

EMN FOCUSED STUDY 2013

Attracting Highly Qualified and Qualified Third-Country Nationals

CONTRIBUTION FROM THE SLOVAK REPUBLIC

<p style="text-align: center;"><u>Top-line “Factsheet”</u> (National Contribution) <u>Executive Summary</u> (Synthesis Report)</p>
<p><i><u>National contribution (one page only)</u></i> <i>Overview of the National Contribution – introducing the study and drawing out key facts and figures from across all sections of the Focussed Study, with a particular emphasis on elements that will be of relevance to (national) policymakers.</i></p>
<p><i><u>Synthesis Report (up to three pages)</u></i> <i>Executive Summary of Synthesis Report: this will form the basis of an EMN Inform, which will have EU and National policymakers as its main target audience.</i></p>

The EMN Steering Board approved, in the framework of the EMN Work Programme 2013, the preparation of a focussed study entitled *Attracting Highly Qualified and Qualified Third-Country Nationals to EU Member States*. The contribution of the Slovak Republic will constitute part of a synthesis report with the same focus at the EU level, summarising the outcomes of national studies prepared by EU Member States and Norway on the basis of a common specification in the form of a questionnaire. The purpose of this focussed study is to provide an overview of the policies and legislative measures to attract qualified and highly qualified workers in the SR and, in this regard, inform about the experience, as well as problems and future steps. The synthesis report prepared by the EC in the EMN framework will subsequently inform about the policies and legislation in the different EU Member States and in Norway with a view to attract qualified and highly qualified third-country nationals, and will provide, on this basis, information about the experience and good practice in this area, which can be used in the creation of relevant policies and legislation both at the EU level and at the national level in other Member States.

The Slovak Republic has not had much experience in this area so far. Several strategic documents deal with the attraction of qualified and highly qualified third-country nationals in the SR, either within the wider context of other policies, or just at the declaratory level. The key strategic document in the field of migration, which also details labour migration with regard to qualified and highly qualified workers, is the Migration Policy of the Slovak Republic with a Perspective until 2020 (MP, or “Migration Policy”). Section 1 of this study describes these strategic documents and the Migration Policy as such. Since the Migration Policy is the only document concerning migration in the SR, detailing the individual theses through Action Plans, Section 1 of this study analyses only this document, in particular its main principles, objectives, and actions. It should be noted in this regard, though, that due to the fact that the Migration Policy is a relatively new document, its practical application and the effectiveness of individual measures cannot be evaluated yet¹. The most extensive first chapter of the study also deals with the impacts of the European legislation on the policies and measures aimed to attract qualified and highly qualified workers to the Slovak labour market,

¹ Summary Report on the State of Fulfilment of the Migration Policy Tasks, Plans and Objectives was submitted to the Government of the SR in the first half of 2013.

and also informs about agreements concluded with third countries in this area. It also describes other measures of legislative and non-legislative nature that could have an impact on the influx of highly qualified and qualified third-country nationals to the SR.

Section 2, presenting a statistical overview of the phenomenon of attracting qualified and highly qualified third-country nationals to the SR, demonstrates that the SR has not had much experience in this area, since it has not implemented yet any concrete measures directly aimed to attract highly qualified and qualified third-country nationals. The introduction of the EU Blue Card has not contributed to the attraction of larger numbers of highly qualified workers so far. In spite of this fact, according to available statistical data, the majority of labour migrants – third-country nationals in the SR is highly qualified and qualified, and has attained a high level of education.

The share of third-country nationals in the total number of aliens is low, unlike EU nationals who are represented to a larger degree. The same applies to labour migration. There are several reasons for the low number of third-country nationals in the labour market of the SR, especially high administrative burden in obtaining the required permits, relatively low salaries, language barriers, etc. These reasons are mentioned in several researches and studies, and are based on the practice of relevant experts. For more details see Section 3.

The final Section 4 proposes some future measures or the continuation of certain trends that have already started so that the Slovak Republic can cope in the global competition for talents and become more attractive also for the group of highly qualified and qualified migrants. The results of the study at the EU level will help the SR to seek good practice examples and successful policies in this field in other Member States that could be inspirational for the SR.

Section 1
National Policies and Measures
(Maximum 8 pages)

This section reviews the national policies and measures that Member States employ in order to attract highly qualified and qualified third-country nationals. Reference is made to the International Standard Qualifications as regards education (ISCED) and occupation (ISCO-08) and/or the respective salary threshold when outlining the target group of these policies and measures (see examples above).

1.1 Policies

Q.1. Are there national policies in place for the attraction of highly qualified and qualified third-country nationals?

Yes.

The attraction of highly qualified and qualified third-country nationals is mentioned in several strategic documents of the SR, though none of them focuses specifically on the detailing of this issue. Among strategic documents, the **Migration Policy of the Slovak Republic with a Perspective until 2020**, approved by Government Resolution No. 574 of 31 August 2011, deals in particular with labour migration to Slovakia.² This document, however, does not focus only on migration and the attraction of highly qualified and qualified migrants to the Slovak labour market, since it deals with the general aspects of migration in the SR and its different fields, while only one specific chapter of this document concentrates on labour migration.

The MP is based on the **Conceptual Plan of the Migration Policy of the SR for the Period 2011–15**³, which, *inter alia*, indicates the direction of the policy of the SR in the field of labour migration with a focus on the employment of foreigners in line with labour market demands, the admission and employment of highly qualified workers, academics, students and other qualified migrants; and the setting of quota for the different groups of legal migrants on the basis of employment needs, with possible consideration of sectoral divisions and divisions as per countries of origin of migration. The individual theses articulated in this document were subsequently reflected and detailed in the MP which followed this document.

The MP, especially its part concerning legal migration, refers to the conceptual document **Minerva 2.0 – Slovakia into the First League**.⁴ This document interlinks the sectoral initiatives in the field of knowledge economy, such as education, research and development, and innovative business. The document several times points out the problem of very low mobility of international students/PhD students/researchers in Slovakia, as well as the obstacles related to the restrictive visa policy, the policy of aliens' stay in the SR, and many other administrative obstacles on the side of the aliens police, ministries and diplomatic missions of the SR abroad. These problematic issues constitute one of the factors that have an impact on the weaknesses of the economic and social development. To minimise or eliminate

² Available at http://www.emn.sk/phocadownload/documents/migracna_politika_sr_2020_sk.pdf (consulted on 18/03/2013).

³ This document was approved by Government Resolution No. 67 of 02 February 2011, and is available at <https://lt.justice.gov.sk/Attachment/vlastnymat.rtf?instEID=-1&attEID=30767&docEID=149606&matEID=3494&langEID=1&tStamp=20101228152635123> (consulted on 18/03/2013).

⁴ Minerva 2.0 – Slovakia into the First League. Available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=20088> (consulted on 18/03/2013).

them, the document proposes, as one of the measures, the elaboration of an active migration policy and the modification of related legislation that would, *inter alia*, create a framework for the arrival of highly qualified workers. The document also proposes tools to improve the migration policy of the SR in this field, specifically:

- introduction of a *Slovak Card* that would facilitate the entry and stay of migrants that Slovakia wants to attract and keep;
- introduction of a points-based system that would enable the entry of immigrants meeting various preferences of Slovakia.

The document also states that the conditions for the entry and stay of Slovak Card holders and for aliens arriving under the points-based system will be simplified by introducing the possibility of communication with authorities in English language (not only in Slovak), by accelerating and facilitating the visa and residence permit granting procedure, eliminating obstacles in getting employed, simplifying and improving the transfer of corporate employees between foreign countries and Slovakia, and by facilitating the integration of these aliens through faster access to permanent residence permits and Slovak citizenship and full-fledged position in the society in terms of access to the labour market, social and health insurance, etc.⁵ The tasks arising from this document, however, have not been implemented in the form of reporting on the fulfilment of tasks, and many measures have not been implemented yet at all.

The need to attract highly qualified and qualified migrants and the focus on certain groups of migrants, such as students and researchers, is also mentioned in other strategic documents, but rather at the declaratory level without further detailing, namely:

Manifesto of the Government of the SR 2012–16⁶, whose part on research and development declares that it is necessary to promote legislative changes to ensure such conditions that will allow quality students and researches from third countries to come to study and work in Slovakia.

Concept of Foreigners' Integration in the SR

The chapter *Employment and Access to the Labour Market* declares that “the Slovak Republic will not apply a model based only on the principle of covering scarce jobs on the labour market, and will focus on supporting the management of labour migration of highly qualified labour forces from third countries, which will contribute to the overall competitiveness of the SR, especially on the immigration of students, academics and researchers, artists, entrepreneurs, as well as groups of foreign Slovaks living in various countries in diasporas, etc.”⁷ The fulfilment of tasks arising from the Concept of Foreigners' Integration includes the preparation of annual **Summary Reports on the Implementation of Measures Arising from the Concept of Foreigners' Integration in the SR** (the reports prepared so far concerned the years 2010, 2011, 2012).⁸ With regard to highly qualified third-country nationals, the Summary Report 2012 explicitly mentions the conditions for obtaining the EU Blue Card, though a closer analysis of the effectiveness of obtaining and granting EU Blue Cards is missing.⁹

⁵ Minerva 2.0 – Slovakia into the First League, pp. 28 and 29.

⁶ Available at http://www.vlada.gov.sk/data/files/2008_programove-vyhlasenie-vlady.pdf (consulted on 18/03/2013).

⁷ Concept of Foreigners' Integration in the Slovak Republic, p. 25, available at <http://www.employment.gov.sk/integracia-cudzincov-dokumenty.html> (consulted on 29/05/2013).

⁸ The summary reports are prepared on the basis of the reports on the fulfilment of tasks by all relevant ministries, self-governing regions, National Labour Inspectorate, Statistical Office, and Union of Towns of Slovakia. These reports are also available on the website of the MoLSAF SR.

⁹ Source: MoLSAF SR

On 01 November 2012, the MoLSAF SR began implementing the national project “Preparation of a New Integration Policy and Its Mainstreaming”. The aim of this project is to create a **new integration policy**. The process of preparation of the new integration policy document is currently in place, and the document is planned to be submitted to the Government in December 2013. The new integration policy aims to improve the multi-dimensional aspects of integration (employment, education, cultural orientation, civil participation, language skills, and access to citizenship). At present, the responsible ministries are asked to present their proposals, visions, plans, and measures concerning the new integration policy document.¹⁰ It is therefore not possible to evaluate yet to what extent the new integration policy will deal with the integration of highly qualified and qualified third-country nationals.

The next parts of the study will deal closer only with the MP and the individual measures since it is the fundamental document in this area. MP is detailed through Action Plans (AP)¹¹, including labour migration, and also reflects the main theses of the documents mentioned above. The relevant central state administration authorities are responsible for the implementation of the individual APs, and they can modify, update and re-evaluate the texts of the Action Plans, for example, due to the new Government Manifesto 2012–16, or due to legislative development and other changes. The updated Action Plans should be available in September 2013.¹² The Action Plans implementation is monitored by the Government of the SR on the basis of annual reports on the fulfilment of tasks¹³. The MP and its APs are relatively new documents, and their individual measures have not been fully applied in practice yet. It is therefore not possible to analyse their impacts and the effectiveness of their implementation.

Q1.a. If Yes, please indicate the following:

- ***National definition of highly qualified third-country nationals, including references to relevant international standards such as ISCED/ISCO and/or salary thresholds;***

Insert Response here and please consider whether the following is included:

- Education level; **yes**
- Salary;
- Experience; **yes**
- Other

The terms highly qualified migrant or third-country nationals are not defined in strategic document in the SR.

The definition of highly qualified employment can be found in Art. 37, par. 3 of Act No. 404/2011 on Residence of Aliens and on Changes and Amendments to Some Acts (Act on Residence of Aliens), though this definition only defines the term highly qualified employment for the purpose of issuing the EU Blue Card. Under this act, highly qualified employment means employment for the performance of which a higher professional

¹⁰ Source: MoLSAF SR

¹¹ Action Plans form part of the Summary Report on the State of Fulfilment of Tasks, Plans and Objectives of the Migration Policy in 2011, available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=21047> (consulted on 19/03/2013).

¹² Source: MoLSAF SR

¹³ The Summary Report on the State of Fulfilment of Tasks, Plans and Objectives of the Migration Policy in 2012 was discussed by the Government of the SR on 30 April 2013.

qualification is required. Higher professional qualification is understood as the qualification proved by a document of university education or document certifying the performance of more than five years of professional experience in the respective area which is of comparable level with the university education which was issued as per a special regulation. Neither the Act on Residence of Aliens nor any other piece of legislation in the SR further defines highly qualified or qualified employment or the term highly qualified or qualified migrant.

The MoLSAF SR is currently working on a more comprehensive definition of qualified and highly qualified migrants beyond the definition of highly qualified employment mentioned in the Act on Residence of Aliens in the context of EU Blue Cards issuance.¹⁴

For the purposes of defining highly qualified employment in this study and in general within the SR, the international standard classification of jobs ISCO-88 can be used, transposed to the extended classification of occupations KZAM-R in the SR. KZAM-R classifies workers mainly according to the nature of work, difficulty, responsibility and qualification requirements for the performed work.

According to KZAM-R, the first three major groups can be considered as highly qualified employment, comprising the following groups of workers:

1. Legislators, senior officials and managing employees. In this major group, the level of education is not determined, and the function of policy-making and management is considered more important;
2. Scientists and professionals, i.e. occupations requiring knowledge and skills corresponding to university education or bachelor's qualification (i.e. international classification of qualifications ISCED 5 and 6) or academic qualification;
3. Technical, healthcare and teaching staff, and workers in related fields, i.e. employees requiring knowledge and skills corresponding to full secondary or bachelor's qualification (i.e. international classification of qualifications ISCED 5 or 4)¹⁵.

➤ ***National definition of qualified third-country nationals, including references to relevant international standards such as ISCED/ISCO and/or salary thresholds.***

Insert Response here and please consider whether the following is included:

- Education level; **yes**
- Salary;
- Experience; **yes**
- Other

The term qualified migrant or third-country national is not defined in any strategic document or legal regulation in the SR.

¹⁴ In the framework of the preparation of a draft national programme of the Fund for Asylum, Migration and Integration for the period 2014–20, the MoLSAF SR proposed a measure with the aim to define the category of qualified and highly-qualified migrants and to monitor scarce jobs on the labour market. Source: MoLSAF SR

¹⁵ See also Domonkos, Pálenik, Radvanský (2010): Satisfying Labour Demand through Migration in the Slovak Republic. European Migration Network, Bratislava, available at http://www.emn.sk/phocadownload/emn_studies/emn-sk_satur_dopytu_po_prac_sile_migraciou_sk.pdf (consulted on 19/3/2013), and Mihály, Divinský (2011): Nové trendy a prognóza pracovnej migrácie v Slovenskej republike do roku 2020 s výhľadom do roku 2050, TREXIMA, Bratislava.

For the purposes of defining qualified employment, KZAM-R can be used in this study in general, according to which major groups 4-8 can be considered as qualified employment, comprising the following categories:

4. Lower administrative staff (officers);
5. Service workers and shop and market sales workers;
6. Skilled workers in agriculture, forestry, and related fields (except for operation of machines and equipment);
7. Craftsmen and qualified producers, processing staff, repairmen (except for operation of machines and equipment);
8. Operation of machines and equipment.

These groups include occupations requiring the same level of qualification (secondary education, full secondary education), and are distinguished according to their relation to the wide groups of specialisation of education (i.e. international classification of qualifications ISCED 4 and 3).¹⁶

Q1.b. If Yes, do the policies distinguish between highly qualified and qualified third-country nationals?

The Migration Policy and its APs distinguish between highly qualified and qualified migrants. The admission of both migrant categories is conditioned by the needs of the national economy. In order to determine such needs, the MP assumes the performance of regular analyses of the national economy and introduction of a points-based system for the admission of qualified and highly qualified migrants.

Q1.c. If Yes, please indicate the rationale for their distinction.

The authors of the MP probably based their distinction between highly qualified and qualified migrants on the nature of the Slovak economy. According to Mihály, Divinský (2011): "...the economy of the SR is not yet a knowledge-based and a knowledge-oriented economy; the current trend is that predominantly production activities are concentrated within the country..."¹⁷

This means that, on one hand, the SR has the ambition to become or to follow the path of a knowledge-based economy through attracting highly qualified migrants, and on the other hand, it reflects the current orientation on production and potential need to obtain qualified workers also in this field (operation of machines and equipment, repairers, craftsmen, and qualified manufacturers), provided that such jobs cannot be filled with domestic labour forces.

Q1.d. If Yes, what is the main rationale for these policies? What is the objective? Please consider whether this rationale is linked to circular, temporary or permanent migration.

The MP states that managed economic migration is primarily determined by the needs of the SR, and it must therefore be based on active and flexible management of the admission of aliens in the years to come. The SR will therefore concentrate also on policies aiming to actively support the admission of economic migrants and the employment of migrants from third countries in line with the demands of the national economy and the labour market, while

¹⁶ Ibidem.

¹⁷ Mihály, Divinský (2011): Nové trendy a prognóza pracovnej migrácie v Slovenskej republike do roku 2020 s výhľadom do roku 2050, TREXIMA, Bratislava.

putting emphasis on the admission and employment of highly qualified workers, scientists, and other qualified migrants, if needed. The MP also states that the basic criterion of the admission of aliens related to managed economic migration is their potential for the development of the Slovak economy and society with a preference to admit migrants who have the required qualification and competences to cover the persistent demand for scarce jobs on the national labour market. Since, according to the MP, the management of economic migration must meet the challenges of the global competition for talents mainly by active search for them and by creating the conditions for their arrival to Slovakia, it is crucial to create an attractive environment for foreigners who are needed for the development of our economy.

Thus, in the field of labour migration, the MP is based on the following principles:

- needs of the SR and needs of the national economy and labour market of the SR;
- the need to respond to the challenges of the global competition for talents;
- development of the economy and society of the SR;
- fulfilment of the persistent demand for scarce jobs on the national labour market.

Following these principles, the objective of the MP in the field of labour migration is:

- the admission and employment of highly qualified workers, scientists, and other qualified migrants, if needed;
- the active and flexible admission of such aliens, and the creation of conditions for their arrival in Slovakia.

In general, the MP does not prefer certain types of migration – circular, temporary or permanent migration – but stipulates, as one of the measures to be considered, the need to update the conditions creating the legal framework enabling the access of migrants to the labour market, for seasonal work, temporary and circular migration, as well as forms of short-term employment, etc.

Q1.e. If Yes, briefly outline the main features of the policies. Please consider whether the following exists:

- *Points-based system (i.e. a system that admits third-country nationals who have a sufficient number of qualifications and experiences from a list that typically includes language skills, work experience, education and age¹⁸);*

Yes, at the level of a strategic document, without being implemented in practice so far.

- *Employer-led system (i.e. a system that allows employers to select the workers they need, subject to, government regulations¹⁹);*
- *Hybrid system (i.e. combination of points-based and employer-driven model²⁰);*

After approved by the Government of the SR, the MP was developed into APs as part of the *Summary Report on the State of Fulfilment of the Migration Policy Tasks, Plans and Objectives in 2011*, and the Government of the SR took note of them at its meeting on 31 May

¹⁸ Definition from: <http://www.migrationpolicy.org/pubs/rethinkingpointssystem.pdf>

¹⁹ Ibid.

²⁰ Ibid.

2012.²¹ The aim of the APs is to detail the individual MP theses through more concrete tasks. The specific ministries continuously work on the fulfilment of these tasks, though most of them have not been employed in practice yet, or are being reviewed or updated due to the new Government Manifesto 2012–16 and due to the legislative development and other changes, or have been implemented for a very short period of time, and it is therefore not possible to evaluate their effectiveness or impacts. To describe the focus of these tasks to be fulfilled under the APs, the table below presents the relevant MP theses and related tasks arising from the APs, as well as the state of their fulfilment throughout the past two years. These tasks represent the key features of the MP in the field of labour migration in the SR. As mentioned above, the individual tasks are at the preparation phase, or have been implemented for a very short time, as a result of which it is not yet possible to draw any conclusions.

MP action	Tasks specified in APs
<p>- To create rules for economic immigration by introducing a “Slovak Card” (modification of the “EU Blue Card”) for qualified and highly qualified immigrants, as well as introduction of a points-based system which will be a flexible tool for the setting of priorities in the admission of the different categories of immigrants;</p>	<p>Define the terms qualified and highly qualified immigrants (for more details see answer to question 1.a); Prepare an overview of EU Member States that have implemented the points-based system as a tool to determine priorities in the admission of migrants for all groups of managed economic migration; Prepare a reference document for assessing the possibility of its application for the purposes of the admission of migrants in the SR and the impacts on the current legal system in the framework of managed economic migration; Get acquainted with the points-based system, determine the fields for which points will be assigned (level of education, language skills, salary, scarce jobs), and determine the weights of the individual fields; the points-based system concerns all categories of economic migrants.²²</p>
	<p>On the basis of the assessment of the points-based system benefits, define the term “Slovak Card” in law;²³</p>
	<p>Update the law laying down the conditions for the residence of aliens after the term “Slovak Card” has been defined in law;</p>

²¹ Available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=21047> (consulted on 31/05/ 2013).

²² Some tasks of the APs are currently reviewed due to the new Government Manifesto for the period 2012–16, as well as due to the legislative development and other changes. The relevant task falling under the competence of the MoLSAF SR is also subject to review; the updated AP is expected to be available by the end of July 2013.

²³ The task is being implemented also during 2013.

<p>- To perform regular analyses of the national economy needs and of the economic benefits of the different group of economic migrants (according to the purpose of residence) as a basis for considering the adoption of regulatory and control measures and incentives for foreigners who are beneficial for the Slovak economy in order to enable them to work in the Slovak Republic to ensure balance on the labour market and within the entire extent of economic migration;</p>	<p>Create an inter-ministerial working group composed of the representatives of the MoI SR, MoLSAF SR, MoFEA, and MoE SR in order to coordinate the activities and specify the procedures determining the legality of stay;²⁴</p>
	<p>Introduce the monitoring of scarce jobs; Perform analyses of the monitoring of scarce jobs; Perform analyses of the labour market; Evaluate the introduction of quota for some work positions; Determine quota for certain types of trades on the basis of analyses;²⁵</p>
	<p>Estimate the future development of the different sectors of the national economy; determine scarce jobs with the aim to ensure a balance on the labour market well in advance;²⁶</p>
	<p>Analyse and identify the sectors of the national economy to which the SR wants to attract and keep economic migrants;²⁷</p>
<p>- To support the admission of economic migrants, employment of migrants from third countries in line with the needs of the national economy and the labour market with an emphasis on the admission and employment of highly qualified workers, scientists and other qualified migrants;</p>	<p>Identify possible areas of cooperation with the potential to promote the mobility of domestic and foreign labour forces depending on the national labour market needs;²⁸</p>
	<p>Support the admission of economic migrants, employment of migrants from third countries in line with the needs of the national economy and the labour market with an emphasis on the admission and employment of highly qualified workers, scientists, and other qualified migrants;²⁹</p>

²⁴ The multi-disciplinary working group for the coordination of activities related to the determination of the legality of aliens' stay has already been established. The Multi-Disciplinary Group is chaired by the Director of the BBAP PFP.

²⁵ In the framework of the National Project XIV – 2 “The system of identification of new and cancelled jobs and forecasting of labour market needs”, it is also possible to monitor scarce jobs. The project outcome will be an analysis of the labour market. Further tasks are under preparation.

²⁶ The task is being implemented also during 2013.

²⁷ The analysis of the MoE SR carried out in March 2013 deals with the answers of companies employing 500 employees and more; these companies were asked to estimate their needs concerning the employment of workers from third countries by 2015. The majority of contacted employers did not have the need to employ third-country nationals, and the labour market capacities of the SR were sufficient for them. This document also analyses the development of employment in selected sectors, while the largest growth have been recently observed in the machine and electrotechnical industry, on the basis of which the MoE SR expects interest of employers in hiring labour forces from third countries in these industrial sectors. The document, however, deals with all jobs, and not only with those requiring highly qualified labour force. Source: MoE SR.

²⁸ In this regard, the MoLSAF SR cooperates with several diplomatic missions of the SR abroad, for example with the USA, Canada, Australia, etc.

²⁹ This measure has been implemented within the limits for the issuance of the EU Blue Card.

	Analyse the economic benefits of the different groups of economic migrants (according to the purpose of stay). ³⁰
	Define criteria for the assessment of requests for opinion on the granting of temporary residence permits for the purpose of business run by migrants; Make annual evaluations of the numbers of supporting and rejecting opinions of the MoE SR on the granting of temporary residence permits to economic migrants on the basis of criteria which are in line with the Migration Policy. ³¹

Source: Summary Report on the State of Fulfilment of the Migration Policy Tasks, Plans and Objectives in 2011 and 2012, Annex 1

At present, the labour force demand in the SR depends on the labour market needs; hence, the competent labour office, when granting a work permit, considers, in general, the situation on the labour market and the possibilities of filling up the job on the basis of the Union preference principle.

Q.2. Are other groups of third-country nationals included in the national policies on attracting (highly) qualified third-country nationals?

Yes.

Q2.a. If Yes, please indicate what other groups are included (i.e. investors, entrepreneurs, international graduates, transferred workers etc.)?

Refer whenever possible to existing EMN studies covering relevant information on these groups.

MP and the individual APs specifically also mention other groups of migrants, than only in general highly qualified and qualified. These groups include entrepreneurs and trade license holders, as well as researchers and scientists, students and also “new-defined” groups of migrants, which are not detailed in the MP, though.

The table below presents the individual MP measures and related tasks specific in the APs concerning other groups of migrants.

³⁰At the time of the preparation of this analysis, the MoE SR did not have sufficient statistical information to assess the economic benefits of migrants for the purpose of employment. With regard to the economic benefit of migrants for the purpose of business, the MoE SR analysed two objectives, namely the creation of jobs, and the positive impacts on the state budget from the point of view of tax payment. The MoE SR only disposed of data from assessed requests for opinion on the granting of the temporary residence permits for the purpose of migrants’ business. However, there is no data available on the fulfilment of the migrants’ business plans in the field of job creation and job keeping. One of the big shortcomings in the preparation of this analysis is absence of a statistical basis. The MoE SR will continue cooperating with other ministries in the creation of a concept for the collection of necessary data. Source: MoE SR.

³¹ Further to the request of the competent Aliens Police Department of the Police Force under the procedure concerning the application of a third-country national for the granting of a temporary residence permit for the purpose of business, the MoE SR assesses whether the applicant’s business activity is beneficial for the economic interests of the SR, and issues an opinion thereon.

MP action	Tasks specified in APs
<p>The Slovak Republic will adopt policies to actively support the admission of economic migrants and their employment in line with the needs of the national economy and the labour market, with an emphasis on the admission and employment of highly qualified workers, <u>scientists</u>, and, as needed, other qualified migrants.</p>	<p>To define criteria for the assessment of requests for an opinion on the granting of a temporary residence permit for the purpose of migrants' <u>business</u>, etc.</p>
<p>To update the legislative conditions creating more flexible forms for the entry and exit of migrants for the purpose of <u>study</u> and business activities for the present and also <u>newly defined</u> groups of economic migrants, etc.</p>	<p>Foreign students who successfully completed their study at a secondary school or higher education institution accredited within the education system in the territory of the SR should have the possibility to remain in the territory of the SR for at least three months to be able to find employment.³² This group of aliens would fall under the category of aliens who are not required to hold a work permit, and would thus have access to employment almost without restrictions – add a new letter to Art. 22, par. 7 of Act No. 5/2004, and inform the Office of Labour, Social Affairs and Family about the establishment of employment in the form of an Information Card.</p> <p>To ensure the possibility for aliens to access university education in the SR. Also ensure increase of the number of hours during which university students can work along with study to at least the double of the present state.³³</p>
<p>To regularly analyse the needs of the national economy and of the economic benefits of the individual groups of economic migrants (according to the purpose of their residence) as a basis for considering the adoption of regulatory and control measures and incentives for foreigners who are beneficial for the Slovak economy in order to enable them to work in the Slovak Republic to ensure balance on the labour market and within the entire extent of economic migration;</p>	<p>To introduce the monitoring of scarce jobs; perform analyses of the monitoring of scarce jobs; perform analyses of the labour market; assess introduction of quota for some jobs; on the basis of analyses, set quota for certain <u>types of trade licences</u>.</p>

Source: Summary Report on the State of Fulfilment of the Migration Policy Tasks, Plans and Objectives in 2011 and 2012, Annex 1

³² This task was specified in the AP to the MP of 31 May 2012. The amendment to the Act on Residence of Aliens, in effect from 01 May 2013, has introduced a protection period of 30 days during which students will be, after the completion of their studies, able to seek employment in the territory of the SR and subsequently apply for a change of the purpose of residence.

³³ This task is being implemented also in 2013. For more information on international students see the EMN study Migration of International Students to the SR, available at http://www.emn.sk/phocadownload/emn_studies/emn-sk_studia_migracia_zahranicnych_studentov_do_SR_sk.pdf (consulted on 19/03/2013).

Q.3. Do the policies in your Member State focus on specific areas of occupations?

No. Neither the MP nor the individual APs specifically mention measures focused on specific groups of occupations or jobs. However, the Slovak Agency for the Development of Investments and Trade (SARIO), authorised by the MoE SR in 2005, issues confirmations on the importance of investments in the territory of the SR. These include mainly confirmations that the investor is important and that his/her permanent residence is in the interest of the SR. The SARIO assesses investors on the basis of the fact whether they dispose of a certificate of importance of their investment, or whether they have obtained an investment incentive (and also whether they actually perform their activities).

The MoE SR also assesses submitted applications for the granting of residence permits for the purpose of business as per Act on Residence of Aliens and according to the business plan requirements defined by the OLSAF under the Act on Employment Services and Decree of the MoLSAF SR No. 44/2004 Coll. as amended executing the provision of the said law. Secondly, the MoE SR takes into consideration the planned number of newly created jobs. Provided that the legal requirements are met (e.g. business plan requirements), the MoE SR normally issues a positive opinion for the application for the granting of residence for the purpose of business.

If Yes, please briefly indicate the specific areas of occupations and their link with the policies.

NA.

Q.4. Has the transposition of EU Directives³⁴ led to more favourable legislation/measures/conditions for specific groups of (highly) qualified third-country nationals?

Yes.

Q4.a. If Yes, please indicate the relevant Directives and the more favourable legislation/measures/conditions which were created for these specific groups (i.e. EU Blue Card Directive and Researchers Directive).

Council Directive 2009/50/EC of 25 May 2009 on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment was fully transposed to the legislation of the SR.

Third-country nationals who are holders of the EU Blue Card have several benefits compared to workers who have been granted temporary residence for the purpose of employment. First of all, the APD PF according to the migrant's place of residence or expected residence in the territory of the SR, as the competent institution to decide on the granting of residence permits, shall decide on the issuance of the EU Blue Card within 30 days, and within 90 days in the case of temporary residence for the purpose of employment.³⁵ In particularly complicated cases, the body of appeal can extend this period by 30 days.

If the temporary residence for the purpose of employment is granted for the duration of employment and for a maximum of two years, the third-country national may obtain the EU Blue Card for up to three years. If the period of employment stated in the employment

³⁴ E.g. EU Blue Card Directive and Researchers Directive.

³⁵ In exceptional cases, the police department decides within the same period of 30 days; for example, when the temporary residence for the purpose of employment is requested by a third-country national who represents or works for a foreign investor in the SR and is a citizen of a member state of the Organisation for Economic Cooperation and Development, or who represents or works for an important foreign investor in the SR.

contract is less than three years, the APD PF shall grant the EU Blue Card for the period of employment extended by 90 days.

Another advantage of the EU Blue Card is the fact that its holder may, anytime throughout its validity, change employer, provided that the job continues to be the performance of highly qualified employment in the field in which the third-country national has higher professional qualification. In the case of holders of temporary residence for the purpose of employment, the change of employer is relatively complicated since it relates to the need to obtain a new work permit,³⁶ as the work permit in the SR is linked to the performance of concrete work for a concrete employer.

Another difference is the duration of the protection period, i.e. the period after the expiry of which the respective body decides on the revocation of the EU Blue Card, or cancellation of temporary residence in the event of loss of job. The EU Blue Card holder is granted a three-month protection period, and employees holding a temporary residence permit for the purpose of employment are granted a 30-day protection period.

A big advantage is the right of the EU Blue Card applicant related to intra-European mobility of highly qualified workers – to stay within the SR until a decision is made on the application, including cases where the validity of the EU Blue Card issued by another EU Member State expires during the procedure for its issuing.

Besides the advantages for holders of the EU Blue Card mentioned above, the other ones include the granting of long-term residence (for an unlimited period of time) to a EU Blue Card holder if he/she legally stays in the territory of Member States continuously during five years as a EU Blue Card Holder, of which at least two years as a EU Blue Card holder in the territory of the SR. During periods of unemployment, the EU Blue Card holder is not required to prove financial coverage of the stay upon control, provided that the unemployment period has been reported to the police department in time. Another advantage for the EU Blue Card holder is the possibility to move to another Member State after eighteen months of residence in the SR. The decision on the EU Blue Card issuance is made in writing, and the police department shall also accept incomplete applications for the EU Blue Card.

Council Directive 2005/71/EC of 21 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research has also been fully transposed to the legislation of the SR.

The main advantage of third-country nationals who plan to perform scientific or research work in the territory of the SR on the basis of a hosting agreement is the fact that their application for temporary residence in the SR is decided by the APD PF in a shortened period – within 30 days from the submission of the complete application. The body of appeal can extend this period by 30 days in particularly complicated cases.

Compared to workers from third countries who have been granted temporary residence for the purpose of employment, scientists and researchers are not required to hold a temporary residence permit for the purpose of research and development for 90 days from the commencement of their residence in the SR.³⁷ Such application for temporary residence does

³⁶ The cases where a work permit is not required for the performance of work in the SR are stipulated in Art. 22, par. 7 of Act No. 5/2004 on Employment Services and on Changes and Amendments to Some Acts As Amended (hereinafter referred to as the “Act on Employment Services”).

³⁷ This applies to temporary residence for the purpose of employment in the same manner in the following cases – where the third-country national:

- a) works for an important foreign investor in the SR;
- b) has been sent by his/her employer based in a member state to the Slovak Republic territory within the services provided by this employer;

not need to be supported with a document confirming the ensuring of accommodation in the territory of the SR.

Besides activities performed on the basis of hosting agreements, scientists and researchers have the right to run business and perform pedagogical work in a work relationship or similar form of employment without the need to obtain a work permit. Such pedagogical work, however, may not exceed 50 calendar days in a calendar year.

Directive of the European Parliament and of the Council 2011/98/EU of 13 December 2011 on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State will be transposed to the Slovak legislation through an amendment to the Act on Residence of Aliens and to the Act on Employment Services with effect from 01 December 2013. This Directive sets a single application procedure leading to a single permit involving temporary residence permit and work permit within a single administrative act, thus eliminating several administrative obstacles concerning the procedures to obtain the work permit and residence permit. A more effective application process for third-country nationals is being introduced by issuing a single residence and work permit within one place, which substantially facilitates the administrative procedure leading to the issuance of such individual administrative act. A third-country national who plans to get employed in the territory of the SR shall apply for the issuance of a single residence permit at a police department, which is obliged to also accept incomplete applications. The single residence permit entitles the third-country national to stay in the territory of the SR for the purpose of employment. The Directive also applies to third-country nationals who legally stay in the territory of the SR for a purpose other than employment, and who may work, while this fact is indicated in the residence document as “right to work”.

Q.5. Are the national policies addressing the aspect of brain drain in the countries of origin?

The MP mentions the aspect of brain drain only marginally: “Use the potential of temporary and cyclical migration, as well as return policy, to eliminate irregular migration and drain of highly qualified and qualified labour force, while ensuring development of third-countries – in the part concerning migration and development.”³⁸ The relevant task arising from the MP AP, whose objective is to start creating conditions for the use of the potential of temporary and cyclical migration and return policy, is currently in the process of implementation.

In general, the MP also deals with the drain of – especially qualified – labour forces from Slovakia and related impacts on the Slovak labour market and economy.

Q.6. Are the national policies addressing the aspect of brain circulation with the countries of origin?

No.

c) is employed in international mass transport, if he/she was sent by his/her foreign employer to work in the territory of the Slovak Republic; or

d) if he/she is in a working relationship with an employer with registered office or with registered office of a branch outside the Slovak Republic territory and has been sent on the basis of a contract closed with a legal entity or natural person to work in the territory of the SR. (Art. 23, par. 4 of the Act on Residence of Aliens).

³⁸ Migration Policy with a Perspective until 2020, Chapter 6 – International Protection, Migration, and Development, p. 15.

Q6.a. If Yes (to either of these questions), please briefly indicate how the national policies address these aspects, supporting your answers with reference to research or any other sources of information.

For answer see questions 5 and 6.

Q.7. Have your national policies been the subject of public debate?

Yes, partially.

Q7.a. If Yes, please briefly indicate the main features of the policies which were debated as well as the reasons for such debate and the level at which these occurred (e.g. Parliament, society, media). Please support your answer with reference to research or any other sources of information.

The MP was prepared in 2011. Several meetings were organised for this purpose also in the framework of the EMN activities,³⁹ having invited the representatives of relevant state institutions and non-governmental organisations. The draft MP was then submitted to the inter-ministerial consultation procedure; besides relevant state institutions, the expert public also presented its opinions on the document.⁴⁰ No wider discussions were held either at the level of the Parliament, political parties or other platforms. The mass media reported on the MP after its adoption; before, it was just at the declaratory level, without influencing in any manner its main theses. For more information see EMN Annual Report on Migration and Asylum Policies in the Slovak Republic 2011⁴¹.

The mass media report on issues concerning labour migration and the attraction of highly qualified or qualified labour forces to the Slovak labour market only marginally. The topics mentioned most frequently are labour migration of EU citizens for whom the Slovak labour market is attractive⁴² or low immigration of international students⁴³. In this regard, the mass media do not promote any wider or deeper discussions on this topic. Sporadically, the media brings articles concerning demographical changes, population ageing, and the need to resolve this phenomenon, *inter alia*, through migration.⁴⁴ Migration as a solution to the demographic development only appears in a declaratory form, and is not analysed to a wider extent in the

Available at http://www.emn.sk/phocadownload/emn_studies/emn-sk_studia_docasna-a-cirk-migracia_sk.pdf (consulted on 29/05/2013).

³⁹ See, for example, <http://www.emn.sk/sk/aktivita-emn/stretnutia-a-konferencie/31-senec-march-2011> ; <http://www.emn.sk/sk/aktivita-emn/stretnutia-a-konferencie/38-senec-november-2011> (consulted on 21/03/2013).

⁴⁰ The entire document, including evaluation of the consultation procedure, is available at <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=20174> (consulted on 29/04/2013).

⁴¹ Available at http://www.emn.sk/phocadownload/emn_reports/emn-sk_vyr-sprava-politiky-migr-azy-l-sr_2011_sk.pdf (consulted on 21/03/2013).

⁴² For example, Slovenský pracovný trh láka najmä Rumunov a našich susedov. Available at: <http://aktualne.atlas.sk/slovensky-pracovny-trh-laka-najma-rumunov-a-nasich-susedov/ekonomika/slovensko-a-ekonomika/>(consulted on 25/05/2013).

⁴³ For example, Študenti z cudziny Slovensko nevyhľadávajú. Available at: <http://profesia.pravda.sk/studium/clanok/133454-studenti-z-cudziny-slovensko-nevyhľadavaju/> (consulted on 25/05/2013) or MIGRÁCIA: Slovensko nie je pre študentov krajín mimo EÚ lákavé. Available at: <http://www.rozhlas.sk/Z-domova/?l=1&c=0&i=54317&p=1> (consulted on 25/05/2013).

⁴⁴ For example, Investujeme.sk, Ani riadená migrácia zrejme nevyrieši deficit sociálneho systému, available at <http://www.investujeme.sk/ani-riadena-migracia-zrejme-nevyriesi-deficit-socialneho-systemu/> (consulted on 22/04/2013), Pravda.sk, Zvýšenie DPH nie je vhodné do každého počasia, available at <http://spravy.pravda.sk/ekonomika/clanok/256511-kotian-zvysenie-dph-nie-je-vhodne-do-kazdeho-pocasia/> (consulted on 22/04./2013), Euractiv.sk, Bariéry mobility sú aj v hlavách, available at <http://www.euractiv.sk/jednotny-trh-eu/clanok/bariery-mobility-su-aj-v-hlavach-020206> (consulted on 22/04/2013).

context of other challenges faced by the Slovak labour market (e.g. high unemployment rate⁴⁵ – especially young people, and its concentration in certain regions, long-term unemployment, structural imbalances between job demand and offer, and related need to reform the education system, etc.⁴⁶).

Q7.b. If Yes, please briefly indicate possible impacts of the debate on the national policies.

See answer to question 7.a.

1.2 Measures

Refer to the legal framework in case relevant changes to labour migration legislation have occurred as compared to the information contained in the EMN Study on Satisfying Labour Demand through Migration.

Q.8. Does your Member State employ concrete measures in order to satisfy the policy goals?

The SR currently employs concrete practical measures in this field only to a marginal extent, since the majority of relevant MP theses have not been implemented yet, or their implementation is at the initial phase. The SR applies several kinds of preferential treatment for certain groups of migrants, regulated by legislation, especially (but not only) in connection with the transposition of the EU legislation. On the other hand, the negative situation on the labour market in the SR also led to the adoption of restrictive measures related to the admission of highly qualified migrants by increasing the average wage limit for obtaining the EU Blue Card.

On 01 May 2013, Act No. 75/2013 Coll. on Changing and Amending the Act on Residence of Aliens and on Changing and Amending Some Acts entered into effect. This act, *inter alia*, repeals the original provision of the act which (voluntarily) transposed Article 5, par. 5 of Directive 2009/50/EC, regulating the possibility to reduce the salary limit for selected highly qualified occupations from 1.5-fold the average salary in the given economic sector to 1.2-fold the average salary. According to the explanatory note to the act, the legislator justified this change with the fact that the number of job seekers under the main category KZAM 2 – scientific and expert intellectual workers who fall under this exception increased by 24% (1,359 job seekers) in the period 2009–12 in the SR. The number of job seekers – graduates from schools of education levels 7, 8 and 9 (higher education, university education, and academic education) increased by 16.4% (776 job seekers) in the period 2009–12. Given this situation on the Slovak labour market, the research and educational institutions will be able to implement the Minerva 2.0 document approved by the government by employing teachers, university teachers, or researches from among job seekers registered at offices of labour, social affairs and family.⁴⁷

⁴⁵ Information about the development of unemployment in the SR is available at http://www.upsvar.sk/statistiky/nezamestnanost-mesacne-statistiky.html?page_id=1254 (consulted on 22/4/2013).

⁴⁶ See also Domonkos, Páleník, Radvanský (2010): Satisfying Labour Demand Through Migration in the Slovak Republic. European Migration Network, Bratislava, available at: http://www.emn.sk/phocadownload/emn_studies/emn-sk_satur_dopytu_po_prac_sile_migraciou_sk.pdf

⁴⁷Source: Explanatory Note to Act No. 75/2013 Coll., available at: <http://www.rokovania.sk/Rokovanie.aspx/BodRokovaniaDetail?idMaterial=21966> (consulted on 24/04/2013).

Q8.a. If Yes, please indicate the measures that contribute to the implementation of the national policies and indicate their specific goals.

The listings below can be used as examples. Please support your answers with reference to research or any other sources of information.

The measures that can positively influence the arrival of highly qualified and qualified migrants to the SR include:

➤ *Employer sponsorship and/or involvement in migration process*

The only way the employer can intervene in the migration process in the SR is the right to request, by means of a power of attorney, a work permit on behalf of the future employee. The future employer also gives a “promise” to employ the third-country national for the purpose of highly qualified employment, constituting an attachment to the work permit application.

During periods marked by a lack of free labour forces on the Slovak labour market (before the outbreak of the economic crisis), employers recruited labour forces directly in third countries. At present, the labour force demand can be fully satisfied by domestic sources.

➤ *Free access to the labour market without the need to obtain work permit*

The SR enables some groups of third-country nationals to access the labour market without the need to obtain a work permit, or to obtain the work permit without the need to survey the labour market situation. Though these measures were not adopted with the primary purpose of attracting highly qualified labour force to the Slovak labour market, some categories directly concern highly qualified and qualified workers.

Without considering the labour market situation, the SR shall grant a work permit to a third-country national who performs continuous training activities or scientific activities in the SR as a pedagogical worker or academic university employee or as a scientist, researcher or development worker conducting research.⁴⁸

A work permit is not required, for example, from a third-country national who has been granted a temporary residence permit for the purpose of study and whose employment in the territory of the SR does not exceed 10 hours per week or the corresponding number of days or months per year, or from a third-country national who has been granted a temporary residence permit for the purpose of special activity – research and development – and whose pedagogical work under the employment relationship or other similar work relationship does not exceed 50 calendar days in a calendar year, or who is a partner to a business company, statutory body of a company, or member of the statutory body of a company fulfilling tasks for a company granted investment aid by carrying out activities in the territory of the SR.⁴⁹

➤ *Fast-tracking of procedures*

The accelerated residence permit procedure applies to the categories of EU Blue Card holders, scientists and researchers, students, third-country nationals who represent or work for a foreign investor in the SR and are nationals of the OECD countries, and third-country nationals representing or working for an important foreign investor in the SR, i.e. for persons who fall under the category of highly qualified and qualified workers.

⁴⁸ The full list of the categories of third-country nationals who are granted the work permit without the labour office having surveyed the labour market situation is provided in Art. 22, par. 5 of the Act on Employment Services.

⁴⁹ The full list of the categories of third-country nationals who do not need the work permit to enter the labour market in the SR is provided in Art. 22, par. 7 of the Act on Employment Services.

The amendment to the Act on Residence of Aliens mentioned above introduces in this field accelerated procedures for the granting of permanent residence permits for five years, and permanent residence permits for an unlimited period of time for third-country nationals who represent or work for an important foreign investor in the SR⁵⁰ and their children. In such cases, the APD PF is obliged to send the notice on the granting of permanent residence within 30 days from the receipt of the full application.

➤ *Protective period*

The amendment to the Act on Residence of Aliens introduces a 30-day protective period for pupils and students from third countries who have successfully completed their studies at a secondary school or higher education institution in the SR. During the protective period, their temporary residence granted for the purpose of study will not be cancelled, and they can seek a job in the SR and apply for a change in the purpose of their residence from study to employment.

For the categories of EU Blue Card holders, scientists and researchers see the answer to question 4a.

➤ *Provision of information including information campaigns*

The SR is currently not carrying out any activities in this area with the aim to attract highly qualified or qualified migrants to the Slovak labour market by provision of information, including information campaigns.

In 2008, the MoLSAF SR came with the proposal to establish information centres on mobility in selected third countries (countries with the largest numbers of foreign Slovaks). The information centres were supposed to inform about the Slovak labour market, vacant jobs and formal requirements related to employment in the SR. Besides Slovak nationals, the information centres were expected to motivate the citizens of these third countries to come to work in the SR. Due to the economic crisis, the proposal was suspended.⁵¹ The SR, however, returned to this proposal, and the establishment of information and consultation centres in countries of origin has also been incorporated as a measure in the new MP (see below).

At present, the SR does not take part in an organised way in recruitment fairs and similar meetings that focus on the recruitment of labour forces⁵², and does not cooperate with institutions in migrants' countries of origin in this area.

These issues, however, are addressed in the MP. The table below presents the individual MP measures and related tasks specified in the AP concerning the provision of information and information campaigns on residence and work conditions in the SR.

⁵⁰ Act No. 175/1999 Coll. on Some Measures Concerning the Preparation of Important Investments and on Amendment to Some Acts as Amended defines who is considered an important foreign investor in the SR.

⁵¹ Mrliánová, Ulrichová, Zollerová. (2011): Practical Measures to Combat Irregular Migration. European Migration Network, Bratislava, IOM. Available at: http://www.emn.sk/phocadownload/emn_studies/emn-sk_studia_prakticke_%20opatrenia_v_%20boji_proti_nelegalnej_migracii_v_sr_sk.pdf (consulted on 25/05/2013).

⁵² On the other hand, recruitment meetings of mainly German healthcare employers were organised in the SR with the aim to recruit Slovak physicians and healthcare staff to German healthcare facilities and hospitals. See below: Job days lekárstva a zdravia Slovensko - Prídu si pre slovenských lekárov. Available at: <http://informuje.com/obzorvt/job-days-lekarstva-a-zdravia-slovensko-pridu-si-pre-slovenskych-lekarov> (consulted on 25/05/2013) or Nemecké a Rakúske firmy posilnili nábor. Available at: <http://praca.tvojlekar.sk/nemecke-a-rakuske-firmy-posilnili-nabor.php> (consulted on 25/05/2013).

MP measure	Tasks specified in APs
Establish information and consultation centres for migrants in their countries of origin to improve access to information on the conditions of entry and residence, living and work conditions through immigration portals, (multilingual) web pages of relevant ministries, and active involvement of the Office for Slovaks Living Abroad (OSLA) and consular offices of the Slovak Republic in this area;	<p>Create multi-lingual information platforms for migrants (especially Slovaks living abroad) on the conditions of entry and residence, legislation, living and work conditions in Slovakia through a new web portal entitled “The Slovak Outland”, and as a support activity through the website of the OSLA;⁵³</p> <p>Provide information to migrants (especially Slovaks living abroad) on the conditions of entry and residence, legislation, living and work conditions in Slovakia through a new web portal entitled “The Slovak Outland”, and, as a support activity, on the OSLA website, OSLA Facebook profile, and on websites of compatriotic associations abroad.⁵⁴</p>
Ensure migrants’ awareness in countries of origin before their arrival to the SR through information centres, brochures, and websites.	Publish on its websites basic information on the rights and obligations of aliens, and bilingual templates of applications. ⁵⁵

Source: Summary Report on the State of Fulfilment of the Migration Policy Tasks, Plans and Objectives in 2011 and 2012, Annex 1

➤ Incentives for investors

With regard to incentives for investors/entrepreneurs who can also fall under the definition of highly qualified or qualified labour forces, it should be mentioned that, in line with the specification of this study⁵⁶, no measures have been implemented in the SR in this regard. Specific measures (e.g. tax holidays and other) are linked to “important investments”, while such investments do not necessarily have to be by foreign entities.

The current legislation, however, enables employees/statutory representatives of important foreign investors to obtain a residence in the SR under an accelerated procedure (for more details see answer to the question 8.a.).

As far as work permits are concerned, these are not required, as mentioned in the answer to question 8.a., from the employees of investors who were granted investment aid, which means that such work permits are not linked to concrete important investments, but to the granting of investment aid.

In spite of that the SR is an example of a relation between foreign investments and the immigration of highly qualified and qualified labour forces. One of such examples is direct foreign investments by South-Korean companies. In 2002, a Korean investor launched the production of monitors, TV sets and other electronic devices in the SR, and another Korean investor opened the production of cars in the SR. Before this, South Korea did not place high among the most frequent countries of origin of aliens in the SR on the basis of granted residence permits. In 2009, thanks to such important investments, South Koreans represented

⁵³ The OSLA will work on this task also during 2013.

⁵⁴ For the moment, information is published in a limited extent.

⁵⁵ Information is published on the websites of the relevant central state administration authorities, though only to a limited extent in foreign languages.

⁵⁶ Investor/entrepreneur as a natural person entitled to certain incentives to come to Slovakia and invest.

the second most frequent country of origin⁵⁷, in most cases with higher education⁵⁸ (for more details see answer to question 16.a., part 2.1.).

- *Attendance of recruitment fairs abroad; no*
- *Cooperation with institutions/organisations in third countries; no*

Q8.b. If Yes, are there any measures aimed at facilitating the integration of (highly) qualified third-country nationals?

The listings below can be used as examples. Please support your answers with reference to research or any other sources of information.

- *Improvement of language proficiency;*
- *Provision of information and civic orientation;*
- *Social and legal guidance.*

The Concept of Foreigners' Integration in the SR of 2009 deals with the integration of migrants in general, without considering specific groups of migrants. In the chapter on employment and access to the labour market (pp. 24 and 25), the document stresses: "The SR... will focus on supporting the management of legal immigration of highly qualified labour forces from third countries which will contribute to the overall competitiveness of the SR, especially on the immigration of students, scientists and researchers, artists, entrepreneurs", although the individual measures specified in this document have not been transformed into specific measures focused only on this group of migrants. A new Integration Policy is currently in the process of preparation by the MoLSAF SR (for more details see answer to question 1).

In the chapter concerning integration, the MP does not deal with specific groups of migrants, but with all migrants in general, while emphasising the fact that the SR considers foreigners' communities as integral part of the society and appreciates their contribution to the economic, cultural, educational and social areas.

The related AP, however, in connection with naturalisation and the obtaining of the Slovak citizenship, states under measure 2.3.10.1.: "Make use of the existing legislation concerning the obtaining of the citizenship of the SR by persons with high qualification or expertise (under Art. 7, par. 2, letter b) of Act of the NC SR No. 40/1993 Coll. on State Citizenship, as Amended".

⁵⁷See Domonkos, Páleník, Radvanský (2010): Satisfying Labour Demand Through Migration in the Slovak Republic. European Migration Network, Bratislava, available at: http://www.emn.sk/phocadownload/emn_studies/emn-sk_satur_dopytu_po_prac_sile_migraciou_sk.pdf (consulted on 25/05/2013) or Bargerová, Martišková, Páleník (2010): IOM LINET Migration, Employment and Labour Market Integration Policies in the European Union (2000-2009). Part 1: Migration and the Labour Markets in the EU (2000-2009). SLOVAKIA, IOM 2010, available at: <http://www.labourmigration.eu/research/report/15-part-1-migration-and-the-labour-markets-in-the-european-union-2000-2009> (consulted on 25/05/2013).

⁵⁸ Domonkos, Páleník, Radvanský (2010): Satisfying Labour Demand Through Migration in the Slovak Republic. European Migration Network, Bratislava, available at: http://www.emn.sk/phocadownload/emn_studies/emn-sk_satur_dopytu_po_prac_sile_migraciou_sk.pdf (consulted on 25/05/2013).

Q.9. Do public policies exist in your Member State that specifically aim at positively influencing the immigration decision of (highly) qualified third-country nationals?

The decision concerning the choice of the country to which a highly qualified or qualified migrant comes to work can be influenced by factors detailed in answers to questions 8.a. and 8.b., though it should be mentioned that these measures, as implemented in the SR, do not specifically focus only on the group of highly qualified or qualified migrants.

Q9.a. If Yes, please also indicate such incentives.

The listings below can be used as example. Please support your answers with reference to research or any sources of information

- *Family reunification rights – no*
- *Tax incentives – no*
- *Social security / other welfare benefits – no*
- *Equal treatment / anti-discrimination measures - no*

1.3 Relations with third countries and labour migration agreements

Q.10. Do the policies in your Member State focus on specific third countries?

Yes, partially.

Q10.a. If Yes, please list these third countries, providing a brief indication of the reasons for focusing on specific third countries?

At present, the SR does not focus on specific third countries in the field of labour migration, though the MP, in the chapter on legal migration, page 6, states: “... with the preference of admitting migrants who have the required qualification and competences to cover the persistent demand for scarce jobs on the national labour market with an emphasis on countries close in terms of culture.” However, neither the document nor the AP details the term “countries close in terms of culture”.

In this regard, the MP, again in the chapter on legal migration, puts emphasis on an “ethical recruitment of workers from cities where Slovaks living abroad stay...”⁵⁹

The reason for such support of Slovaks living abroad seems to be “cultural proximity”, without the need of language training.

The MP AP assigned the implementation of measures in this field to the Office for Slovaks Living Abroad (OSLA) in the form of several tasks (for more details see also the answer to question 8.a.):

- Create multi-lingual information platforms for migrants (especially Slovaks living abroad) on the conditions of entry and residence, legislation, living and work conditions in Slovakia through a new web portal entitled “The Slovak Outland”, and as a support activity through the website of the OSLA;
- Provide information to migrants (especially Slovaks living abroad) on the conditions of entry and residence, legislation, living and work conditions in Slovakia through a new web portal entitled “The Slovak Outland”, and, as a support activity, on the OSLA website,

⁵⁹ A list of countries with the numbers of Slovaks living there is available at <http://www.uszz.sk/sk//pocety-a-odhady/> (consulted on 19/03/2013).

OSLA Facebook profile, and on websites of compatriotic associations abroad;

- Ensure migrants' awareness in countries of origin before their arrival to the SR through information centres, brochures, and websites.

Q.11. Has your Member State entered into labour migration agreements relating to attracting qualified and/or highly qualified third-country nationals to the national territory?

The SR has not entered into any agreement with third countries explicitly aimed at cooperation in the field of labour migration with a focus on attracting highly qualified or qualified migrants.

Q11.a. If Yes, what role do these labour migration agreements play in executing your Member State's policies?

NA

Q11.b. If Yes, please fill out the following:

- Agreement No.1

Third country:

Date of agreement:

Purpose of agreement:

Number of third-country nationals who have benefited from this measure:

Was the agreement adopted in the framework of Mobility Partnerships?

Q.12. Has your Member State adopted legislations facilitating labour migration from specific third countries ('country-specific legislation')?

The SR does not have at present any legislation facilitating labour migration with the aim to attract highly qualified or qualified migrants from third countries.

Q12.a. If yes, please elaborate concisely.

NA

Q.13. Has your Member State entered into other more favourable arrangements with non-EU/EEA countries and/or regions relating to attracting qualified and/or highly qualified third-country nationals to the national territory?

The SR has entered into several agreements which relate, *inter alia*, to labour migration.

Q13.a. If yes, please elaborate concisely.

Agreement between the SR and New Zealand on the Work Leave Programme (in effect since 31 May 2012, concluded for an indefinite period of time)

The main objective of this agreement is to enable the nationals of one of the contracting countries between the ages of 18 to 35 years to spend their holiday accompanied with occasional study and work in the territory of the other contracting country. The number of participants to the programme on each side may not exceed 100 per year.

Each party shall grant to the programme participant a visa that will enable them to stay, study and work without a work permit in the territory of the other party during a maximum period of twelve months. Work at one employer may not exceed six months, and study also may last for a maximum of six months throughout the programme.

Agreement between the SR and Canada on Youth Mobility (in effect since 01 July 2011, concluded for an indefinite period of time)

The purpose of this agreement is to enable the nationals of the contracting parties between the ages of 18 to 35 years to complete their higher vocational or university education or professional preparation with an internship or work programme, obtain work experience, and improve their knowledge about the culture and society of the other contracting country. The participant to the programme may attend the programme maximum twice (but always for another reason specified in the contract). The duration of one stay may not exceed 12 months. The number of the programme participants is 350 persons.

The programme participants are entitled to get employment in the territory of the other contracting country irrespective of the labour market situation and without a work permit.

Agreement between the Government of the SR and the Government of the Russian Federation on the Organisation of Employment in the Execution of Trade or Other Agreements and on Mutual Employment of Citizens (in effect since 18 May 1995, concluded for three years; if none of the parties terminates the agreement, it is automatically extended by one year)

The agreement has not been executed recently due to reasons on the Russian side.

Agreement between the Government of the SR and the Swiss Federal Government on the Exchange of Interns (in effect since 14 June 1996, concluded for an indefinite period of time)

The purpose of this agreement is to enable the citizens of the contracting countries to attend internships in a profession according to their qualification on the territory of the other contracting state for the purposes of further professional and language training. The precondition is age between 18–35 years and completed professional training. The internship permit is granted for a period of up to 12 months with the possibility of extension for a maximum of six months. The number of programme participants may not exceed 100 per year.

Section 2
Evaluation and Effectiveness of Measures
(Maximum 4 pages)

This section reflects on the effectiveness of national measures as described in Section 1 and the methods used for evaluation. This analysis shall help to identify good practices and lessons learnt in Section 4.

2.1 Evidence of effectiveness based on statistics

A template table for statistics will be provided.

Please provide statistics that reflect the scale and scope of highly qualified and qualified labour immigration of third-country nationals using statistics provided by Eurostat and other relevant national statistics that are available⁶⁰. Please present the following:

- *The number of third-country nationals employed and self-employed in the respective Member State in the relevant ISCO groups (i.e. those related to qualified and highly qualified employment according to national definitions) over the last 5 years aggregated by sex and age group.*
- *The number of third-country nationals employed and self-employed in the respective Member State over the last 5 years aggregated by relevant ISCED level of education (i.e. those associated with qualified and highly qualified employment according to national definitions), sex and age group.*
- *The number of first residence permits issued for relevant reasons (e.g. highly skilled workers, EU Blue Card) over the past 5 years aggregated by sex and age group.*

Based on the specifications of this focussed study, this sub-chapter is supposed to analyse EU LFA statistics⁶¹ provided by Eurostat in order to be able to compare data for each Member State. Since the relevant EU LFS data concerning employed and self-employed third-country nationals in the SR has not reached values that would be reliable enough and that could be published, this sub-chapter is based on available statistics on employed third-country nationals obtained directly from Slovak institutions. It should be mentioned, though, that it is flow data, i.e. situation as of the end of the year.

Q14. Is there any evidence (quantitative and/or qualitative) of a link existing between the measures outlined in Section 1 and the immigration of highly qualified and qualified third-country nationals?

The MP and the relevant measures specified in the AP have been implemented only partially, or just for a short time, as a result of which it is not possible to evaluate their effectiveness so far. Some information, however, can be derived from relevant statistical data.

Q14.a. If yes, please elaborate concisely.

NA

The listings below can be used as examples. Please support your answers with reference to statistics or any other sources of information.

⁶⁰ Please take into account the comments made under section V. Available Statistics.

⁶¹ European Union Labour Force Survey

- *Increase in the number of residence permits for the purpose of highly qualified employment since implementation of the measure(s);*
- *Faster filling of job vacancies corresponding to the domestic demand according to employer response survey;*
- *Qualification and occupation match (over/under-qualification).*

Q.15. Is there a quota for highly qualified and qualified third-country nationals?

No. The SR has not set any quota for specific types of jobs, though the Action Plan to the MP, under measure 2.2.3.1, assumes the assessment and introduction of quotas for some jobs and for certain types of trades.

Q15.a. If Yes, is the quota exhausted?

NA

Q.16. Is there any evidence (quantitative and/or qualitative) of a link existing between the labour migration agreements (also in the framework of Mobility Partnerships) outlined in Section 1 and the immigration of highly qualified and qualified third-country nationals?

NA

Q16.a. If yes, please elaborate concisely.

NA

If (statistical) evidence as requested above regarding concrete measures and labour migration agreements is not available, please outline and analyse any other statistics which may provide indications of the effectiveness of the national policies and measures.

➤ *First residence permit issued for the purpose of remunerated activities*

In the period from 2008 to 2012, most first residence permits⁶² were issued for the purpose of remunerated activities⁶³, which confirms that the most frequent component of foreign migration in the SR is labour immigration. The statistics on first permits issued for the purpose of remunerated activities in the respective period (Table 1) suggest that from 2008 to 2011 the number of first residence permits issued for the purpose of remunerated activities decreased. This decline was caused by the economic crisis which had an impact on the employment of foreigners. The moderate increase in the number of issued first permits in 2012 could be caused by the overall slight growth of the Slovak economy in the past years driven by foreign trade⁶⁴, which could also influence the employment of aliens. These statistics, however, do not provide a picture of whether it relates to the labour immigration of highly qualified, qualified or low qualified third-country nationals, and do not include permits issued for the purpose of remunerated activities to third-country nationals who have stayed in

⁶² The definition of first residence permits was set by Eurostat for statistical purposes in compliance with Article 6 of EC Regulation No. 862/2007. First residence permit: - if the respective person had not been granted any residence permit by any Member State before, the first permit is every permit issued for a minimum period of three months; - if that person had already been granted a residence permit by any Member State before, the first permit is the permit issued after a minimum of six months following the expiry of the previous permit, irrespective of the year of the issuance of the permit for a minimum period of three months.

⁶³ Source: BBAP PFP statistics.

⁶⁴ Source: National Bank of Slovakia,

<http://www.nbs.sk/img/Documents/Publikacie/OstatnePublik/ukazovatele.pdf> (consulted on 02/06/ 2013).

the territory of the SR for a longer period of time or who have changed the purpose of their residence, for example, from study to employment.

Table 1: First residence permits issued for the purpose of remunerated activities (2008 -2012)

	2008	2009	2010	2011	2012
Total number of first residence permits issued for the purpose of remunerated activities	3,984	2,302	1,776	1,321	1,855

Source: BBAP PFP (2012) data provided to Eurostat, Eurostat (2008–11)

Note: The total number of first residence permits issued for the purpose of remunerated activities only include residence permits meeting the condition of the definition of “first permitted residence” (i.e. the statistics do not include residence permits issued for the purpose of remunerated activities to persons who have stayed in the SR for a longer period of time or who have changed the purpose of their residence, for example, from study to employment).

In the period 2008–11, the category of remunerated activities included several purposes of temporary residence as per previous Act No. 48/2002 Coll. on Stay of Aliens and on Changes and Amendments to Some Acts⁶⁵. Since 2012, pursuant to the new Act on Residence of Aliens, this category includes, besides some of the previous types of temporary residence (under the previous legislation) also new purposes of temporary residence, as well as permanent residence granted in the interest of the SR.⁶⁶

The available statistics of the BBAP PFP on first permits in the period 2008–12, however, does not provide precise data on the qualification of the residence permit holders, since this aspect was not followed. The Slovak legislation (as mentioned in the answer to question 1.a.) defines highly qualified employment on the basis of higher professional qualification only in the Act on Residence of Aliens for the purpose of the issuance of EU Blue Cards. The definition of the term highly qualified or qualified migrant is absent in the Slovak legislation, by which reason this category is not monitored directly in any statistics.

Although it can be assumed that in the case of some temporary residence permits, for example, for the purpose of special activity – lecturing, or for the purpose of special activity – researcher, the residence permit holders are highly qualified or qualified, the statistics on the number of permits issued for such purposes are not analysed further, as it is not possible to determine on the basis of such statistics the total number of highly qualified or qualified third-country nationals on the Slovak labour market and obtain a full picture of this issue, and also because the national legislation does not regulate any other types of residence permits for the purpose of highly qualified employment.

⁶⁵ Temporary residence: for the purpose of business, for the purpose of employment, for the purpose of special activity – lecturing, for the purpose of special activity – artistic work, for the purpose of special activity – sports activity, for the purpose of special activity – researcher.

⁶⁶ Temporary residence: for the purpose of business, for the purpose of employment (including seasonal work), for the purpose of special activity – lecturing, artistic or sports activity, for the purpose of special activity – activities of a journalist accredited in the SR, for the purpose of research and development, temporary residence – EU Blue Card, temporary residence of a third-country national who has status of person with long-term residence in another Member State – conducting business in the territory of the SR, temporary residence of a third-country national who has status of person with long-term residence in another Member State – employed in the territory of the SR, temporary residence of a third-country national who has status of person with long-term residence in another Member State – performing activities as stated in Art. 25 (temporary residence for the purpose of employment) and Art 26 (temporary residence for the purpose of research and development), and permanent residence for a period of five years – interest of the Slovak Republic.

➤ Residence permits issued on the basis of the EU Blue Card

The SR has not yet managed to attract larger numbers of qualified migrants through the institute of EU Blue Cards issued to highly qualified workers from third countries. In the reference period⁶⁷, the SR issued ten residence permits on the basis of the EU Blue Card, of which seven were issued in 2012, and three as of 17 June 2013 (see Table 2 below). Of this total number of residence permits issued on the basis of the EU Blue Card, nine were granted to males, and only one to a female. Most residence permits were granted to Russian and Ukrainian nationals (four EU Blue Cards each), one to a Chinese national and one to a Turkish national. All age categories of the productive age are represented here: four EU Blue cards in the category of 25–34 years, three EU Blue Cards in the category of 35–44 years, and another three in the category of 45–54 years. The work positions represented among such permits included physicians and researchers (three EU Blue Cards each), managers (two EU Blue Cards), and one EU Blue Card for an IT specialist and one for a trader.

Table 2: Residence permits issued on the basis of the EU Blue Card

	2011	2012	2013 (as of 17/06/ 2013)
EU Blue Cards	0	7	3

Source: BBAP PFP, data sent to Eurostat.

Note: In the period 2008–10, the national legislation did not regulate EU Blue Cards.

This relatively small number of issued permits could be caused by several factors. Residence permits granted on the basis of the EU Blue Card started to be issued in the second half of 2011, when four applications for the granting of this type of residence were issued.⁶⁸ Certain conclusions, though only preliminary, can be drawn from the process of EU Blue Cards issuance. One of the possible reasons of the small number of issued EU Blue Cards could also have been the problem related to the recognition of higher qualification by the Ministry of Education, Science, Research and Sports of the SR (MoESRS SR) concerning non-regulated occupations. According to the previous legislation, the MoESRS SR could not recognise qualification in the case of non-regulated occupations in spite of the fact that the Aliens Police required such recognition for EU Blue Card applications. A third-country national who was offered highly qualified employment which fell under the category of non-regulated occupations was unable to apply for the EU Blue Card.⁶⁹ This problem was solved with an amendment to Act No. 131/2002 Coll. on Higher Education Institutions and on Changes and Amendments to Some Acts, as Amended⁷⁰. Further to the amended Art. 106 effective from 01 January 2013, a higher education institution in the SR organising study programmes in

⁶⁷ The national legislation did not regulate EU Blue Cards in the period 2008–10.

⁶⁸ Drozd P.: Mobility of Third-Country Nationals from the EU to the Slovak Republic. EMN Focussed study. IOM, 2012. Available at: http://emn.sk/phocadownload/emn_studies/emn-sk_studia_mobilita_prislusnikov_tretich_krajin_v_ramci_eu_sr_sk.pdf (consulted on 05/06/2013).

⁶⁹ For more information see EMN Annual Report on Migration and Asylum Policies in the Slovak Republic in 2012, available at http://www.emn.sk/phocadownload/emn_reports/emn-sk_vyr-sprava-politiky-migr-azyl-sr_2012_sk.pdf (consulted on 29/04/2013).

⁷⁰ Act No. 455/2012 Coll. on Changing and Amending Act No. 131/2002 Coll. on Higher Education Institutions and on Changes and Amendments to Some Acts as Amended and on Changing Act No. 455/2004 Coll. on Establishing the Academy of Armed Forces of Gen. Milan Rastislav Štefánik, on the Merge of the Military Air Academy of Gen. Milan Rastislav Štefánik in Košice with the Technical University in Košice, on the Establishment of the National Defence Academy of Marshall Andrej Hadik, and on Changes and Amendments to Some Acts in the Wording of Act No. 144/2008 Coll.

specialisations identical or similar to the ones stated in the qualification document enclosed by the migrant to the application for the EU Blue Card is entitled to decide on the recognition of documents issued by a higher education institution outside of the SR or by other competent body in compliance with the legal regulations of that country in relation to non-regulated occupations. If there is no such higher education institution in the SR, the Centre for the Recognition of Qualifications of the MoESRS SR shall issue an opinion on the recognition of such document also in cases of non-regulated occupations. The APD PF shall accept such document from the applicant for the EU Blue Card.

➤ Employed third-country nationals – issued work permits and information cards

A better picture on the share of highly qualified and qualified third-country nationals in the Slovak labour market is provided by the analysis of statistical data from the OLSAF on issued work permits and information cards. The Slovak legislation (Act on Employment Services) lays down the obligation of an alien to obtain a work permit prior to entering employment in the SR. The act also lists categories of persons who do not need a work permit to work in the SR (Art. 22, par. 7 of the Act)⁷¹ and whose movement is monitored through the information

⁷¹ Refers to a third-country national: holding a permanent residence permit for the territory of the SR; who was granted a temporary residence permit in the SR for the purpose of employment (and whose continuous stay in the SR lasts at least five years), for the purpose of family reunification, for the purpose of study (and whose employment in the SR does not exceed 10 hours per week or the corresponding number of days or months per year), for the purpose of research or development (and whose pedagogical activities under an employment relationship or other similar work relationship does not exceed 50 calendar days in a calendar year); who has been granted temporary residence permit as a person with status of Slovak living abroad; who is an asylum applicant, if his/her application has not been decided within one year from the start of the procedure; who has been granted asylum; who has been granted temporary shelter; whose employment in the territory of the SR has not exceeded seven consecutive calendar years or 30 calendar days in total during one calendar year (provided, that he/she is, at the same time, a pedagogic employee, academic employee of a higher education institution, a scientist, researcher or development worker and is a participant to an expert scientific event; a performing artist participating at an artistic event, or a person providing in the SR for the supply of goods or services, or supplying such goods, or performing installation works on the basis of a commercial contract, or performing warranty services and repairs; who is the member of the family of a diplomatic mission member, or of an employee of a consular office, or the member of the family of an employee of an international governmental organisation whose registered office is in the territory of the SR, provided that mutuality is ensured by an international agreement concluded on behalf of the Government of the SR; who is a member of a rescue unit and provides assistance on the basis of an international agreement on mutual assistance in the elimination of the consequences of accidents and natural disasters, as well as cases of humanitarian assistance; who is a member of the armed forces or of a civilian unit of the armed forces of the state deploying the alien; who is a working student performing work within his/her systematic vocational preparation at a school or at a schooling facility that is included in the system of schools, school facilities or pre-school facilities; who was assigned to perform activities in the territory of the SR within the framework of services of an employer whose domicile is in another Member State of the European Union; who is the partner in a company or the statutory body of a company or the member of the statutory body of a company granted investment aid in Slovakia; who fulfils tasks for a company by performing activities in the territory of the SR, or who is a member of a cooperative or a member of the statutory body of a company granted investment aid, ensures supplies or services in the territory of the SR and supplies such goods or performs assembly works on the basis of a commercial contract, warranty and repair works, works concerning system settings of production equipment, programming works or professional training; who is a member of the statutory body of a cooperative with registered seat or with registered seat of its organisational unit in the territory of the SR; who is employed in international mass transport and is posted by his/her foreign employer to perform works in the territory of the SR; who holds a mass media accreditation; *who has been granted subsidiary protection; whose tolerated stay has been extended for reason of becoming a victim of crime related to human trafficking; who has been granted tolerated stay for reason of respecting his/her private and family life; who has been granted tolerated stay due to illegal employment under particularly exploitative working conditions and whose presence is inevitable for the purposes of the criminal proceedings.* The last four categories of third-country nationals were included in the Act on Employment Services through the last amendment in effect from 01 May 2013, for which reason such categories of persons do not appear in the statistics on the number of issued information cards 2.

card 2⁷² for the purpose of statistical records⁷³ to be filled in and delivered to the competent Office of Labour, Social Affairs and Family by the employer.

With regard to this statistical data, it is necessary to take into consideration the fact that the information systems of the COLSAF SR and BBAP PFP are not interconnected at present; hence, a third-country national registered in the COLSAF system as a person who obtained a work permit or is registered only on the basis of the information card 2 does not necessarily have the relevant residence permit automatically and actually works in the SR. Experts also assume that the numbers of employed aliens registered in the COLSAF statistics are underestimated, especially in the category of persons working in the SR on the basis of the information card.⁷⁴

As stated in the answer to question 1.a., for the purpose of defining highly qualified and qualified employment in this study and in general in the SR, the international standard classification of occupations ISCO-88 can be used, transformed in the SR as extended classification of occupations KZAM-R. According to KZAM-R, the first three major groups can be considered as highly qualified employment, and major groups 4–8 as qualified employment.

Table 3 suggests that most represented in the Slovak labour market are third-country nationals who are highly qualified and qualified compared to those with low level of attained qualification. The holders of work permits or information cards 2 who were highly qualified and qualified represented over 92% of the total number of issued work permits and information cards in each year of the reference period. The number of highly qualified and qualified third-country nationals who held a work permit or information card 2 in the reference period increased (with the exception of the year 2009), and the highest figures were attained in the past two years.

In the reference period, more highly qualified and qualified third-country nationals were employed in the SR (with the exception of the year 2008). The largest group of highly qualified third-country nationals was constituted by scientists and professionals. Least represented were technical, healthcare, teaching staff and workers in related fields.

The largest group of qualified third-country nationals was formed by craftsmen and qualified producers, processing staff, repairmen who do not operate machines or equipment, followed by skilled workers in agriculture, forestry and related fields who do not operate machines or equipment.

⁷² Information card 1 is issued to EU nationals.

⁷³ Council Regulation (EEC) No. 311/76 on the compilation of statistics on foreign workers stipulates the obligation to monitor the movement of aliens for the employment of which no work permit is required in the territory of the SR.

⁷⁴ Mihály, Divinský (2011): *Nové trendy a prognóza pracovnej migrácie v Slovenskej republike do roku 2020 s výhľadom do roku 2050*, TREXIMA, Bratislava.

Table 3: Issued work permits and information cards 2 (2008–12)

	2008			2009			2010			2011			2012*		
	Work permit	Information card 2	Total	Work permit	Information card 2	Total	Work permit	Information card 2	Total	Work permit	Information card 2	Total	Work permit	Information card 2	Total
(MG1) Legislators, senior officials and managers	378	210	588	448	216	664	543	263	806	595	266	861	729	141	870
(MG2) Scientists and professionals	324	180	504	443	236	679	587	285	872	657	325	982	763	223	986
(MG3) Technical, healthcare, teaching staff and workers in related fields	354	199	553	383	216	599	404	253	657	432	357	789	559	208	767
(MG4) Lower administrative staff (officers)	57	51	108	29	59	88	58	78	136	69	86	155	85	56	141
(MG5) Service workers and shop and market sales workers	245	94	339	281	122	403	447	178	625	598	199	797	733	111	844
(MG6) Skilled workers in agriculture, forestry and related fields (except for operators of machines and equipment)	63	7	70	46	6	52	87	8	95	118	11	129	116	6	122
(MG7) Craftsmen and qualified producers, processing staff and repairmen (except for operators of machines and equipment)	1362	79	1441	686	94	780	430	122	552	371	154	525	449	54	503
(MG8) Operators of machines and equipment	480	125	605	223	137	360	362	164	526	368	225	593	469	231	700
Total number of aliens in all categories, including low qualified ones	3,372	1,083	4,455	2,654	1,285	3,939	2,980	1,569	4,549	3,252	1,905	5,157	3,985	1,201	5,186

Source: COLSAF and calculations of authors

State (number of persons) as of the end of December of the given year

MG – Main Group

*The statistical data is preliminary, since a consolidation and synchronisation of the data base and harmonisation of the method of processing of statistical indicators are being performed after the launch of the new information system.

Table 4 presents the most frequent countries of origin of highly qualified and qualified third-country nationals. The most numerous group of highly qualified and qualified workers from third countries are Ukrainians whose number especially increased after the elimination of employment quota in May 2008⁷⁵. The second largest group of employed aliens is constituted by the nationals of South Korea whose residence in the SR is mainly linked to direct foreign investments (see also the answer to question 8.a.), since they most often work as senior officials and managers (company managements) and have high qualification. The other positions on the scale were occupied by Vietnamese, Serbians and Chinese; in the past years, Vietnam was replaced by Serbia (in 2011) and China (in 2012) among the TOP 3 positions.

Highly qualified third-country nationals came most often from South Korea, and worked mostly as senior officials and managers, and least frequently as scientists and professionals. On the other hand, the nationals of Ukraine which is the second most frequent country of origin worked as scientists and professionals, and least frequently as senior officials and managers.

Qualified third-country nationals came most often from Ukraine, and worked mostly as craftsmen and qualified producers, processing staff, repairmen (except for operators of machines and equipment), and least frequently as lower administrative staff (officers). The second most frequent country of origin was Vietnam, the nationals of which worked mostly as craftsmen and qualified producers, processing staff, repairmen (except for operators of machines and equipment). Qualified nationals of Serbia worked most often as operators of machines and equipment, and qualified migrants from China as service workers and shop and market workers. Qualified nationals of South Korea worked most frequently as craftsmen and qualified producers, processing staff, repairmen (except for operators of machines and equipment).

⁷⁵ Bargerová, Martišková, Páleník (2010): IOM LINET Migration, Employment and Labour Market Integration Policies in the European Union (2000-2009). Part 1: Migration and the Labour Markets in the EU (2000-2009). SLOVAKIA, IOM 2010. Available at: <http://www.labourmigration.eu/research/report/15-part-1-migration-and-the-labour-markets-in-the-european-union-2000-2009> (consulted on 25/05/2013).

Table 4: Issued work permits and information cards, TOP 3 countries of origin (2008-11)

	2008			2009			2010			2011			2012*		
	South Korea	Ukraine	Vietnam	South Korea	Ukraine	Vietnam	South Korea	Ukraine	Vietnam	South Korea	Ukraine	Serbia	South Korea	Ukraine	China
(MG1) Legislators, senior officials and managers	359	19	2	378	17	2	454	19	0	471	26	14	443	35	29
(MG2) Scientists and professionals	52	80	2	46	129	2	79	196	2	84	245	30	81	263	29
(MG3) Technical, healthcare, teaching staff and workers in related fields	136	53	3	88	58	3	130	79	0	224	93	33	166	101	20
(MG4) Lower administrative staff (officers)	12	51	1	6	23	1	14	22	1	16	25	14	16	16	1
(MG5) Service workers and shop and market sales workers	14	46	49	15	49	67	17	54	105	22	50	36	25	38	230
(MG6) Skilled workers in agriculture, forestry and related fields (except for operators of machines and equipment)	0	31	0	0	46	0	0	68	0	0	102	2	0	93	1
(MG7) Craftsmen and qualified producers, processing and repairmen (except for operators of machines and equipment)	31	551	671	15	391	218	40	280	72	55	247	32	32	180	29
(MG8) Operators of machines and equipment	15	169	190	9	103	63	16	146	138	11	125	223	4	148	0
Total number of aliens in the given categories (highly qualified and qualified)	619	1,000	918	557	816	356	750	864	318	883	913	384	767	874	712

Source: COLSAF and calculations of authors

State (number of persons) as of the end of December of the given year

MG – Main Group

*The statistical data is preliminary, since a consolidation and synchronisation of the data base and harmonisation of the method of processing of statistical indicators are being performed after the launch of the new information system.

In the period 2008–11, the group of highly qualified and qualified third-country nationals included more males than females (see Table 5), just as the group of third-country national with low qualification. The share of highly qualified and qualified females increased in the past years.

More than half of the males (with the exception of the year 2008) of the total number of highly qualified and qualified males had high qualifications, and males worked most frequently as senior officials and managers. The same applied to females, where the biggest group was represented by females with high qualification, and most of them worked as scientists and professionals.

In the group of qualified third-country nationals, males worked most often as craftsmen and qualified producers, processing staff, repairmen who did not operate machines and equipment, with the exception of the year 2011 when they worked most frequently as operators of machines and equipment. Qualified females worked most often as service workers and shop and market workers.

Table 5: Issued work permits and information cards 2 by gender (2008–11)

Age structure	2008		2009		2010		2011		2012	
	Males	Females	Males	Females	Males	Females	Males	Females	Males	Females
(MG1) Legislators, senior officials and managers	540	48	597	67	730	76	765	96	:	:
(MG2) Scientists and professionals	333	171	432	247	560	312	647	335	:	:
(MG3) Technical, healthcare, teaching staff and workers in related fields	413	140	431	168	469	188	565	224	:	:
(MG4) Lower administrative staff (officers)	48	60	48	40	81	55	100	55	:	:
(MG5) Service workers and shop and market sales workers	189	150	221	182	352	273	451	346	:	:
(MG6) Skilled workers in agriculture, forestry and related fields (except for operators of machines and equipment)	43	27	27	25	54	41	63	66	:	:
(MG7) Craftsmen and qualified producers, processing and repairmen (except for operators of machines and equipment)	1,322	119	716	64	493	59	446	79	:	:
(MG8) Operators of machines and equipment	465	140	309	51	406	120	507	86	:	:
Total number per category	3,353	855	2,781	844	3,145	1,124	3,544	1,287	:	:

Source: COLSAF and calculations of authors

State (number of persons) as of the end of December of the given year

MG – Main Group

: Data not available

Most holders of work permits and information cards 2, including low-qualified workers, were in the productive age in the period 2008–12 (see Table 6). The most represented group was constituted by young people between the ages of 25 to 34 years. Data of the age structure of only highly qualified and qualified third-country nationals is not available, but given the fact that this group represented over 92% according to the statistics of the reference period, it can be assumed that the share in the individual age groups of highly qualified and qualified workers would be similar.

Table 6: Issued work permits and information cards 2 by age (2008–12)

	2008	2009	2010	2011	2012*
25–34	1,749	1,616	1,825	2,108	2,170
35–44	1,422	1,269	1,278	1,432	1,436
45–54	589	584	691	1,000	781
55–64	148	175	204	350	246
Total number of aliens in all age categories, including non-productive age	4,455	3,939	4,549	5,157	5,234

Source: COLSAF and calculations of authors

State (number of persons) as of the end of December of the given year

The data concern all KZAM-R groups, including low qualified ones.

*The statistical data is preliminary, since a consolidation and synchronisation of the data base and harmonisation of the method of processing of statistical indicators are being performed after the launch of the new information system.

As stated in the answer to question 1.a., the group of highly qualified and qualified third-country nationals comprise those who are included in the relevant KZAM-R groups and attained qualification classified as ISCED 3, 4, 5 and 6⁷⁶. The statistics collected by the COLSAF until 2011 distinguished between four levels of qualification of the holders of residence permits and information cards 2⁷⁷, and since 2012 the levels of qualification are divided into nine categories⁷⁸, whereas these categories are not equivalent to the ones according to ISCED⁷⁹.

Most holders of work permits and information cards 2 had university education (ISCED 5 and 6) in the period 2008–12 (see Table 7), with the exception of the year 2008, followed by secondary education without maturity exam (ISCED 3 and 4), with the exception of the years 2008 and 2009 when most aliens had secondary education without maturity exam (apprenticeship certificate ISCED 3). This data confirms the fact that the majority of third-country nationals who held a work permit or were registered for the information card 2 were highly qualified and qualified in the reference period (over 89% of the total number of registered persons per year).

Table 7: Issued work permits and information cards 2 by education (2008–12)

	2008	2009	2010	2011	2012*
University (ISCED 6, ISCED 5)	1,329	1,617	2,039	2,272	2,188
Secondary with maturity exam (ISCED 4, ISCED 3)	1,075	949	1,198	1,396	1,276
Secondary without maturity exam (apprenticeship certificate) (ISCED 3)	1,766	1,141	1,027	1,096	1,221
Total number of aliens with all levels of education, including elementary school	4,455	3,939	4,549	5,157	5,234

Source: COLSAF and calculations of authors

State (number of persons) as of the end of December of the given year

*The statistical data is preliminary, since a consolidation and synchronisation of the data base and harmonisation of the method of processing of statistical indicators are being performed after the launch of the new information system.

➤ *Self-employed third-country nationals*

As mentioned in the introductory part of this chapter, the relevant EU LFS data concerning self-employed third-country nationals did not attain such values that would be reliable enough

⁷⁶ The first, second and third major group corresponds to the international classification of qualifications ISCED 5 and 6. Groups 4 to 8 correspond to the international classification of qualifications ISCED 4 and 3.

⁷⁷ Elementary; secondary without maturity exam (apprenticeship certificate), secondary with maturity exam, and university education.

⁷⁸ Without qualification; elementary education; apprenticeship; secondary (without maturity exam), full secondary vocational education (secondary vocational school, full secondary education with maturity exam), full secondary education (grammar school with maturity), full secondary specialised education (secondary specialised school with maturity exam), higher education, university education, academic education.

⁷⁹ For the purposes of this focussed study, the classification according to the COLSAF, used until 2011, and the ISCED classification used since 2012 has been transformed as follows: ISCED 6, ISCED 5 = university education and academic education; ISCED 4, ISCED 3 = secondary education with maturity exam, full secondary specialised education (secondary specialised school, full secondary education with maturity exam), full secondary education (grammar school with maturity exam), and higher education; ISCED 3 = secondary education without maturity exam (apprenticeship certificate), and secondary (without maturity exam).

and that could be published. The statistical data on self-employed third-country nationals is not publicly available in the required form, and no relevant research has been published on this topic. Information about the business activities of self-employed third-country nationals is missing, as well as information about their age structure, gender⁸⁰ and attained level of education.⁸¹

The available literature, however, suggest that as the share of aliens (including EU and EEA nationals) employed on the labour market in the period 2004–10 increased faster than the share of legal migrants in the entire population of the SR, and the number of aliens running business in the SR (including EU and EEA nationals) grew even faster, reaching up to 2.9%⁸² in 2010, and the nationals of Vietnam and China in the SR prefer conducting business to an employment relationship.⁸³ A more detailed research is therefore needed on the business activities run by third-country nationals.

2.2 National methods of evaluation

Q.17. Does primary research (using any methods) exist in your Member State evaluating the national policies, related practical measures and labour migration agreements (also in the framework of Mobility Partnerships) implemented to attract highly qualified and qualified third-country nationals?

Further to the fact that the SR is currently not implementing specific measures aimed to attract highly qualified and qualified third-country nationals, it is not possible to evaluate them on the basis of available statistical data. Not even the introduction of the EU Blue Card has attracted higher numbers of highly qualified migrants, which has several reasons outlined above. In spite of that, the available statistics suggest that the majority of labour migrants – third-country nationals in the SR is highly qualified and qualified, and has attained a high level of education.

The SR has not concluded any agreements with third parties that would specifically focus on cooperation in the field of labour migration with the aim to attract highly qualified or qualified migrants. The agreements concluded so far, the subject of which is, *inter alia*, labour migration (see the answer to question 13.a.) have not influenced substantially the numbers of highly qualified and qualified third-country nationals.

At present, the SR does not have a system of assessment and evaluation of individual measures in the field of labour migration based either on the legislation, labour agreements, or practice. Also, no relevant research has been conducted in this field so far. The MP and the related APs are subject to the reporting of tasks, annually submitted to the Government in the form of summary reports, though rather in the form of information than evaluation of the effectiveness of the implementation of the individual tasks.

Certain conclusions can be drawn from the Concept of Foreigners' Integration, which is a document older (from 2009) than the MP, and is also subject to annual reporting on the fulfilment of tasks in the form of summary reports. The reports highlight the fact that situation concerning the integration and migration of aliens does not correspond anymore to the current priorities, but reflects the situation in 2009 when the Concept of Foreigners' Integration in the SR was adopted. It is therefore necessary to update this document. In spite of that, the

⁸⁰ IOM LINET Migration, Employment and Labour Market Integration Policies in the European Union (2011), IOM 2013. Available at: <http://www.labourmigration.eu/research/report/24-migration-employment-and-labour-market-integration-policies-in-the-european-union-2010-> (consulted on 25/05/2013).

⁸¹ Mihály, Divinský (2011): Nové trendy a prognóza pracovnej migrácie v Slovenskej republike do roku 2020 s výhľadom do roku 2050, TREXIMA, Bratislava.

⁸² Ibidem.

⁸³ Ibidem.

summary reports remain the most extensive document in the SR concerning the reporting on the tasks implemented in the field of foreigners' integration in the SR.

Q17.a. If Yes, which methods have been used?

NA

Q17.b. If Yes, what is the outcome regarding the effectiveness of these measures and labour migration agreements?

NA

2.3 Policy makers' or other stakeholders' (i.e. academics, non-governmental or private sector representatives) experience

Q.18. If evidence (see 2.1 and 2.2) is not available, what is then the national policies makers' or other stakeholders' experience and assessment regarding the (perceived) effectiveness of measures (see also questions under 2.2)?

The MP is a relatively new document, and the employment of its individual measures is at the stage of preparation. It is therefore not possible to draw any substantial conclusions. Migration Policy is a cross-sectoral economic issue and concerns several central state administration authorities. In this respect, the evaluation of the effectiveness of policies is a long-term process requiring close cooperation of all stakeholders. The question of the update of tasks arising from the Action Plans under the responsibility of central state administration authorities is also open. According to the MoE SR, the Action Plans have not yet been interlinked enough, and are not binding for the sponsors. What is binding and approved are only the individual areas of the Action Plans. The sponsor of the Action Plan can modify or amend the tasks as needed, since Action Plans are specific to particular ministries. The objective must be, however, preserved.⁸⁴

In general, analyses can be carried out for the moment, and conclusions can be drawn from the statistical data presented in the answer to question 16.a.

⁸⁴ Source: MoE SR.

Section 3
Challenges and Barriers
(Maximum 4 pages)

This section reflects on possible challenges and barriers that may affect the attractiveness of a Member State for highly qualified and qualified third-country nationals' immigration.

3.1 Possible challenges and barriers

Q.19. Have challenges and barriers in your country been identified based on previous research which affect the attractiveness of your Member State for (highly) qualified third-country nationals?

The information and experience concerning barriers affecting the access to the Slovak labour market are based on several related surveys conducted in the SR throughout the recent years, mainly with the support from the European Integration Fund. It can be concluded in general that the barriers mainly include complicated administration and relatively extensive bureaucracy, lack of language skills, relatively low salaries, possible fears from discrimination, brain waste or over-qualification, etc.

Q19.a. If Yes, please indicate these factors.

The listing below can be used as an example. Please support your answers with reference to statistics, research or any other sources of information (e.g. media debates, case-law, policy documents, practitioners' views, private sector and other stakeholders):

- *Salaries/Wages; **yes***
- *Economic crisis;*
- *Language; **yes***
- *Formal/Informal discrimination; **yes***
- *Public discourse / debate;*
- *Bureaucracy; **yes***
- *Monetary and non-monetary (time) costs;*
- *Lack of information;*
- *Working conditions;*
- *Small/weak academic/scientific community; **yes***
- *Waiting time to process visa applications in the Member State*

The following studies of the Institute for Public Affairs deal with barriers affecting the access to the Slovak labour market:

- Hlinčíková, Lamačková, Sekulová (2011), Migranti a migrantky na trhu práce v SR – identifikácia a prekonávanie bariér diskriminácie (Migrants on the Labour Market in the SR – Identification and Overcoming of Discrimination Barriers), Institute for Public Affairs, Bratislava, for example page 71: “Their disadvantaged position in the society is to a large extent caused by the overall restrictive legal system,” or page 72: “The general attitude of the society towards migration is rather closed, which often results in frequent prejudices and negative perception of immigration as such.” In general, this study also states that a large group of migrants work at positions that do not correspond to their own qualification or

require a lower level of qualification than their own qualification, skills or work experience. According to this research, a large part of migrants with university education work at positions requiring secondary education.

- Filadelfiová, Sekulová (2009), *Migrantky medzi nami – rodinné a rodové aspekty integrácie* (Female Migrants Among Us – Family and Gender Aspects of Integration), Institute for Public Affairs, on page 124, for example: “From the point of view of the overall integration processes, with the extension of women’s experience in integrating into a new society, changes are needed also in the employment policy, social assistance, education, and in many other agendas (including gender equality).”

The following IOM studies deal with the attitudes of the Slovak society towards aliens and with the related problems of discrimination and intolerance:

- Vašečka (2009): *Postoje verejnosti k cudzincom a zahraničnej migrácii v Slovenskej republike* (Attitudes of the Slovak Public towards Foreigners and Foreign Migration in the Slovak Republic), IOM International Organization for Migration, Bratislava, page 70: „It can be affirmed in general that the opinions on labour migration in Slovakia are... rather negative and stereotypical...”
- Blažek, Andrášová, Paulenová (2013): *Skúsenosti migrantov a migrantiek na Slovensku s násilím* (Migrants’ Experience with Violence in Slovakia), IOM International Organization for Migration, Bratislava, page 93: “The legal provisions concerning temporary residence for the purpose of employment puts migrants into a vulnerable position, since the work permit and subsequent residence permit are tied to a concrete employer. In order to maintain their residence status, migrants are thus often ready to accept disadvantageous or even threatening work conditions.” Or page 111: “The keys to risk elimination and the prevention and remedy of the consequences of violence are, in our opinion, the understanding of risk factors or the factors of resistance against such risk. These include, in particular, language, residence status, employment relationship, social capital, perception of the migrant’s ethnicity, cultural identity, gender, locality and financial background.”

Valuable information describing the barriers affecting entry and residence in Slovakia can be also found in the research study conducted under the MIPEX project (Migrant Integration Policy Index) which collected data on the success rate of integration policies in EU countries. Slovakia occupied the 29th position out of 31, and ended up on the last place together with Cyprus with regard to access to the labour market.⁸⁵ It should be mentioned that the data collected in the framework of this research concerned the period as of 31 May 2010. Since this date, the relevant legislation has been modified, and further modifications are at the stage of preparation.

Q.20. If such evidence is not available, what is then the national policies makers’ or other stakeholders’ experience and assessment regarding the challenges and barriers which affect the attractiveness of your Member State for (highly) qualified third-country nationals?

⁸⁵ Available at <http://www.mipex.eu/slovakia> (consulted on 21/03/2013).

Information and experience regarding the barriers which affect the access to the Slovak labour market are based on the practical experience of involved entities of the state and public administration, non-governmental⁸⁶ or private sectors⁸⁷, and international organisations.

The experience of policies makers and experts in this field are reflected in the following documents and studies:

- Minerva 2.0 – Slovakia into the First League, page 10: “...because the mobility into the SR is significantly restricted by visa policies, policies for residency of foreigners in the SR, as well as various administrative barriers by immigration officers, ministries and embassies.”
- Domonkos, Páleník, Radvanský (2010): Satisfying Labour Demand through Migration in the Slovak Republic. European Migration Network, Bratislava, page 18: “The acquisition of skilled workers from third countries to meet the demand for skilled labour in Slovakia has its pitfalls, such as the language barrier, financial conditions of employment, significant competition from other countries, etc.”
- Mihály, Divinský (2011): Nové trendy a prognóza pracovnej migrácie v Slovenskej republike do roku 2020 s výhľadom do roku 2050 (New Trends and Prognosis of Labour Migration in the Slovak Republic until 2020 with a Perspective until 2050), TREXIMA, Bratislava, page 61: “...this development will be the logical consequence of the simplified conditions of entry, residence and work of third-country nationals, continuous increase of the living standard in the SR, as well as predominance of a more positive social atmosphere in relation to third-country immigrants and reduction of the expressions of intolerance against them.”
- Katuščák in Guličová (2009): Zborník projektu: Budovanie expertízy kľúčových aktérov na poli integrácie, pracovnej migrácie a interkultúrneho dialógu (Project Almanac: Developing the Expertise of Key Actors in the Field of Integration, Labour Migration and Intercultural Dialogue), IOM, Bratislava, page 26: “...the aim... is to create such environment where the labour market will not be a brake, but a catalyst of sustainable economic growth in the long run...”

⁸⁶ For example, the article in SME daily of 19 March 2013 “Prezumpcia viny a Slovensko bez imigrantov” by Renáta Králiková (Slovak Governance Institute) and Zuzana Bargerová (Human Rights League), which states: “A considerable obstacle to the increase of the number of migrants in our country is the complicated and non-transparent legislation regarding the entry and residence of foreigners which largely complicates their arrival and stay.”

⁸⁷ For example, initiative by the American Chamber of Commerce aimed to promote on a dialogue on Slovakia’s migration strategy with a focus on active migration policy for qualified workers. For more details see http://www.amcham.sk/events/1846_conference-on-migration-flows-management (consulted on 25/05/2013).

Section 4
Conclusions
(Maximum 2 pages)

The Synthesis Report will outline the main findings of the Study and present conclusions relevant for policymakers at national and EU level.

Q.21. What conclusions would you draw from your findings that are relevant to the aims of this Focussed Study? Can you identify good practices and lessons learnt with regard to attracting highly qualified and qualified third-country nationals? What is the relevance of your findings to (national and/or EU level) policymakers?

At the moment, the policies of the SR aimed to attract qualified and highly qualified third-country nationals to the Slovak labour market are at the level of strategic documents, the most important of them being the Migration Policy. Even though the Migration Policy is detailed in the form of Action Plans, it is still a relatively new document, as well as the Action Plans. As mentioned above, it is therefore not yet possible to evaluate the effectiveness of the implementation of the tasks arising from these documents and, hence, draw some good practice or general experience. The only practical experience of the SR regarding a comprehensive policy focused on the attraction of highly qualified third-country nationals is the EU Blue Card instrument. The small numbers of this type of special residence permits issued suggest that this instrument is not widely used in the SR so far.. The problem concerning the recognition of qualification in non-regulated occupations was solved by amending the relevant legislation, which has been effect for a short time, by reason of which it is not possible to assess whether this fact will have an impact on an increased number of EU Blue Cards issued in the SR.

The labour market policy in the SR is managed by the needs of the national economy. In order to be competitive in the global competition for talents, the SR must work on its policies to attract highly qualified migrants. The first step was the adoption of the Migration Policy whose theses are expected to be implemented in the next years.

As written by Katuščák (2009, page 25): “The aim we should follow is to create such environment where the labour market will not be a brake, but a catalyst of sustainable economic growth in the long run (while preserving its internal integrity and safety) through quality and highly qualified human resources enabling Slovakia to compete for investments with a high added value.”

In this regard, the synthesis report on this topic, summarising the experience and practice of the individual Member States in the implementation of policies and measures aimed to attract qualified and highly qualified migrants will be beneficial for national purposes, either in the implementation of the MP Action Plans, or in the creation and updating of legislation or in the preparation of new strategic documents and direction in this field.

Terms and Definitions

The definitions of the main terms presented below are, in line with the specification, used in the focussed study and concern the issues regarding the attraction of highly qualified and qualified third-country nationals. The definitions are primarily based on the legislation of the SR⁸⁸, and the terms not defined by the Slovak legislation are based on the glossary of terms published by the EMN⁸⁹, specification of the study, or are defined by the authors.

Alien⁹⁰ – everybody who is not the state citizen of the SR.

Third-country national⁹¹ – everybody who is neither the state citizen of the Slovak Republic nor the citizen of any of the European Union Member States⁹² or other contracting state of the EEA or the Swiss Federation; a third-country national is also understood as a person without any citizenship.

Migrant⁹³ – a person who leaves one country or region to settle in another. According to the context, the term “migrant” used in this study can be considered a synonym to the term “alien”, or “third-country national”.

EU Blue Card holder⁹⁴ – a third-country national who has been issued the EU Blue Card⁹⁵ for the purpose of performance of highly qualified employment.

International student⁹⁶ – a third-country national who has been granted a temporary residence permit in the Slovak Republic for the purpose of study, i.e. the primary objective is studies.⁹⁷

Scientist⁹⁸ – a third-country national conducting research or development in the territory of the SR on the basis of a hosting agreement⁹⁹ for which purpose he/she has been granted a temporary residence permit by a police department.

The definitions of **highly qualified and qualified migrant** are provided in a wider context in answers to question 1.a.

⁸⁸ The specific legal act is specified in the footnote.

⁸⁹ Source: Asylum and Migration Glossary 2.0, available at http://www.emn.sk/phocadownload/glossary/emn_glossary_v-jan2012.pdf (consulted on 30/04/2013)

⁹⁰ Act on Residence of Aliens.

⁹¹ Act on Residence of Aliens.

⁹² Pursuant to the Act on Residence of Aliens, Member State is understood as the Member State of the European Union, except for the SR, other state which is a contract party of the Treaty on the European Economic Area, and the Swiss Confederation.

⁹³ Source: Asylum and Migration Glossary 2.0, available at http://www.emn.sk/phocadownload/glossary/emn_glossary_v-jan2012.pdf (consulted on 29/05/2013).

⁹⁴ Term defined by the authors of the focussed study.

⁹⁵ Pursuant to the Act on Residence of Aliens, the EU Blue Card is defined as a special type of temporary residence permit which enables a third-country national to enter, reside, and work in the territory of the SR, to exit the territory of the SR and re-enter it during the time period for which it was issued by a police department.

⁹⁶ Source: BBAP PFP

⁹⁷ In the SR, the right to study also pertains to the categories of third-country nationals who have been granted a temporary residence permit for a different purpose, or who have been granted a permanent residence permit, but the only type of residence with study as the primary aim of residence in the SR is temporary residence for the purpose of study under Art. 24 of the Act on Residence of Aliens.

⁹⁸ Term defined by the authors of this focussed study. The respective directive was transposed to the Slovak legislation also with regard to the residence status of third-country national by Act No. 693/2006 Coll. on Changing and Amending Act No. 48/2002 Coll. on Stay of Aliens and on Changes and Amendments to Some Acts as Amended.

⁹⁹ The conclusion of hosting agreements is governed by Act No. 172/2005 Coll. the Organisation of State Support of Research and Development and on Amending Act No. 575/2001 Coll. on the Organisation of Government Activities and Central State Administration Activities as Amended by Act No. 231/1999 Coll. on State Assistance as Amended which transposed into the legislation of the Slovak Republic Council Directive 2005/71/EC of 21 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research.

Abbreviations

APD PF - Aliens Police Department of the Police Force

APs – Action Plans to the Migration Policy of the Slovak Republic with a Perspective until 2020

BBAP PFP – Bureau of the Border and Aliens Police of the Police Force Presidium

Coll. – Collection of Laws

COLSAF – Central Office of Labour, Social Affairs and Family

EC – European Commission/European Community

EEA – European Economic Area

EMN – European Migration Network

EU – European Union

EU LFS - European Union Labour Force Survey

IOM – IOM International Organization for Migration

KZAM-R – Extended classification of occupations

MoE SR – Ministry of Economy of the SR

MoESRS SR – Ministry of Education, Science, Research and Sports of the SR

MoFEA SR – Ministry of Foreign and European Affairs of the SR

MoI SR – Ministry of Interior of the SR

MoLSAF SR – Ministry of Labour, Social Affairs and Family of the SR

MP – Migration Policy of the Slovak Republic with a Perspective until 2020

OECD – Organisation for Economic Co-operation and Development

OSLA – Office for Slovaks Living Abroad

SARIO – Slovak Investment and Trade Development Agency

SR – Slovak Republic

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Council Directive 2005/71/EC of 21 October 2005 on a specific procedure for admitting third-country nationals for the purposes of scientific research

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