

**NATIONAL REPORT DONE BY THE ODYSSEUS NETWORK FOR THE
EUROPEAN COMMISSION ON THE IMPLEMENTATION OF THE DIRECTIVE
ON RECEPTION CONDITIONS FOR ASYLUM SEEKERS IN:
SLOVAK REPUBLIC**

by

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1. NORMS OF TRANSPOSITION

- Q.1. Identify the main norm of transposition (indicate the title, date, number, date of entry into force and references of publication into the official journal) and indicate its legal nature (legislative, regulatory, administrative); indicate in your answer if this norm was only devoted to the directive or if it has been included in a more general text and indicate in that case by quoting precisely the numbers of the provisions adopted to transpose the directive.

The main norm of transposition is a legislative norm - Law No 1/2005 from 2 December 2004 amending Law No 480/2002 on asylum and on amendments of some laws as amended, and on amendments of some laws - zákon č. 1/2005 Z. z. z 2. decembra 2004, ktorým sa mení a dopĺňa zákon č. 480/2002 Z. z. o azyle a o zmene a doplnení niektorých zákonov v znení neskorších predpisov a o zmene a doplnení niektorých zákonov (Collection of Laws (Zbierka zákonov), Vol. 1 (2005)).

The Law No 1/2005 entered into force on 1 February 2005.

According to the Explanatory Report to the draft law, the aim of the amendment of the Law on Asylum was to ensure the harmonisation of the Slovak legislation on asylum with the Directive 2003/9/EC, and to update some provisions of the Law on Asylum, which should, according to a practical experience, make the asylum procedure in Slovakia more effective.

Following provisions were adopted to transpose the directive:

Section I, §§ 8, 10, 19, 30, 31, 32, 35, 37, and 44; Section II, §§ 1-5; and Section III, § 2.

- Q.2. List by order of importance by using numbers (1, 2, 3) the others norms of transposition if there are more than one (indicate for each norm the title, date, number and references of publication into the official journal; include in your answer the administrative measures taken to ensure implementation of the directive and of the transposition norms like regulations, administrative circulars, special instructions,...)
- Put as an annex to your report a paper copy of each norm in the original language with a reference number to help the reader to find it easily;
 - Send us as an electronic version of each norm or a weblink to the text (this will be used for the website we are building);

- Provide the texts of any translation of the above norms into English if they are available.

The direct weblink to the Law No 1/2005 in Slovak is <http://www.zbierka.sk/ciastka.asp?ro=2005&cc=1>

There is a regulation of the Ministry of Interior implementing the Law No 480/2002 on asylum (Asylum Law) - Regulation of the Ministry of Interior of the Slovak Republic No 4/2003 regulating conduct of the Migration Office of the Ministry of Interior of the Slovak Republic and of departments of the Police Corps when implementing the Law No 480/2002 on asylum and on amendments of some laws. The consolidated version of the regulation was published in the Bulletin of the Ministry of Interior of the Slovak Republic on 10 March 2005 (Vol 19/2005).

This regulation was amended after adoption of the Law No 1/2005 by following regulation - Regulation of the Ministry of Interior of the Slovak Republic No 6/2005 amending Regulation of the Ministry of Interior of the Slovak Republic No 4/2003 regulating conduct of the Migration Office of the Ministry of Interior of the Slovak Republic and of departments of the Police Corps when implementing the Law No 480/2002 on asylum and on amendments of some laws as amended by Regulation of the Ministry of Interior of the Slovak Republic No 31/2004. The regulation was published in the Bulletin of the Ministry of Interior of the Slovak Republic on 1 February 2005 (Vol 6/2005). It is an internal regulation.

Two other internal documents of the Ministry of Interior are worth mentioning with this regard:

1. No PPZ-153-21/HCP-CP/2005 - Methods of Conduct of the departments of the Office of the Border and Foreigners Police according to Regulation of the Commission of the EC No.343/2003 and in the asylum procedure – methodical guide; and
2. Direction of the Director of the Migration Office of the Ministry of Interior of the Slovak republic No.11/2005 published on 12 April 2005 in the Collection of the Directions of the Director of the Migration Office, valid since 20.5.2005 which issued Internal Order of the Asylum Centre.

- Q.3. Explain which level of government is competent to adopt the legal norms on reception conditions for asylum seekers (specify in particular in case of a federal or regional State, if it is the federal/central power or the components; in case, specify below when it is impossible for you to answer a question because it is about the competence of the components and it is impossible for you to gather reliable information about all of them)

It is the national (central) government, who are competent to adopt the legal norms on reception conditions for asylum seekers.

- Q.4. Explain the legal technical choices done to transpose the directive (comment on the nature and level of the norms used to do the transposition: legislative, regulatory, administrative like instructions, etc). Add any other element about

the technique of transposition of the directive which is interesting for the implementation of Community law.

The directive was transposed by a legislative norm adopted by the National Council of the Slovak Republic - Law No 1/2005.

- Q.5. Mention if there is a general tendency to just copy the provisions of the directive into national legislation without redrafting or adaptation them to national circumstances? If yes, give some of the worst examples and explain if there is a risk that those provisions remain unapplied or will create difficulties of implementation in the future.

No such tendency was observed.

- Q.6. Have all the texts necessary to ensure the effective implementation of the new rules of transposition been adopted, prepared or at least foreseen in the future (for example a regulation completing a new law and the necessary instructions telling the administration how to apply the new rules)?

All texts necessary to ensure the implementation have already been adopted, and no other texts will be prepared for the adoption. However, there are two issues, where the transposition was not done correctly; the first one is regarding the actual application for asylum, where the applicant has to state explicitly that he/she applies for asylum. The applications for international protection in general are not presumed to be applications for asylum until the word asylum is not mentioned. The other issue is connected with decisions according to Article 7 § 5 of the directive and possible appeals against them. These decisions are not given in writing and than there is no information or actual possibility for appeals. Also the issue of clothing for asylum seekers is not explicitly mentioned in Slovak law, which may cause problems in practice. Several other provisions are transposed in very general terms, and this could cause also problems in practical implementation.

2. BIBLIOGRAPHY

- Q.7. Has an in-depth preparatory study been made public about the changes at the occasion of the transposition? If yes, thanks for trying to provide us a copy (*please contact to answer this question adequately the body and person who was responsible for the preparation of the transposition of the directive in the public administration*).

No such study has been prepared; it is not a common practice in Slovakia.

- Q.8. Quote any recent scientific book or article published about the directive, the transposition rules or the question of reception conditions for asylum seekers in general (answer even if this literature is only available in your language and provide the complete title in your language (without translation) with all references; indicate author, title, in case name of periodical, year and place of publication).

There was nothing published in Slovakia with regard to the directive, the transposition rules or the question of reception conditions for asylum seekers in general recently.

- Q.9. Quote any interesting decision of jurisprudence based on the implementation of the new rules of transposition of the directive (indicate references of publication if any)?

No such decision is known.

3. GENERAL INFORMATION ABOUT THE SYSTEM OF RECEPTION CONDITIONS

*The purpose of the following two questions is to help the reader to understand easily and quickly the system of reception conditions in your Member State and also to avoid that you have to repeat general elements in other parts of the questionnaire. **Please do not write more than one or maximum two pages and do not include large historical developments.***

- Q.10. Describe in general the system of reception conditions in your Member State (in particular which are the main actors in charge of reception conditions?)

The main actor in charge of the system of reception conditions is the Migration Office of the Ministry of Interior (if anywhere in the text "Ministry" or "Migration Office" is mentioned, it means the Migration Office of the Ministry of Interior). They provide accommodation for asylum seekers, ensure that asylum seekers have necessary health care, inform asylum seekers on their rights and obligations, and provide them with identification documents.

An asylum application has to be submitted at a department of Border and Foreigners Police. Therefore, before placement in a reception centre, it is department of Border and Foreigners Police in cooperation with The Ministry, which is responsible to provide necessary survival conditions, such as food, drinking water and necessary health care for asylum seekers in his disposal.

- Q.11. A. Explain if you have different types and levels of reception conditions following the different stages of the asylum procedure (this implies that you have to give briefly the necessary explanations about the asylum procedure). Make if relevant for reception conditions a distinction between the following procedural stages: determination of the responsible Member State on the basis of the Dublin II regulation, special procedures at the border (including transit zones in airports), accelerated procedures, admissibility procedures, eligibility procedures and the different possibilities of appeals (suspensive or not) against a refusal of the asylum request. Indicate what the main differences of reception conditions are between the different stages (if necessary by detailing between the different elements of reception conditions, in particular housing) and explain what the evolution of reception conditions is following the different stages of the procedure.

The only body deciding on the status of refugee is the Migration office of the Ministry of Interior. First instance decision, except for granting or not granting

asylum, can also reject application as inadmissible, manifestly unfounded or can terminate the procedure. Any decision, except for termination of the procedure, is reviewable by court, but only appeal against decision on not granting asylum has suspensive effect. Decision on termination of the procedure can be challenged by appeal to the Minister of Interior, but in case of a successive asylum application, appeal has no suspensive effect.

Until any decision in the first instance of the asylum procedure is issued, the same reception conditions apply to all asylum seekers (with an exception of those, who applied for asylum after being administratively detained – see the specific answers on detention below). Then, it depends on the content of the decision.

If asylum was not granted, an appeal against such decision has suspensive effect, which means that the reception conditions apply to the asylum seeker concerned until a final decision of courts is taken.

If an asylum application was rejected as inadmissible, was rejected as manifestly unfounded, an appeal against such decision has no suspensive effect, and it depends on action or omission of the Foreigners Police, if the reception conditions will further apply to the asylum seeker concerned, as the decision is enforceable even if the appeal was lodged.

If the appeal has no suspensive effect, the Foreigners Police can expel or return the asylum applicant concerned, even if the appeal was lodged. It is difficult to report on a common practice in such cases, as there are not many of them, and if there are some, the asylum seekers concerned often leaves the centre by himself/herself. The Foreigners Police is notified about all the decisions issued by the Ministry, and it depends on them, if they act with regard to the expulsion or return, as they are allowed to do so by law, or not. If such persons are not expelled, they can remain in the reception centres until final decision of a court. According to the Internal rules of the Asylum Centre, asylum seeker is obliged to leave the centre only if the asylum procedure has been validly finished.

Asylum seekers who decide for voluntary return to their country of origin are also receiving reception conditions in the asylum centre, until their return is not arranged, although their procedure is legally terminated and they remain in the country on a tolerated stay.

B. Indicate precisely for which stage(s) of the asylum procedure the answers on reception conditions you give below are valid.

The answers are valid for the first stage of the asylum procedure - until a first instance decision is delivered, and they are also valid for the next stages of the asylum procedure, if the first instance decision was about not granting asylum.

4. GENERAL RULES ON RECEPTION CONDITIONS

Q.12. A. Are material reception conditions provided in kind, in money or in vouchers or in a combination of these elements (see article 13, §5 which is an

optional provision)? Distinguish between the different elements (housing, food, clothes, health, transportation, pocket money,...). **If reception conditions are provided in money (in general or in some cases, for instance when no places are anymore available in accommodation centres), indicate the precise amount given to the asylum seekers. Indicate in your answer what is provided in general and if there are exceptional cases.** Specify in your answer if reception conditions are different from the general system of social aid for nationals or aliens and if yes, if and when (which stage of the asylum procedure) can asylum seekers have access to the general system of social aid?

The majority of asylum seekers are accommodated in asylum centres, reception and accommodation camps, where food, basic health care, and basic hygienic and material needs necessary for living are provided for them. They also receive pocket money in the sum of 12 SKK per day for adults, and 8 SKK per day for children. The pocket money is not provided in cases, if the asylum application was filled repeatedly and the previous asylum procedure had been terminated, or if the asylum applicant tried to enter unlawfully the territory of a different country, or if the asylum applicant voluntarily left the territory of the Slovak Republic and was returned by the authorities of the neighbouring country.

The rest of asylum seekers are detained in detention centres of the Bureau of the Border and Foreign Police of the Police Corps of the Slovak Republic. The main reason for that fact is that they applied for asylum while being already detained, because of their illegal entry of the country or illegal presence in the country.

As the reception conditions are provided in kind, they differ completely from the general system of social aid for nationals or foreigners, and asylum seekers cannot have access to the general system of social aid while being in the asylum procedure.

B. Can the reception conditions in kind, money or vouchers be considered as sufficient “to ensure a standard of living adequate for the health of applicants and capable of ensuring their subsistence” as requested by article 13, §2 of the directive (which is a mandatory provision but leaves a certain space to Member States)? In order to help to assess the respect of this rule when reception conditions are provided in money, include if necessary in your answer points of comparison with the minimum amount of social aid guaranteed for nationals in your Member State.

The reception conditions in kind can be considered as sufficient within the meaning of Article 13 (2) of the directive, however, sometimes difficulties with clothing arise. Provision of clothing is not explicitly mentioned in the law; other things necessary for living are just mentioned in Article 22 (4) of the Asylum Law. Clothes are usually provided by NGOs, but there is not always enough clothes for everyone, who needs them, which might be a problem especially in winter.

5. PROCEDURAL ASPECTS

- Q.13. A. Does the national legislation specifically provide that a request for international protection is presumed to be under the Geneva Convention unless explicitly requested otherwise? (see article 2, b which is a mandatory provision)**

No. According to the legislation in force, an individual can apply either for asylum, or for tolerated stay. In both cases, an explicit request is requested according to law. When applying for asylum, a foreigner has to state before a police department that he/she seeks asylum on the territory of the Slovak Republic (Article 2 (c) of the Asylum Law). Asylum is, according to Article 2 (a) of the Asylum Law, protection of a foreigner from persecution on grounds stipulated in Geneva Convention or from persecution for exercise of political rights and freedoms.

However, not only persecution grounds mentioned above are examined in the asylum procedure. If someone applies for asylum, the reasons for granting asylum under Article 1 of the Geneva Convention are examined at first. Then, the competent authority shall also examine, if there are reasons for granting asylum for humanity reasons. Moreover, when asylum was not granted, the competent authority has to examine, if there is no ban on expulsion for one of the reasons stated in Article 47 of the Asylum Law. In the latter case, no protection is granted even if there are reasons for ban on expulsion; it is just a statement of an authority. Then the person concerned may apply for tolerated stay, where the reasons for ban on expulsion have to be examined again.

In practice, in general everyone, who applies for international protection, is examined in the asylum procedure unless he/she explicitly requests for tolerated stay.

- B. Explain if the scope of application of reception conditions is extended to other asylum seekers than refugees in the sense of the Geneva Convention, in particular to persons asking for subsidiary protection or to other forms of protection like humanitarian statuses (see article 3, § 4 which is an optional provision)? If not, explain briefly which the differences between these special regimes and the directive are.

The reception conditions apply to all asylum seekers - those, who stated before a police department that they seek asylum on the territory of the Slovak Republic. The reception conditions do not apply to persons asking specifically for tolerated stay. There is no special regime for those applying for tolerated stay, the same regime as for all foreigners not seeking asylum applies to them. As asylum can be granted also for humanity reasons, the scope of application of reception conditions is extended also to persons applying for asylum for humanity reasons.

- C. Are there specific provisions in national law for reception conditions in case of diplomatic or territorial asylum requests submitted through a diplomatic or consular representation (see article 3, §2 which is an optional provision)?

There are no such provisions in national law.

Q.14. Are reception conditions available as from the moment one asylum application is introduced? How is article 13, §1 which is mandatory legally understood? Do asylum seekers have to satisfy any other condition in order to get reception conditions?

According to Article 22 (4) of the Asylum Law, asylum applicants shall be provided with accommodation, food, and basic hygienic products and other things necessary for living, in course of the asylum procedure. According to Article 3 (6) of the Asylum Law, the asylum applicant is obliged to arrive at the reception camp within 24 hours from making the statement that he/she seeks asylum.

There is no other condition in law to be satisfied in order to get reception conditions.

Before arriving to the reception camp, asylum applicants stay for a short time (should not exceed 24 hours) at Border and Foreigners Police stations. In most of the situations asylum seeker comes into first contact with a department of the Border and Foreigners Police (at the border point, asylum police unit competent to receive application for asylum after entering Slovak republic) and his position as asylum seeker has been already established. In those situations, asylum unit is responsible in cooperation with the Migration Office of the Ministry of Interior to provide food and drinking regime for asylum seekers and in case of need also health care. At the border point, the department of the Border and Foreigners Police is responsible to provide health care in case there is a need.

Q.15. Explain when reception conditions end, for instance after refusal of the asylum request (include in your answer the link with the right of appeal against a decision of refusal of the status, in particular the question of its suspensive effect)

According to Article 22 (4) of the Asylum Law, asylum applicants shall be provided with accommodation, food, and basic hygienic products and other things necessary for living, in course of the asylum procedure. Therefore, reception conditions end, when the decision of the Ministry in the asylum procedure is enforceable.

According to Article, 21 (1), a remedy against a decision not to grant asylum shall have suspensive effect.

According to Article 21 (2) to (4), a remedy against a decision rejecting an application for asylum as inadmissible, or against a decision rejecting an application for asylum as manifestly unfounded, shall not have suspensive effect, if courts decides otherwise.

If an appeal against a decision rejecting an application for asylum as inadmissible, or against a decision rejecting an application for asylum as manifestly unfounded, was submitted, there are two possible situations for an asylum seeker concerned. As appeals in above mentioned cases have no suspensive effect, it is possible to start an expulsion procedure even if an appeal was lodged. It depends then on the Foreigners Police, if they start an expulsion procedure or not. If expulsion procedure was started and an expulsion order was issued, the asylum seeker concerned is usually transferred to a detention centre, where he/she is waiting for expulsion to be executed. If

the Foreigners Police does not act, the asylum seeker concerned can remain in an asylum centre and enjoy all the reception conditions. There is no common practice established or observed by the NGO's.

Q.16 Are there special rules or practices regarding reception conditions in case of successive applications for asylum introduced by the same person?

There are no special rules or practices regarding reception conditions in case of successive applications for asylum introduced by the same person with one exception regarding pocket money. The pocket money is not provided in cases, if the asylum application was filled repeatedly and the previous asylum procedure had been terminated.

Q.17¹. Information of asylum seekers about their rights and obligations in terms of reception conditions, in particular about established benefits (see article 5 which is too large extend a mandatory provision; do not confuse this question with the information to be provided to asylum seekers about the asylum procedure):

A. Are asylum seekers informed, and if yes about what precisely?

Asylum seekers are generally informed about their rights and obligations in terms of reception conditions. The information leaflet in English is attached to this questionnaire. Following is the extract of it, which regards reception conditions:

“While your asylum application is being examined, you must remain, unless the law stipulates otherwise, in the asylum facility (reception centre or residential centre), where you will receive accommodation, food, urgent medical care, basic requirements for hygiene and pocket money, to which, however, you may not be entitled in certain cases specified in the Asylum Act. On arrival at the reception centre you must allow yourself to be photographed and undergo a medical examination. You must remain in the camp that the ministry assigns you to and abide by its internal regulations. You must also cooperate with measures necessary to determine the status of your assets and finances.

On arrival at the reception centre you will be given an identity card as an asylum seeker, which you must keep with you while your application is being examined and must present it on request to the relevant bodies in order to establish your identity. You are obliged to protect this identity card against loss, theft, damage, destruction or abuse and if the card is lost, stolen, damaged, destroyed or abused you must report this to the migration office without delay. On completion of the examination of your application you must return the identity card in the asylum facility where you end your stay.

You may leave the asylum facility only on the basis of permission issued by the ministry. Before applying for permission to leave the facility for periods longer than 24 hours and at most 7 days, you must attend an interview, and you must state the address where you will reside. You may be given permission to reside outside the camp if you make a written application and meet the criteria laid down in the Asylum Act.”

¹ To be answered with the help of UNHCR local office competent for your Member State or to be completed on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

There is also obligation to get asylum seekers acquainted with the Internal rules of the asylum centre and law states that Migration Office shall acknowledge those accommodated in such centre with Internal rules of the asylum centre in the language they understand. In practice, Internal rules are translated into English, French, Russian, Arabic and Chinese language and asylum seekers are acknowledged with it by displaying these 5 language versions on the board in the asylum centre.

B. Is the information provided in writing or, when appropriate, orally?

The information is generally provided in writing. According to the Migration Office of the Ministry of Interior, if the information is not available in a language understood by asylum seekers, information is provided orally.

C. Is that information in general provided in a language understood by asylum seekers? Specify the list of languages in which it is available

In general, the information is provided in a language understood by asylum seekers. The information is available in following languages: English, Bengali, French, Pashto, Romanian, Albanian, Ukrainian, Bulgarian, Hindi, Chinese, Urdu, Arabic, Dari, Punjabi, Russian, Turkish, and Vietnamese.

D. Is the deadline of maximum 15 days respected?

Yes, the deadline is respected.

Q.18².

Information of asylum seekers about the existence of organisations or groups promoting their interest and defending their rights (see article 5 which is to a large extent a mandatory provision):

A. Is there a list of organisations dressed by the authorities and if yes is it comprehensive? Is this in particular the case about the possibilities to get legal assistance and health care?

Generally, there is a list of organisations providing legal, social, and psychological assistance, however, it is not updated.

As regards health care, it is provided by the Ministry of Interior itself. Health care is mostly provided by the asylum centre nurse and in more complicated cases, other health institutions are available. Since the Migration Office pays for the health care of asylum seeker through direct payments, it is not up to the choice of asylum seeker to contact health care institution.

B. Is the information provided to the asylum seekers, and if yes, in writing or, when appropriate, orally?

² To be answered with the help of UNHCR local office competent for your Member State or to be completed on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

The information is provided in writing in the form of leaflets posted on notice boards in asylum centres, which are, as already stated before, not updated, and also orally by employees of the centres, if they are asked about it.

C. Is that information in general provided in a language understood by asylum seekers? Specify if possible the list of languages in which it is available.

The information in writing is available in English, Russian, French, Arabic, and Slovak.

D. How many organisations are active in that field in your Member State?

There are four non-governmental organisations providing legal aid - the Human Rights League, the Law Clinic of the Trnava University, the Slovak Humanitarian Council, and the Society of Goodwill. The Slovak Humanitarian Council and the Society of Goodwill are also providing social and psychological assistance, together with the Slovak Refugee Council.

Q.19.

Documentation of asylum seekers (see article 6):

A. What kind of document is delivered to the asylum seeker? Explain the legal value of this document (just a certification of the status as asylum seeker or also prove of identity?) (see §1 of article 6 which is a mandatory provision)

To the asylum seeker is delivered a document, which is considered as an identity document. According to Article 5 (1) and (2) of the Asylum Law, the Ministry of Interior shall issue, to a foreigner over 15 years of age, an applicant's card that will be his/her identity document during the period of the asylum procedure. The applicant's card shall contain the following data: name, surname, sex, date and place of birth and the applicant's citizenship, the card's date of issuance and expiration date, name of the asylum facility that issued the card and the names, surnames and dates of birth of the applicant's children under 15 years of age, provided that they are also applicants. The Ministry shall issue the applicant's card within three days from initiation of the procedure. The Ministry shall issue an applicant under 15 years of age such a card, when he/she is unaccompanied by his/her representative at law on the territory of the Slovak Republic.

B. Are there situations or specific cases in which another equivalent document or even no document is issued? (in particular is there an exception for "procedures to decide on the right of the applicant legally to enter the territory" as made possible by §2 of article 6)?

According to Article 5 (1) (b) of the Asylum Law, the document is issued to an asylum seeker after applicant's arrival to the reception camp only, when the competent authority which received an asylum application was:

- a) when entering the territory of the Slovak Republic the police department at the place of border check point,
- c) when the foreigner concerned arrived to the territory of the Slovak Republic by plane and he/she fails to satisfy requirements for entering the

territory of the Slovak Republic the police department in the transit area of an international airport.

d) the police department at a facility for foreigners, in the case of a foreigner placed in such facility (detention centre for illegal migrants),

e) the police department according to the place of the foreigner's stay, in the case of the foreigner placed in a health care institution, the foreigner in execution of custody on remand or the foreigner in execution of imprisonment.

Before arriving to a reception camp, this document is not issued to the asylum applicants concerned.

For purposes of showing identity during journey to the reception camp, when application was made at the border or after release from detention centre, health care institution, custody, imprisonment, asylum seeker is issued a temporary document with 24-hours validity.

In other case (when the competent authority which received an asylum application was after entering the territory of the Slovak Republic the police department established at the reception camp), the identity document is issued within three days from initiation of the procedure (Article 5 (1) (a) of the Asylum Law).

C. For how long is this document in principle valid and is it necessary to renew it after a certain period?

The document is valid for three months, and it is necessary to renew it every three months.

D. What is the deadline for the delivery of that document? Is the mandatory deadline of 3 days set by article 6, §1 respected³?

The deadline for delivery of the document is, according to Article 5 (1) (a) of the Asylum Law, three days, and is, according to the Migration Office of the Ministry of Interior, fully respected.

E. Is it possible for an asylum seeker to get a travel document for serious humanitarian reasons (see §5 of article 6 which is an optional provision)?

There is no such provision in Slovak law, which would allow an asylum seeker to get a travel document for humanitarian reasons.

F. Is there a central system of registration of asylum seekers and is it or not separate from the registration of foreigners? If yes, describe it briefly (content) and indicate in particular if it is an electronic database.

There is an electronic system of registration of asylum seekers, which is separate from the registration of foreigners. Following information are in the system: name, photograph, sex, date of birth, citizenship, nationality, religion, number of passport, family members, reasons for applying for asylum, name of

³ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

the case-worker, code, number of protocol, date of the asylum application and other data regarding the procedure (date, when the decision was issued; delivery of the decision; type of the decision, etc.), information on movements of the applicant).

Q.20.

Residence of asylum seekers⁴:

A. Is in principle an asylum seeker free to move on the entire territory of your Member State or only to a limited part of it and in case, which part? (see article 7, §1 which is a mandatory provision)

According to Article 23a (1) of the Asylum Law, an applicant may leave the asylum facility only based on a permit issued by the Ministry. The applicant may request the Ministry for issuance of the permit for leaving the asylum facility for more than 24 hours, but maximally seven days, only after being interviewed; in the request, he/she shall be obliged to state the place where he/she will stay. Until the interview with Migration office, applicant can leave facility based on permission granted by staff of the centre for less than 24 hours. The general regulation on administrative procedure shall not apply to the permit's issuance.

According to Article 23a (2) of the Asylum Law, the Ministry may refuse to issue the permit under Paragraph 1 only due to a public order or due to the need for the applicant's personal attendance at the asylum procedure.

If the permit has been issued, the applicant can move on the entire territory of Slovakia.

According to Article 23 (3) (c) and (d) of the Asylum Law, unless otherwise decided by the Ministry, the applicant shall be obliged to stay in the reception camp until announcement of the result of the medical examination, and also to stay in the asylum facility, if for the purposes of preventing contagious diseases, isolation or quarantine measure is ordered to the applicant.

The result of the medical examination is usually announced in up to one month, but there is no legal provision stating the maximum period, in which the result should be announced.

B. About the place of residence (see §2 of article 7): explain to which extend the person is free to choose her residence and if this depends of the stage of the asylum procedure (for instance before and after admissibility); if there are constraints limiting the choice, explain which ones and their reasons (for instance processing of application, attribution of reception conditions,...).

An applicant is obliged to stay in the reception camp, where he was placed, until announcement of the result of the medical examination.

According to Article 22 (2) of the Asylum Law, the applicant, after end of stay in a reception camp, shall be placed in the accommodation camp or shall be

⁴ Nota bene: the case of detention is covered by other questions and should be ignored under this question.

permitted to reside outside of the accommodation camp. The Ministry may place the applicant in the integration centre for the necessary period of time.

If the applicant is placed in the accommodation camp or in the integration centre, the choice of the camp or of the centre is up to the Ministry.

According to Article 22 (3) of the Asylum Law, the Ministry may permit the applicant to stay outside of the accommodation camp upon a written request, if he/she is capable of covering all his/her expenses related to the stay out of the accommodation camp of his/her own funds, or a citizen of the Slovak Republic with a permanent residence on the territory of the Slovak Republic or an foreigner with a residence permit on the territory of the Slovak Republic submits a written solemn declaration that he/she shall facilitate the accommodation of the applicant and cover all expenses relating to the applicant's stay on the territory of the Slovak Republic.

Then, the person concerned is free to choose her residence. The permission is usually granted for 1 month and needs to be renewed every month.

- C. About the place of reception (meaning where the asylum seeker has to stay to benefit from reception conditions) (see § 4 of article 7): explain which are the general rules about the determination of this place (to which extend are the decisions determining the place taken individually and do they take into account the personal situation of the asylum seeker?) and to which extend the person is free to choose it and if it depends of the stage of the asylum procedure (for instance before and after admissibility); if there are constraints limiting the choice, explain which ones and their reasons (for instance attribution of reception conditions, processing of the application,...).**

There is a reception camp and an accommodation camp specially designed for families, minors, and other vulnerable groups in Slovakia. In general, those groups of applicants are placed in the special centres, and this is especially the case with regard to the accommodation camps. In reception camps, applicants are placed on a geographical basis depending on in which part of the country they applied for asylum. However, even in the special accommodation camp, not only those groups are placed there. If there is room enough, single men are also placed there.

Applicants have no chance to influence the choice of the place of accommodation.

According to Article 39 (2) of the Asylum Law, the Ministry, when placing a foreigner in an asylum facility, shall consider his/her age, health, and relatives, religious, ethnic and national specific features. Men shall be placed separately from women, minors from adults while taking into account family ties. Transfer of foreigners from one asylum facility to another asylum facility shall only be executed in the necessary cases.

On 11 September 2006, the special accommodation camp for families, minors, and other vulnerable groups burned down, and all the inhabitants were moved

to the remaining accommodation camp in Gabčíkovo. As this is a very recent event, it is not clarified yet, whether the burned down camp will be reconstructed, or whether there will be an other solution for accommodation of vulnerable groups.

D. If all asylum seekers are not placed in accommodation centres because of capacity limits, explain how the persons are distributed between accommodation centres and other accommodation facilities (which authority takes the decisions, on the basis of which elements, can that decision be appealed by the asylum seeker,...)⁵

Such a situation did not happen yet, and is not foreseen in the law. It is expected that the capacity of the centres should be sufficient.

E. How can an asylum seeker ask to leave temporarily the place of residence or of reception or an assigned area? How is the individual AND impartial character of the decision ensured? (see §5 of article 7 which is a mandatory provision)

According to Article 22 (3) of the Asylum Law, the Ministry may permit the applicant to stay outside of the accommodation camp upon a written request, if he/she is capable of covering all his/her expenses related to the stay out of the accommodation camp of his/her own funds, or a citizen of the Slovak Republic with a permanent residence on the territory of the Slovak Republic or a foreigner with a residence permit on the territory of the Slovak Republic submits a written solemn declaration that he/she shall facilitate the accommodation of the applicant and cover all expenses relating to the applicant's stay on the territory of the Slovak Republic.

According to Article 23a (1) of the Asylum Law, an applicant may leave the asylum facility only based on a permit issued by the Ministry. The applicant may request the Ministry for issuance of the permit for leaving the asylum facility for more than 24 hours, but maximally seven days, only after being interviewed; in the request, he/she shall be obliged to state the place where he/she will stay. The general regulation on administrative procedure shall not apply to the permit's issuance.

According to Article 23a (1) of the Asylum Law, the Ministry may refuse to issue the permit under Paragraph 1 only due to a public order or due to the need for the applicant's personal attendance at the asylum procedure.

There is no specific assurance with regard to impartiality. In case of refusal, no decision on refusal is issued, and no reasoning is provided to asylum applicants.

Q.21. A. Do rules on reduction or withdrawal of reception conditions exist in internal legislation and if yes in which cases (mention in particular if there are cases not foreseen by article 16, § 1 and 2 which are optional provisions)? Distinguish in your answer between cases of reduction and withdrawal and explain which conditions can be reduced and if access to

⁵ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

emergency health care is always ensured as requested by article 16, §4, last sentence.

According to Article 23 (5) of the Asylum Law, the Ministry may decide, that the applicant is obliged to adequately cover the expenses relating to his stay in the asylum facility or integration centre, or the cost of medical care provided, if his/her financial and proprietary circumstances are such, that it is possible to request from him/her at least a partial payment of the expenses relating to this stay.

In practice, this provision was not applied yet.

There is also a provision, according to which the Ministry shall withdraw a pocket money for an applicant. The pocket money is not provided in cases, if the asylum application was filled repeatedly and the previous asylum procedure had been terminated, or if the asylum applicant tried to enter unlawfully the territory of a different country, or if the asylum applicant voluntarily left the territory of the Slovak Republic and was returned by the authorities of the neighbouring country. The Ministry may also withdraw a pocket money for an applicant for violating obligations under the Asylum Law. An appeal against the decision on the withdrawal of the pocket money does not have a suspensive effect. The decision is issued only in the latter case. In other cases, an applicant is informed only that the pocket money is not provided.

Access to emergency health care is ensured by Article 22 (5) of the Asylum Law. According to this provision, in the course of the asylum procedure, the applicant shall be provided with an urgent health care. There is no derogation from this obligation.

Reception conditions are connected to asylum seeker's stay in asylum centre. In case permission to leave the centre is issued for more than 24 hours, asylum seeker is not entitled to receive food for that time. Also in case of asylum seeker permitted to stay outside the asylum centre (long-term permission), he is not entitled to receiving reception conditions, except for health care and education.

B. Has article 16, §2 dealing with refusal of reception conditions for unreasonably late applications for asylum been transposed by your Member State (or was this case already applicable before transposition)? Are there cases in practice⁶?

No, this provision was not transposed.

C. How is it ensured that decisions of reduction or withdrawal are taken individually, objectively AND in particular impartially (for instance through and independent arbitrator) (see article 16, §4 which is a mandatory provision)?

There is no such assurance in the law with regard to withdrawal of pocket money. The decision is taken by the Ministry (in particular, director of an

⁶ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

asylum centre). An appeal without a suspensive effect is possible, but it is the Minister of Interior who decides in the appeal procedure. Only then, a complaint to a court can be lodged.

- D. Is statement 14/03 adopted by the Council at the same moment as the directive respected (see the documentation pack you received at our meeting in Brussels in April)?

As only pocket money can be withdrawn from an asylum applicant, the statement 14/03 is respected.

- E. Are there already administrative appeal decisions or judgements on cases of reduction, withdrawal or refusal which have been taken, and if yes, what has been the outcome⁷?

No such decisions or judgements are known.

Q.22.

A. Appeal against a negative decision relating to the granting of benefits or based on article 7 (see article 21 which is a mandatory provision): indicate against which decision an appeal can be introduced, describe the system of appeal in general and include in particular in your answer the information given to asylum seekers about possibilities of appealing, deadline for appealing, if the appeal has or not a suspensive effect, if there are different steps (for instance first an administrative appeal and in particular if the guarantee of an appeal before a judicial body in the last instance is respected)?

There are no individual decisions made, if based on Article 7. As there is no decision, no appeal can be lodged. In general, complaints against any illegal acts or omissions of administrative bodies can be lodged with a court. No information about this possibility is given to asylum seekers, the complaint has no suspensive effect, and there is a deadline of 30 days with regard to complaint against an illegal act of an administrative body.

B. Explain which are the possibilities for asylum seekers to benefit from legal assistance when they introduce such an appeal (see article 21, §2 which is a mandatory provision but leaves space to Member States)?

Legal aid is provided to asylum seekers by several non-governmental organisations in the centres and outside of them.

When an asylum seeker is bringing a case before a court, he can also ask for legal aid and representation under the same conditions as Slovak citizens (if it is reasonable in the view of the material situation of the person concerned, and if the application of law is not arbitrary or clearly without a possibility to succeed).

- C. Are there already administrative appeal decisions or judgements which have been taken and if yes, which are the main important ones⁸?

⁷ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

There are no such decisions or judgements known.

- D. Is a mechanism of complain for asylum seekers about quality of receptions conditions in general (even if they are not personally concerned) organised? If yes, before which authority? Is it linked to the system of guidance, control and monitoring of reception conditions (see below question n° 39)?

There is no special formal mechanism of complaint about quality of reception conditions in general. An asylum seeker can complain in writing to the director of the Migration Office through a director of an asylum centre, through UNHCR, or through NGOs. A general complaint system for administrative bodies falling under Ministry of Interior can be used. There is a special body at the Ministry of Interior responsible for complaints.

6. RIGHTS AND OBLIGATIONS OF ASYLUM SEEKERS

- Q.23. Family unity of asylum seekers: define how a family is defined in relation with article 2, (d) which is a mandatory provision and explain how housing is provided to a family (see articles 8 which is a mandatory provision but leaves space to member States and 14, §2, (a) which is a mandatory provision).**

There is no specific definition of a family in the Asylum Law.

Article 10 (1) of the Asylum Law provides, who should be granted asylum for the purpose of family reunification. Article 10 (1) reads:

"The Ministry shall grant asylum for the purpose of family reunification to

- a) the spouse of the person granted asylum if their marriage is continuing to exist in the country the person granted asylum left for reasons under Section 8, and the person granted asylum gave his/her prior written consent,
- b) unmarried children of the person granted asylum or the person according to the letter a) younger than 18 years of age or
- c) parents of an unmarried person granted asylum younger than 18 years of age, if the person granted asylum agrees."

According to Article 39 (1) and (2), appropriate conditions shall be created for families with children. When placing a foreigner in asylum facility, family relationship shall be considered, and family ties shall be taken into account.

- Q.24. A. How is housing of asylum seekers organised: describe the system in general and indicate in particular what is the most frequently system used (see article 14, §1 which is a mandatory provision but leaves space for Member States; distinguish between accommodation centres, private houses and apartments, hotels places or other premises).**

In general, asylum seekers are accommodated in asylum centres – reception and accommodation camps. The Ministry may place the applicant in the

⁸ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

integration centre for the necessary period of time. An asylum applicant may be also permitted to reside outside of the accommodation camp.

- B. What is the total number of available places for asylum seekers?⁹ Distinguish in your answer between accommodation centres, private houses and apartments, hotels or other premises.

Reception camps - places for 434 persons

Accommodation camps - places for 340 persons

Accommodation in private houses and apartments and hotels is not provided, it is up to the applicant to find for him/her a suitable accommodation, if he/she does not want to stay in an accommodation camp.

- C. Is this number of places for asylum seekers sufficient in general or frequently insufficient?¹⁰

Existing number of places is sufficient. In case of an increase of asylum applications, the number of places in one of the centres can be increased by 250 additional places. A new asylum centre should be opened soon, and then another 550 places will be added.

- D. Are there special measures foreseen in urgent cases of a high number of news arrivals of asylum seekers (outside the case of application of the directive on temporary protection)?

No such measures are foreseen in the law.

Q.25. Accommodation centres (**important note: all the following questions are about open and not closed centres where asylum seekers are detained which are covered by another question**)

- A. Are there different categories of accommodation centres, for instance depending of the stage of the procedure (admissibility and eligibility)?

There are two different categories of centres: (i) reception camps, where applicants are accommodated until result of medical examination is announced, and (ii) accommodation camps, where are applicants placed after the end of stay in a reception camp.

These two categories of centres, accommodation and reception camps, have become mixed lately. Many asylum seekers although received already a positive result of the medical screening, remain on the premises of reception camps, but their regime changes into accommodation regime and are allowed to leave the reception camp based on permission.

⁹ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

¹⁰ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

- B. Is there a legal time limit for accommodation in a centre after which the asylum seekers have access to private houses or apartments or is this limit linked to a stage of the asylum procedure?

Asylum seekers have access to private houses or apartments after a result of medical examination is announced.

- C. Is there a general regulation about the internal functioning of those centres and the rights and duties of the asylum seekers? If yes, is this general regulation applicable to public and private centres? If not, are the centres supposed to adopt an internal regulation and does a central authority have or not a kind of control about its content?

There are only public centres in Slovakia, which are administered by the Migration Office of the Ministry of Interior.

According to Article 41 of the Asylum Law, the Ministry shall regulate the details concerning the conditions of foreigners' stay in the asylum facility in internal rules. In the internal rules the Ministry shall regulate in particular: (a) time table for food delivery, (b) the amount of the pocket money and a time table for its disbursement, (c) time table for delivery and distribution of documents, (d) conditions, under which the asylum facility may be left.

- D. Do the regulations foresee the possibility of sanctions against asylum seekers in case of breach of the rules? (see article 16, §3) If yes, which sanctions for which rules? Which is the competent authority to decide? How is it ensured that decisions are taken individually, objectively and in particular *impartially* (for instance through an independent arbitrator) as requested by §4 of article 21 which is mandatory provision? Which are the possibilities of appealing against those decisions if the system is different from the general one under question n°22? Are there already administrative appeal decisions or judgements which have been taken and if yes, which are the main important ones?**¹¹

There is a possibility to withdraw pocket money from an applicant. According to Article 41 of the Asylum Law, the Ministry may withdraw away pocket money from the applicant for violating obligations under this Law. An appeal against the decision on the withdrawal of the pocket money does not have a suspensive effect. The decision is taken by the Ministry, and it is the Minister of Interior who decides in the appeal procedure. Only then, a complaint to a court can be lodged.

- E. Are asylum seekers involved in the management of these centres? If yes, how (advisory board, appointment or election of representatives)? (see article 14, §6 which is an option provision)**

Internal rules of a camp give a possibility for the applicants to be involved in the activities of the self-administration, and its task is to organise free time

¹¹ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

activities, solving of disputes and inferring of consequences in case of breach of the internal rules.

- F. Do specific rules exist on work of asylum seekers inside the accommodation centres different from the general ones about employment (see below)? If yes, which ones? Can working inside accommodation centres be considered as a (mandatory) contribution of the asylum seekers to the management of the centres, is it or not paid and considered as implying access to the labour market and subject to the same rules?

If an applicant works inside accommodation camp, director of the camp may increase the sum of the pocket money up to 36 SKK per day. Such a work is not considered as a work in employment relations, and therefore applicants do not have to wait for a year in the asylum procedure in order to work in the camp, as it is the case in the labour market, where access to employment is allowed after a year spent in the asylum procedure only.

Q.26. A. How can asylum seekers communicate with legal advisers, representatives of UNHCR and NGOs? (see article 14, §2, (b) which is a mandatory provision).

According to Article 42 of the Asylum Law, the authorised representative of UNHCR can participate in the asylum procedure at any stage, and establish contact with a party to the procedure.

According to Article 40 (2) of the Asylum Law, a foreigner shall have the right to talk with authorised UNHCR representative, his/her representative or guardian in the absence of third persons.

According to Article 45 of the Asylum Law, the Ministry shall co-operate with non-governmental organisations in ensuring care for applicants.

According to Article 17 (1) of the Asylum Law, a party to the asylum procedure shall have the right to be in contact with the Office of United Nations High Commissioner for Refugees (hereinafter „UNHCR“) and non-governmental organisations involved in care for applicants and persons granted asylum on the territory of the Slovak Republic during the procedure.

In practice, legal advisors and NGO employees visit asylum centres on a weekly basis.

B. What are the rules about access of legal advisers, UNHCR and NGOs regarding access to accommodation centres and other housing facilities (see article 14, §7 which is a mandatory provision)

According to Article 40 (1) of the Asylum Law, a stranger may enter the asylum facility only with a permission of the Ministry. The general regulation concerning administrative procedure shall not apply to permitting entry of an asylum facility.

In practice, permissions are issued for NGOs and legal advisers for a specified period of time.

C. Can the access of legal advisers, UNHCR and NGOs be limited for security reasons or any other reason (see article 14, §7, last sentence)?

No such limitations have been used so far.

Q.27. A. Is a medical screening organised by the receiving State, is it mandatory or voluntary? Does it include HIV tests? (see article 9 which is an optional provision)

A medical screening is mandatory, an applicant is obliged to undergo a medical examination (Article 23 (3) (b) of the Asylum Law). According to the Migration Office of the Ministry of Interior, it does not include HIV test. HIV is made if medical examination has brought some suspicion concerning the illness but test may be only done upon asylum seeker's consent.

B. Do the legal provisions on reception conditions ensure that asylum seekers receive at least emergency care and essential treatment of illness as requested by article 15 §1 which is a mandatory provision? Do they have a further access to health care?

Access to health care is governed by Article 22 (5) of the Asylum Law. According to this provision, the applicant shall be provided with an urgent health care. In the cases requiring special attention, if based on an individual examination of the applicant's health condition there are determined special needs for health care, the Ministry shall pay, on behalf of the applicant, the costs of its provision exceeding the limit under the first sentence. The Ministry shall provide a due health care to minor asylum seekers who are victims of abuse, neglect, exploitation, torture or a cruel, inhuman and humiliating treatment or who suffered consequences of an armed conflict.

C. What is the practice regarding access of asylum seekers to health care and how is it organised? In particular, what is the situation in accommodation centres (are doctors coming to the centres or do asylum seekers go to doctors outside)?¹²

A nurse is working in the centres on a full time basis; a medical doctor is coming to the centres in a specified time, usually once a week. Specific medical examinations are executed in relevant medical institutions.

Asylum seekers do not participate in the general system of health insurance. The Ministry of Interior is responsible to provide urgent health care via direct payments to the health institution. In cases of special circumstances, when based on individual assessment of health state of asylum seeker special need of health care has been ascertained, Migration office pays for the health care beyond the standard of urgent health care. There is no choice for asylum seeker

¹² To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

to decide on health institution. However, there is no problem to undergo further health care according to own choice, in case asylum seeker is able to pay for it.

Q.28. A. What is the length of the period determined by the concerned Member State during which asylum seekers have no access to the labour market? (see article 11 which is a mandatory provision)

Asylum seekers have no access to labour market during the first year of the asylum procedure. According to Article 23 (6) of the Asylum Law, the applicant must not enter any employment relation until the decision on granting asylum comes into effect; however, he/she shall be entitled to enter labour-law relations, if no final decision is made on his/her application for asylum within one year from initiation of the procedure, except for the case when the application for asylum was dismissed as manifestly unfounded or inadmissible.

B. After that period, are asylum seekers or not obliged to obtain a work permit? In case is there a limit for the administration to deliver the permits and how quick are they delivered? What is their length?

Asylum seekers are obliged to obtain a work permit. First, the Migration Office issues on a written request of an applicant a certification letter that the applicant is entitled to enter the labour market.

Then an application for a work permit must be lodged, and there is no specific limit for the administration to deliver the permit. General administrative limit is 30 days.

C. After that period, what are the conditions for access of the asylum seekers to the labour market? (in particular, are there rules concerning the maximum allowed of working hours or days per week, month or year, limits in terms of type of work or of professions authorised?)

There are no working hour's limits or any other limits different to other labour market participants.

According to Article 22 of the Law No 5/2004 on services of employment (zákon č. 5/2004 Z. z. o službách zamestnanosti - Collection of Laws (Zbierka zákonov), Vol. 4 (2004)) as amended, the competent authority may grant the alien a work permit, providing that the vacancy could not be filled by a job seeker in the register of job seekers; in issuing the work permit the competent authority shall consider the labour market situation; and there is no legal claim to the issuance of a work permit.

There is a contradiction between Article 23 (6) of the Asylum Law, which says that an applicant shall be entitled to enter labour-law relations, and Article 22 (4) of the Law No 5/2004, which says that there is no legal claim to the issuance of a work permit, in conjunction with Article 21 (2) of the Law No 5/2004, which provides that the employer with a domicile in the territory of the Slovak Republic may accept in employment only an asylum seeker, whose access to the labour market is permitted by the Asylum Law, if he/she was issued a work permit.

D. What are the rules in terms of priorities between asylum seekers on the one hand and nationals, EU or EEE citizens and legally third-country nationals on the other?

Asylum seekers with access to labour market, as well as EU and EEA citizens and their family members, have the same legal position as Slovak citizens with regard to services of employment (Article 2 (2) and Article 21 (1) (b) of the Law No 5/2004 on services of employment as amended).

There is no prioritisation between asylum seekers and legally third country nationals. EU and EEA citizens do not need any work permit.

E. Do asylum seekers have access to vocational training, does this or not depend of their right to access to the labour market, and in case at which conditions? (see article 12 which is optional regarding §1 and mandatory regarding § 2)

After gaining access to labour market, asylum seekers have also access to vocational training under the same conditions as Slovak citizens.

F. Are the rules regarding access to the labour market adopted to transpose the directive more or less generous than the ones applicable previously?

The rules are more generous, as there was no access to the labour market for asylum applicants before the transposition of the directive.

Q.29. Are reception conditions subject to the fact that asylum seekers do not have sufficient resources? Are asylum seekers requested to contribute to reception conditions when they have personal resources (for instance if they work) or to refund the authorities if it appears that they have resources? (see article 13 §§ 3 and 4 which are optional provisions)

According to Article 23 (5) of the Asylum Law, the Ministry may decide, that the applicant is obliged to adequately cover the expenses relating to his stay in the asylum facility or integration centre, or the cost of medical care provided, if his/her financial and proprietary circumstances are such, that it is possible to request from him/her at least a partial payment of the expenses relating to this stay.

In practice, this provision was not applied yet.

7. SPECIAL NEEDS OF PARTICULAR CATEGORIES OF ASYLUM SEEKERS

Q.30. **A. Which of the different categories of persons with special needs considered in the directive are taken into account in the national legislation (see article 17, §1 which is a mandatory provision): disabled people, elderly people, pregnant women, single parents with minor children, persons who have been tortured, raped or victims of serious physical or psychological violence? Include in your answer all other categories envisaged in national law.**

Unaccompanied minors and families with children are explicitly mentioned in Article 39 (1) of the Asylum Law with regard to appropriate conditions for accommodation and care. In addition to this, persons requiring special care are mentioned in this context. No other categories are mentioned in the Asylum Law.

According to Article 39 (1): "The Ministry shall create appropriate conditions for the accommodation of minors unaccompanied by their representative at law on the territory of the Slovak Republic, for families with children and persons requiring special care in asylum facilities."

B. How is their specific situation taken into account (see articles 13, §2, second indent, 16 §4 second sentence and 17 which are mandatory provisions)?

They shall have appropriate conditions for accommodation and care created.

C. How and when are the special needs of the concerned persons supposed to be legally identified (see article 17 § 2 which is a mandatory provision and clarify how it has been interpreted by transposition)?

This issue is not specified in Slovak legislation. Special needs might be identified in following procedures:

Medical examination

According to Article 23 (3) (b), an asylum applicant is obliged to undergo a medical examination provided by the Ministry without undue delay after his/her arrival to the reception centre.

Entrance interview

According to Article 4 (1) of the Asylum Law, after making application for asylum, the Ministry shall make an entrance interview with the applicant. However, there are no specific questions in the official form regarding special needs of the asylum applicant. As the Article 4 (1) further provides, in the course of the entrance interview, the applicant shall be obliged to provide truthfully and fully all requested information necessary for a decision on the application for asylum. The provided information shall be recorded on an official form. The specimen of the official form is enclosed in the Annex No. 2 to the Asylum Law.

D. Is the necessary medical and other assistance provided to persons with special needs as requested by article 15, §2 which is a mandatory provision and in particular to victims of torture and violence as requested by article 20 which is a mandatory provision?

The issue of special medical assistance explicitly for victims of torture and violence is regulated only with regard to minors.

With this regard, Article 22 (5) of the Asylum Law provides:

“In the course of the asylum procedure, the applicant shall be provided with an urgent health care. In the cases requiring special attention, if based on an individual examination of the applicant’s health condition there are determined special needs for health care, the Ministry shall pay, on behalf of the applicant, the costs of its provision exceeding the limit under the first sentence. The Ministry shall provide a due health care to minor asylum seekers who are victims of abuse, neglect, exploitation, torture or a cruel, inhuman and humiliating treatment or who suffered consequences of an armed conflict.”

According to the Migration Office of the Ministry of Interior, persons with special needs are considered individually. Sick and elderly people are provided with advanced health care and persons handicapped otherwise are provided with psychological assistance and increased individual care by social workers in a camp.

Q.31.

About minors:

A. Till which age are asylum seekers considered to be minor?

According to a general rule provided in the Civil Code, asylum seekers are considered to be minors till 18. There is no special provision on different consideration of asylum seekers.

B. How is access of minor asylum seekers to the education system ensured? Is it at school or in case inside accommodation centres and can it be considered as similar to the conditions for nationals as requested by article 10, §1?

According to Article 23 (3) (f) of the Asylum Law, an asylum applicant is obliged to attend a Slovak language course, if it is an applicant to whom the compulsory school attendance applies.

According to Article 34a (2) of the Law No. 29/1984 on the system of elementary and secondary schools (zákon č. 29/1984 Zb. o sústave základných a stredných škôl – Collection of Laws (Zbierka zákonov), Vol. 5 (1984)) as amended, which relates to education of foreigners, children of persons granted asylum and children of asylum applicants are provided with education in elementary and secondary schools under the same conditions as citizens of Slovakia.

C. Is access to education ensured not later than 3 months as requested by article 10, §2 (or after maximum one year if specific education for asylum seekers is provided) and till an expulsion decision is really enforced?

Yes, Article 34a (4) of the Law No. 29/1984 on the system of elementary and secondary schools as amended was amended while transposing the directive to include the three months time limit.

D. Is specific education (like language classes) available for asylum seekers, in particular to facilitate their effective access to the

education system of the reception Member State (see article 10, §2 which is an optional provision)?

According to Article 23 (3) (f) of the Asylum Law, an asylum applicant is obliged to attend a Slovak language course, if it is an applicant to whom the compulsory school attendance applies.

The Slovak language courses are given in accommodation centres.

E. Are minors in general accommodated with their parents or with the person responsible of them? (see article 14, § 3)

In general, minors are accommodated with their parents or with the person responsible of them. According to Article 39 (1) and (2), appropriate conditions shall be created for families with children. When placing a foreigner in asylum facility, family relationship shall be considered, and family ties shall be taken into account.

F. Do minors with special needs enumerated by article 18, §2 which is a mandatory provision, have access to appropriate mental health care and qualified counselling?

According to Article 22 (5), a due health care to minor asylum seekers who are victims of abuse, neglect, exploitation, torture or a cruel, inhuman and humiliating treatment or who suffered consequences of an armed conflict shall be provided.

G. How and when is organised the representation of unaccompanied minors (guardianship, special organisation) and regularly assessed? (see article 19, §1 which is a mandatory provision)

According to the Law No. 99/1963 as amended (Code on Civil Procedure – Občiansky súdny poriadok - Collection of Laws (Zbierka zákonov), Vol. 56 (1963)), a guardian will be appointed by the court, within 24 hours after the minor was found to be in Slovakia, to perform legal acts on behalf of the minor in his/her best interest. Until a guardian has been appointed unaccompanied minors stay at the police station. Guardians are either relatives or professionals with experience of working with children. The guardian makes the final decision on whether the unaccompanied minor applies for asylum or not.

Guardians of minors are established preferably from among close adult relatives, if not, then it is usually an employee of a closest Office of the labour, social welfare and family. Employees of the Office of the labour, social welfare and family who act as guardians in cases of unaccompanied minors are professionals with experience of working with minors; however they do not undergo special training and often are not familiar with asylum procedure and legislation regulating minor aliens.

H. How is placement of unaccompanied minors organised (with adult relatives, a foster family, in special accommodation centres or other

suitable accommodation)? (see article 19, §2 which is mandatory provision)

Article 39 (1) and (2) is the only provision, which provides for placement of unaccompanied minors. According to this Article, appropriate conditions shall be created for the accommodation of minors unaccompanied by their representative at law on the territory of the Slovak Republic, and for families with children. When placing a foreigner in asylum facility, family relationship shall be considered, and family ties shall be taken into account.

There is a reception camp and an accommodation camp specially designed for families, minors, and other vulnerable groups in Slovakia. In general, those groups of applicants are placed in the special centres, and this is especially the case with regard to the accommodation camps. In reception camps, applicants are placed on a geographical basis depending on in which part of the country they applied for asylum. However, not only those groups are placed in the special accommodation camp. If there is room enough, single men are also placed there.

I. How is the tracing of the family members of the unaccompanied minors organised? Are measures taken to protect confidentiality of information when necessary? (see article 19, §3 which is a mandatory provision)

The Law No. 305/2005 on social and legal protection of children and on social guardianship and on amendments of some acts regulates among other issues also the social and legal protection of unaccompanied minors.

According to Article 29 of this act, the authority concerned (the authority on social and legal protection of children and on social guardianship) shall inform the embassy of the country, in which the unaccompanied minor usually resides about the measures adopted in order to return or remove the unaccompanied minor, and requests his/her return or removal into the country of his/her usual residence, if it is clear that he resides in a safe country according to the list of safe countries of origin or if the Convention on the Civil Aspects of International Child Abduction does not apply for him/her; or the authority concerned shall suggest to the embassy of a country, in which the unaccompanied minor does not reside, and in which is his/her parent or a person personally taking care of him/her, their reunification and informs about measures adopted regarding this reunification. If the authority concerned cannot follow the procedures mentioned above, or on the request of the unaccompanied minor, the authority submits an asylum application, and secures his/her placement in an asylum facility. The authority concerned participates on the search for parents or other family members of the unaccompanied minor for the purposes of family reunification.

There are no specific provisions on the confidentiality with this regard. Also no provisions regarding the issue, when the authority concerned cannot follow the procedures mentioned in previous paragraph.

If the authority concerned submits an asylum application, and an unaccompanied minor has his relatives in an EU country, family reunification is regulated by the Dublin Regulation.

8. EXCEPTIONAL MODALITIES OF RECEPTION CONDITIONS

Q.32. Apart from detention covered by the next question, are there exceptional modalities for reception conditions in the following cases and if yes, which ones and for how long are they applicable, knowing that they should be “as short as possible” (see article 14, §8)?

There are no exceptional modalities for reception conditions regulated by the law.

- A. Persons with specific or special needs, regarding in particular the period of assessment of those needs?**
- B. Non availability of reception conditions in certain areas**
- C. Temporarily exhaustion of normal housing capacities**
- D. The asylum seeker is confined to a border post**

When an asylum seeker is confined, even though for short time (it should be maximum 24 hours), to a border post, department of the Border and Foreigners police ensures essential health care in case there is a need. Neither in the provisions of law, nor in the Methods of Conduct of the departments of the Office of the Border and Foreigners Police in the asylum procedure, there are obligations concerning provision of material reception conditions, such as food and drinking water, embedded.

- E. All other cases not mentioned in the directive (for instance urgent situation in case of a sudden high number of applicants outside a case of application of the directive on temporary protection).**

Q.33. Detention of asylum seekers (we do not cover the situation of rejected asylum seekers detained for the purpose of their return) (see articles 6 §2, 7 §3, 13, §2 2nd indent and 14 §8 which implies that the directive is in principle applicable in case of detention):

- A. In which cases or circumstances and for which reasons¹³ (identity verification in particular if the persons have no or false documents, protection of public order or national security, refugee status determination, way of entry into the territory, etc) can an asylum seeker be detained during the asylum procedure till his request has been finally rejected. Quote precisely in English in your answer the legal basis for detention of asylum seekers in national law.**

¹³ Please specify it article 18 §1 of the directive on asylum procedures of 1 December 2005 which specifies that “Member States shall not hold a person in detention for the sole reason that he/she is an applicant for asylum” is or not respected (even if has not yet to be transposed).

According to Article 23 § 3 (a) of the Asylum Law, an asylum applicant is obliged to remain in the police department in the transit area of an international airport, when the foreigner concerned arrived to the territory of the Slovak Republic by plane and he/she fails to satisfy the requirements for entering the territory of the Slovak Republic.

Asylum seekers are obliged to remain in the reception camp until a medical check has been performed and the result thereof is known. There is no time limit for the performance of the medical examination, in practice this usually takes three weeks. Asylum seekers are also obliged to remain in the centre if isolation or quarantine is ordered for the purpose of preventing infectious diseases (Article 23 (3) (c) and (d)).

Furthermore, if someone applies for asylum while in administrative detention, the application can, but does not have to constitute a ground for release. The grounds for detention are set by the Law No. 48/2002 Z. z. o pobyte cudzincov – Collection of Laws (Zbierka zákonov), Vol. 23 (2002)) as amended (Foreigners Law). Article 62 (1) provides:

The police is entitled to take foreigners into custody if:

- a) She/he unlawfully enters the territory of the Slovak Republic,
- b) She/he unlawfully stays on the territory of the Slovak Republic,
- c) it is necessary for the execution of his/her administrative expulsion,
- d) she/he was returned to the territory after unlawful emigration,
- e) she/he tried to illegally enter the territory of another state,
- f) she/he applied for asylum after receiving a decision on administrative expulsion, or after being sentenced to expulsion,
- g) it is necessary for the purposes of a transfer according to the Dublin regulation.

It follows that foreigners may be detained before they formally lodge their asylum applications if they have unlawfully entered the territory of the Slovak Republic, or if they are unlawfully staying there.

The foreigner may be taken into custody for the time needed, with a maximum of 180 days.

There is always a reason for detention of asylum seekers other than the sole fact that they are asylum seekers. It is either one of the reasons specified in Article 62 (1) of the Foreigners Law; or freedom of movement of an asylum seeker can be restricted also according to Asylum Law. There, public health (Article 23 (3) (c), (d), or public order (Article 23a (2)) are the reasons for restriction of the freedom of movement.

B. Has your member State adopted measures to transpose §3 of article 7 which is an optional provision? If yes, how has this provision been legally understood (is it a case of detention or an obligation to stay in and not leave a

certain place?) and for which reasons can an asylum seeker be “confined” in such a place?

Slovakia has adopted measures to transpose Article 7 (3). The provision in question was understood as an obligation to stay and not leave a certain place. The reasons are following:

Article 23a of the Asylum Law:

“(1) The applicant may leave the asylum facility only based on a permit issued by the Ministry. The applicant may request the Ministry for issuance of the permit for leaving the asylum facility for more than 24 hours, but maximally seven days, only after being interviewed; in the request, he/she shall be obliged to state the place where he/she will stay. The general regulation on administrative procedure shall not apply to the permit’s issuance. In the course of the applicant’s absence in the asylum facility, the applicant shall not be entitled to the benefits under Section 22 Paragraph 4 Subparagraph b).

(2) The Ministry may refuse to issue the permit under Paragraph 1 only due to a public order or due to the need for the applicant’s personal attendance at the asylum procedure.”

Article 23 (3) (c) and (d) of the Asylum Law:

“Unless otherwise decided by the Ministry, the applicant shall be obliged

...

c) to stay in the reception camp until announcement of the result of the medical examination,

d) to stay in the asylum facility, if for the purposes of preventing contagious diseases, isolation^{11a)} or quarantine measure^{11b)} is ordered to the applicant, ...”

C. Are there legally alternatives to detention, like obligation to report to the authorities, obligation to stay in a place, provision of a guarantor or of a financial guarantee?

There is no legal alternative to detention of asylum seekers.

D. Which is the competent authority to order the detention of an asylum seeker? Explain if different authorities are involved to first take and later confirm the decision.

The competent authority is, according to the Foreigners Law, Bureau of the Border and Foreign Police of the Police Corps. The decision on detention can be reviewed by a court, but it is not done automatically, the detained person has to lodge an appeal first (within 15 days). The appeal has no suspensive effect.

11a) Section 16 of the Order of the Ministry of Health Care of the Slovak Republic No. 79/1997 Coll. on Measures for Preventing Contagious Diseases, as amended by the Order of the Ministry of Health Care of the Slovak Republic No. 54/2000 Coll.

11b) Section 17 of the Order of the Ministry of Health Care of the Slovak Republic No. 79/1997 Coll.

E. For how long and till which stage of the asylum procedure can an asylum seeker be detained?

According to Article 62 (3) of the Foreigners Law, a foreigner may be taken into custody for the time inevitably needed, at maximum for 180 days. There is no legal provision stating until which stage the asylum procedure can go on in detention, however, in general, an asylum seeker was released, when it was made quite obvious that asylum procedure will not be finished by valid decision until the last day of detention (usually when appeal with suspensive effect has been lodged to the court).

F. In which places (can we call them “closed centres”?) are asylum seekers detained (places in a special closed centres reserved only to asylum seekers, together with returnees like illegal aliens or even in a normal prison, in case within separated areas or with the other detainees)? Indicate if a difference has to be made following the location of the “closed centres” at the border or on the territory? Which is the authority managing those places and is it the same as the one in charge of reception conditions?

1. Detention according to Foreigners Law – asylum seekers are detained together with illegal foreigners, and they are not separated. The Bureau of the Border and Foreign Police of the Police Corps is managing those places – police custodies for foreigners.
2. Restrictions on freedom of movement according to Asylum Law – asylum seekers are placed in asylum centres (reception and accommodation camps). The Migration Office of the Ministry of Interior is managing those places.

G. Does UNHCR and NGOs have access to the places of detention and under which conditions?

UNHCR and NGOs have access to the places of detention. They usually get permission to enter the places from the bodies responsible for respective places for a specified period of time, e. g. one year. No problems with access to those places were observed.

H. What appeal(s) can asylum seekers introduce against the fact he is detained? Is article 18 of the directive on asylum procedures of 1 December 2005 following which “Where an applicant for asylum is held in detention, Member States shall ensure that there is a possibility of speedy judicial review” respected (even if it has not yet to be transposed)?

Those, who are detained under the Foreigners Law, can lodge an appeal to a court within 15 days following the delivery of the decision on detention. However, the judicial review cannot be regarded as a speedy one. There is no time limit for a court to decide provided in the law, and in practice, courts

sometimes decide only, when the foreigner concerned is not in the detention anymore.

There is an obligation of the Foreigners Police to prove whether grounds for detention still exist during the entire time of detention, however, it would be quite difficult to enforce them to do so, if they are not.

I. Is the directive on reception conditions considered to be in principle applicable to the places where asylum seekers are detained? In particular which information do they receive about their rights, which access do they have to legal advice and health care?

The access to legal advice and health care is similar to those, who are not detained.

After applying for asylum, they receive the same information about their rights, as not detained asylum seekers do, although it is not very useful in their situation, as they are detained under Foreigners Law.

Immediately after placing into detention, an alien should be acknowledged with nature of the facility he is placed in, with his rights and obligations relating to detention and with internal order of the facility in the language he understands.

J. Apart from freedom of movement, what are the main differences between normal reception conditions and exceptional modalities for reception conditions in case of detention, knowing that they should be “as short as possible” (see article 14, §8)? If it is about closed centres, are the regulations of those places in line with the requirements of the directive (is article 13, §2, second indent of the directive following which “*Member States shall ensure that standards of living is met (...) in relation to the situation of persons who are in detention*” respected?).

Asylum seekers in detention do not receive any pocket money, and minors do not have access to education. Except of the fact regarding education, standards of living are met.

Food is provided to detained aliens for the first time when detention lasts for more than 6 hours. Food is provided according to internal rules of the facility with regards to age, health condition and religion of detained alien. Expenses concerning food are covered by detained alien himself from his belongings. In case detained alien does not have any financial sources, it is covered by the state. Accommodation is provided with regards to his age, health condition, and family relations, religious or ethnic differences. Men and women are accommodates separately, the same applies to minor and adult with exemption of family relations.

K. Are measures taken to avoid detention of asylum seekers with special needs (if yes, which ones?) or are special measures taken because of their needs?

Unaccompanied minors are not detained. No other measures are taken.

L. Can minor asylum seekers be detained together with relatives? Can unaccompanied minor asylum seekers be detained? If yes, are there special measures which take into account that children are concerned?

Unaccompanied minors are not detained. Minor asylum seekers, who are together with their relatives, can be detained, and if the relatives are detained, they are detained together with them. There is a special department in one of the detention centres specially dedicated to families.

M. In particular is article 10 regarding access to education of minors respected in those places?

Article 10 is not respected as there is no access to education for children detained in detention centres for foreigners.

N. How many asylum seekers are for the moment detained in your Member State? Which proportion does this represent in comparison of the total number of asylum seekers at the same moment?

On 31 May 2006, 78 asylum seekers out of total number of 397 asylum seekers were detained.

9. ORGANISATION OF THE SYSTEM OF RECEPTION CONDITIONS

Q.34. Explain if the system of providing reception conditions is centralised or decentralised (which levels of government do provide practically reception conditions?) (do not confuse this question with question number 3 about the competence to make rules about reception conditions).

Provision of reception conditions is centralised, central government, in particular Ministry of Interior, is responsible for provision of reception conditions. All asylum centres are facilities of the Ministry of Interior.

Q.35. In case, are accommodation centres public or/and private (managed by NGOs? If yes, are the NGOs financially supported by the State?)¹⁴

Asylum centres are public only; they are managed by the Ministry of Interior.

¹⁴ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

Q.36. In case, how many accommodation centres are there in your Member State (distinguish in your answer between public and private centres)?¹⁵

There are 6 centres for asylum seekers in Slovakia, one of them was opened in June, and should start to accommodate asylum seekers in September 2006 only.

Q.37. Is there in the legislation a plan or are there rules in order to spread the asylum seekers all over the territory of your Member State to avoid their concentration in some areas like big cities or to share the costs of their reception between central, regional and local authorities?

There is nothing like that in legislation itself. In the past, all the centres were located in the western part of the country, however, two centres were opened in central Slovakia in last two years, and one centre was opened in the eastern part of the country recently.

Q.38. Does a central body representing all the actors (like NGOs) involved in reception conditions exist? Does it play a consultative role for the State authorities, a coordination role for the actors or any other role?¹⁶

There is no such organisation or body right now.

Q.39. A. Which is the body in charge of guidance, monitoring and controlling the system of reception conditions as requested by article 23 which is mandatory provision? Include in your answer which is the competent ministry (Interior, Social affairs, etc) for reception conditions?

It is the Ministry of Interior, specifically Migration Office of the Ministry of Interior, who is in charge of guidance of the system of reception conditions, and it has its own internal control system. Furthermore, if a particular complaint is lodged regarding the bodies in charge of reception conditions, the Inspection of the Ministry of Interior is the body investigating such complaints. As regards the hygienic standards of the accommodation centres, Major Sanitation Officer of the Ministry of Interior oversees meeting the standards mentioned above.

UNHCR, together with NGOs, are monitoring the system of reception conditions.

B. Has your Member State (like the Czech Republic did recently) approved quality standards (not necessary legally binding) for housing services (for instance about the number of persons per bedroom on the basis of its size, number of accessible toilets, bathrooms, showers and washing machines per number of persons, existence of common rooms with radio, television, newspapers, books, computers, accessibility of telephone, existence of recreative

¹⁵ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

¹⁶ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

rooms for children,...) to be respected in particular in accommodation centres?¹⁷

There is a quality standard approved in Slovakia by way of the Ordinance of the Ministry of Health Care No 505/2002 from 8 July 2006, which provides for minimum hygienic requirements for apartments in blocks of apartments, hygienic requirements for housing facilities, and requisites of operational regulations of housing facilities – vyhláška č. 505/2002 z 8. júla 2006, ktorou sa ustanovujú najnižšie hygienické požiadavky na byty v bytových domoch, hygienické požiadavky na ubytovacie zariadenia a náležitosti prevádzkového poriadku ubytovacích zariadení (Collection of Laws (Zbierka zákonov), Vol. 195 (2002)).

C. How is this system of guidance, control and monitoring of reception conditions organised?¹⁸

According to the Migration Office of the Ministry of Interior, guidance, control and monitoring of reception conditions are performed together with UNHCR.

Migration Office of the Ministry of Interior was established as a central governmental authority in the field of asylum. As such, the Migration Office is in charge of guidance of reception conditions. As a body responsible for all reception centres in Slovakia, and responsible for organised movement of asylum seekers within the country, the Migration Office has a direct impact on all actors dealing with reception conditions of asylum seekers.

The system of control was described under Q. 39 C. above.

UNHCR, together with NGOs, are monitoring the system of reception conditions. The system of monitoring is not specifically institutionalised, but general provisions on cooperation between the Ministry of Interior and UNHCR and NGOs allowing monitoring of reception conditions are established in the Asylum Law.

D. Does the body in charge of guidance, control and monitoring produce reports about the level of reception conditions? If yes, how frequently and are they public?¹⁹

According to the Migration Office of the Ministry of Interior, reports are produced for internal use. They can be published upon request.

Q.40. A. What is the total number of asylum seekers covered by reception conditions for the last year for which figures are available (see article 22 obliging Member States to calculate those statistics about which we also

¹⁷ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

¹⁸ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

¹⁹ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

asked the Commission to require them from Member States for mid June)?

3 549 foreigners applied for asylum in 2005 in Slovakia.

B. What is the total budget of reception conditions in euro for the last year for which figures are available?²⁰

The total budget for 2005 was approximately 2 576 000 EUR. In the budget are included not only expenses for accommodation, food, pocket money, hygienic and other items, and health care, but also operational costs.

C. What is the average cost of reception conditions in euro per asylum seeker for the last year for which figures are available?²¹

The average cost per asylum seeker is approximately 20 EUR. In the budget are included not only expenses for accommodation, food, pocket money, hygienic and other items, and health care, but also operational costs.

D. Are the costs of reception conditions of asylum seekers supported by the central/federal or federated government or are they shared with regional and/or local authorities?

The costs are covered by the central government.

E. Is article 24 § 2 of the directive following which “*Member States shall allocate the necessary resources in connection with the nationals provisions enacted to implement this directive*” respected?²²

According to the Migration Office of the Ministry of Interior, Article 24 (2) of the directive is respected.

Q.41. A. What is the total number of persons working for reception conditions?²³

According to the Migration Office of the Ministry of Interior, there are 172 employees of this body working for reception conditions, plus up to 30 persons working for NGOs.

B. How is the training of persons working in accommodation centres organised? Does it take into account specific needs of unaccompanied minors when relevant as well as the gender

²⁰ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

²¹ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

²² To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

²³ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

dimension? (see article 14 §5, 19 § 4 and also 24 §1 which are mandatory provisions)?²⁴

According to the Migration Office of the Ministry of Interior, the training is organised, following training activities were provided:

- trainings organised by the Migration Office of the Ministry of Interior;
- individual schedules;
- furthermore, in course of last year, educational activities in order to strengthen the administrative capacities in the field of Gender Mainstreaming were organised by the Ministry of Interior, and training activities focused on relaxation and abreaction were organised by the Ecumenical Council of Churches, and some other training activities.

C. Are there rules about the deontology of persons working in accommodation centres, in particular on confidentiality?²⁵

According to the Migration Office of the Ministry of Interior, its employees are governed by internal rules and regulations, by the ethical code of civil servants, and personal data of asylum applicants are used only for official purposes.

According to a general provision applying to public servants – Article 8 (1) (c) of the Act No. 552/2003 on service under public interest (zákon č. 552/2003 o výkone práce vo verejnom záujme) (Collection of Laws (Zbierka zákonov) Vol. 226 (2003)) as amended, the public servant is obliged to keep in discretion the facts, he/she learned while executing his/her service under public interest, and which cannot be communicated to other persons.

10. IMPACT OF THE DIRECTIVE

Legal impact of the transposition of the directive:

Q.42. Specify if there are or not big problems with the translation of the directive in the official language of your Member State and give in case a list of the worst examples of provisions which have been badly translated? (please note that this question has in particular been added to the questionnaire concerning the new Member States)

No big problems with the translation of the directive were observed.

Q.43. Where there precise legal rules on reception conditions for asylum seekers before the adoption of the norms of transposition of the directive (if yes, specify what the nature of those rules was (legislation, regulation, administrative instructions,...))?

The rules on reception conditions for asylum seekers were incorporated in the legislation even before the adoption of the norms of transposition of the directive.

²⁴ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

²⁵ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

Q.44. Did the legal rules applicable to reception conditions become more clear, precise, coherent or detailed with the adoption of the transposition norms (for instance do you now have after the transposition one basic text dealing with reception conditions instead of numerous different texts in the past?)

The rules became a bit more clear and detailed.

Q.45. Did the transposition of the directive imply important changes in national law or were the changes of minor importance? In case, list the most important changes that have been introduced.

The most important change that was introduced by the transposition of the directive was the fact that asylum seekers are allowed to work, although after being one year in the procedure only. Also the fact that minor asylum seekers shall be included into the education system within three months is important; the time limit was not in Slovak legislation before.

Political impact of the transposition of the directive:

Q.46. Explain briefly if there has been an important debate about the transposition of the directive (in particular in the Parliament, but possibly also in the government, between political parties, including in medias, etc; underline in case the main points which have been discussed or have created difficulties)

There was almost no public debate about the transposition of the directive; the debate was only on a professional level.

There was a provision in the draft law, according to which it would be possible to place an asylum seeker in a special centre, if he/she would have breached the internal order of an accommodation centre, behave violently, or would be reasonably suspected of committing a criminal offence. The NGOs together with UNHCR succeeded with a help of some members of parliament to exclude the relevant provision from the draft law.

Q.47. Did the transposition of the directive contribute to make the internal rules stricter or more generous? In particular, did your Member State use the occasion of the transposition to abolish more favourable provisions of national law? Does your Member State still have rules more favourable than the provisions of the directive (if yes, try to give the more important examples).

The transposition of the directive contributed to make the rules more generous, especially with regard to access to employment, and more precise with regard to access to education and appointment of guardians for unaccompanied minors.

11. ANY OTHER INTERESTING ELEMENT

Q.48. What are in your view the weaknesses and strengths of the system of reception conditions in your Member State?²⁶

As a main weakness I would see the legal framework regarding restriction of freedom of movement. The reasons for which are asylum seekers kept in detention and the possibilities they have to have the detention reviewed, are in my view not only in breach of the directive, but also of the European Convention on Human Rights.

As regards material reception conditions, provision of clothing should be regulated more precisely, and pocket money for asylum seekers should be increased on a level above a symbolic one.

The following strengths and weaknesses are outcomes of the SWOT analyse made in the course of the project in 2005 (Twinning Light with Swedish partners – Swedish Migration Board) within Unallocated Institution Building Facilities 2003

Weaknesses:

Administrative structures

- Inadequate long-term planning
- Not enough career incentives due to national legislation
- Lack of interpreters in Slovakia
- Logistical shortcomings (delays in delivery of files etc)

Facilities

- Insufficient electronic connections between the MO and the different facilities (Comment: the problem has been already solved)
- Missing of internal monitoring system for prevention of damage of property

Services

- Too extensive entry health examinations resulting in high costs for health care (Comment: the problem has been solved partially)

Strengths:

Administrative structures

- Adoption of the Migration Policy Concept
- Creation of the Asylum Departments in Vlachy, Adamov-Gbely and Rohovce
- Good co-operation with municipalities involved
- Enthusiastic staff in MO and BBAP
- Improved co-operation between MO and BBAP

Facilities

- Accommodation centre in Brezova pod Bradlom: designed for vulnerable groups such as unaccompanied minors
- Accommodation centre in Gabčíkovo: flexibility in case of emergency situations and could be expanded into a reception centre
- RC Rohovce: designed for vulnerable groups such as unaccompanied minors

²⁶ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.

Services

- Good co-operation with the municipalities
- Good co-operation with NGOs

- Q.49. Mention any good practice in your Member State which could be promoted in other Member States²⁷**
- Q.50. Please add here any other interesting element about reception conditions in your Member State which you did not had the occasion to mention in your previous answers.**

²⁷ To be answered with the help of UNHCR local office competent for your Member State or on the basis of the answers of NGOs and accommodation centres to the practical questionnaire.