Morocco and Ukraine) international project²²⁷. With respect to the location of third-country victims of human trafficking, Ukraine was the priority country for the Slovak Republic.²²⁸

In 2015, Slovakia joined, via the Information Centre for Combating Trafficking in Human Beings and Crime Prevention, the TeamWork! project implemented by the Netherlands in preparation for the Trio Presidency in the Council of the EU.²²⁹ The project aimed at strengthening the multidisciplinary cooperation in combating human trafficking for forced labour. In 2016, the project resulted in creation of the manual with examples of such multidisciplinary cooperation and best practices in the EU MS^{230, 231}.

Besides cooperation with EU countries, the MoI SR cooperates also with USA in the field of human trafficking. According to the latest assessment *Trafficking in Persons Report*, which is annually published by the US Department of State, the SR occurred again in group of countries Tier 1 with regard to fulfilling minimum standards for elimination of trafficking in human beings.²³²

226 Source: Bachtíková, Oboňová (2016): Annual Report on Migration and Asylum Policies. Slovak Republic 2015. European Migration Network, IOM, Bratislava.

227 TACT: Transnational Action - Safe and Sustainable Return and Reintegration for Victims of Trafficking Returning from France, Greece, Italy, Poland and Spain to Priority Countries (Albania, Morocco and Ukraine). The project was funded by the EC and implemented by the International Organization for Migration France.

228 Information provided by the Department of International Relations and European Affairs of the Office of the Minister of Interior.

229 Source: <https://english.eu2016.nl/events/2016/01/18/teamwork-strengthening-multidisciplinary-cooperation-against-trafficking-in-human-beings-for-labour-exploitation> (consulted on 14/2/2017).

230 Available at: <http://bit.ly/TeamWorkagainstTHBforLE> (consulted on 14/2/2017).

231 Information provided by the Department of International Relations and European Affairs of the Office of the Minister of Interior.

232 Source: <https://www.state.gov/j/tip/rls/tiprpt/2016/> (consulted on 24/1/2017).

10

Migration and Development

In 2016, Slovakia did not perform systemic measures to support the development impacts of migration.²³³ Compared to previous years, the Slovak Republic was, however, more active in mainstreaming of migration in development policies, following-up on the legislation (new Act on Development Cooperation), documents and activities prepared/initiated in 2015. Syria and neighbouring countries from Near and Middle East were included among the territorial priorities of the Slovak development cooperation. Slovakia also offered for Syrian refugees additional 30 scholarships of the Slovak Government. Throughout 2016, humanitarian activities of the Slovak Republic were aimed at assistance to countries and organisations affected by the migration crisis.

10.1 Development cooperation and humanitarian aid

The new *Act No. 392/2015 on Development Cooperation* substituting Act No. 617/2007 on Official Development Assistance from 2007 came into force on 1 January 2016.²³⁴ The Act has changed the previous ODA's implementation mechanism – among other things, it enables to create new partnerships to obtain resources for development assistance by engaging civic society (incl. non-governmental organisations from outside Slovakia), self-governing bodies, private sector and academia, international organisations, and other entities. Alongside providing subsidies, financial contributions and government scholarships, it introduces into Slovak legislation new

233 For example, activities/measures aimed at mainstreaming migration into development and sectoral policies, at brain drain in countries of origin, or cooperation activities with third countries in the field of economic migration (e.g. partnerships in the area of migration mobility and establishing so called Migration and Mobility Resource Centres), cooperation with diaspora and activities related to remittances.

234 Source: <http://www.nrsr.sk/web/Default.aspx?sid=zakony/zakon&MasterID=5601> (consulted on 24/1/2017).

development cooperation tools – direct commissioning of a job in the partner country, the donation of movable state property, relief of a partner country debt, providing concessional export credit and other instruments about which the government decides.²³⁵ New tools with regard to humanitarian aid include humanitarian subsidies and the commissioning of jobs which will enable the SR more flexible reactions to international community requests.²³⁶

In reaction to the migration situation, Syria and neighbouring Near and Middle East countries were included in the list of territorial priorities of the Slovak development policy within the document, which created a formal precondition for an individual approach to their needs. About a third of the Syrian population is currently refugees, while being a substantial part of irregular migrants from the Near and Middle East regions.²³⁷

In 2016, MoFEA SR for the first time started implementing humanitarian projects via Slovak and local non-governmental organizations focused on solving the results of the migration crisis. Two calls for such projects grant applications were published and implemented over the course of the year. The overall amount of the subsidy superseded €1.3 mil. EUR. Projects focus mainly on providing the refugee children with basic education and healthcare. The SR plans to continue implementing the humanitarian projects in the future.²³⁸

The SR humanitarian activities in 2016 focused predominantly on aiding countries and organizations confronted with migration crisis or actively entering related processes, especially in the Balkan route (Greece – establishment of a field hospital, Italy – a financial contribution for the Italian Red Cross, Serbia – recurring deliveries of humanitarian material and provision of financial contributions, Macedonia and Slovenia – supplying the accommodation containers). At the end of 2016, the SR provided humanitarian aid of more than €270,000 (medical equipment, medicines, medical supplies) to forcibly displaced persons directly in Syria, via the Magna non-governmental organisation. Targeted funding on activities in countries influenced by migration or in source countries (Ethiopia, Iran, Lebanon, Jordan) was provided too. Within the V4 countries, Slovakia provided humanitarian aid to a refugee camp in Jordan. Slovakia has been long-term engaged also in helping refugees from Afghanistan present on the territory of neighbouring Iran. It has been using a microgrant scheme aimed at the education of Afghan refugees for several years.²³⁹

In May 2016, Slovakia participated in the *World Humanitarian Summit*, where it signed up for the decisive commitments of the international community focused on addressing the problems of refugees and forcibly displaced persons as well as respecting international humanitarian law, and to several specific initiatives. Apart from that, it declared a series of individual commitments, the implementation of which has already started (amendment to the Income Tax Act in order to involve businesses entities in the provision of material humanitarian aid).²⁴⁰

Over the course of 2016, Slovakia attended several international donor conferences on refugee issues (Conference for Syria in London, for Afghanistan in Brussels, migration summits in New York) and actively pursued the implementation of the commitments declared at the mentioned

235 Source: https://www.mzv.sk/zahranicna_politika/oficialna_rozvojova_pomoc-aktuality/-/asset_publisher/O1fS2wVJAPL/content/novy-zakon-o-rozvojevej-pomoci-v-nr-sr (consulted on 2/4/2016).

236 Source: Bachtíková, Oboňová (2016): Annual Report on Migration and Asylum Policies. Slovak Republic 2015. European Migration Network, IOM, Bratislava.

237 Information provided by the MoFEA SR.

238 Information provided by the MoFEA SR.

239 Information provided by the MoFEA SR.

240 Information provided by the MoFEA SR.

events. In this respect, Slovakia decided to focus on two sectors - health and education in which Slovakia can provide both material and financial assistance as well as professional expertise. The education of the children of refugees has become one of the main thematic priorities of the SR humanitarian aid.²⁴¹

This orientation on education activities within the humanitarian aid was reflected also in the opening of an additional 30 government scholarship places²⁴² for Syrian nationals, who lived in various refugee camps in Near or Middle East countries or were internally displaced persons. Following the Resolution, the Slovak Government scholarship was granted to 30 students. Students who had arrived to Slovakia in September 2016 started the Slovak language course in the 2016/2017 academic year and will proceed to study at a public university in a selected branch of studies, after the 10-month language course and vocational preparation. They were granted temporary residence for that purpose.²⁴³

As a continuation and a part of practical implementation of the SR's commitment declared during the so called *Barack Obama Summit (Leaders' Summit on Refugees)* (to receive 550 refugees within the government scholarships programme by 2021, starting from 2016) a new framework of Slovak Government scholarships is currently being developed. The aim of the Concept of the Government Scholarships Programme is to make the system of granting government scholarships more efficient towards developing countries, both in a territorial and volumic sense, building upon commitment to enhance the effectiveness of the system of the government scholarships set in the Manifesto of the Government of the Slovak Republic for 2016 – 2020.

The Slovak Presidency of the Council of the EU has also devoted significant attention to the migration and refugee crisis. The SR engaged in improving operation of existing common MS EU tools aimed at eliminating the causes of unmanaged migration in the development policy (trust funds²⁴⁴, Financial Instrument for Refugees in Turkey) as well as in negotiations about new instruments (e.g. European Investment Plan). It also actively participated in the process of creating new MS procedures in this regard (Conclusions of the Council of the EU for internally displaced persons). At the end of 2016, the SR obtained EU Trust Fund for Africa grant (€2 mil.) for the implementation of the common V4 development project in Kenya²⁴⁵ also aimed at addressing causes of unmanaged migration.

The SR contributed a total of €13,300,152 in humanitarian aid for refugees in 2016. The funding was provided as a humanitarian aid (financial and material) for Syria, Jordan, Lebanon, Libya, Macedonia, Greece, Serbia and Bosnia and Herzegovina, or in the form of humanitarian and development projects aimed at health care and education in Syria and neighbouring countries. Slovakia also contributed to multilateral organisations (e.g. IOM €400,000, World Food Programme €300,000 and UNHCR €600,000) and trust funds, e. g. the EU Regional Trust Fund in Response to the Syrian Crises MADAD (€3 million), EU Facility for Refugees in Turkey (€3.112 mil.,

total contribution will amount to €10.5 mil., contribution within the donor conference on Syria in London (€600,000; overall contribution of €1.2 mil. incl. €600 for educational projects in Syria and neighbouring countries).²⁴⁶ At the beginning of 2016 the SR also increased its contribution to the EU Trust Fund for Africa from the originally planned €500,000 to €600,000.

10.2 Cooperation with third countries in the field of economic migration

Slovakia did not implement any policies, measures, mobility partnerships or other bilateral agreements in the field of labour migration in 2016.

²⁴¹ Information provided by the MoFEA SR.

²⁴² According to Resolution of the Government of the Slovak Republic No. 568 from 21 October 2015, the Minister of Education, Science, Research and Sport of the SR is obliged to ensure "granting Slovak government scholarships within the development scholarships for the university education of the first degree and a 10-month Slovak language and vocational training course, during the course of education in public universities in the Slovak Republic to a max. of 30 Syrian nationals with granted temporary residence permits", effective from 1 September 2016.

²⁴³ Information provided by the MoFEA SR.

²⁴⁴ EU Emergency Trust Fund for Stability and Addressing Root Causes of Irregular Migration and Displaced Persons in Africa and EU Regional Trust Fund in Response to the Syrian Crisis (trust fund MADAD).

²⁴⁵ Project is in English entitled „Enhancement of livelihoods in the Kenyan Coastal Region by supporting organic and fair trade certification of smallholders“.

²⁴⁶ Information provided by the MoFEA SR.

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Directive 2014/36/EU of the European Parliament and of the Council of 26 February 2014 on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers, OJ L 94, 28.3.2014

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Annex: National Statistics

The Annex contains selected migration and international protection statistics for 2016 which are not collected at EU level through Eurostat²⁴⁷ or Frontex agency²⁴⁸.

National statistics for Slovakia are available mainly in the yearly statistical overviews of BBAP PFP²⁴⁹ (regular and irregular migration), yearly statistical reports of MO Mol SR²⁵⁰ (international protection including unaccompanied minors applying for asylum), statistics of COLSAF²⁵¹ (employment of foreigners and unaccompanied minors not applying for asylum), MoFEA SR²⁵² (visa) and SO SR²⁵³ (demographic data and international migration). Summary of the basic statistical data on migration in Slovakia provide EMN Country Factsheets²⁵⁴ or the website of the IOM Office in the SR²⁵⁵.

Table 1: First residence permits issued by the Slovak Republic to third-country nationals in 2016 by reason²⁵⁶ and gender

Gender	Total	Reason of Residence			
		Family formation and reunification (family reasons)	Education and study	Remunerated activities	Other ²⁵⁷
Total	10,304	2,607	1,792	3,599	2,306
Male	6,078	:	:	:	:
Female	4,226	:	:	:	:

Source: BBAP PFP.

247 Available at: http://ec.europa.eu/eurostat/statisticsexplained/index.php/Migration_and_migrant_population_statistics (consulted on 24/1/2017).

248 Available at: <http://frontex.europa.eu/publications/> (consulted on 24/1/2017).

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251 Available at: http://www.upsvar.sk/statistiky/zamestnavanie-cudzincov-statistiky.html?page_id=10803 (consulted on 24/1/2017).

252 Statistics on the numbers of visas issued are available upon request only.

253 Available at: https://slovak.statistics.sk/wps/portal/ext/themes/demography/population/news/!ut/p/b1/jdDRCoLwFABgZ-kF3HFbc7ucRnM-l5jTLdhMWEVJqUBS9fRbeZp27A9_wznlogLZprxXx_JWtU15fu-WbY2nue-7Eri_wqC9OHXnxqI5Szuw6UCgZEI9CIBHagxahnkqDCEgyX95-DISfu-VnyFa72nnsawccAEKx4lJQzoCxsSBojexgRe71YJoLWAqggkm6mlJeBphnEcOg2A8Abg-GnvABA1fGYVsfUHY9oUudF89MV8lRjI5AKltdl4/d5/L2d-BISEvZ0FBIS9nQSEh/ (consulted on 24/1/2017).

254 Available at: <http://emn.sk/sk/vyrocnne-spravy-emn.html> (consulted on 24/1/2017).

255 Available at: <http://www.iom.sk/sk/migracia/migracia-na-slovensku> (consulted on 24/1/2017).

256 Reasons for issuing residence are in accordance with the respective EU legislation (Commission Regulation (EU) No. 216/2010 of 15 March 2010 implementing Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community statistics on migration and international protection, as regards the definitions of categories of the reasons for the residence permits) and are divided into four categories: 1. Family formation and reunification, 2. Education and study, 3. Remunerated activities, and 4. Other reasons. National types of and reasons for residence permits are divided into these four categories.

257 According to Act No. 404/2011 Coll. on the Residence of Aliens, the category "Other reasons" includes the following residence which does not fall under any of the previous categories:

1. temporary residence – special activity – providing healthcare and accompanying a TCN who is provided healthcare; 2. temporary residence – execution of duties by civilian units of armed forces; 3. temporary residence – a Slovak citizen living abroad (in case the foreigner claims the category "Other reasons"); 4. permanent residence for an indefinite period of time according to Art. 46 par. 2 (if needed due to providing protection and assistance to a witness under a special regulation; or to a stateless person for reasons worth considering; or to an adult person with granted tolerated stay for a minimum period of three years during which studied at school within the territory of the SR); 5. tolerated stay – if there is an obstacle to administrative expulsion or in case the departure is not possible and detention is not reasonable [§ 58 par. 1 a) and b)], in case of a minor found on the territory of the Slovak Republic or victim of human trafficking who at least 18 years of age [§ 58 par. 2 a) and c)], in case of an illegally employed person under especially exploitative conditions or in case of an illegally employed minor whose presence in the territory of the Slovak Republic is inevitable for the purposes of criminal proceeding [§ 58 par. 3], in case of a period of state care provision, period of quarantine, period for assessing the application for tolerated stay, period of imprisonment or incarceration, or a maximum 90-day reflection period for a human trafficking victim (with possibility of extension by another 30 days) [§ 58 par. 4 a) till d)]; 6. subsidiary protection and 7. asylum.

Table 2: Administrative fees of applications for residence permits in the SR in 2016 by type, purpose and length of the residence

Type and purpose of residence	Maximum length of the residence (in months)	Cost of the permit (in EUR)*		
		Cost of the permit at the police department (APD PF)	Cost of the permit at the Slovak diplomatic mission	Fee for the issuance of the residence card**
Temporary residence for the purpose of family reunification (Directive 2003/86)	60	132.50 EUR	135 EUR	4.50 EUR
Temporary residence for the purpose of studies, pupil exchange, unremunerated training or voluntary service (Directive 2004/114)	72	0 EUR (for the purpose of studies)	0 EUR (for the purpose of studies)	4.50 EUR (for the purpose of studies)
	24	99.50 EUR (for the purpose of special activity - unremunerated training or voluntary service)	100 EUR (for the purpose of special activity - unremunerated training or voluntary service)	4.50 EUR (for the purpose of special activity - unremunerated training or voluntary service)
Long-term residence (Directive 2003/119)	Indefinite period	165.50 EUR	-	4.50 EUR
Temporary residence for the purpose of scientific research (Directive 2005/71)	24	0 EUR	0 EUR	4.50 EUR
Temporary residence for the purpose of highly qualified employment (EU Blue Card) (Directive 2009/50)	36	165.50 EUR	170 EUR	4.50 EUR

Type and purpose of residence	Maximum length of the residence (in months)	Cost of the permit (in EUR)*		
		Cost of the permit at the police department (APD PF)	Cost of the permit at the Slovak diplomatic mission	Fee for the issuance of the residence card**
Temporary residence for the purpose of seasonal employment (Directive 2014/36)	6 (180 days)	33 EUR	35 EUR	4.50 EUR
Temporary residence for the purpose of intra-corporate transfer (Directive 2014/66) ***	36	-	-	-
Tolerated stay for victims of human trafficking (Directive 2004/81)	6 (180 days)	0 EUR	0 EUR	0 EUR
Temporary residence for the purpose of employment – single permit to reside and work (Directive 2011/98)	60	165.50 EUR	170 EUR	4.50 EUR
Other national permits	-	-	-	-

Source: BBAP PFP.

* The fees listed in the table are based on the Act No. 145/1995 Coll. on Administrative Fees.

** Residence card cost is paid in all above-mentioned applications for residence irrespective of place of their submission (APD PF or diplomatic mission of the Slovak Republic). The cost is paid at the APD PF.

*** The directive has not been transposed yet, the transferees will be granted temporary residences for the purpose of employment.

Table 3: Visas issued by the Slovak Republic to third-country nationals in 2016 by type

Visa	Total	(Schengen) short stay visas (A, C and LTV types of visa)		National visas (D type of visa)	
		In a third country	In another EU Member State	In a third country	In another EU Member State
		Previous stay			
Total	63,553*	61,025	0	2,528	0

Source: MoFEA SR.

* DMs SR which receive the biggest amount of visa applications are DM Kyjev and General Consulate in Uzhgorod in Ukraine.

Notes: Number of visas issued may differ from data contained in the BBAP PFP's publication Statistical Overview of Regular and Irregular Migration in the Slovak Republic in 2016. At the time of publishing of the overview, the number of processed visas in the system did not have to mirror printed, i.e. issued visas.

Explanations: A type of visa – airport transit visa

C type of visa – tourist visa

D type of visa – national visa

LTV visa – visa with limited territorial validity

Table 4: Smuggled persons in the SR – selected indicators in 2016²⁵⁸

Indicator	Total	Male	Female
Third-country nationals identified as smuggled persons	1,181	:	:
Reflection periods provided to smuggled persons (e.g. in accordance with Directive 2004/81/EC if implemented for smuggled persons)	-	-	-
Residence permits granted to smuggled persons (e.g. in accordance with Directive 2004/81/EC if implemented for smuggled persons)	-	-	-

Source: BBAP PFP.

(:) Unavailable data (in the cases documented by the NUCIM BBAP PFP, only the nationality of irregular migrants and the relation to the crime for which a charge was brought against the smugglers are recorded).

(-) Not implemented for smuggled persons in the Slovak Republic.

²⁵⁸ According to the Art. 355 and Art. 356 of the Act No. 300/2005 Coll. Criminal Code, smuggling is defined as follows:

§ 355: Any person who organises illegal crossing of the state border of the SR, or a transfer through its territory, for a person who is neither a citizen of the SR nor a person with permanent residence in the territory of the SR, or who enables such activity or aids and abets it with the intention of obtaining financial or other material benefit.

§ 356: Any person who, with the intention of obtaining financial or other material benefit for himself or another either directly or indirectly, enables or helps a person, who is neither a citizen of the SR or of another EU MS or a citizen of a contracting state of the Agreement on the EEA nor a person with permanent residence in the territory of the Slovak Republic, to stay or get an illegal job in the territory of the SR or of other EU MS or a contracting state of the Agreement on the EEA, shall be liable to a term of imprisonment of two to eight years.

Table 5: Smugglers in the SR – selected indicators in 2016

Indicator	Smugglers	
	Arrested as suspects / otherwise involved in a criminal proceeding	Convicted
Total	128*/104**	88
Charge brought under Art. 206, par. 1 of Act No. 301/2005 Coll. Criminal Procedure Code	104	-
Criminal prosecution initiated under Art. 199, par. 1 of Act No. 301/2005 Coll. of the Criminal Procedure Code	128	-
Convicted under Art. 355 of new Criminal Code No. 300/2005 Coll.	-	62
Convicted under Art. 356 of new Criminal Code No. 300/2005 Coll.	-	21
Convicted under Art. 171a of old Criminal Code No. 140/1961 Coll. (by nature of criminal offence)	-	5

Source: BBAP PFP and Ministry of Justice of the SR.

* The total number of persons against whom criminal prosecution was started (i.e. were suspects).

** The number of persons indicted on charges of migrant smuggling.

Table 6: Third-country nationals returned from the SR in 2016 by type, nationality and country of return

Indicator	Returned as part of forced return measures*				Returned voluntarily (incl. AVR**)				Returned voluntarily within the AVR Programme				Reintegrated within AVR			
	Total	M	F	Min	Total	M	F	Min	Total	M	F	Min	Total	M	F	Min
Total	314	273	37	4	1 094	795	271	28	116	61	32	23	20***	17	3	0
Top 5 Nationalities	1. Ukraine (146) 2. Viet Nam (53) 3. Georgia (16) 4. Serbia (15) 5. Russia (14)				1. Ukraine (957) 2. Iraq (70) 3. Moldova (18) 4. Algeria (9) 5. Russia (6)				1. Iraq (70) 2. Algeria/Ukraine (9) 3. Cuba/Thailand/Peru (3) 4. Afghanistan/Brazil/India/Iran/Russia/Turkey/Viet Nam (2) 5. Albania/Belarus/Egypt/Philippines/USA (1)				1. Iraq (4) 2. Afghanistan/India/Cuba/Viet Nam (2) 3. Belarus/Brazil/Philippines/Iran/Peru/Russia/Thailand/Ukraine (1)			
Top 5 Countries of Return	1. Ukraine 2. Serbia 3. Austria/Hungary 4. Albania/Viet Nam 5. India/Macedonia				1. Ukraine 2. Iraq 3. Algeria 4. Russia 5. Cuba, Peru, Thailand				1. Iraq 2. Algeria/Ukraine 3. Cuba/Thailand/Peru 4. Afghanistan/Brazil/India/Iran/Russia/Turkey/Viet Nam 5. Albania/Belarus/Egypt/Philippines/USA				1. Iraq 2. Afghanistan/India/Cuba/Viet Nam 3. Belarus/Brazil/Philippines/Iran/Peru/Russia/Thailand/Ukraine			

Source: BBAP PFP²⁵⁹ and IOM.

* Forced return – This category refers to the execution of decision on administrative or judicial expulsion by Police Force escort: a) via external land border; b) via internal land border or; c) via airplane to a third country.

** Returned voluntarily (including AVR) – This category includes a) voluntary fulfilment of an obligation to travel out of the Slovak territory within the time limit set in the decision on administrative expulsion due to detected unauthorised stay within the Slovak territory (fulfilment of this obligation was recorded at the border crossing on external border) or b) traveling out of the Slovak territory after detecting irregular stay on the border crossing point while a foreigner is leaving Slovakia, issuing him/her decision on administrative expulsion. Such case includes also persons whose return was organised by IOM through the AVRR programme, after issuance of decision on administrative expulsion.

*** Including 1 migrant who was returned in 2015, but was provided with the reintegration assistance in 2016.

Explanations: AVR – assisted voluntary returns

F – female

M – male

Min – minor

259 BBAP PFP provided return statistics based on data provided to Eurostat for 2015. BBAP PFP collected statistical data on returns (forced and voluntary) for 2015 in compliance with the Art. 7.1. of the Regulation No. 862/2007 on Community Statistics on Migration and International Protection and with current Eurostat technical instructions (Technical Guidelines for the Data Collection – Enforcement of Immigration Legislation EIL Statistics).

Table 7: Third-country nationals relocated to the SR in 2016 by gender, countries of origin and EU Member State

Indicator	Total	Male	Female	Minor	Country of origin of relocated TCNs	Relocations made from EU Member State(s)
Total	9	0	3	6	1. Syria (7) 2. Iraq (2)	Greece (9)

Source: MO Mol SR.

Table 8: Third-country nationals resettled to the Slovak Republic in 2016 by countries from which TCNs were resettled and gender

Indicator	Total	Male	Female	Country from which TCNs were resettled
Total	0	0	0	-

Source: MO Mol SR

Note: SR carries out through its territory resettlement activities to other third countries (see the Chapter 4). Program "Humanitarian transfer of refugees through the territory of the SR" is carried out based on trilateral agreement between the Slovak Government, UNHCR and IOM.

Table 9: Unaccompanied minors in the Slovak Republic in 2016 by legal status and gender

Indicator	Total	Male	Female
Unaccompanied minors not applying for asylum	31	29	2
Unaccompanied minors applying for asylum	2	1	1
Total	33	30	3

Source: MO Mol SR and COLSAF.

Table 10: Human trafficking victims from third countries in the SR – selected indicators in 2016

Indicator	Total	Male	Female
TCNs presumed to be victims of trafficking in human beings (presumed victims)²⁶⁰	1	1	0
Age			
	Over 18 years of age	1	1
	Under 18 years of age	0	0
Form of exploitation ²⁶¹			
	Sexual exploitation	0	0
	Labour exploitation	1	1
	Other:	0	0
Citizenship (top 3 countries)		Confidential data	Confidential data
TCNs identified as victims of trafficking in human beings (identified victims)²⁶²	0	0	0
Age			
	Over 18 years of age	0	0
	Under 18 years of age	0	0
Form of exploitation ²⁶³			
	Sexual exploitation	0	0
	Labour exploitation	0	0
	Other:	0	0
Citizenship (top 3 countries)		-	-

260 Presumed victims are persons who fulfil the definition of victim of trafficking in human being, as outlined in Directive 2011/36/EU, but whom have not been formally identified by the relevant authorities (i.e. the national person/body authorised to formally identify victims).

261 More than one form of exploitation may be associated with each victim, therefore the statistics presented in this section may not necessarily agree with the overall totals entered above

262 Identified victims are those who have been formally identified by the relevant authority (i.e. the national person/body authorised to formally identify victims). **Slovak National Referral Mechanism states that only the law enforcement bodies are authorised to formally identify a victim of human trafficking in the Slovak Republic.**

263 More than one form of exploitation may be associated with each victim, therefore the statistics presented in this section may not necessarily agree with the overall totals entered above

Reflection periods granted	1	1	0
Directive 2004/81/EC	1	1	0
Other	0	0	0
Residence permits requested	0	0	0
Directive 2004/81/EC	0	0	0
Other (e.g. humanitarian grounds etc.)	0	0	0
Residence permits granted	0	0	0
Directive 2004/81/EC	0	0	0
Other (e.g. humanitarian grounds etc.)	0	0	0

Source: BBAP PFP and Mol SR.

Table 11: Traffickers of human beings in the SR – selected indicators in 2016

Indicator	Traffickers of human beings	
	Arrested as suspects / otherwise involved in a criminal proceeding	Convicted
Total	57/34*	4**

Source: BBAP PFP and Ministry of Justice of the Slovak Republic.

* 57 persons were suspected in 2016, out of whom 34 persons were indicted on charges of human trafficking.

** According to the § 179 of the Criminal Code No. 300/2005 Coll.



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