



# **MIGRATION AND ASYLUM**

**In the Conditions of the Slovak Republic**





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Migračný úrad SR





*From the sources of the Migration Office of the Ministry of Interior of the Slovak Republic and the Bureau of Border and Aliens Police of the Presidium of the Police Force compiled by:  
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"Raising Public Awareness of Migrants and Refugees in Support of Their Integration"*

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## P R E F A C E



*The Head of the Migration Office  
meeting the UN Secretary General Kofi Annan*

There are only a few terms that can be associated with the whole history of human civilization development. Migration is one of them. Migration has been connected with human civilization since the very beginnings. Migration is associated with rises and falls, births and declines, poverty and prosperity. The past, present and future of Europe have all been connected with migration.

On May 1, 2004 the Slovak Republic became a member state of the European Union and assumed all obligations resulting from this international legal act. Since migration has been one of the EU key topics, it was inevitable to approximate the European perception of migration by adopting the Migration Policy Concept of the Slovak Republic.

The migration policy of each country brings about many obstacles that must be overcome. One of the forms of overcoming problems is a need of raising public awareness in support of integration of persons granted asylum and migrants into the society. In this endeavour we have found help within the possibilities offered by the EQUAL Community Initiative. Acknowledgements belong to all, who have created it.

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L' U D I A A K O M Y





# 1.

## **MIGRATION POLICY OF THE SLOVAK REPUBLIC FROM THE VIEWPOINT OF CONCEPTUAL SOLUTION**

After the foundation of the independent Slovak Republic, and after having assumed responsibility for internal and foreign policy, the newly founded state authorities and local administration authorities primarily needed to negotiate, besides the issues related with state management, another new phenomenon – migration. Migration grew enormously in consequence of extensive social and political changes in the world and was directed towards those European countries whose principal political orientation had been changing at that time.

The Principles of the Migration Policy of the Slovak Republic adopted by the Resolution of the Slovak Government No. 846 in 1993 became the basis for solving migration policy. Until a new concept of migration policy was adopted in 2005, its contents, as well as forms and methods of implementation arose from those principles.

The Entry of the Slovak Republic into the European Union brought about changes in the solution of the given problems. These changes demanded substantial reforms in the migration strategy accepting a whole line of international documents, the contents of which directed towards gradual creation of a common migration and asylum policy of the European Union member states (Schengen Convention, Dublin Treaty, Council Directive 2003/9EC on constituting minimum standards for reception of asylum seekers, the Hague Programme on strengthening freedom, security and justice in the European Union etc.)

In line with this process, the Migration Policy Concept of the Slovak Republic, as adopted by the SR Government Resolution No. 11 as of Jan. 12, 2005 is a complex document, which will be the basis for a coordinated activity of individual subjects involved in the migration policy within the meaning of given aims and priorities until 2010. In order to meet these objectives, several conditions in the field of human, material and technical and financial resources will be created as well.

Besides protection of national interests of the Slovak Republic in the field of migration, the aims of the concept also include presentation of its advancements in further harmonization with the EU and EC law and in creating preconditions necessary to implement policies in this domain.

By presenting principles of sovereignty, legality, regulation of legal migration, active cooperation with the EU, prohibition of discrimination and the principle of flexibility, the concept not only underlines the right to protect national interests, but also the obligations to respect legality, international agreements regulating the given field, to assert unified approach with the EU in the field of asylum politics, to provide the same conditions for all aliens who legally reside on the territory of the Slovak Republic, and to create conditions for innovating present measures in the migration policy.

*Migration Policy Concept of the Slovak Republic as a political document:*

- emphasizes international co-operation, applied on the basis of the conclusions of the European Council meeting in Tampere in 1999 and the following meetings in Helsinki, Thessalonike, Seville and primarily within the meaning of the Hague Programme on strengthening freedom, security and justice in the European Union, with the objective of consistent guarantees and respect of human rights and freedoms;
- clarifies procedures in the field of legal migration and social integration of persons granted asylum, emphasizing measures that condition the right to enter the territory of the Slovak Republic, the right of their free movement, the right to leave the country, under the condition of respect of and subordination to its legal system;
- in the area of prevention and fight against illegal migration it analyses the reasons that lead to enormous growth of this phenomenon, a specific symptom of which was a large number of migrants trying to transit through the Slovak Republic and abuse the asylum procedures. It also includes preventive measures aimed at protecting state borders and forms of fight against illegal migration and its accompanying phenomena, which evince in criminal activities of migrants and their traffickers;
- from the viewpoint of granting asylum it discusses the problems of migration flows that have been growing and will continue to grow, and therefore all these aspects must be included into the implementation of the migration policy: from the reasons of migration, through identifying the entering points, the entrance and asylum policy, integration of persons granted asylum into the society up to the effectuation of voluntary returns of unsuccessful asylum applicants. The measures stipulated in the material are therefore oriented towards unifying the asylum procedures with the EU countries, providing better information to asylum seekers and creating better conditions for applicants to contact and communicate with legal representatives, as well as streamlining the asylum process by use of progressive methods to increase credibility of the applicants' statements (language analysis, analysis of the country of origin, age assessment etc.);
- in the domain of cooperation and coordination of the processes of state bodies, local administration authorities and other subjects participating in the implementation of the migration policy it evaluates the level of fulfillment of the missions implemented within the framework of the projects and humanitarian programmes, as well as of activities aimed at providing material aid to persons granted asylum, helping them find a job, increasing their qualification by way of re-training courses. It also suggests other possibilities to increase activities of state authorities and non-governmental organizations in implementing the migration policy by using financial funds provided from the EU sources;
- in relation with integration of persons granted asylum into the society,

- it emphasizes the necessity to improve conditions related with their employment possibilities, education, housing, health and social insurance from the part of state administration and local administration, that is also required to pay increased attention to vulnerable groups of migrants, mainly minor children without accompaniment, lonely women, elderly people and other disadvantaged persons. Non-governmental organizations (mainly the Society of Goodwill and the Slovak Humanitarian Council) have been active in integration of persons granted asylum by suggesting joint programmes in the field of psychological and legal assistance, social assistance and care provided to minor asylum seekers;
- in the sphere of human rights and freedoms in relation with aliens it draws attention on the obligation to respect their rights, regardless of their nationality, allegiance to an ethnic group, social origin, race, language and sex, religious and political conviction. It also accentuates the measures adopted against discrimination of asylum seekers and persons granted asylum, against trafficking in women and their sexual abuse and it puts emphasis on stricter measures against culprits of crimes motivated by intolerance and xenophobia.

As the implementation of the tasks resulting from individual policies of the Migration Policy Concept of the Slovak Republic is only possible if all subjects dealing with migration issues get actively involved, it was necessary to coordinate their steps and establish an interdepartmental commission and secure elaboration of the given concept in the conditions of the individual departments.

The commission for coordination of the processes associated with the fulfillment of the tasks and actions resulting from the concept, which started to operate on April 26, 2005, consists of representatives of the Ministry of Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Labour, Social Affairs and Family, Ministry of Education, Ministry of Finance, Ministry of Health Service, representatives of the Slovak Government Office, Association of Cities and Communities of Slovakia, Union of Cities of Slovakia, the UN High Commissioner for Refugees (the "UNHCR"), the International Organization for Migration (IOM) and Human Rights League. Based on the programme of previous sessions of the commission, it can be said that, besides the supervision of the fulfillment of tasks resulting from the elaborations of the concept made on the levels of the individual departments, the main attention concentrates on looking for ways of improving the forms and methods of work in their implementation.

The character of measures adopted by the Ministry of Foreign Affairs of the Slovak Republic underlines the necessity to develop a mutually advantageous partnership between the countries of origin, transit countries and the Slovak Republic in the area of fight against illegal migration. By

presenting the migration policy of the Slovak Republic within the framework of international activities, monitoring of the situation from the viewpoint of growing migration flows, and trying to adopt bilateral readmission agreements with the states of origin of illegal migrants entering the territory of the Slovak Republic, it meets the requirements of cooperation with home authorities and the respective authorized control and monitoring bodies of international organizations. The requirement for a more consistent cooperation of the four Visegrad Group countries in the area of coordinated actions related with the protection of the state borders within the framework of Schengen agreement implementation is of equal importance.

The Ministry of Defence of the Slovak Republic in its measures covering four different areas develops various bilateral and readmission agreements, legislative amendments of present laws on asylum and aliens, strengthens the staff capacities of the facilities managed by the Migration Office of the Ministry of Interior of the Slovak Republic and the Bureau of Border and Aliens Police of the Presidium of the Police Forces, creates material, technical and organizational conditions to improve the work, to increase accommodation capacities for asylum seekers and to use the EU financial resources. It also purposefully coordinates with EU experts the preparation of the study related with the prepared establishment of the new Immigration and Naturalisation Office of the Slovak Republic, which is inevitable to adjust the migration policy to European conditions.

The Ministry of Labour, Social Affairs and Family of the Slovak Republic, considering that the continuous growth of economical activities of foreign and domestic companies will increase the demand for labour force, directs its measures particularly to support legal migration and social integration of aliens into the society by opening access to the job market, providing professional consulting services and increasing their qualification through education and retraining courses. Equally important are the measures focusing on help to disadvantaged groups of aliens, especially minor aliens without accompaniment. Strategic intentions are also oriented towards help to inactive persons that are in a risk of social segregation. There is also an effort to implement programmes supporting inclusive labour market on the basis of developing partnerships within the framework of the Community Initiative EQUAL.

Due to an obligation to transpose the Council Directive 2004/114EC on the conditions of admission of third-country nationals for the purposes of studies, exchange, unremunerated training or voluntary service into the Slovak legislature by January 2007, The Ministry of Education of the Slovak Republic adopted measures for years 2005-2014 emphasizing in this context mainly the National Plan of Human Rights Education.

Apart from the tasks aiming at systematic education of aliens and persons granted asylum and on deepening the public education activity of

state administration and local administration staff, the pedagogic as well as non-pedagogic public, the majority of measures is focused on professional and methodical preparation of teachers, educators and other school staff, providing quality multicultural education, creating guides, publications, and materials that focus on eliminating the displays of intolerance, racism, xenophobia etc. The methodology-pedagogic centres organize and implement seminars, cultural events and educative programmes.

Besides the education of judges, prosecutors, and judicial officers, the Ministry of Justice of the Slovak Republic directed the implementation of its missions to international cooperation, and that in the area of punishment of illegal migration and trafficking in humans. The measures also resulted in participation in preparing legal instruments and documents within the framework of international collaboration and their conversion into Slovak law by amendments to the Penal Code.

The measures of the Ministry of Health Service of the Slovak Republic are grounded on the need to create health service conditions for aliens, asylum seekers and persons granted asylum on the same level of health service provided in the EU countries. This is also confirmed by the orientation of the measures towards international collaboration in the issue of approximation to the legislative strategy of the European Union. In the field of cooperation with Republic partners, there is an effort to have a closer communication with the Migration Office, mainly in securing contractual doctors working in retention and accommodation centers and in implementing measures associated with reducing health risks connected with migrants' stay on our territory.

For preventing xenophobic and intolerant displays there are important measures aimed at education and training of health staff by the medium of the Slovak Medical University and Association of Private Physicians.

Within the process of implementing the Migration Policy Concept, the Statistical Office of the Slovak Republic, in cooperation with involved departments and in accordance with Eurostat requirements, will focus on harmonizing the contents and the extent of information about aliens with the EU standards, on obtaining data from individual information sources, on keeping a database system containing basic information about foreign migration and aliens in the Slovak Republic, and on sharing the data with potential applicants.

The Migration Policy Conception of the Slovak Republic and its elaboration on the level of the involved government departments is a product of harmonisation of the measures, which resulted from the "Monitoring Report on the Slovak Republic's Progress in Its Preparation for the EU Membership". It advises the adhering countries to strengthen administration capacities in the field of European affairs with emphasis on the transposition of the legislature adopted on the EU level.

## EUROPEAN UNION AND ASYLUM

Since its creation, the European Union has undergone various changes marked with development trends as reactions to stimuli coming from daily life inside it, but also as reactions to facts coming from the outside and capable of influencing this internal life. Political structures of the European Union define priorities in shorter or longer time horizons, but also depending on the individual issues. A permanent priority of the European Union is the very issue of asylum and an effort to create a unified asylum policy, as well as the basis for it – a unified asylum legislature. The European Union lives in a constant internal conflict of the common interest and the interest of the individual member states, which represents the two extremities of the human rights protection – a limitless liberalism and an effort to limit it. Achieving the goal of a unified asylum policy is only possible when the individual member states give up these extremities.

The legislature of the European Union in the asylum issues must tackle with many problems and must adapt the solution of questions outlined by Ruud Lubbers, the UN High Commissioner for Refugees in Luxembourg on 29 January 2005 on an informal Council of ministers of justice, freedom and defence, where he appealed to the member states to adopt efficient protection and adopt permanent solutions for refugees, and to do so as soon as possible in order to contribute to the reduction of spontaneous migrations.

In view of the fact that these migrations can be eliminated only with difficulties, it is important that the EU countries set up a trustworthy asylum system. An important role in this respect is played by the strengthening of protection in the countries of origin and creation of an environment that enables refugees to find solutions within it and enables to reduce pressure caused by the migrations of refugees. Integration of refugees in the host countries as well as resettlement to third countries are possible solutions. If transformation of transit countries to asylum countries succeeded, it would help reduce further migrations. Resettlement offers a solution for those refugees who cannot return home, neither can stay in their first asylum country.

The Hague Programme defines the year 2010 as the target year for establishment of a common asylum system, for only a real European asylum space can solve problems faced by member states as well as by people seeking refuge and protection in Europe. On the way to the common system, it will be necessary to increase quality and consistency of the decision-making processes in Europe, to create a system of distribution of responsibility within the scope of the European Union and to pay more attention to integration.

A way how to improve the solution of the present refugee problem consists in improving the quality of providing protection in the areas where

the refugees come from, in extending permanent solutions, including resettlements and in paying more attention to the quality of asylum in Europe. All of these goals are the goals of the Hague Programme.

The Slovak asylum system, when compared with other EU member states can be judged as equipollent in the very domain of asylum right.

## **ASYLUM RIGHT IN THE EUROPEAN UNION**

The European Union should have a certain legal foundation, on which its entire legislature will be grounded on. A constitution is such a legal foundation. After long years of execution efforts, the European constitution was passed on 13 October 2004 in Brussels. This however only started the whole process of its acceptance, for the constitution must first undergo the difficult process of ratification in all of the EU member states in order to take effect.

The constitution of the European Union includes a section pertaining to the policy of border controls, asylum and immigration, where the Union creates a policy aimed at removing any controls of persons regardless of citizenship when crossing the internal borders, securing controls of persons and effective monitoring of crossing of outer borders and gradual implementation of an integrated system of outer borders management.

For this purpose, the European legislation or the European framework legislation constitute measures that pertain to the common policy in the domain of visa and other permits for short-term stays, controls of persons crossing the outer borders, conditions under which the citizens of third countries may travel freely during a short period of time within the Union, all measures necessary for gradual creation of an integrated system of outer borders management and non-existence of any controls of persons regardless of their citizenship when crossing the internal borders. These regulations do not affect the right of the member states concerning the geographic delimitation of their borders according to the international right.

The Union creates a common policy in the domain of asylum, subsidiary protection and temporary protection with an objective to provide adequate legal status to citizens of any third country, who need international protection, and to secure accordance with the principle of not returning them back. This policy must be in line with the Treaty on legal status of refugees – Geneva 1951 (the "Geneva Treaty") and the Protocol on legal status of refugees - New York 1967 (the "New York Protocol"), as well as with other relevant agreements.

The common European asylum system includes a unified asylum status for citizens of third countries valid throughout the Union, a unified subsidiary

protection status for citizens of third countries, who without having been granted a European asylum, need international protection, a common system of temporary protection of expellees in case of mass influx, common procedures of granting and withdrawing the unified asylum or subsidiary protection statuses, criteria and mechanisms for determining the member state in charge of judging the application for asylum or subsidiary protection, norms pertaining to the conditions of accepting asylum or subsidiary protection seekers, as well as the partnership and cooperation with third countries for the purposes of dealing with the influx of asylum or subsidiary protection seekers or seekers of temporary protection.

The Union also creates a common immigration policy aimed at securing an effective management of migration fluxes at all stages, fair treatment of citizens of third countries, who legitimately reside in member states, as well as prevention of illegal immigration and trafficking in humans.

In these domains, the European legislation or the European framework legislation constitute provisions for the conditions of entry and stay, as well as norms pertaining to granting long-term visa and permits for long-term stays by the member states including such permits granted for the purposes of family unification, delimitation of rights of citizens of third countries, who legitimately reside in a member state, including the conditions that regulate the freedom of movement and stay in other member states, illegal immigration and illegitimate stay including displacement or repatriation of persons, who reside illegitimately, as well as the fight against trafficking in humans, especially in women and children.

The Union can enter into readmission treaties with third countries about repeated admission of citizens of third countries, who don't meet or no more meet the conditions for entry, presence, or stay on the territory of one of the member states, into the country of origin, or into the country where they last came from. The European legislation or the European framework legislation may set forth measures to encourage and support activities of member states aimed at enforcing integration of citizens of third countries, who legitimately reside on their territories, excluding any harmonization of legislations and other legal regulations of the member states. This doesn't affect the right of the member states to determine the numbers of accepted citizens of third countries, who come to their territory with the objective of finding jobs either as employees or as self-employed persons

The policies of the Union abide to the principle of solidarity and fair distribution of responsibilities between member states, including the financial consequences.

During the last years, the European Union has intensified its mission in strengthening police, duty and justice cooperation and the development of coordinated policy concerning asylum, immigration and control on the outer borders. The security of the European Union and its member states has

become more urgent mainly in the aftermath of the terrorist attacks carried out in the United States on 11 September, 2001 and in Madrid on March 11, 2004. The objective of the Hague Programme is to improve the joint capacities of the Union and its member states concerning the guarantees of basic rights, minimal procedural guarantees and access to justice, provision of protection to persons in need in accordance with the Geneva Treaty and other international agreements, regulation of migration fluxes and control at the outer borders, fight against terrorism, cooperation in legal matters and other issues.

The Hague Programme deems indispensable to have a complex process that would include all stages of migration, taking into account the main reasons for migration, policy of entry and acceptance and policy of integration and return. The second stage of the development of a common policy in the domain of asylum, migration and borders began on May 1, 2004. It grounds on solidarity and fair sharing of responsibilities including its financial implications and closer cooperation in the domain of technical help, education and exchange of information, monitoring and timely effectuation and implementation of instruments.

The objective of the common European asylum system will be the establishment of a common asylum procedure and a unified status for persons granted asylum or subsidiary protection. It will be grounded on a thorough application of the Geneva Treaty and other relevant agreements and will be based on a consistent and thorough evaluation of legal instruments that had been adopted in the first stage.

The European Council urges member states to carry out in full extent and without delay the first stage and the Council should adopt unanimously the directive on asylum procedure. It will be necessary that the Commission completes the evaluation of legal instruments of the first stage in 2007 and presents the instruments and measures of the second stage with the objective of adopting them by the end of 2010 to the Council and the European Parliament. Within this framework, the European Council calls on the Commission to present the study of suitability, possibilities and problems of processing applications for granting asylums within the Union as well as to have a position to that issue from the UNHCR.

The European Council calls on the Council and the Commission to create suitable structures including statewide asylum services of member states with the objective of facilitating a practical and fruitful cooperation. Upon creation of a common asylum process, these structures should be transformed on the basis of the evaluation to a European office for support of all forms of cooperation between member states concerning the common European asylum system. The European Council welcomes the establishment of a new European Refugees Fund for the period of 2005-2010. It calls the Commission to set aside existing resources for the help to member states in

processing applications for granting asylum and in accepting citizens of third countries.

Legal migration will play an important role in strengthening the European knowledge economy, in support of the economic development. It should also play a role in the partnerships with third countries. As informal economy and illegal employment support illegal immigration and lead to exploitation, the European Council calls on the member states to meet the objectives of reducing informal economy as set forth in the European employment strategy.

The effort to integrate citizens of third countries and their descendants is beneficial to stability and cohesiveness of our society. In order to achieve that it is important to develop efficient policies and prevent isolation of certain groups. The European Council requires creation of equal opportunities for these persons, so they could participate in life of the society in full extent.

As far as the external dimension of asylum and migration is concerned, there is an effort for partnership with third countries, with countries and regions of origin, with transit countries and regions, and an adjustment of policy of return and readmission.

The objective of the partnership with third countries should be the help to the third countries in a close partnership where suitable, by use of the resources of the Community with the objective of improving capacities for management of migration and protection of refugees, prevent and fight against illegal immigration, inform about legal ways of migration, solve situations of refugees by providing better access to permanent solutions, construct capacities for border controls, strengthen the security of documents and solve the return issues. For this reason, the European Council has called on all third countries to accede to the Geneva Treaty and observe it.

The European Council calls on the Commission to develop in partnership with third countries and in cooperation with the UNHCR the so-called Regional programme of protection of the EU. The policies that connect migration, development cooperation and humanitarian aid should be coherent and should be developed in cooperation and within a dialogue with countries and regions of origin.

The European Council emphasizes the need of intensifying cooperation and constructing capacities on the southern as well as the eastern borders of the European Union with the objective of giving these countries the possibility to better manage migration and provide adequate protection to refugees. The support will be provided to those countries that will show real efforts to meet their obligations resulting from the Geneva Treaty.

Migrants who don't have or have lost their right to reside legitimately in the European Union must return voluntarily, or if necessary, compulsorily. The European council asks to set up an efficient policy of return and repatriation based on common norms, with an objective to guarantee humane way of

return and full respect of human rights and dignity of these persons. Therefore the European Council asks for closer cooperation and mutual technical help, to start the preparatory stage for the establishment of the European fund for effectuation of returns, to establish common integration programmes specific for the given country and region, establish the European fund for returns by 2007, to timely conclude readmission treaties of the Community, as well as asks the Commission to nominate a special deputy for common readmission policy as soon as possible.

The management of migration fluxes should be secured by border controls and fight against illegal immigration, more consistent application of information systems and modification of visa policy. The European Council urges the Council, the Commission and the member states to take all necessary measures with the objective of achieving the elimination of controls on internal borders as soon as possible.

The European Council welcomes the establishment of the European Agency for Management of Operative Cooperation on External Borders as of May 1, 2005, which deals with aspects of border management, including a strengthened cooperation with customs and other authorities in charge of security issues concerning goods. The European Council also calls on the Council to establish within its scope, upon completion of a due analysis of risks from the part of the Agency for management of borders, teams of national experts, who can grant rapid technical and operative help to member states upon their request. It also calls on the Council and the Commission to establish a fund for the management of the borders of the Union no later than by the end of 2006.

The management of migration fluxes including the fight against illegal immigration should be strengthened by way of creation of a continuum of security measures that will effectively connect the processes in applications for visa and the processes at the entry and exit of the outer borders. Such measures are also important in preventing and suppressing criminal activities, mainly terrorism. In order to be able to achieve this, a simple process as well as a harmonized solution must be secured in the European Union concerning biometric identifications and data, as well as to solve the question of more efficient activity and harmonization of the Schengen information system, the Visa information system and the EURODAC.

The European Council stresses the need to further develop the joint visa policy as a part of the multi-level system that aims at facilitating legitimate traveling and solving illegal immigration by way of further harmonization of statewide legal regulations and procedures at the local consular missions. Joint visa offices should be established from the long-term point of view, allowing for discussions on establishment of a European authority for foreign affairs. The European Council welcomes the incentives of the individual member states that cooperate voluntarily in associating employees and resources for issuing visa.

## 2. ALIENS ISSUES

The Slovak Republic migration policy under Aliens Police conditions involves first of all legal migration. Legal migration may be defined as a borderline crossing of people e.g. for the purposes of tourism, permitted stay while meeting the requirements set by the Slovak Republic legislation and international agreements that it is bound to follow.

### LEGISLATION SCOPE

Legislation scope concerning Border Police and Aliens Police activities has undergone dynamic progress since 1993, marked by a need to replace and modify the former Czech and Slovak Federal Republic laws in respect to its termination and transfer of competences on the Slovak Republic. Since the establishment of the Slovak Republic, aliens' stay has gradually been secured by the following Acts:

Act no. 73/1995 Coll. on aliens' stay on the Slovak Republic territory and Act no. 381/1997 on travel documents directly affected the aliens policy service in the second half of the 1990s. Over a period of 1996 - 2000 several substantial changes were introduced within the scope of legal and illegal migration of aliens. First of all the changes in terms of increased number of aliens migrating mainly from economically less developed or politically instable countries were concerned. These were mostly coming from Asia, some states of the former USSR and Balkan states.

This Act was amended by Act no. 69/2000 Coll., effective from April 1, 2000, which only revised some of the thorniest problems occurring over the recent years with solving the aliens' stay on the Slovak Republic territory. This amendment has eliminated a few deficiencies in regulations that were in a deep contradiction with the legal order of European Union and that were pointed out in performed comparisons. As regarding the visa, the regulations amending terminology, visa types and visa granting procedures when Police Force (hereafter referred to as „PF“) - where the information on aliens' illegal activities was collected - did not have possibility to duly influence granting of visas at representative offices abroad. This issue concerned mainly the omission of § 30, where the Interior Minister was given the possibility to remove any condition of the alien's stay set by law within the institute of suppressing the law rigidity. Further specification and restriction of conditions on filing the applications for long-term and permanent stay on the Slovak Republic territory was also important.

Although substantial progress has been achieved by the amendment of the law, especially in relation to admission of aliens on the Slovak Republic territory, the law was not compatible in some points with the law of European Union states. In National Programme for adoption of the so-called „acquis

communitaire" the preparation of draft law on aliens\_ stay on the Slovak Republic territory was set as a medium-term priority in 2001, with a view of maximum approximation with the European Union law.

It resulted in a new Act no. 48/2002 Coll. effective from April 1, 2002 on aliens' stay and on modification and completion of some acts. Illegal migration suppressing mechanisms, mechanisms for approving purposefully bound stays of aliens in connection with performing their activities on the Slovak Republic territory stressing the labour market protection, stay supervision mechanisms and aliens\_ exile mechanisms under the condition of respecting freedom of movement and stay have all been established by this Act. The second part of Schengen Agreement (Art. 9-27) served as a basis for the mentioned Act.

Due to this Act, notional changes of juridical institutes regulating the aliens' stay from „long-term stay" to „temporary stay" have occurred. The new legal regulation has divided aliens into two basic categories, European Union residents and other aliens. For the inhabitants of European Union member states the special regulations were incorporated in the Act, when a person was entitled to a temporary stay on a registration basis. A change has also occurred in the scope of permitting permanent stay, where stay permits were always issued in form of resolution explicitly declaring the permanent stay permit. The Act has also introduced new juridical institutes concerning supervision over aliens' stays and exile. A completely new juridical institute was „tolerated stay" and in accordance with visa policy standards and European Union states experience, the regulations on visas were amended. Standard conditions applied in aliens mode of European Union member states for admission and stay of aliens - citizens of European Union member states have also been incorporated in the Act. New documents for aliens have been issued following the Act. This Act was modified and completed by four additional acts:

- a) new changes were introduced concerning marriage duration preceding the opportunity to obtain temporary stay permit in order to unite the family were introduced by Act no. 408/2002 Coll. effective from January 1, 2003;
- b) effective from January 1 2003, Act no. č.480/2002 Coll. introduced changes in granting visa to an asylum seeker relative, who can legally claim granting visa and also in the matter of alien protection against their administrative exile to a state where they could be in danger of torment, cruel, inhuman or humiliating treatment;
- c) effective from January 1, 2004 with the exception of regulations concerning the citizens of European Economic Zone that came into force on the day of the Slovak Republic admission to European Union by Act no. 606/2003 Coll., Act no. 48/2002 Coll. on aliens' stay and on

modification and completion of some of the laws as amended by later regulations, gave European Union citizens advantage over aliens from the third states by a partial deformalization and shortening the procedures concerning applications for a temporary stay permit. The aim of this amendment was to take over the part of *acquis* adjusting free movement of people. Except the European Union inhabitants, free movement of people from privileged states, i.e. the Iceland Republic, Norwegian Kingdom and Lichtenstein was guaranteed on the basis of European Economic Space Agreement, according to which a domestic market consists of a space without inner borders, where a free movement of goods, services, capital and citizens coming from Switzerland are guaranteed. A term „purpose-made marriage" – marriage in order to be granted a stay permit - has been introduced into the law on aliens' stay by this Act;

- d) Act no. 69/2005 Coll., effective from May 1, 2005 introduced responsibilities of a carrier to a transported alien who does not meet the requirements to be admitted on the Slovak Republic territory.

Amended Act on aliens' stay no. 48/2002 that came into force on December 15, 2005 is published in a full version in Collection of Laws, owing to its extensive amendment lying first of all on transposition of five European Council guidelines.

## **PROGRESS IN ALIENS POLICE ORGANIZATION**

Alien police service operating in close connection with the border police service has undergone many organizational changes taking place at first within the Police Force Presidium (hereafter referred to as „PF P") on every level and over the last five years also within Border and Aliens Police Office alone, that has been a result of the above mentioned transformations.

After the formation of independent Slovak Republic, competences related (apart from others) to securing the alien rule and passport service that were carried out within the individual divisions have moved into PF's competence. An independent Department of Aliens Police and Passport Service was set up on January 1, 2003, integrated in the organizational structure of PF P, solving the problems of entry permits and aliens\_ stay, problems of issuing travel documents and control of the aliens\_ police at border crossings. The Department managed subordinate branches West, Centre and East that controlled the direct service performance on the former regions (sections of Aliens' police and passport service). Thus the original management system has been retained also after formation of the independent Slovak Republic. The branches were closed effective from January 1, 1994 and executive offices of aliens police and passport service

were transferred to regional and municipal commands of PF, that treated the problems in terms of administered region. The presidium divisions (departments) were also merged. Border Police Department and Aliens Police and Passport Service Department merged into Border and Aliens Police Department of PF P.

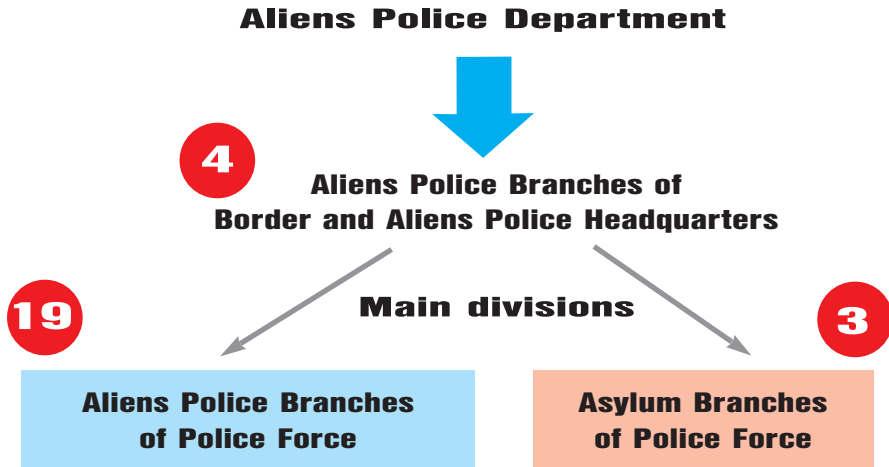
Decentralization of decision-making process related to stays, decisions of verifying invitations for aliens and in monitoring activities led to fractionalism of management process and subsequently to disproportions in the visa and immigration issues. The effort to a unified coordination of a great number of effective divisions and their activities did not show any desired effect and the efficiency of Aliens Police service started to decline on all levels, primarily in the area of permitting stays and monitoring the stay rule of aliens. In comparison with other European countries, where Alien' Police has had a priority in eliminating undesired influx of immigrants, this police service has reached the edge of the police activities.

A significant organizational change in connection with a new territorial and administrative division of the Slovak Republic was the establishment of Border police and Aliens police departments on a regional level (July 1, 1997), following first of all the enhancement of direct service performance management. 79 executive workplaces in line of aliens issues and passport service were established on the Slovak Republic territory, situated in every district town with a relatively low number of policemen assigned at these basic divisions. These were transformed under the competence of ÚHCP P PZ (the Bureau of Border and Aliens Police), effective as from April 1, 2004 and have remained so until now.

Changes executed on October 1, 2004 have brought consolidation of the PF's Aliens police branches and decrease in the number of executive regional departments to 4 headquarters of Border and Aliens police (Bratislava, Nitra, Banská Bystrica, Prešov). In accordance with gradual adaptation schedule of the organizational structure ÚHCP P PZ to Schengen acquis content and requirements, organizational changes also occur in executive divisions on October 1, 2004. 19 aliens police departments and 3 asylum departments of PF come into existence in aliens police service by a merger of 56 branches (groups) of aliens police and passport service.

The aliens police agenda is carried out via basic divisions, i.e. Aliens Police Branch and Asylum Branch. There are 19 basic units of the aliens police on the Slovak Republic territory at present (on January 1, 2006 a new aliens police division in Skalica will be added). Aliens' issues are also resolved by three asylum branches of PF (Adamov - Gbely, Opatovská Nová Ves and Liptovské Vlchy) and last but not least also by aliens police branches set up at the two Divisions of police imprisonment for aliens in Medveďov and Sečovce.

A national programme to adopt *acquis communautaire* in a medium-term perspective necessitated the transfer of administrative agendas from PF to local state government bodies.



## ALIENS POLICE TASKS

The main work task is to monitor the stay agenda via its principal instrument-permitting proceeding. Participation of the aliens police on the Slovak Republic migration policy in this area rests in particular on granting long-term stays based on economic and social possibilities and in the state interest of the Slovak Republic and on a controlled immigration in terms of the economic but also demographic benefit for the state – stressing the procedures and measures aimed at support of equal chances while complying with the general standards of human rights. The essential role is played also by the aliens police contribution to formation of visa policy of the Slovak Republic, to synchronizations of ways, procedures and forms of granting visas that are essential to solve the short-term stays of aliens coming from the third states that pose visa duty to the Slovak Republic.

For a more consistent observation of permitted stays for aliens it is necessary to execute precautionary and repressive measures that control the stays in a strategic connection at terrorism control section, organized crime control section, or illegal entry of weapons, drugs, etc. control sections. A substantial role is played also by the methodical and systematic action in the area of decision-making on granting a permit or renewal of a temporary stay permit, granting a long-term stay permit, invitation verification, monitoring of observing a stay mode and employment.

### ***Aliens Police Department of the Border and Aliens Police Office of Police Force Presidium:***

- controls the executive divisions of the aliens police, Division of Police Imprisonment for Aliens (further on referred to as „UPZ“) in Medveďov and Sečovce in aliens police sphere of activity (stay, visa, asylum),

- contributes to formation, fulfillment and assessment of international contracts and agreements connected with aliens and visa issues,
- contributes to fulfillment the tasks resulting from Dublin Decree,
- works with information from aliens and visa matters of European Union and the third states, governmental and non-governmental organizations,
- processes internal rules and methodical directives to ensure unified performance of aliens matters and updates them according to performed changes of superior legal standards,
- contributes to adjusting procedures of complaints related to aliens police service activity,
- carries out trainings to enhance the professional qualification of policemen at the basic divisions of the office,
- cooperates in the sphere of aliens issues with out-of-branch bodies and organizations,
- analyses statistical information,
- fulfils the Central Visa Body tasks, that is a consulting workplace for representative offices of the Slovak Republic abroad in granting visas to people coming from risk states. It also verifies invitations for aliens (private and official) and approves invitations from non-relatives,
- provides a 24-hour service in case of emergencies when granting visas at border crossings.

***Aliens Police Branches of Border and Aliens Police Headquarters  
UHCP P PZ:***

- controls, is responsible for, supervises and directs the performance of PF's Aliens Police Branch and PF's Asylum Branch,
- provides control of aliens meeting the conditions for admission and stay on the territory of the Slovak Republic,
- provides management of activities related with permitting aliens' stays, in asylum and visa issues,
- assures and coordinates exile, escorts, transport under police supervision, hand-overs and take-overs of people in compliance with Dublin Decree and readmission agreements,
- contributes to fulfillment of tasks of second-level appellate body in the affairs, where a basic division decided on the first level,
- processes documents for a regional court concerning legal action of aliens and documents for extra-appellate procedure for a superior body,
- assures conducting of statistical surveys and information flow.

***Aliens Police Branches of PF:***

- reveals, clarifies, announces and negotiates trespasses, and other administrative delicts, particularly in connection with stay of aliens on the Slovak Republic territory,
- gathers information on criminal activity and criminals and passes them on a respective division of PF,
- performs searches after wanted and missing persons and things,

- performs measures to avoid commitment of criminal activity,
- fulfils other tasks mainly in cooperation with a national unit of struggle against illegal migration of Border and Aliens Police Office PF P, service of criminal police and with other divisions of PF,
- assures issuing, withdrawal or decides on non-issuing of travel documents to the aliens who were granted asylum or to persons without citizenship,
- receives found or delivered travel documents and identity cards,
- performs border control at airports within its territorial force,
- permits, renews and cancels the aliens' stays as a primary-level body and monitors keeping the aliens' duties on the territory of the Slovak Republic,
- verifies the fulfillment of the specified conditions for aliens' stay, reveals and documents the cases of unauthorized entry and stay of aliens,
- verifies fulfillment and duration of conditions for aliens' stay on the territory of the Slovak Republic,
- checks invitations for aliens,
- carries out the primary performances related with the applicants for granting an asylum on the territory of the Slovak Republic,
- fulfils the tasks related to the performance of EURODAC system in specified extent,
- organizes ALIENS events,
- cooperates with police services of other states, mainly with the European Union countries,
- decides on granting of tolerated stay, verifies and monitors tolerated stay,
- issues the documents on stay permit, passports and travel documents for aliens,
- checks the providers of accommodation facilities, whereby it checks the fulfillment of the duties of accommodation providers and keeps a survey of performed checks,
- keeps the lists of accommodation facilities and their providers within the field its competence,
- decides on administrative exile, entry ban and on arresting an alien as a first-level administrative body,
- decides on an entry ban for an alien on the territory of the Slovak Republic, in case of observing that the alien meets the conditions for administrative exile from the Slovak Republic territory in accordance with a special regulation,
- arrests the alien if the conditions in accordance with a special regulation have been met,
- keeps accounts on decisions on administrative exile of aliens, entry ban of aliens on the Slovak Republic territory and on arresting of aliens.

***Asylum Department of PF:***

- performs acts regarding the asylum proceeding and the illegal migration on the territory of the Slovak Republic,
- assures transports under police supervisions of asylum seekers, as well as police escorts to the respective asylum branches,
- assures the interpreter for the language of asylum proceeding,

- announces the finding of an underage alien without accompaniment of a body entitled by the performance of social and legal protection and prevention,
- in case of need assures the food, drinks and medical care for the asylum seekers,
- cooperates with a Migration Office within the asylum proceeding,
- decides as a first-level body on the matters of imprisonment, administrative exile, entry ban decision for the asylum seekers who were located in asylum facility and their application for asylum was turned down and asylum was not granted,
- carries out an inspection in information systems of the Ministry of Interior of the Slovak Republic in order to acquire the data necessary for asylum proceeding,
- fulfils (in a limited scope) the tasks related to the EURODAC system operation.
- conducts appropriate evidence of asylum seekers.

## DEFINITION OF TERMS

### ***Airport transit visa***

Entitles an alien to remain in the transit area of a public airport on the territory of the Slovak Republic while waiting for an airline given in the air ticket. It may be granted for one or two journeys. Visa validity is no more than 90 days since the day of its granting. Granting this kind of visa is an exception from the general transit law in case of a person without visa in the international transit area.

### ***Air transit***

Transition of an alien through the area of a public airport on the territory of the Slovak Republic for the purposes of their transport to a destination country.

### ***Transit visa***

Entitles the foreigners to cross the territory of the Slovak Republic on their journey from the territory of one country to a third country. This transit must not exceed five days. Summary of days of several transits must not exceed 90 days within 6 months. Police division may award a transit visa to an alien on a border crossing owing to humane reason, if an alien proves that the transit is urgent and could not have been foreseen or the visa is awarded in the interest of the Slovak Republic. The transit visa may be awarded for one, two or more journeys. The transit visa for two journeys entitles the alien for a two-way transit, whereas the duration of individual transit must not exceed 5 days. Visa validity is not more than 90 days, while the visa may be granted no sooner than 90 days prior to term of its validity. The transit visa for multiple journeys entitles the alien for unlimited number of transits. Validity of visa is for maximum 180 days, while the visa may be granted no sooner than 90 days prior to term of its validity. Duration of individual transits must not

exceed 5 days. Total sum of days of transit must not exceed 90 days within 6 months.

### ***Short-term visa***

Entitles the alien for one, two or more entries and for stay duration as given in it; nor the uninterrupted stay neither the total number of days of several stays may exceed 90 days within 6 months. Police division may grant a short-term visa on the boundary crossing owing to humane reason if an alien proves that their entry is urgent and could not have been foreseen or the visa is awarded in the interest of the Slovak Republic – in such cases the validity of the granted visa must not exceed 15 days. The short-term visa cannot be used for the study, employment or similar profit-making activity. It may be granted for the purposes of tourism, visit, business trips, spa stays or similar intentions on the territory of the Slovak Republic. The short-term visa for one entry entitles the alien for performing one entry on the territory of the Slovak Republic, dwelling on it for a specified period and departure from the territory of the Slovak Republic. Visa validity is maximum 90 days, whereas the visa may be granted not more than 90 days prior to term of its validity. The short-term visa for two or more entries entitles the alien for two or more entries and their dwelling on the territory of the Slovak Republic during the specified period. Visa validity may be up to 180 days, whereas the visa may be granted at the latest 90 days prior to term of its validity. If visa validity is 180 days, the total duration of alien's stay must not exceed 90 days within 6 months. The uninterrupted stay or the total sum of several stays for short-term visa must not exceed 90 days within 6 months.

### ***Long-term visa***

A long-term visa entitles the alien to enter the territory of the Slovak Republic and to remain there for the period longer than 90 days within 6 months if it is necessary for fulfillment of the Slovak Republic obligations resulting from international agreements.

### ***Continuous stay***

Time of stay based on the stay permit, which starts to elapse on the day of entry. The time of execution of a punishment while imprisoned and continuous period of alien dwelling abroad for longer than 180 days are not included into the continuous stay.

### ***Temporary stay***

Temporary stay permit entitles the alien to dwell on the territory of the Slovak Republic and the journeys abroad and back to the territory of the Slovak Republic within the period for which they were granted the temporary stay permit. Police division may grant the temporary stay permit for to the period necessary to achieve its purpose, but for no more than two years. The alien with long-term stay in other European Union member state may obtain temporary

stay for maximum 5 years. Temporary stay permit is bound to one purpose (entrepreneurship, employment, study, special programme activity, family union, professional duties performance by civil members of military forces).

### ***Permanent stay***

The permanent stay permit entitles the alien to dwell on the territory of the Slovak Republic and for the journeys abroad and back to the territory of the Slovak Republic within the period for which they have been granted the permanent stay permit by police division. The police division may award the first permanent stay permit for five years based on the permanent stay application. After elapsing of 5 years, police division grants the permanent stay permit based on the next application for permanent stay. Police division awards first permanent stay permit to the alien, who:

- is a spouse of the Slovak Republic citizen with a permanent stay on the territory of the Slovak Republic or direct dependant of the Slovak Republic citizen with a permanent stay on the Slovak Republic territory,
- is a single child under 18 years of age entrusted to personal care of the alien, who is the spouse of the Slovak Republic citizen with a permanent stay on the Slovak Republic territory,
- is the alien's single child under 18 years of age with a permanent stay permit or the child younger than 18 years entrusted to personal care of an alien with a permanent stay permit,
- is a child of the alien with permanent stay permit, while the child is without means and older than 18 years.

### ***Tolerated stay***

Police division awards the tolerated stay permit based on application for no more than 180 days in accordance with the found out facts, which are the reason for its granting. Police division may also repeatedly prolong the tolerated stay permit. Police division may grant the temporary stay permit for the employment purpose after elapsing three years since granting the tolerated stay to the alien, whose tolerated stay was granted owing to the obstruction of their administrative exile. Police division grants the tolerated stay permit to the alien:

- if there exists the obstruction of their administrative exile,
- who has been allowed the temporary refuge,
- whose departure is impossible and there is no reason for their arrest,
- who is an underage child found on the Slovak Republic territory.

### ***Undesirable person***

The alien who has been administratively exiled or who has been inflicted the exile punishment (forejudge).

### ***Administrative exile***

Decision of police division on stay termination is to specify the date of

their departure and their entry ban duration. A mass exile based on one decision is inadmissible.

### ***Entry denial***

An alien is refused to enter if he is an undesirable person, if it is inevitable for the state safety, maintaining of public order, health protection or protection of rights and duties of other people, if they do not meet the entry conditions, refuse to go through border check or do not submit the documents required at border check, if there is a reasoned suspicion that they will misuse the stay for other purpose, they did not settle the financial commitments against the Slovak Republic.

### ***Voluntary return***

Return to the country of aliens origin who has withdrawn the application for granting asylum and has asked for return to the country of origin.

### ***First permit registration***

Citizens of the European Economic Area shall register in person at the police station in case their intended stay on the territory of the Slovak Republic exceeds a period of three months. Police station issues a confirmation of first permit registration on the day of filing the application.

### ***Privileged alien***

The alien, who is a relative of the European Economic Space citizen (spouse and their child under 21 years of age, or their child without means; child under 21 years of age or his child without means; direct relative dependent on them; spouse's direct relative dependent on them; other dependent or household member).

### ***Alien's passport***

A document entitling an alien to travel, issued to the alien who does not have his own travel document and who was granted the tolerated stay permit, who was decided to be administratively exiled, or who was inflicted the exile punishment, or who was born on the territory of the Slovak Republic. Alien's passport is valid for the period of one year.

## **STAY ALLOWING**

### ***Proceeding on visa granting***

The alien submits the application for visa granting in person on an official form at a diplomatic mission or at consular authority of the Slovak Republic abroad. The application must also be supplemented with a travel document and a photo of the alien. The visa granting application must be on request supplemented also with the documents confirming the purpose of stay, provision of stay, provision of means for departure, document on health insurance for the remittance of costs connected with providing health care

and other documents required by the law on aliens stay. Visa granting may be conditioned by the invitation approved by police division, financial deposit at representative office and on submitting of a return travel ticket or a return air ticket. The visa is granted to travel documents in the form of a sticker. The validity of visa must terminate not less than 90 days prior to elapsing the validity of travel document. The representative body decides on application for granting visa within 30 days since its receipt. There is no legal title for visa granting, except visa granting to an asylum seeker's dependant. The general regulation on legal proceeding does not refer to the decision on visa cancellation. The police division is authorized to cancel the visa if it founds the facts that would give the reason for not granting the visa or if the alien has been administratively exiled.

### ***Proceeding on granting temporary stay permit***

The alien files the application for temporary stay abroad and in person, in some cases it is possible to file the application also at the police division. The alien with a long-term stay files the application for granting temporary stay permit at the police division within three months since the day of entry. The application for temporary stay granting is submitted on an official form, while the application must be supplemented with photos and travel document. The application must be also supplemented with documents not older than 90 days approving the purpose of stay, impeccability, provision of stay, health insurance on the territory of the Slovak Republic, assurance of accommodation, long-term stay permit. The police division decides on the application for temporary stay granting within 90 days, however in case if the alien asks for granting temporary stay permit for the purpose of special programmes the decision on their application is made within 30 days. There is no legal title for granting temporary stay permit to an alien. The granted temporary stay may be renewed.

### ***Proceeding on granting permanent stay permit***

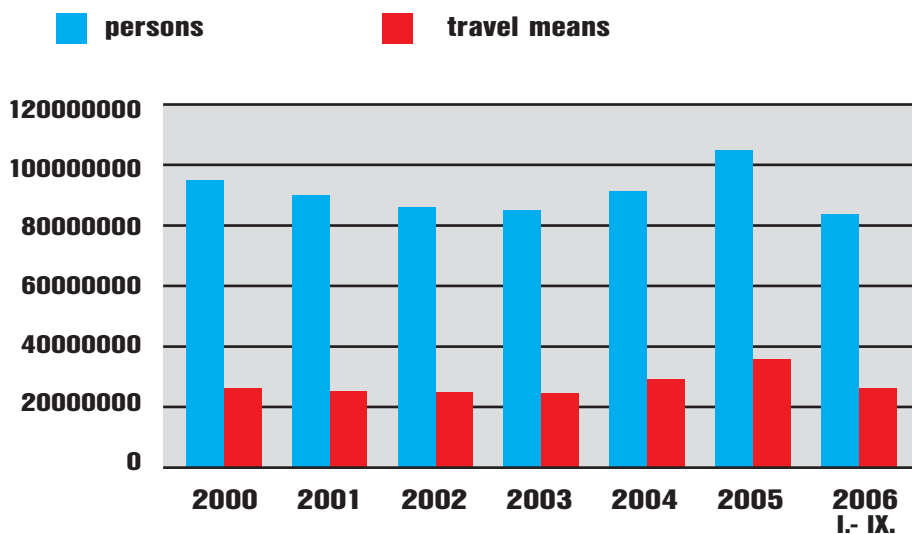
The alien files the application for granting permanent stay in person at the representative office or in person at the police division. The application is submitted on an official form and the alien must provide three photos and a travel document. The application must be supplemented also with the documents not older than 90 days approving the purpose of stay, impeccability, provision of stay, health insurance on the territory of Slovak Republic, assurance of accommodation. The police division decides on the application for stay granting within 90 days. The granted permanent stay may be prolonged by further permanent stay permit.

### ***Proceeding on granting tolerated stay permit***

The alien files the application for granting tolerated stay at the police division in person or per proxy on an official form. The application must be supplemented with a document approving the reason for granting tolerated stay permit. The police division issues a written decision on granting the tolerated stay and this fact is noticed in the alien's travel document.

## STATISTICS TO LEGAL MIGRATION AND STAYS

Number of processed persons and travel means in the Slovak Republic

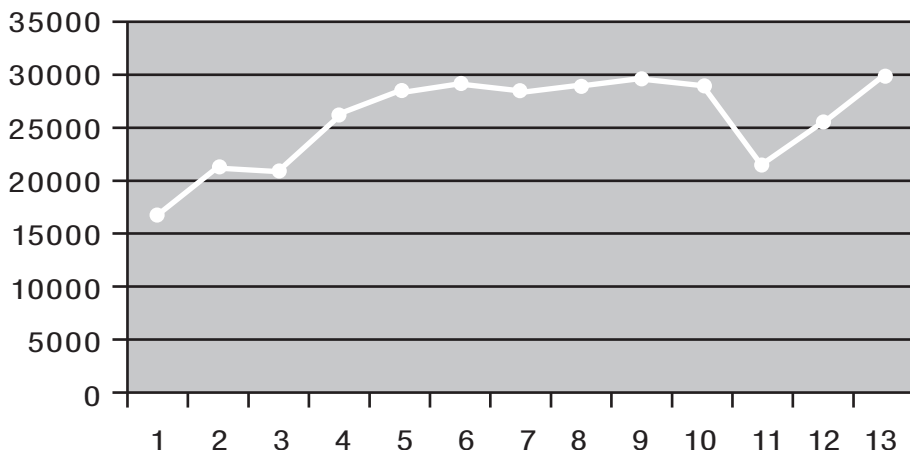


Rok:	2000	2001	2002	2003	2004	2005	2006 I- IX.
persons	96798411	90408198	86699276	84926221	92840816	102504279	80815886
travel means	27146688	26614519	26483085	26276254	29647568	33876992	26956535

### Total number of granted stays per year

1994	1995	1996	1997	1998	1999	2000
16946	21909	21482	26424	28419	29488	28801
2001	2002	2003	2004	2005	2006 to 30 September	
29418	29505	29219	22108	25600	30244	

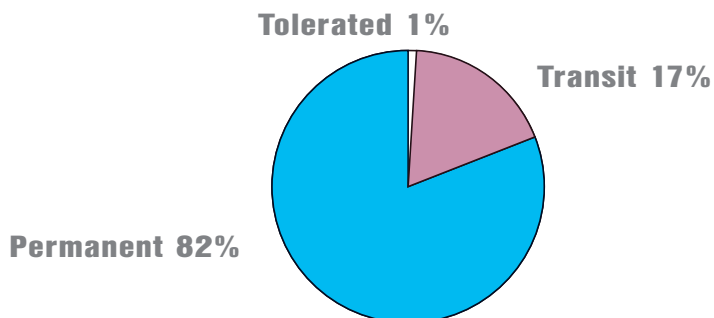
### Permitted stays



### Number of persons with granted stay according to stay type

Date to:	Sept. 30, 2006								
Stay type	Region:								
	BB	BA	KE	NR	PO	TN	TT	ZA	Total
Temporary stay	210	2257	823	546	308	372	434	316	<b>5266</b>
Tolerated stay	3	85	31	24	6	24	50	8	<b>231</b>
Permanent stay	2167	6151	3592	2875	2744	2059	2275	2876	<b>24747</b>
<b>Total</b>	<b>2380</b>	<b>8493</b>	<b>4446</b>	<b>3445</b>	<b>3058</b>	<b>2455</b>	<b>2759</b>	<b>3200</b>	<b>30244</b>

### Types of stays



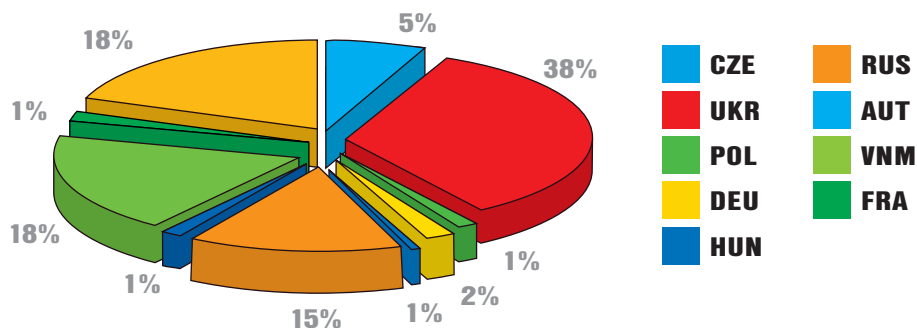
### Number of persons with granted stay and nationality

From: Sept. 1, 2006 To: Sept. 30, 2006		Stay type :		
Nationality	Temporary stay	Tolerated stay	Permanent stay	Total
CZE	0	1	126	127
POL	0	0	125	125
UKR	83	2	15	100
DEU	0	0	97	97
HUN	0	0	68	68
CHN	54	2	10	66
SCG	62	0	2	64
AUT	0	0	55	55
GBR	0	0	50	50
ROU	44	0	2	46
FRA	0	0	44	44
VNM	12	2	19	33
KOR	26	0	6	32
RUS	13	3	13	29
ESP	0	0	27	27

### Number of persons with granted stay and nationality

By: Sept. 30, 2006		Stay type :		
Nationality	Temporary stay	Tolerated stay	Permanent stay	Total
CZE	119	17	4780	4916
UKR	916	49	2906	3871
POL	24	4	3451	3479
DEU	40	3	2054	2097
HUN	14	6	1974	1994
RUS	346	14	941	1301
AUT	27	2	1089	1118
VNM	431	9	590	1030
FRA	17	1	800	818
CHN	444	3	323	770
KOR	381	0	370	751
GBR	18	0	655	673
ITA	27	1	615	643
ROU	326	2	310	638
USA	370	0	259	629

### Most frequent nationalities - data from 30.09.2006



## 3. ASYLUM ISSUES

### RETROSPECTIVE AND MAIN LEGAL REGULATIONS

The Geneva Treaty and the New York Protocol on legal status of refugees came to force for the Czech and Slovak Federative Republic on February 24, 1992. The Slovak Republic took over the international obligations within the succession immediately after splitting of the CSFR. The resolution of Slovak government No. 846 of November 16, 1993 approved the Principles of migration policy of the Slovak Republic, which inter alia define mainly the duty of state to preserve the basic human rights and freedoms, respecting the generally valid principles of international law and international agreements, governing the rule of aliens at maintaining the reciprocity and equity of right, subordination of aliens to the sovereign power of the Slovak Republic and respecting its legal order, supreme right of the Slovak Republic to decide about the entry of aliens on its territory and exercise the principles of visa policy, balance of the scope of provided humanitarian aid in agreement with the economic possibilities and the social potential of the state.

The Act on refugees No 283/1995 Coll. was accepted in November 1995 which came to force on January 1, 1996, replacing the hitherto valid Federal Act on refugees No. 498/1990 Coll. The new act reflected the obligations resulting from the international documents to which the Slovak Republic is bound, mainly the Geneva Treaty, New York Protocol, General declaration of human rights from 1948, Agreement on rights of children from 1959.

The purpose of this act was to revise the procedure of state bodies at the proceeding for recognition of the refugee status in the Slovak Republic and to specify the rights and duties of aliens who have applied for recognition of the refugee status or to whom the recognition of refugee status has been granted. The act referred also to the aliens to whom a temporary refuge on the territory of Slovak Republic was granted. (Note: leavers – de facto refugees). The law comprised also a clause on impossibility to ask for the entry to proceeding of an alien who applied for it after elapsing the period of 24 hours after their entry to the territory of our state. Owing to accelerated interest of the Slovak Republic access to European Union and also owing to persisting criticism from the side of UNHCR, the Ministry of Interior of Slovak Republic prepared an amendment of that act, by which those protectionist's measures have been removed. The Act No. 309/2000 Coll. coming into force on 1, November 2000 Act on refugees of NC SR No. 283/1995 Col. Has been amended and supplemented. The amended Act on refugees:

- has enabled the entry of aliens to asylum proceeding with no limitation (the 24-hour limit was cancelled),
- put directly to the law the reasons for apparently unsubstantiated application for asylum,
- has set the right for family union,
- has defined the duty to inform the applicant about the decision made in the asylum proceeding in the language understandable for the alien,
- made the performance of asylum procedure in the second level more efficient and the legal proceeding was shortened from 60 days to 30 days,
- the time limit for submitting the appeal in the shortened proceeding was prolonged from 3 days to 7 days,
- has amended the age of underage refugees entering the asylum proceeding, for whom a custodian is ordained by the law from the previous 15 years to 18 years of age, unless the Act on family valid in the Slovak Republic stipulates it otherwise.

The process of the Slovak Republic approaching the European Union has resulted in a need to prepare a new asylum act that would be comparable with the laws of European Union countries. The Act No. 480 of June 20, 2002 on asylum and amendment and supplement of several acts came into force on January 1, 2003. This act reflects the main requirements of European Union for implementation of tasks in the field of asylum to which the Slovak Republic has pledged as the member state of Geneva Treaty and the New York Protocol. This concerns mainly incorporation of the basic regulations of the resolutions and guidelines of European Union introduced in this field, mainly the Resolution on minimum guarantees at asylum proceeding, Resolution on harmonized approach to the questions of the host third countries, Resolution of underage persons without attendants, who are the members of third countries, Resolution of apparently unreasoned

applications for asylum, etc.

The purpose of the Act on asylum is the endeavour to achieve the level of European standard at decision on asylum applications from the side of aliens - refugees, who are threatened by prosecution in the countries of their origin or in the countries of their last permanent stay owing to their race, nationality, political orientation or affiliation to a certain social group.

As follows from the present state of art in solving the asylum issues in the states of European Union, the common endeavour of member countries is oriented to creation and functioning of a common asylum rule adjusted by a unified legislation, mainly with the aim to invigorate the efficiency and impartiality of asylum proceedings, including increased convergence of decisions related to aliens\_ asylum applications. Such a law, creation of which is still in progress, must be gradually implemented also to the asylum law of the Slovak Republic.

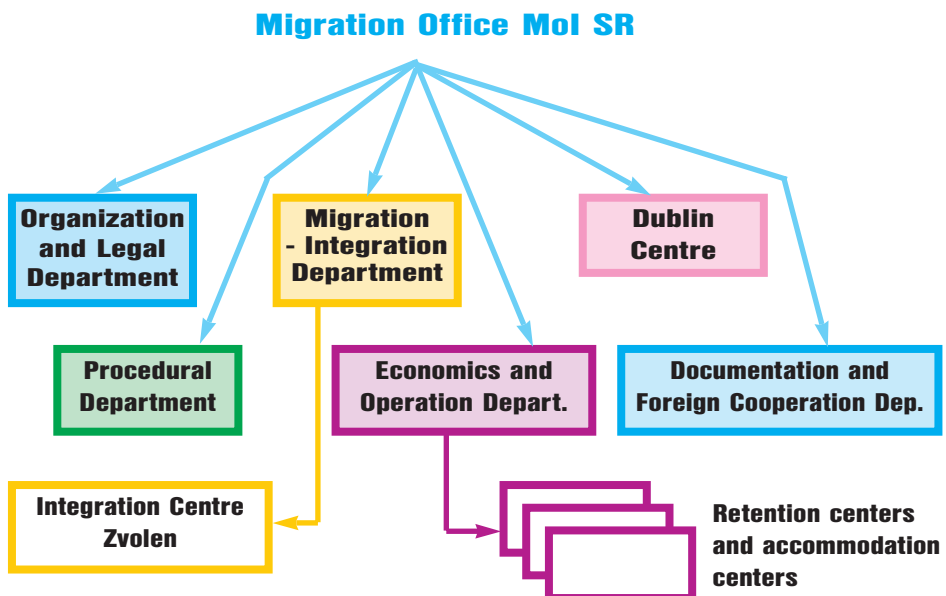
In conformity with the Agreement on legal status of refugees and the appropriate European recommendations the so called "excluding clauses" have been introduced to the asylum law, based on which the asylum is not granted to a refugee who cannot be considered worth of international protection, in spite of the fact that they meet the condition for granting asylum, however there exist serious reasons to guess that they have committed a crime against the peace, humanity or war crime according to appropriate international documents that contain the regulations about those crimes. Asylum is neither granted to a person reasonably suspicious of a serious non-political crime out of the territory of the Slovak Republic earlier than they asked for granting the asylum. This regulation is extremely essential and topical mainly regarding the present international political situation and the struggle of democratic countries with terrorism and organized crime.

On accepting the asylum act which sets up also the new court proceeding in the case of submitting the discretionary remedies against the decisions in the matter regarding asylum, another step on the way of transferring *acquis* to the legal order of the Slovak Republic is supposed to be made. The full implementation of European legal standards within asylum issues, particularly of Dublin Agreement defining state responsibility for inspection of applications for asylum submitted in a state of European Community, was fixed on the date of the Slovak Republic accessing European Union. The draft law took into account also a duty to exchange data on applicants for asylum granting, asylum seekers, aliens asking for temporary refuge and leavers from the third states.

However, the process of harmonizing the asylum law of the Slovak Republic with the asylum law of EC/EU is by no means at its end. Already in the next period it will be necessary to perform another extensive amendment of the asylum law with the aim to transpose the Council guidelines no. 2004/83/ES of April 29, 2004 on minimum regulations for competences and statute of the citizens of the third country or persons without any citizenship

such as refugees or persons who otherwise need international protection and the content of provided protection (so-called qualification guidelines), with the duty of transposition as of October 10, 2006, as well as the transposition of Council guideline no. 2005/85/ES of December 1, 2005 on minimum standards for the proceeding in member countries, on recognition and withdrawal of the refugee status (so-called procedural guideline), with the duty of transposition by December 1, 2007, with the exception of art. 15 (right for legal support and representation), which transposition is necessary by December 1, 2008.

The activity of Migration Office is aimed mainly at fulfillment of tasks connected with migrations of persons to the Slovak Republic territory and decision on recognition of the refugee status to an alien in the first-level administrative proceeding. Migration Office furthermore assures the implementation of tasks related with the integration of refugees and transmigrants, care for leavers, coordination, concept, analytics, legislation, economic and technical provision, as well as the tasks resulting from the generally binding legal rules and government resolutions regarding the field of migration. This is also reflected in the organizational structure of a Migration Office consisting of the following departments: organizational-legal, procedural, migration and integration, documentation and foreign cooperation, economics and operation, Dublin Centre, Integration Centre Zvolen, retention centers in Adamov – Gbely (out of operation at present), in Rohovcie, Opatovská Nová Ves, Humenné and in Vlachov and the accommodation centers in Brezová pod Bradlom (out of operation at present) and in Gabčíkovo.



## DEFINITION OF TERMS

### *For the purpose of the present Act*

- a) asylum shall mean protection from persecution on grounds stipulated in an international treaty <sup>1[2]</sup> or separate regulation, <sup>2[3]</sup>
- b) asylum procedure shall mean procedure granting asylum and procedure withdrawing asylum,
- c) the applicant shall mean an alien who declares that he/she seeks asylum on the territory of the Slovak Republic before a Police Force department <sup>3[4]</sup> (hereinafter only "police department") pursuant to Section 3 par. 2,
- d) the person granted asylum is an alien who has been granted asylum,
- e) the de facto refugee shall mean an alien who has been granted temporary shelter by the Ministry of Interior of the Slovak Republic (hereinafter only the „Ministry“) on the basis of a decision by the Government of the Slovak Republic (hereinafter only the „Government“),
- f) safe country of origin shall mean a stable country with the rule of law and democratic order the alien is a national of or, in case of a stateless person, it shall mean the country of his/her residence,
  - in which the country power protects human rights and fundamental freedoms <sup>4[5]</sup> and ensures their observance,
  - which is, in general, not left by its citizens or stateless persons having residence in it on grounds given in Section 8,
  - which ratified and complies with international treaties on human rights and fundamental freedoms and
  - which allows activities by legal entities overseeing observance of human rights in the country,
- g) a safe third country shall mean a stable country with the rule of law and democratic order different from the country of alien's nationality or, in case of a stateless person, it shall mean a country different from the country of his/her residence,
  - if the alien was there and had the opportunity to seek protection under an international treaty prior to his/her arrival to the territory of the Slovak Republic, <sup>5[6]</sup>
  - where the alien may be returned to and may apply for protection<sup>6)</sup> without being exposed to persecution, torture, cruel, inhuman or humiliating treatment or punishment and
  - if it is not a country to which the ban of expulsion or refoulement under Section 47 applies,
  - if this country ensures protection under Section 47,

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1[2]) Convention relating to the Status of Refugees (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 319/1996 Coll.

2[3]) Article 53 of the Constitution of the Slovak Republic.

3[4]) Act of the National Council of the Slovak Republic No. 171/1993 Coll. on the Police Force as amended.

- h) asylum facility shall mean a reception centre, accommodation centre, transit centre and humanitarian centre,
- i) a reception centre shall mean a facility under the Ministry, in which the applicants stay during quarantine measures prior to their placement at an accommodation centre and also the facility, in which aliens seeking temporary shelter or de facto refugees stay prior to their placement at a humanitarian centre,
- j) an accommodation centre shall mean a facility under the Ministry, in which the applicants are given stay,
- k) a transit centre shall mean a place in the transit area of an international airport where the applicant is placed under Section 3 par. 2 subparagraph c),
- l) a humanitarian centre shall mean a facility under the Ministry, in which aliens seeking temporary shelter or de facto refugees are staying,
- m) an integration centre shall mean a facility under the Ministry, in which persons granted asylum are given temporary stay,
- n) integration shall mean the process of social inclusion of persons granted asylum into the host society,
- o) quarantine measures shall mean temporary isolation of applicants, aliens seeking temporary shelter or de facto refugees in a reception centre for the time necessary to carry out basic health care measures,
- p) persecution shall mean serious or repeated acts causing a threat to life or freedom or other acts causing mental pressure on a person, when performed, supported or tolerated by country authorities in the country of alien's nationality or in the country where the alien had his/her residence, when the person concerned is a stateless person, or when this country is not capable of ensuring appropriate ensure protection from such acts,
- q) the residence of a stateless alien shall mean the country in which he/she was staying on long-term basis prior to entering the territory of the Slovak Republic and to which he/she has certain personal relations,
- r) the authorized employee of the Ministry shall mean an employee who performs tasks of the Ministry under this Act.

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4[5]) For Instance the Convention for the Protection of Human Rights and Fundamental Freedoms (Notification of the Federal Ministry of Foreign affairs No. 209/1992 Coll.).

5[6]) Convention on Legal Status of Refugees (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 319/1996 Coll.)

For Instance the Convention for the Protection of Human Rights and Fundamental Freedoms (Notification of the Federal Ministry of Foreign affairs No. 209/1992 Coll.).

7) Section 16 par. 1 Act No. 71/1967 Coll. on administrative procedure (Code of Administrative Procedure)

8) Section 8 par. 2 Civil Code

## ASYLUM PROCEDURE

Under the Act No. 480/2002 Coll. from 20 June 2002 on Asylum and Amendment (Act on Asylum), a person granted asylum is an alien who was granted by the Ministry of Interior with an asylum (§2, a) for the reasons set forth in §8, i.e. if the alien has in the state of which he or she is a citizen justified concerns about prosecution for race, nationality or religion reasons, due to adhering to certain political opinions, or due to affiliation with certain social group, and in result of these concerns he or she cannot or doesn't want to return to the state, or for humanitarian reasons (§9).

Having been granted an asylum, the alien attains equal status as a citizen of the Slovak republic with the following exceptions:

- he/she has not the right to vote the National Council of the Slovak Republic,
- he/she has not the duty to perform military service,
- he/she can acquire real-estate only under conditions set forth by the Foreign exchange Act.

The basic duties of the persons granted asylum mainly include the duty to observe laws and other regulations generally valid on the territory of the Slovak Republic. The respective regional police department will issue an ID for permanent residence on the territory of the Slovak Republic to alien with granted asylum. Persons granted asylum are obliged to certify that the data shown on the ID are true and reflect real facts. Any change of forename, surname, nationality and address of place of residence must be reported within three working days from the day the change occurred.

In the interest of allowing travels abroad to the person granted asylum, unless serious reasons arise concerning security of the state and public order, the Ministry of Interior shall issue an international travel ID "TRAVEL DOCUMENT" to the person granted asylum.

If the alien does not meet the basic preconditions for being granted an asylum under § 8 of the Act on Asylum, the Ministry of Interior shall not grant him/her the asylum in the Slovak Republic. Asylum shall not be granted either to an alien, who has perpetrated an offence against peace, humanity, or has committed a serious crime, and comes from a secure country, where he/she can be safely returned.

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- 1) Treaty on legal status of refugees (notice of the Ministry of Foreign Affairs of the Slovak republic No. 319/1996 Coll.).
  - 2) Art. 53 of the Constitution of the Slovak republic
  - 3) Act of the National Council of SR No. 171/1993 Coll. on police force as amended
  - 4) For example the Treaty on protection of human rights and basic freedoms (notice of the Federal Ministry of Foreign Affairs No. 209/1992 Coll.)
  - 5) Treaty on legal status of refugees (notice of the Ministry of Foreign Affairs of the Slovak republic No. 319/1996 Coll.).

The Ministry of Interior of the Slovak Republic may withdraw asylum to an alien, who committed an extraordinarily serious deliberate crime, for which he/she has been lawfully condemned, or if sufficient proof is established that the asylum had been granted to him/her on the basis of untrue data or counterfeit documents.

The procedure on granting asylum is in the first instance under responsibility of the Migration Office. A remedial instrument may be applied against a decision of not granting asylum, or against an asylum withdrawal. The decision on the remedial instrument is under responsibility of the respective regional court.

## **SOCIAL SITUATION OF PERSONS GRANTED ASYLUM**

Social situation consists of a complex of individual elements of personality – individual personal capacities, life experience, influence of previous individual life, which precondition a more or a less successful solving of various life situations as well as socio-economic conditions, wider socio-cultural environment and their mutual relations and context. The social situation is a foundation for social diagnosis. This means that the process of a specific social work in integration of refugees is to be carried out from the evaluation and interpretation of the social situation of an individual or a group, through uncovering social problems and their reasons, to diagnosing and applying adequate forms and measures of social help.

In case of a person granted asylum, given the fact that he/she is an alien residing in an unknown environment, without his/her own financial means necessary for existence, we can generally isolate the following sets of problems, which are to be further identified, processed and solved in the interest of work integration and broader social integration of this social group:

Problems of adaptation of a person, the source of which can lie in personal obstacles (characteristics that hamper the process of integration or cause conflicts etc.), education, working habits and expectations, language barriers, intercultural differences, long-term absence of social contact and lack of knowledge about socio-economic environment and legislative of the host country.

Integration problems arising from social environment of the host country may be caused by lack of available jobs, lack of housing and suitable accommodation for the refugees, lack and insufficiency of personnel in institutions securing social care due to the numbers and qualification of staff providing social services, lack of legislature and indifferent or negative acceptance of asylum seekers from the part of local administration and population.

The basis for correct work with refugees lies in the "Personal documentation of the asylum seeker" kept by the: social worker in the reception

center from the arrival of the asylum seeker, and the social worker of the accommodation center until the applicant leaves the accommodation center.

## **SOCIAL AID TO ASYLUM SEEKERS**

Social policy of the Slovak Republic constitutes measures that help people who, for objective reasons, have found themselves in life situations that cannot be solved by them own and help them to integrate into normal life as soon as possible.

These measures concern the asylum seekers, too. Contrary to the general belief that the state is responsible for social situation of the citizen without him/her actively contributing to its improvement, the present social policy and social aid should lead towards that people see the link between their social rights and their obligations to the society. This approach should be effectuated in work with asylum seekers as well.

Social aid by way of material, financial means and professional help creates basic conditions for asylum seekers that will allow them to adapt themselves with their own activity to the specific social reality, and to secure a full-valued and meaningful life through work integration as well as broader social integration.

In the first stage of an alien's residence in the Slovak Republic, the social aid abides by the regulations of the Act on Asylum.

An alien, who having crossed the border declares, that he/she seeks asylum, i.e. an asylum seeker, becomes an object of social aid of the Slovak Republic in line with the Act on Asylum, but for no more than 6 months from the day of having been granted asylum. The provision of this aid is within the competence of the Migration Office and lasts during the period of quarantine measures in retention centers, until the completion of procedure proceedings and decision on granting asylum in accommodation centers and in integration centers for a period of up to 6 months for a person granted asylum. Specific attention is to be paid to the so-called groups of asylum seekers at risk, that include minor aliens without accompaniment of parents or other close relatives, lonely women, lonely women with children, elderly people, and people physically, mentally or socially handicapped.

## **RISK GROUPS OF ASYLUM SEEKERS**

In the recent time, the Migration Office has paid increased attention mainly to minor aliens without accompaniment, who, based on international treaties on human rights and basic freedoms, ratified by the Slovak republic, have universal rights equal to the rights of home population, and beside that they have rights of children, especially with respect to their present social situation of asylum seekers.

When speaking about minor aliens without accompaniment, we mean persons having been retained during illegal crossing of the borders of the Slovak Republic and their legal guardians, parents or closest relatives reside either in the country of origin of the minors, or on the territory of another state, or these aliens have no information about the place of residence of their parents or closest relatives. The reason for fleeing their countries of origin most often lies in breach of human rights, a war conflict in the country of origin, fear of political prosecution. They can also be victims of sexual abuse, or their escape was caused by lack of love and care from the part of their relatives. The reasons for departure from their country of origin can however be more prosaic – social poverty, material penury and attempt to improve their own economic situation.

International documents define the term of "unaccompanied minor" (separated child) in the "Programme of Separated Children in Europe - Proposal of adequate advancement" as follows: "Separated children are person who have not reached the 18th year of age and find themselves outside the territory of their home country and are separated from both of their parents or legal/usual guardians".

Entry of a minor asylum seeker of up to 18 years of age, who enters the territory of the Slovak Republic without accompaniment of parents or close relatives, is regulated in the following manner. In case that the police units retain minor aliens without accompaniment of adult asylum seekers, they proceed according to the amendment of the Civic justice order, Act No. 353/2003 Coll. with effect as of 1 September 2003, which sets forth in its §75a sect. 1: "If a minor child finds itself without any custody or if its life, health or positive development is seriously endangered or infringed, the court shall under specific regulations and by way of a provisional measure ordain upon the proposal of the authority competent of the execution of social and legal protection and prevention, to entrust the child temporarily into custody of a natural person or a legal person defined in its resolution".

In case of minors without accompaniment (regardless of the fact if the child seeks asylum or another minor alien), the function of custodian is usually assumed by the authority of the local state administration (District Authority), that shall take necessary measures for the purpose of providing social and legal protection to such a child.

Under §13 of the Act no. 195/1998 Coll. on social aid as amended, this concerns mainly the measures in favour of the minor who is not a citizen of the Slovak republic until such a time, when an authority of the state of which he/she is citizen takes such measures; fulfillment of tasks resulting from international treaties on rights of children, writing of proposals in the issues of education and nourishment of minors, execution of the function of a custodian of minors and the execution of the function of a collision custodian.

For the reason of possible risk of abuse of risk groups of asylum seekers, the Migration Office has adopted measures to increase their security and care. Adequate attention is paid mainly to prevention of criminality in asylum facilities of the Migration Office. All instructions related with the facility orders highlight the measures against possible abuse of risk groups of asylum seekers.

In 2004 a project pertaining to the prevention and monitoring of sexual violence in the asylum facilities of the Migration Office under the title "Prevention and monitoring of sexually and gender conditioned violence between persons seeking asylum in the Slovak Republic" was carried out by a UN volunteer from Belgium in cooperation with the Migration Office, UNHCR and Slovak Humanitarian Council (hereafter "SHR") in the asylum facility in Gabčíkovo. Subsequently, at the end of 2004, trainings concerning this issue were organized by UNHCR for the social workers, nurses and employees of private security services in selected asylum facilities of the Migration Office (Adamov, Brezová pod Bradlom, Gabčíkovo and Rohovce). The trainings were also attended by the workers of SHR and the police department staff in Medveďovo.

For residence of unaccompanied minors and other risk groups of asylum seekers, the Migration Office has reserved the asylum facilities in Rohovce and in Brezová pod Bradlom. In this respect, the Migration Office cooperated closely in form of projects with non-governmental organizations, mainly with SHR and the Society of Goodwill, as well as with international organization UNHCR and IOM. These activities included projects titled "Separated children", later "Unaccompanied minors – project of process custody", or a project carried out within the scope of the European Refugee Fund under the title "Protection of rights of minor aliens without accompaniment within the asylum procedure on the territory of the Slovak republic". Within this project, a system of thorough social care and legal protection was carried out above the scope of basic care usually provided by the Migration Office to such asylum seekers.

*To illustrate that, we show the complexity of steps of care in favor of minor asylum seekers:*

- to find and suggest solutions of situations of minor in his/her best interest, by searching permanent and long-term solutions;
- to secure performance of a managed 24-hour individual regime for each minor;
- to participate in securing protection for minors against illegal trading and abuse;
- to provide professional education and healthcare needs allowing for cultural, language and religious issues;
- to provide social and psychological aid in relation with the psychic harm and trauma resulting from separation from family;
- to take care of securing cultural and religious traditions and secure education of Slovak language with the objective of integrating these persons into the Slovak society;
- to secure presence of an interpreter when interviewing the minor,

- or when seeking for specific services;
- to secure a "process" custody for minor aliens - asylum seekers - without accompaniment.

Based on intra-departmental discussions and experience from other EU countries, it was concluded that it is necessary to complete a functional system of security and protection of minor aliens without accompaniment as the most vulnerable group of asylum seekers on the territory of the Slovak republic. Therefore, besides the asylum facilities of the Migration Office, a new facility of a non-asylum type was created for these groups of aliens under the name "Children's home and Children's home for unaccompanied minors in Horné Orechové (state facility in operation as from 1 March 2005) and the non-governmental organization Society of Goodwill is preparing the opening of another facility of this type in \_elakovce. These facilities house minor aliens without accompaniment, who through their custodies have not asked for asylum.

## **STAY AT A RETENTION CENTER**

Retention center is a specialized facility of the Migration Office in which the primary steps are secured and health inspection is carried out for the asylum seekers and accommodation is provided usually for up to 30 days before their placement in an accommodation center.

Asylum seekers register themselves upon arrival in the center, undergoes photography and he/she is given an asylum seeker ID.

During the stay in the retention center, the asylum seekers are provided with free accommodation, food, essential healthcare, social and psychological assistance, allowance and material and hygienic supplies.

The center provides facilities for cultural, social, sport and other free-time activities.

The principles of stay at the center are regulated by the internal order of the given facility and the asylum seekers must respect them.

The asylum seeker may leave the retention center only based on a permit, and only after a positive result of the healthcare examination. The permit for a period of 24 hours is issued by the head of the center, or a staff member authorized by him/her.

## **STAY AT AN ACCOMMODATION CENTER**

Accommodation center is a specialized facility of the Migration Office, in which complex care for asylum seekers is secured until the time of completion of the asylum procedure. In case that the asylum seeker is granted asylum, he/she may stay in the accommodation center based on a decision of the Migration Office for a necessary period of time, however

for no more than three months.

The asylum seekers are provided with free accommodation, food, essential healthcare, social and psychological assistance, allowance and material and hygienic supplies.

The center provides conditions to exert cultural, social, as well as sport activities, to teach the basics of the Slovak language and to attend re-qualification courses. Free-time activities are carried out in close cooperation with non-governmental organizations and international organizations.

Preschool age children may attend pre-schools directly in the accommodation centre and school-age children attend schools in the city (village).

The asylum seeker may leave the accommodation center only based on a permit. If he/she wants to leave for more than 24 hours, he/she can do so only after completing the entry interview. A permit for leaving the center for a period of up to 7 days is issued by the head of the center, or a staff member authorized by him/her. A long-term permit is issued based on an application of the asylum seeker by the officer of the procedural department of the Migration Office.

## **STAY AT AN INTEGRATION CENTER**

The integration center in Zvolen is a facility of the Migration Office that serves for transit accommodation of persons granted asylum. An alien who was granted asylum may ask the Migration Office for accommodation in this facility.

If the application of the person granted asylum was processed positively, he/she will be provided with accommodation based on an "Accommodation contract" between him/her and the Migration Office for a defined period of time, however for no more than six months. The person granted asylum is obliged to contribute to expenditures related with his/her stay in the integration center.

In case that after elapse of the 6 month accommodation contract, the person granted asylum has no further accommodation secured for him/herself, the Migration Office may prolong the contract in exceptional cases for the next three months. In this case, the person granted asylum is obliged to pay the rent and fees for services associated with the accommodation unit under valid regulations. Persons granted asylum secure their food individually.

The person granted asylum during his/her stay in the integration center improves his/her Slovak language skills within the provided courses and with help of social workers of the Migration Office and non-governmental organization he/she tries to find an adequate job and accommodation.

The function of the integration center may also be fulfilled by the accommodation center in case that the capacity of the integration center in Zvolen itself becomes insufficient.

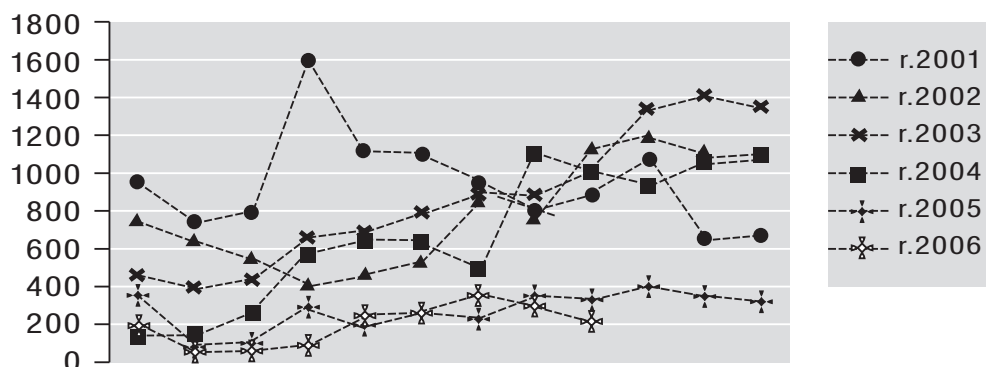
## STATISTICAL OVERVIEW

### ASYLUM APPLICANTS AND DECISIONS MADE AT FIRST INSTANCE FOR YEARS 1992-2006

YEAR	Asylum seekers	Granted asylum	Ungranted asylum	Stopped proceeding	In process 1 <sup>st</sup> degr.d.	In process 2 <sup>nd</sup> degr.d.	Granted Citizenship
31.12.1992	87	89	0	0	31		0
31.12.1993	96	41	20	25	43		0
31.12.1994	140	58	32	65	31		0
31.12.1995	359	80	57	190	75		0
31.12.1996	415	72	62	193	106		4
31.12.1997	645	69	84	539	63		14
31.12.1998	506	53	36	224	260		22
31.12.1999	1320	26	176	1034	343		2
31.12.2000	1556	11	123	1366	400		0
31.12.2001	8151	18	130	6154	2248		11
31.12.2002	9743	20	309	8053	3609		59
31.12.2003	10358	11	531	10656	2769		42
31.12.2004	11395	15	1592	11782	775		21
31.12.2005	3549	25	827	2930	542		2
30.9.2006	1929	5	663	1412	317	74	1
<b>TOTAL</b>	<b>50249</b>	<b>593</b>	<b>4642</b>	<b>44623</b>	<b>317</b>	<b>74</b>	<b>178</b>

#### Number of asylum applicants for individual years and months

Year	January	February	March	April	May	June	July	August	September	October	November	December	Total
r. 2000	197	68	91	195	76	148	105	116	105	132	174	149	1556
r. 2001	131	175	266	580	640	625	491	1100	1026	933	1074	1110	8151
r. 2002	751	662	545	400	455	538	860	796	1180	1300	1140	1116	9743
r. 2003	442	386	421	636	679	810	878	895	1015	1366	1427	1368	10358
r. 2004	982	751	801	1621	1117	1114	989	773	873	1079	643	652	11395
r. 2005	377	127	138	295	217	259	255	405	379	415	369	313	3549
r. 2006	196	88	96	107	275	268	343	330	226				1929



**Overview of applicants for asylum and decisions made at first instance for 2006 - data from 30.09.2006**

<b>Nationality</b>	<b>Start of proceeding</b>	<b>Repeated applications</b>	<b>Granted asylum</b>	<b>Application rejected</b>	<b>Asylum Un-granted</b>	<b>Decision canceled</b>	<b>Procedure Stopped</b>
<b>Afganistan</b>	<b>32</b>			<b>2</b>	<b>21</b>	<b>4</b>	<b>25</b>
<b>Algeria</b>	<b>2</b>			<b>1</b>			
<b>Armenia</b>	<b>7</b>						<b>7</b>
<b>Bangladesh</b>	<b>134</b>			<b>10</b>	<b>37</b>		<b>102</b>
<b>Without nat.</b>	<b>6</b>			<b>1</b>	<b>1</b>		<b>3</b>
<b>Belarus</b>	<b>10</b>						<b>10</b>
<b>Bosnia a Herzegovina</b>	<b>1</b>			<b>1</b>			
<b>Czech Republic</b>	<b>1</b>			<b>1</b>			
<b>China</b>	<b>134</b>		<b>1</b>	<b>41</b>	<b>15</b>		<b>64</b>
<b>Egypt</b>	<b>2</b>						
<b>Ghana</b>					<b>1</b>		
<b>Georgia</b>	<b>163</b>			<b>12</b>	<b>53</b>		<b>110</b>
<b>India</b>	<b>428</b>			<b>29</b>	<b>99</b>		<b>403</b>
<b>Iraq</b>	<b>125</b>			<b>7</b>	<b>55</b>		<b>50</b>
<b>Iran</b>	<b>5</b>		<b>1</b>				<b>4</b>
<b>Israel</b>	<b>2</b>						
<b>Jordan</b>	<b>1</b>				<b>1</b>		
<b>Kazakhstan</b>	<b>2</b>						<b>2</b>
<b>Kyrgyzstan</b>	<b>1</b>			<b>1</b>			
<b>Congo</b>	<b>1</b>		<b>1</b>				
<b>Dem.rep.of Congo</b>	<b>1</b>				<b>1</b>		
<b>Cuba</b>	<b>4</b>		<b>1</b>		<b>4</b>		
<b>Lebanon</b>	<b>2</b>				<b>1</b>		<b>1</b>
<b>Libya</b>	<b>1</b>			<b>1</b>			
<b>Macedonia</b>	<b>6</b>			<b>2</b>	<b>1</b>		<b>3</b>
<b>Moldavia</b>	<b>290</b>			<b>78</b>	<b>7</b>		<b>193</b>
<b>Mongolia</b>	<b>2</b>						
<b>Nepal</b>	<b>2</b>				<b>1</b>		<b>2</b>
<b>Nigeria</b>	<b>6</b>				<b>7</b>		<b>6</b>
<b>Pakistan</b>	<b>103</b>			<b>4</b>	<b>26</b>		<b>100</b>
<b>Palestine</b>	<b>17</b>			<b>1</b>	<b>7</b>		<b>14</b>
<b>Poland</b>	<b>1</b>			<b>1</b>			
<b>Russia</b>	<b>306</b>			<b>16</b>	<b>64</b>		<b>234</b>
<b>Somalia</b>	<b>3</b>				<b>3</b>		<b>1</b>
<b>Serbia and Montenegro</b>	<b>13</b>		<b>1</b>		<b>5</b>		<b>8</b>
<b>Sri Lanka</b>	<b>10</b>			<b>2</b>	<b>4</b>		<b>4</b>
<b>Sudan</b>					<b>1</b>		
<b>Syria</b>	<b>4</b>				<b>3</b>		<b>2</b>
<b>Tajikistan</b>	<b>1</b>			<b>1</b>			<b>1</b>
<b>Tunisia</b>					<b>1</b>		
<b>Turkey</b>	<b>25</b>				<b>7</b>		<b>20</b>
<b>Ukraine</b>	<b>25</b>			<b>5</b>	<b>8</b>		<b>12</b>
<b>Uzbekistan</b>	<b>1</b>						
<b>Vietnam</b>	<b>49</b>			<b>4</b>	<b>9</b>		<b>35</b>
<b>Total:</b>	<b>1929</b>		<b>5</b>	<b>220</b>	<b>443</b>	<b>4</b>	<b>1416</b>

## 4. INSTRUMENTS OF MIGRATION POLICY

Since the creation of the Migration Office in 1993, one of the most important instruments of migration policy is cross-border cooperation and cross-border help that during the first years was based on bilateral relations with developed partner organizations of countries with long-term tradition of dealing with migration issues, e.g. Switzerland and the Federal Republic of Germany. It was oriented mainly on establishing the system by way of education of staff members involved in the implementation of the migration policy. During this period, the largest project in extent was the 18-month project titled TRANSFORM focused on the field of migration, asylum and alien right, effectuated in 1996-1997 in cooperation with the German refugee office (the "BAFL").

During the next period, in relation with the preparation of the Slovak Republic for the EU entry, an important support of the migration policy came from the use of pre-entry aid by way of PHARE projects. In 1999-2000, this included the involvement of the Migration Office in the Horizontal programme PHARE in the resorts of justice and interior, which was a joint support programme concerning the application of *acquis* in the domain of asylum and the corresponding standards and practices in the associated countries of the Central and Eastern Europe. Later, it was the implementation of the project of Financial Memorandum (the "FM") in 1998 in cooperation with the twinning partner BAFL. These projects complemented each other. The priorities and tasks of the Slovak Republic in the domain of asylum were set forth in the National Action Plan (the "NAP") and new tasks for implementation of the migration policy were formulated in relation with its fulfillment.

The effectuation of both of these projects was a joint intensive work of all partners, mainly the BAFL and the Federal asylum office in Austria, UNHCR and other cooperators from abroad with the employees of the Migration Office and with its management. The outcomes were tangible results, as for example the Act on Asylum and Amendment, and the increased efficiency and quality of the Migration Office's work.

The experience of the Migration Office testify that such form of help that included help of a pre-entry assistant, short-term experts, seminars, workshops and study stays is very effective and in addition to the know-how and skills acquired during the implementation of the project, it created good work bonds and relations, that guarantee further cooperation with all partners at home as well as abroad.

Based on the needs and good experience, the Migration Office continued in this form of help from the intra-departmental project PHARE (together with the Ministry of Justice of the Slovak republic) from the FM 2002, with a total allocated amount of 1,397,000 EUR, under the title

"Support of Preparation and Implementation of the Dublin Treaty". The project consisted in twinning and supplies of information technology and office and telecommunication technology for the Dublin center, two asylum courts, technical equipment for the registration of asylum seekers in the asylum facilities, and the development of asylum seekers databases for the regional courts in Bratislava and Košice. A substantial mission of this twinning programme effectuated in cooperation with a Dutch partner in 2003-2004 was mainly the creation of the Dublin center and its launch as of the day of accession of the Slovak republic to the EU.

The FM 2002 was also the basis for implementation of a project in 2004-2005 titled "Special Documentation Software for Analysis of Countries of Origin for the Migration Office of the Ministry of Interior of the Slovak republic" with an allocated amount of EUR 80,000. This software serves for storage and search of relevant information necessary mainly for the decision processes within the asylum procedure, but also for other professionals of the Migration Office. The project was ended in January 2005.

An important project from the FM 2003 which is currently in its implementation phase, is a PHARE project titled "Strengthening Retention Capacities for Asylum Seekers in the Slovak republic" with the total allocated amount of EUR 2,534,000. The project consists of two parts - reconstruction works (defined for the establishment of an asylum facility with a total capacity of 550 asylum seekers in Humenné) and the delivery of information technology and office and telecommunication technology for 6 asylum facilities.

The FM 2003 also helped effectuate the twinning project titled "Improving Administrative Structure in the Migration and Asylum Domain from the Viewpoint of the Slovak Republic's EU Membership", with an allocated amount of EUR 160,000, carried out in cooperation with the Swedish migration council. The project was completed in April 2005. It resulted in the action plan and the strategy of accepting asylum seekers.

With the entry of the Slovak republic into the EU, the pre-entry help from the PHARE projects ended, however the possibilities of cross-border help in the resorts of interior and justice remain open for the EU member states by way of the programmes ARGO, INTI and others, but mainly through the European Refugees Fund.

## **EUROPEAN REFUGEES FUND (ERF)**

The European Refugees Fund I was the first instrument of solidarity formed on the basis of the Decision of the European Council No. 2000/596/EC on September 28, 2000 in the domain of freedom, safety and justice with effect until 2004. It was the first step towards the creation of

a common European asylum system, as required by the European Council in Tampere in 1999 and confirmed by the Hague Action Programme, and as is legally underlain in article 63 of the Amsterdam Treaty on foundation of the European Community.

The objective of this fund is preparation of a common asylum policy as well as common European asylum measures, which form an inseparable part of the objective of the European Union to gradually create a space of freedom, safety and justice open to people forced by circumstances to seek legal protection in the European Union. The main objective of the fund is support of the efforts exerted by the member states in providing adequate conditions for receiving refugees and expellees as well as fair and efficient asylum procedures in order to protect the rights of persons applying for international protection.

The target groups for the activities financed by the fund are citizens of third countries, or person without citizenship who are in the legal position as defined by the Geneva Treaty, and have residence permit in one of the member states, who use subsidiary form of protection under the EC directive 2004/83/Expert's statement from 29 April, 2004, or who use temporary protection under the directive 2001/55/ES.

ERF is to finance activities related to asylum procedures, integration of persons granted residence of permanent or continual character, and voluntary returns of persons in case they haven't obtained a new citizenship and haven't leaved the territory of a EU member state.

The financial participation of the fund has the form of non-returnable financial subsidies – grants. The activities supported by the fund must be co-funded from public or private resources, must be of non-profit character and have no right for funding from other resources related to the general budget of the European Union. Grant applicants may include organizations of the non-profit sector – civic associations, communal initiatives, foundations, trade unions, state administration, education institutes and science and research organizations and associations.

The fund resources are supplementary to public or equivalent expenses allocated by member states for support measures. The subsidy of the Community for supported projects is no more than 75% from the total costs for the specific activity. The financial aid is usually granted for a period of up to three years and is subject to regular progress reports. The three-year programmes that are subject to the Commission's approval are carried out in form of one-year work programmes.

The offer to participate in the fund schemes was opened to all new EU member states. The amount allocated to the Slovak Republic for 2004 was EUR 372,374.

In 2004, the Ministry of Interior of the Slovak Republic implemented 3 projects within the scope of the financial aid from the European Refugees Fund. These projects dealt with the protection of the rights of minor aliens

without accompaniment within the asylum procedures, who resided in the Slovak republic; the provision of legal consulting and representation of the asylum seekers in the Slovak Republic in relation to exerting rights and rightful interests within legal procedures; and returns of aliens to their countries of origin.

In the interest of securing permanent solidarity among the member states and with respect to the experience from the implementation of the first stage, the Decision of the Council 2004/904/CE established the European Refugees Fund II for the years 2005-2010. It is the follow-up of the first stage of the European Refugees Fund, implemented in 2000-2004, with its objectives and supported activities remaining the same. The reference financial amount for the fund implementation from 1 January 2005 until 31 December 2006 is EUR 114 million, of which EUR 1,334,953.85 were allocated to the Slovak republic for the year 2005.

With regard to the complexity and high administrative requirements related with the practical execution of the European Refugees Fund projects, the Commission proposed within the General programme of solidarity and migration flux management to found the European Refugees Fund III for the years 2008-2013, that shall have a different structure and that should substantially simplify the overall management of this fund. It is presumed that the part pertaining to voluntary returns will be taken out and a separate European return fund will be created for the years 2007-2013 that will cover in this issue as a whole.

The proposal of the programme defines the objectives of the individual parts of the fund, the implementation, the financial resources, and the criteria for their allocation. It sets the rules for its management including financial rules as well as monitoring and control mechanisms based on sharing responsibilities between the Commission and the member states. At the same time, it deals with the creation of other separate funds in the financial outlook for 2007-2013, more specifically the Fund for external borders and the European fund for integration of third countries citizens.

## **EUROPEAN SOCIAL FUND - EQUAL COMMUNITY INITIATIVE**

Within the European social fund, the Commission of the European Communities has passed on 14 April 2000 the creation of the principles of the Equal Community initiative concerning cross-border cooperation in support of new means of fight against all forms of discrimination and inequalities related with the job market. The objective of the Equal Community initiative is support of new means within the fight against all forms of discrimination and inequalities related with the job market through cross-border cooperation.

The Equal Community Initiative also allows for the social integration and integration in the field of technical preparation for employment for asylum seekers. The managing authority for the Equal Initiative is the Ministry of work, social affairs and family of the Slovak republic, which set forth the following priorities for the programme years 2005-2006:

- Facilitating access and return to job market for persons who have difficulties in integration and reintegration on the job market,
- Fighting against racism and xenophobia in relation with job market,
- Strengthening social economy, mainly in the sector of public interest services with focus on increase of job quality,
- Supporting adaptability of businesses and employees to structural economic changes and to information and other new technologies,
- Reducing the differences between genders and supporting job desegregation,
- Asylum seekers.

The Equal Community Initiative is funded jointly by member states and the European Community. The total subsidy of the European social fund within the Equal Community Initiative for the years 2000-2006 is EUR 2,847 million.

The Migration Office has joined this programme through a project called "Raising Public Awareness of Migrants and Refugees in Support of Their Integration". The leading partner of this project is the Society of Goodwill with additional partners being the SHR and the Association for Education of Local Self-governments.

The objective of the project consists mainly in supporting a systematic approach to migration policy in order to gradually integrate migrants into the society through specific objectives; deepening positive relation of the majority society towards migrants with respect to their social integration; and increasing the skills of workers participating in the implementation of migration policy.

The project includes lectures and seminars for wider public and state administration, as well as discussion boards for youth to take place at schools during daytime lessons.

To support the public and media campaign about asylum seekers 500 posters and 10,000 information leaflets were published, as well as an information bulletin named "Migration and Asylum in Slovak Republic's Conditions". Further 2 documentaries and 1 TV shot are to be filmed, education aids are to be created both for schools and wider public. Around 700 lectures will be provided for the target groups by trained lecturers.

## **ACTION PLAN OF PREVENTING ALL FORMS OF DISCRIMINATION, RACISM, XENOPHOBIA, ANTI-SEMITISM AND OTHER FORMS OF INTOLERANCE FOR YEARS 2004 - 2005**

In resolution No. 446 from 13 May 2004, the Government of the Slovak republic passed the Action plan of prevention of all forms of discrimination, racism, xenophobia, anti-Semitism and other forms of intolerance for the years 2004-2005 (the "Action plan"), on the basis of which the individual ministries were given tasks related with organizing activities aimed mainly at increasing public awareness in the field of human rights, migration policy and system education with an objective to prevent the above negative phenomena. Important outputs of the Action plan included:

- National plan of education towards human rights for the years 2005-2014 (approved by the 2nd operative meeting of the Ministry of Education on 8 February 2005). It was developed by the State Pedagogic Institute and the Ministry of Education of the Slovak republic in cooperation with other organizations directly managed within the education resort and some non-governmental organizations;
- Dozens of projects carried out in cooperation with non-governmental organizations and the Slovak national center for human rights that supported informative, educative, monitoring and consulting activities aimed at implementation of the so-called "anti-discriminative Act" in daily practice, observing social rights, rights of patients, rights of children;
- Increased attention to present social themes, informative and consulting activities concerning the issues of migrants and asylum seekers, as well as education concerning anti-corruption measures and behavior;
- Activities aimed at other target groups, as for instance journalists, elected representatives and employees of local administration and regional administrations.

The Action plan was a reaction to the introduction of new reform elements by way of system solutions (e.g. trainings of health-care personnel about informed consent in relation with the reform of health-care system and the right of the patient or education of the members of police departments in relation to the goal of the support of multicultural character of society as included in the programme declaration of the Government of the Slovak Republic). At the same time, the Action plan was an important preventive instrument for solving important issues, as is an efficient implementation of anti-discriminative legislature, or system solutions of the situation of migrants in Slovakia, which is in line with the requirements of the European Union.

The Action plan for the years 2004-2005 was already the third action plan since 2000. Within the individual ministries, it helped to create a systematic and permanent awareness of the human rights issues and

prevention of discriminations. The experience of non-governmental organizations are an optimal source of information, a foundation for systematic education of members of professional groups, but also for the adoption of better measures within the public administration and the state administration in its respective domains.

## **INTEGRATION OF PERSONS GRANTED ASYLUM INTO SOCIETY**

A declaration of governmental support is the basic document of integration policy that was passed under the title "Complex Solution of the Process of Integration of Aliens with Recognized Refugee Status into the Society" by the resolution of the Government of the Slovak republic No. 105 on 6 February 1996. This document, being based on the principles of migration policy of SR and specific economic and social conditions of the Slovak republic, delimits the main domains of care for aliens with recognized refugee status, the level of solutions and ways of execution, as well as the legal framework of conditions created by the Slovak Republic for the integration of this group of aliens. It is the foundation for elaboration of programmes, execution projects of specific system measures, the main objective of which is the fastest possible and most efficient process of integration.

At the present time, a revision of this document is under preparation in view of the preparation of the Conception of integration policy of the Slovak republic under the supervision of the Ministry of Work, Social Affairs and Family of the Slovak republic.

## **THE MEANING AND SCOPE OF INTEGRATION**

One of the questions arising from the context of the migration issues is the process of integration of asylum seekers into the society.

The integration can be characterized as "inclusion of a person into society". A successful inclusion and adaptation to a new life supposes the creation of appropriate conditions for living, work, possibility of further education, use of healthcare, social and other services provided by the state.

An alien with granted asylum finds himself/herself in a new unknown environment, which handicaps him/her substantially in comparison with home population. Therefore, within the scope of integration, it is necessary to help the person so as to be able to secure all resources necessary for existence by himself/herself and not to remain dependent on state aid.

The process of integration into society begins already during the stay in camps. Here, the social workers provide their clients with social and legal consulting services. The applicants and asylum seekers can also attend the Slovak language courses free of charge, as well as any other re-qualification

courses held directly in the facility under the administration of the Ministry of Interior.

After completion of the asylum procedure and granting of the asylum status, the help in further integration is presented by way of the so-called integration offer. This offer is focused mainly on help in obtaining adequate social housing and appropriate work. If the person granted asylum refuses this offer, he or she must find housing and work by his or her own.

"The Complex Program of Integration of Aliens with Granted Refugee Status into Society" includes lessons of the basics of the Slovak language, education and possible re-qualification, search of adequate job opportunities and help in securing work, help in securing and searching adequate social housing, social security, provision of healthcare and creation of conditions for acceptance of refugees into the communities and suitable selected localities.

The integration of aliens with granted asylum into society is under the responsibility of the Migration Office, which carrying out of this process cooperates closely with UNHCR, non-governmental organizations, bodies of local administration and state administration, that are directly or indirectly involved in solving the issues of integration of persons granted asylum.

## **EFFECTUATING EDUCATION OF SLOVAK LANGUAGE, SECURING EDUCATION AND POSSIBLE RE-QUALIFICATION**

The prime condition of integration of aliens with granted asylum is the active knowledge of the Slovak language. The communication barrier is the major obstacle of successful adaptation to life in the new environment. The effort to eliminate this obstacle starts from the beginning of the residence in the Slovak republic.

In the reception centers, the housed aliens are provided with a basic course of Slovak language for adults and children free of charge. The courses are held in two basic groups, for beginners and for mid-advanced. Such course can also be organized later during the residence in the integration center.

The children of the housed aliens are provided already in the reception centers with pre-school facilities. These facilities are specific in that the parents can spend their time together with their children. The children are taught here the basics of the Slovak language in a playful manner. The education programme is basically identical with the education programmes in the official pre-school facilities in Slovakia.

After the end of the sixth year of age, the children of the asylum seekers and persons granted asylum are obliged with compulsory education. They are placed in the adequate class of the ground school by the director of that school based on the level of Slovak language skills and the previous level of education. The parents are obliged to enroll their child and to take care of the child's regular school attendance.

After completion of the compulsory school education, the children of asylum seekers or persons granted asylum can continue in their studies on secondary schools. In case that the alien with granted asylum shows interest to study at a university, the Act on universities as well as the statutes of the individual university and its departments specifying the conditions of enrollment, education and completion of studies apply for him/her as usual.

The education can also include the offer of re-qualification by the Migration Office in cooperation with non-governmental organizations. The re-qualification courses are intended to complement or extend the opportunities of further job possibilities of persons granted asylum, and subsequently to secure sufficient financial resources from the work salaries.

### **SEARCH OF EMPLOYMENT OPPORTUNITIES, OR HELP IN SECURING EMPLOYMENT**

The social relations at the job market are legally regulated by the Act no. 387/1996 Coll. on employment as amended. Under this Act, an alien with granted asylum has an equal right for employment as any citizen of the Slovak republic.

An alien with granted asylum can carry out business on the territory of the Slovak republic. The conditions of undertaking business and the control of their observation are regulated by the Act of NR SR No. 105/1995 Coll. on trades as amended.

### **SECURING ADEQUATE SOCIAL HOUSING AND CREATING CONDITIONS FOR ACCEPTING PERSONS GRANTED ASYLUM INTO COMMUNITIES AND SELECTION OF LOCALITIES.**

During the asylum procedure, the applicants are housed in reception and in accommodation centers, where they are provided mainly with free housing, food, healthcare, Slovak language courses and other services.

Subsequent temporary housing of aliens with granted asylum is secured in so-called integration centers. Integration centers are specialized facilities of the Migration Office. Within the scope of the integration offer, this facility offers housing for persons granted asylum on the basis of their application for a defined period of time, but no more than 6 months. During the stay in this facility, the person granted asylum is obliged to contribute to the expenses related with the housing.

### **SOCIAL SECURITY AND PROVISION OF HEALTHCARE**

Social security and healthcare provision to persons granted asylum is regulated under equal conditions as for the citizens of the Slovak Republic.

## **5. SHARE OF INTERNATIONAL ORGANIZATIONS AND LOCAL ADMINISTRATION AND OTHER BODIES IN FULFILLING THE TASKS OF MIGRATION POLICY**

### **INTERNATIONAL ORGANIZATIONS**

#### ***The UN Office of The High Commissioner for Refugees at Geneva***

The representative office of the UNHCR in Slovakia started to operate in the Slovak Republic in 1993. It carries out controlling and monitoring function within the implementation of the Geneva Treaty on legal status of refugees in the Slovak Republic and provides assistance to asylum seekers and persons granted asylum.

In its operation it cooperates with state institutions (mainly the Migration Office), international non-governmental organizations, other UN organizations, non-governmental organizations, private sector, public sector and other organizations.

As from 30 June 2006, based on the organization changes in the organization structures of the UNHCR, the name of this office was changed from Representative office to National office.

#### ***International Organization for Migration seated in Geneva***

Based on the Cooperation Treaty between the Government of the Slovak Republic and the International organization for migration, an office of the IOM was established in Bratislava.

The IOM is mainly active in the domain of return programmes of migrants. In its activities, the office mainly cooperates with the Ministry of Interior of the Slovak Republic, the Ministry of Foreign Affairs of the Slovak Republic, other international organizations, non-governmental organizations, local administrations as well as with the representatives of certain minorities.

The IOM was active for instance also in the returns of emigrants from Bosnia and Herzegovina and from Kosovo, or in repatriation of Romany migrants from Belgium, Netherlands or Finland.

### **NON-GOVERNMENTAL ORGANIZATIONS**

Non-governmental organizations are an organic element in each democratic society, including the Slovak Republic.

In the conditions of the Slovak Republic, regulations are set forth by the legislation not only in relation to the act of foundation, but also to their activities in the favour of overall social needs.

At the present time, several non-governmental organizations are active on the territory of the Slovak republic in the domains related to the refugees and migration policies. At present, the most active organizations that participate in cooperation with the Migration Office to provide help to asylum seekers and work mainly in integration of the persons granted asylum into the society include the Society of Goodwill, SHR (Slovak Humanitarian Council), Human Rights League, People in Peril Association, the Slovak Catholic Charity and the Evangelic Deaconry ECAV.

### ***Society of Goodwill***

As a voluntary association of citizens, this organization participates in humanitarian aid to dependent persons, incl. asylum seekers and persons granted asylum.

It has a long-term cooperation with the UNHCR as an implementation partner in effectuation of a project titled "Social Assistance and Material Aid to Asylum Seekers and Persons Granted Asylum" on the territory of Eastern and Central Slovakia. On the basis of this project, it provides social and psychological assistance, representation of refugees in administrative procedures, individual aid to individuals and families in finding housing and employment, further it provides settlement grants and grants for housing, organizes re-qualification courses, social events etc.

Another crucial activity is the effectuation of the project titled "Border Monitoring", on the basis of which the organization provides in cooperation with the UNHCR and the border police department material aid, legal assistance and representation of migrants retained on the border of the Slovak Republic and Ukraine, and the Slovak Republic and Hungary.

Other activities include preparation works in effectuation of a project approved by the Ministry of Work, Social Affairs and Family of the Slovak Republic concerning the establishment and operation of a non-governmental facility for minor persons without accompaniment in the community of Celovce; the effectuation of a project initiated by the Migration Office titled "Social and Psychological Assistance and Material Aid to Asylum Seekers in the Reception Center in Opatovská Nová Ves; the effectuation of a campaign titled "Right for Asylum Means Right for Life" focused on raising public awareness in the migration policy issues. Within the EQUAL community initiative, the organization effectuates in partnership with the Migration Office, Slovak Humanitarian Council and the Association of education of local administration a project titled "Raising Public Awareness of Migrants and Refugees in Support of Their Integration".

During the years 2002-2005, this non-governmental organization provided professional and material help to more than 12 thousand migrants from various categories of residence statuses mainly in the eastern and central part of the Slovak Republic.

## ***Slovak Humanitarian Council***

In a wider meaning, it is a voluntary center of humanitarian and charity organizations, civic associations and charity organizations focusing on providing help in the social sphere.

Its specific section of social help to refugees cooperates with the UNHCR as an implementation partner of the project titled "Social Partnership and Material Aid to Asylum Seekers in Asylum Facilities..." located in the Western Slovakia. Within the scope of the above programme, the workers of this organization provided social and psychological assistance, material aid, organized free-time activities, cultural and sport events in asylum facilities of the Migration Office in Adamovo - Gbely, Brezová pod Bradlom, Gabčíkovo and in Rohovce.

Another long-term activity (during the years 2002-2005) was the help to minors without accompaniment being carried out in cooperation with the Migration Office within the scope of the project "Separated Children - System and Assistance".

Other important activities of the organization include the effectuation of the project titled "Refugee Social Clinics", in which the organization focuses in cooperation with the UNHCR, the Comenius University and the Migration Office on help in education of future professionals in the domain of social help to refugees and the project titled "Bridges of tolerance" aimed at leading young people to tolerance and preventing displays of racism and xenophobia by means of lectures.

## ***People in Peril Association***

Although this association was found already in 1999, due to its previous orientation to humanitarian and development aid to persons living in crisis regions of the world, it only began to get involved in the issues of asylum and persons granted asylum within the Slovak Republic in 2005.

By implementation of a project titled "Language and Professional Preparation of New Persons Granted Asylum and Asylum Seekers" from the funds of the EQUAL Initiative, it actively participates in elimination of factors of social exclusion and increasing the quality of language skills of persons granted asylum as well as creating conditions facilitating their possibilities to succeed on the job market.

Another activity carried out in cooperation with the Ministry of Foreign Affairs of the Slovak republic is the educative campaign aimed mainly at students of primary and secondary schools by way of a project titled "Figurine for the Refugees". The objective of this activity is an effort to familiarize the young generation with the issues of migration and participate in elimination of intolerance, xenophobia and racism.

### ***Human Rights League***

As a new subject that was founded after the end of activities of the Slovak Helsinki Commission in April 2005, it continues in its activities and as a partner of UNHCR, it focuses on implementation of the original project aimed at providing legal assistance to asylum seekers and persons granted asylum in close cooperation with the Law clinic of Trnava University.

### ***Slovak Catholic Charity***

Through its long-term implementation of a project titled "Help to people on the road" that includes assistance and material aid to refugees, the organization actively entered the effectuation of missions in the domain of migration policy. Within the scope of a project titled "Assistance for Persons with Granted Refugee Status after Allocation of a Flat in the Asylum Facility on 14 Vodárenská Street in Košice" the organization provided in cooperation with the Migration Office activities associated with social assistance as well as contacts to leaseholders with the Housing Office of the City of Košice.

At the present time, each diocese charity has one migration assistant, who purposefully focuses on issues of international migration on the territory of the diocese. In addition to that, a separate assistance center for migrants is active in Košice.

### ***Evangelic Deaconry ECAV***

By way of its project "God's Care", the organization helps improve conditions of life of asylum seekers in the facilities of the Migration Office, by providing material aid (clothing, toys, shoes, food etc.) and organizing cultural, sport and education events.

### ***Association of Cities and Communities of Slovakia (ZMOS)***

ZMOS is a voluntary organization of cities and communities as legal persons. It associates for several years more than 95 percent of all communities in the Slovak Republic. It focuses on solving system issues of local administration, on advocating rights and enforcing the interest of the majority of the associated communities by representing them in procedures with the National Council of the Slovak Republic, the Slovak Government, the central offices of state administration and other offices and organization at home as well as abroad.

Until now, migration issues have concerned only a small number of communities. Only those cities and communities, where asylum facilities were established, were involved in fulfillment of the missions of migration policy. It can be noted that these communities have been accomplishing their tasks well.

In an intention to actively involve more cities and communities, or the local administration as such, in missions related with that process, it is necessary to inform cities and communities during the years 2006-2007 about the conception of migration policy of the Slovak republic. In this, it will be desirable to use efficiently all possibilities within the scope of information and education campaigns that are underway or are planned from the managing bodies of ZMOS through to the deputies of local administrations of cities and communities.

The intention of state bodies to transfer new competencies in the domain of migration policy and its implementation to cities and communities will require a constructive cooperation with ZMOS in creation of herewith related legislative norms.

### ***Public Protector of Rights (Ombudsman)***

An important role in the process of observing and protecting the basic rights and freedoms of natural and legal persons is played by the public protector of rights (ombudsman), who in the extent and in the way set forth by law (the Act No. 564/2001 Coll. on the public protector of rights as amended) protects the basic rights and freedoms of natural and legal persons within the proceedings with public administration offices and other bodies of public rule, if their actions, decisions or inactivity are in variance with the legal order. In cases stipulated by law, the ombudsman can participate in enforcing responsibilities of persons active in bodies of public rule, if these persons have breached basic rights or freedom of natural and legal persons. All bodies of public rule must provide necessary cooperation to the public protector of rights.

## 6.

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[www.europarl.eu.int](http://www.europarl.eu.int)

## **7. CONTACT DETAILS:**

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e-mail: goodwillke@stonline.sk

### **Slovenská humanitná rada - Slovak Humanitarian Council**

Paričková 18  
821 08 Bratislava 2  
phone: 02 / 502 00 513  
- president of SHR Ing. Ivan Sýkora  
02 / 502 00 515 - office  
director of SHR Mgr. Eva Lysičanová  
e-mail: shr@changenet.sk

### **Občianske združenie Človek v ohrození - People in Peril Association**

Svätoplukova 1  
821 09 Bratislava  
phone: 02 / 556 47 707  
02 / 556 47 708  
fax: 02 / 554 22 254  
e-mail: cvo@changenet.sk  
web: www.clovekvohrozeni.sk

### **Medzinárodná organizácia pre migráciu IOM - International Organization for Migration IOM**

Grösslingova 4  
811 09 Bratislava 1  
phone: 02 / 526 31 597  
02 / 526 31 598  
fax: 02 / 526 30 092  
e-mail: bratislavalinfo@iom.int

### **Zastupiteľský úrad vysokého komisára OSN pre utečencov v Bratislave Representative Office of the UN High Commissioner for Refugees in Bratislava**

Štúrova 6, 811 02 Bratislava  
phone: 02 / 529 27 875, 529 27 878  
fax: 02 / 529 27 871  
e-mail: svkbr@unhcr.ch

### **Ministerstvo vnútra SR - Ministry of Interior of the Slovak republic**

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812 72 Bratislava  
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fax: 02 / 509 44 397  
e-mail: tokmv@minv.sk

### **Ministerstvo zahraničných vecí SR - Ministry of Foreign Affairs of the Slovak republic**

Hlboká 2, 833 36 Bratislava  
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e-mail: infopublic@foreign.gov.sk

### **Ministerstvo práce sociálnych vecí a rodiny SR - Ministry of Labour, Social Affairs and Family of the Slovak republic**

Špitálska 4-6, 816 43 Bratislava  
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e-mail: minprace@employment.gov.sk

### **Ministerstvo školstva SR - Ministry of Education of the Slovak republic**

Stromová 1, 813 30 Bratislava  
phone: 02 / 593 74 111  
e-mail: inform@education.gov.sk

### **Štatistický úrad SR - Statistical Office of the Slovak republic**

Miletičova 3, 824 67 Bratislava  
phone: 02 / 502 36 111  
fax: 02 / 554 24 587  
e-mail: info@statistics.sk

### **Ministerstvo spravodlivosti SR - Ministry of Justice of the Slovak republic**

Župné námestie 13, 813 11 Bratislava  
phone: 02 / 593 53 111

### **Ministerstvo zdravotníctva SR - Ministry of Health of the Slovak republic**

Limbova 2, P.O.BOX 52  
837 52 Bratislava 37  
phone: 02 / 593 73 111  
fax: 02 / 547 77 983  
e-mail: office@health.gov.sk