



ORGANISATION OF MIGRATION AND ASYLUM SYSTEM IN THE SLOVAK REPUBLIC OVERVIEW

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INTRODUCTION

This document provides an overview of how asylum and migration policies are organised in the **Slovak Republic (SK)**, including the organisation of the institutional and regulatory context and framework for dealing with third-country nationals (TCNs) coming for the purpose of legal immigration or for international protection. It is based on the information provided by the Slovak Republic in September 2021.



OVERVIEW OF ORGANISATION OF LEGISLATIVE AND INSTITUTIONAL FRAMEWORK

THE INSTITUTIONAL CONTEXT

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

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

MoI implements its migration and international protection agenda primarily via:

- Bureau of Border and Foreign Police of the Police Force Presidium (BBFP PFP), which is responsible mainly for border control, visa practice, entry, exit, residence, checks and

returns of foreigners, as well as for countering human trafficking, irregular migration including migrant smuggling. It also analyses risks and travel documents, and implements some tasks related to asylum process and the Dublin Regulation.

- Migration Office, which is responsible for the reception and basic care of asylum seekers, decides on the granting of international protection as a first-instance administrative body, implements the Dublin Regulation and coordinates the development of state migration policy. Through non-governmental organizations (currently the Slovak Humanitarian Council), it also provides supplementary care for asylum seekers and participates in the integration of persons granted international protection.

MoI is also the responsible body for the Internal Security Fund (ISF) and the Asylum, Migration and Integration Fund (AMIF) 2014 – 2020, and steering body for AMIF, ISF and Border Management and Visa Instrument (BMVI) in the programme period 2021 - 2027.

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

- The Centre for Labour, Social Affairs and the Family, which coordinates the 46 labour offices in the regions of the SK deciding, inter alia, on work permits for the TCNs, and
- The National Labour Inspectorate, which together with BBFP PFP participates in measures against illegal employment of foreigners in Slovakia.

MoFEA, as part of the consular agenda, issues visas and accepts applications for residence or citizenship. It coordinates development cooperation and humanitarian assistance of the SK. It builds partnerships with the countries of origin of irregular migrants and helps (potential) forced migrants in other countries. MoFEA is responsible for the external dimension of migration.

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

- Steering Board for Migration and Integration of Foreigners and
- Inter-Ministerial Expert Commission for Labour Migration and Integration of Foreigners (MEKOMIC), which serves as an advisory body to the Minister of Labour, Social Affairs and Family.

Other responsible state institutions are:

- The Legal Aid Centre of the Ministry of Justice, which provides legal assistance in asylum matters, in proceedings on administrative expulsion or detention of TCN or an asylum seeker. It also provides legal assistance in these matters in proceedings before a court in the administrative judiciary and in proceedings before the Constitutional Court of the SK.
- The Public Defender of Rights, who, as an independent body of the SK, protects the fundamental rights and freedoms of persons, including foreigners, in proceedings before public authorities, if their actions, decisions or inactions are in conflict with the law.
- Statistical Office, which harmonises numerical data on foreigners with EU, UN standards and documents approved by the Slovak Government. It also processes data on foreign migration and organises censuses.

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

On its territory, the SK cooperates with the following international intergovernmental organizations:

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

Among active non-profit organisations in Slovakia are mainly Slovenská humanitná rada, Liga za ľudské práva, Nitrianska komunitná nadácia, Mareena, Slovenská katolícka charita, Marginal, Človek v ohrození / Človek v tísní, Nadácia Milana Šimečku and Centrum pre výskum etnicity a kultúry na Slovensku.

THE LEGAL SYSTEM

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

- ✓ Migration Policy of the Slovak Republic with a view to 2025 (2021),
- ✓ Slovakia's Recovery Plan: Component 10 – Attracting and Retaining Talent (2021),
- ✓ Integration Policy of the Slovak Republic (2014),
- ✓ Strategy of Labour Mobility for Foreigners in the Slovak Republic (2018),
- ✓ National Strategy for Integrated Border Management for 2019 to 2022,
- ✓ National Strategy for the Promotion and Protection of Human Rights (2015).

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

- ✓ Act No. 404/2011 Coll. on the Residence of Foreigners, which regulates, inter alia, the entry of foreigners, their stay and basic rights and obligations, or expulsion,
- ✓ Act No. 5/2004 on Employment Services, which regulates the employment of foreigners, and
- ✓ Act No. 480/2002 Coll. on Asylum, which regulates, inter alia, asylum proceedings.

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

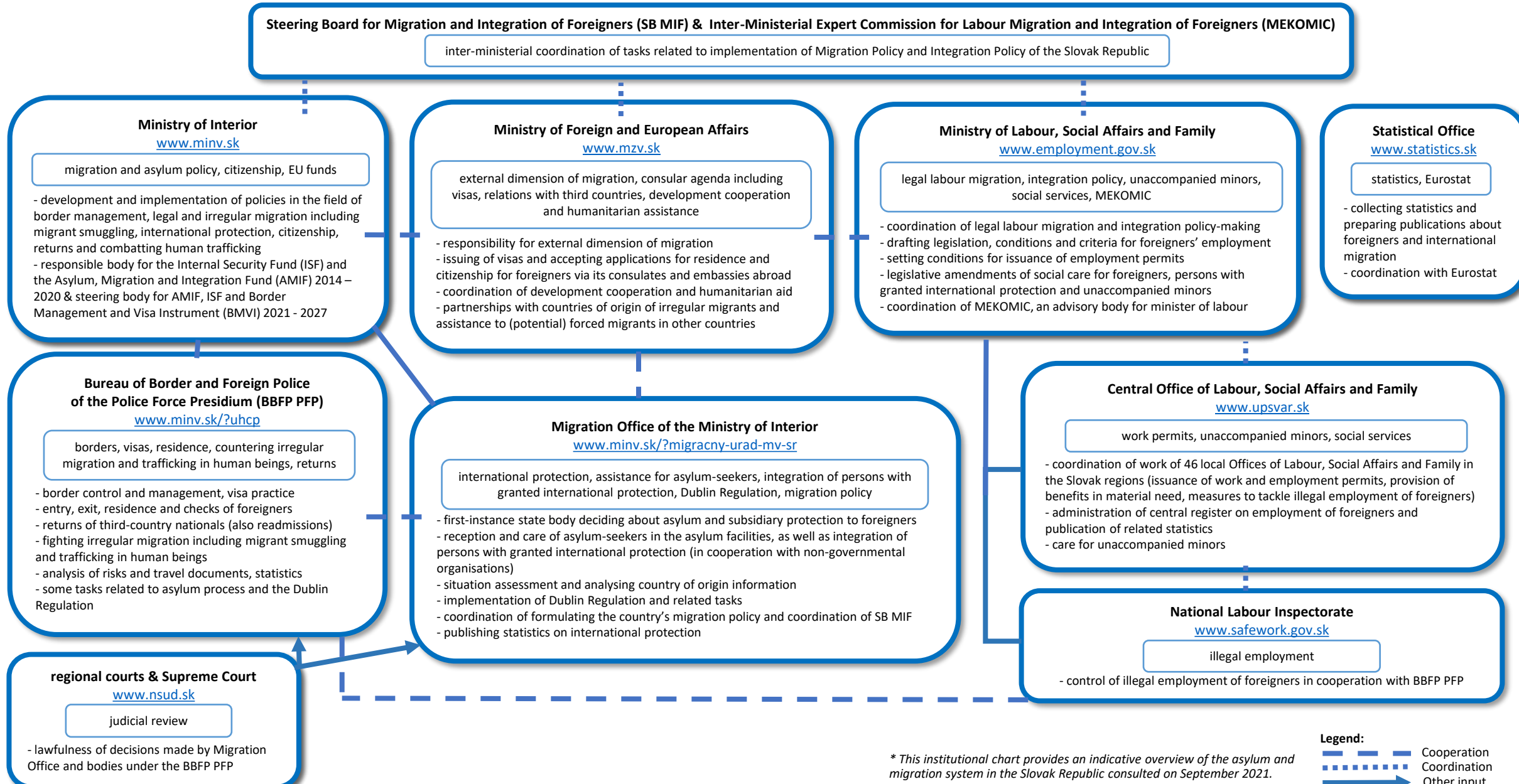


INSTITUTIONAL CHART

Slovak Republic

Institutional framework for migration and asylum*

NATIONAL LEVEL



* This institutional chart provides an indicative overview of the asylum and migration system in the Slovak Republic consulted on September 2021.