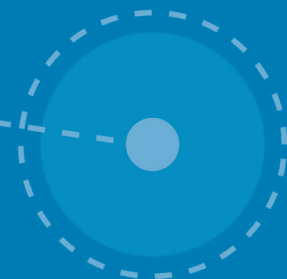
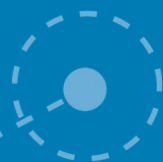




EN

---

ANNUAL REPORT ON MIGRATION  
AND INTERNATIONAL PROTECTION  
STATISTICS IN THE SLOVAK REPUBLIC  
(REFERENCE YEAR 2009)



# Annual Report on Migration and International Protection Statistics in the Slovak Republic

(Reference Year 2009)

National Report for the European Migration Network

August 2011  
Bratislava





The European Migration Network was established by Council Decision 2008/381/EC and is financially supported by the European Union.

The compilation of this study is co-funded by the European Union and the Ministry of Interior of the Slovak Republic.

The opinions presented in this publication are those of the authors and do not necessarily represent the opinions of the Government of the Slovak Republic, the European Commission, or IOM International Organization for Migration.

This report was compiled by Ing. Mária Katerinková, expert of the Statistical Office of the SR; Ing. Karin Apjarová and Mgr. Jana Feriancová, experts of the Migration Office of the MoI SR; experts of the Bureau of the Border and Alien Police of the PFP; and PhDr. Natália Ulrichová and Ing. Andrea Mrlianová, experts of IOM International Organization for Migration.

IOM International Organization for Migration  
National Contact Point of the European Migration Network in the Slovak Republic  
Grösslingová 4  
811 09 Bratislava, Slovak Republic  
E-mail: [ncpslovakia@iom.int](mailto:ncpslovakia@iom.int)  
Tel.: +421 2 52 62 33 35

ISBN 978-80-89506-11-8

## Preface

This report was compiled by the IOM International Organization for Migration Bratislava in its function as the National Contact Point of the European Migration Network in the Slovak Republic. This report follows the common specifications and the methodology prepared by the European Migration Network.

# Table of Contents

List of Abbreviations	6
01. Introduction	8
02. Methodology	9
03. Legal Immigration and Integration	11
3.1 International Migration, Usually Resident Population and Acquisition of Citizenship	11
3.1.1 International Migration Flows	13
3.1.2 Usual Residence	19
3.1.3 Acquisition of Citizenship	23
3.2 Residence Permit and Residence of Third-Country Nationals	24
04. Illegal Immigration and Returns	29
4.1 Prevention of Illegal Entry and Stay – Apprehensions	30
4.2 Returns	33
05. Border Control	37
5.1 Prevention of Illegal Entry and Stay – Refusals	37
5.2 Relationship between Refusals, Apprehensions and Returns	40
06. Asylum: International Protection	42
6.1 Applications for International Protection	43
6.2 Decisions on International Protection	44
6.3 Dublin Transfers	46
6.4 Unaccompanied Minors	52
Bibliography	53

## List of Abbreviations

<b>AR</b>	– Aliens' Register
<b>EEA</b>	– European Economic Area
<b>EC</b>	– European Commission
<b>EMN</b>	– European Migration Network
<b>EC</b>	– European Communities
<b>EU</b>	– European Union
<b>EFTA</b>	– European Free Trade Area
<b>IOM</b>	– International Organization for Migration
<b>MO MoI SR</b>	– Migration Office of the Ministry of Interior of the Slovak Republic
<b>MoI SR</b>	– Ministry of Interior of the Slovak Republic
<b>SR</b>	– Slovak Republic
<b>SO SR</b>	– Statistical Office of the Slovak Republic
<b>BBAP PFP</b>	– Bureau of the Border and Alien Police of the Police Force Presidium
<b>Coll.</b>	– Collection of Laws

## Symbols

(:) - data is not available

# 01

## Introduction

The Statistical Report on Migration and International Protection in the Slovak Republic in 2009 (hereinafter referred to as the "Report") is the fourth report on migration and international protection statistics prepared by the Slovak Republic in the framework of European Migration Network (EMN) activities. The report follows the specification of the European Commission which was reviewed and approved by the EMN National Contacts Points in the European Union (EU) Member States. The report explains and clarifies the statistical and development trends in the field of migration and international protection in the Slovak Republic (SR) in 2009 compared to the previous period. In 2008 the statistics were for the first time reported in compliance with Regulation (EC) No 862/2007 of the European Parliament and of the Council on Community Statistics on Migration and International Protection (hereinafter referred to as "Migration Statistics Regulation"). The report is therefore based on statistics and data according to the Eurostat database of 2008 and 2009.

On the basis of the national reports of the EU Member States compiled by the EMN National Contact Points, the European Commission will prepare an Annual Report with the aim of improving the availability, topicality and comparability of statistical data on migration and international protection within EU Member States, and to provide comparable analyses on migration and international protection.

The structure of the Report and its division into chapters follow the set specifications. Chapters 1 and 2 present information on the objectives of and the methodology used for the data provided herein. Chapter 3 deals with international migration, citizens with usual residence in the territory of the SR, acquisition of citizenship of the SR, residence permits and residence of third-country nationals, and informs about development trends in the field of migration policy. Chapter 4 deals with illegal migration and returns, through an analysis and interpretation of statistics on apprehensions and returns. Chapter 5 analyses border controls with a focus on refusals of entry, and analyses the relation between refusals of entry, apprehensions, and returns. Chapter 6 deals with international protection and describes the numbers of requests for international protection, the number of positive decisions (with a special focus on unaccompanied minors), Dublin transfers, and related legislative and procedural changes.

# 02

## Methodology

This Report was compiled by the selected experts of the EMN National Contact Point and of the wider national migration network in the Slovak Republic representing the following institutions: Statistical Office of the SR (SO SR), Migration Office of the Ministry of Interior SR (MO Mol SR), Bureau of the Border and Aliens Police of the Police Force Presidium (BBAP PFP), and IOM International Organization for Migration. The individual experts were responsible for preparing the chapters pertaining to the scope of responsibilities of the institution they represented, and, in cooperation with the coordinator of the IOM National Contact Point, have also helped to harmonise the final text and give an expert assessment of the Report as a whole. The basic statistics for this Report were provided by Eurostat. As several institutions deal with the collection and processing of migration and international protection data in the Slovak Republic, the information systems of SO SR, MO Mol SR and BBAP PFP all served as the main sources of the national statistical data, and have also been used for verifying the data provided by Eurostat.

Chapter 3.1 was compiled by an expert of the Statistical Office of the SR. SO SR coordinates and assures harmonisation of the contents and scope of information on foreign nationals with EU standards, as well as with the fundamental documents approved by the Government of SR in cooperation with the relevant ministries (the Ministry of Interior of the SR – Mol SR, and the Ministry of Labour, Social Affairs and Family of the SR). The Statistical Office further compiles, publishes, presents and provides basic data and indicators on migration statistics for national and international purposes. The data in this Report compiled by SO SR is taken from the SO SR databases, and is obtained in the form of demographic events reports. In this case, the reports concern international migration related to permanent residence change concurrent with the crossing of borders (Migration Report OBYV 5-12). The source for the data on foreigners' legal migration is the information system 'Aliens' Register of the Bureau of the Border and Aliens Police of PFP.

Experts of the MO Mol SR have been involved in the compilation of Chapter 6. They have based their study on legislation, especially Act No. 480/2002 Coll. on Asylum and on Changes and Amendments

of Certain Other Acts as Amended; Council Regulation (EC) No. 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (Dublin Regulation); on the Migration Office's Refugee information system; on the statistical data of Eurostat; and on practical experience. In the compilation and verification of this statistical data, the Eurostat definitions were taken into consideration. Hence, the Eurostat data is slightly different from the data provided by the MO MoI SR.

The experts of the BBAP PFP and IOM prepared subchapters 3.2 and Chapters 4 and 5. BBAP PFP manages the organisational units serving the tasks concerning state border protection; the fight against illegal migration and smuggling; border control; risk analysis; cooperation with FRONTEX agency; travel documents' analysis; granting of residence permits to foreign nationals; control of the stay of foreigners; removal of foreign nationals; visa issues; asylum procedures; and the Dublin Regulation within the legally-defined scope. As for the collection and processing of statistical data, BBAP keeps statistical reviews of legal and illegal migration; it is the national contact point for the compilation of European statistics on migration and residence in line with the EU standards; it plays the role of the guarantor and administrator of the Office information system's data; and carries out activities associated with the management of the Border Police and the Alien Police information systems. Within its own information system, it records and analyses statistical data on the refusal of entry and on apprehended and removed foreign nationals, which is also provided to Eurostat and forms a part of this Report as well. In the compilation and verification of this statistical data, the Eurostat definitions were taken into consideration.

# 03

## Legal Immigration and Integration

### 3.1 International Migration, Usually Resident Population and Acquisition of Citizenship

This chapter provides an overview of legal migration in the Slovak Republic. Since 2003, the Slovak Republic has reported an ever increasing number of immigrants to the SR, except for 2009. Immigration into the SR is mainly influenced by the accession of Slovakia to the EU and further EU enlargement, entry into the Schengen Area, the economic development of the country in the given period, and at the end of the reported period the global economic crisis. Foreign migration between the Slovak Republic and other countries peaked in 2008.

The international migration statistical data compiled by the Statistical Office of the SR pursuant to national legislation is based on the records of migrating persons with registered or cancelled permanent residence in the SR. According to the SO SR methodology, international migration (immigration from abroad or emigration abroad) means a change in the country of permanent residence irrespective of nationality (the data is mainly used for national purposes). The international migration data is compiled on a monthly basis. The international migration statistics along with the national migration statistics (migration within the territory of the SR) form a part of the demographic statistics. The demographic statistics data is obtained from the statistical research of natural and migration changes in the population, which is annually organised by the Statistics Office of the SR in the form of statistical reports (report on the conclusion of marriage OBYV 1-12, birth report OBYV 2-12, post-mortem examination note and decease note OBYV 3-12, divorce report OBYV 4-12, migration report OBYV 5-12). The statistical research of population changes applies to the entire population with permanent residence in the SR, including foreign nationals with permanent residence. It is a complex research organised and performed within the framework of the State Statistical Research Programme.<sup>1</sup>

<sup>1</sup> The State Statistical Research Programme is a legal document by virtue of which the reporting units are obliged to submit reports concerning all statistical information subject to research pursuant to Article 18, paragraph 3 of the Act No. 540/2001 Coll. on State Statistics.

The demographic statistics are based on population census results. The Slovak Republic applies the process of balancing the population change between two censuses (rebalancing of the results of census as of 1 January of the year in which the census takes place, and subsequent annual balancing of the population changes until the next census).<sup>2</sup>

For international purposes and for the purpose of meeting the requirements of the Migration Statistics Regulation, the data on the migration of Slovak nationals is taken from the migration statistics of the SO SR. Information on foreign nationals' migration is obtained from the Aliens Register' information system of the Bureau of the Border and Aliens Police of the PFP. Since the reference year 2003, the Statistics Office of the SR has intensively co-operated with the BBAP PFP in the preparation and implementation of the Migration Statistics Regulation.

As far as the terms and the fulfilment of the requirements under Article 3 of the Regulation on Migration Statistics is concerned, the term 'legal migration' means the entry of the person to the SR, their stay in the territory of the SR, and the departure from the SR, provided that international agreements and the legal regulations of the SR are complied with. The conditions of entry and of the stay of foreign nationals in the Slovak Republic and on their departure from the SR are governed by Act No. 48/2002 Coll. on Stay of Aliens and on Changes and Amendments of Certain Other Acts (hereinafter referred to as the "Act on Stay of Aliens"). By virtue of this law, a foreign national is anyone who is not a citizen of the Slovak Republic, or is a stateless person. Hence, foreign nationals are the citizens of other countries of the European Union (EU); the citizens of countries which are parties to the Agreement on the European Economic Area (EEA); the citizens of the Swiss Confederation and their family members; third-country nationals; and stateless persons. A special legal regime applies to the entry and the stay of EU and EEA nationals in Slovakia, which grants them equal rights to the nationals of the SR.

In the residence-granting procedure, two types of regime are in force in the SR – residence registration and residence permit. Registration concerns EU/EEA nationals, while other nationals must apply for a residence permit.

Legal migration is based on the issuing of temporary residence permits to third-country nationals, issuing of permanent residence permits to third-country nationals or nationals with preferential treatment, or on registering the nationals of the European Economic Area for temporary residence, and on issuing a tolerated stay permit to third-country nationals. Hence, the legal system of the SR differentiates between the temporary residence permit tied to a particular purpose, permanent residence permit, and tolerated stay permit.

According to the type and the character of stays, the migration statistics provided to Eurostat include the groups of foreign nationals with permanent or temporary residence in the Slovak Republic.

<sup>2</sup> The process of rebalancing the census results is illustrated by the following formula: the state of the population on 1 January of the year of census = the state of the population as of the date of the census – the number of newborns (from 1 January until the date of the census) + the number of deceased persons (from 1 January until the date of census) – net migration (from 1 January until the date of census).

The immigrants' group and the total number of inhabitants with usual residence in the SR include foreign nationals who have been granted asylum along with a permanent residence permit, and also persons who were granted subsidiary protection along with a temporary residence permit. Applicants for international protection are not included in the group of immigrants and in the general group of persons with legal residence in the SR. Persons with tolerated stay in the Slovak Republic are not included in the immigrants' group and in the general group of persons with legal residence either, which results from the nature of this type of stay (the maximum period of tolerated stay is 180 days and can be repeatedly extended).

As for the legal context for the interpretation of statistics in the field of migration, no substantial changes that would have an impact on the statistics under Article 3 of the Migration Statistics Regulation were made in 2009.

### 3.1.1 International Migration Flows

The international migration statistics presented in this Report use the concept of usual residence. Usual residence means that a person has a legal (registered) residence in the territory of the SR, and the duration of such residence is or is expected to be one year and more, which results from the nature of the foreigner's stay. The source of the data on foreigners is the administrative source of the Bureau of the Border and Aliens Police of PFP – Aliens' Registry (ECU)<sup>3</sup>. The source of data on the citizens of the Slovak Republic is the data of the Statistical Office SR.

The Slovak Republic has long been perceived more as a transit country than as a target country of migration. Since its entry into the EU in 2004, the country has reported an ever increasing number of foreigners with legal residence in its territory each year. As of the end of 2009, their number was almost three times higher compared to 2004. The number of immigrants showed a similar development in that period, except for 2009 in which the number of immigrants was probably influenced by the global economic crisis. Besides Slovakia's integration into the EU, other factors also had an impact on immigration, such as EU enlargement, entry of the SR into the Schengen Area, and the economic development of the country during the analysed period and subsequent global economic crisis. In the given period, emigration repeatedly decreased or increased. In 2009, the number of emigrants dropped, just like the number of immigrants. The volume of international migration and the balance of migration between the Slovak Republic and foreign countries reached their peak in 2008.

<sup>3</sup> In 2004, the Bureau of the Border and Aliens Police of PFP launched the operation of a new information system named "Aliens' Register". This system incorporates some of the fundamental changes and requirements related to the Migration Statistics Regulation which was drafted at that time. Hence, the statistics analysed in this Report are provided from that year.

**Table 1 Selected International Migration Indicators in the Period 2004 – 2009**

Selected indicators	2004	2005	2006	2007	2008	2009
Foreigners with usual residence in the SR as of 31 December	22 251	25 563	32 130	40 904	52 545	62 882
Immigrants with usual residence in the SR	10 390	9 410	12 611	16 265	17 820	15 643
Emigrants with previous usual residence in the SR	6 525	2 784	3 084	3 570	4 857	4 753
Migratin balance	3 865	6 626	9 527	12 695	12 963	10 890
Migration volume	16 915	12 194	15 695	19 835	22 677	20 396

Source: SO SR; BBAP PFP

In the reference year 2009, a total of 15,643 persons immigrated to the Slovak Republic to obtain usual residence, of which 1,205 (7.7%) were Slovak nationals who registered again for permanent residence in the Slovak Republic. Other EU nationals represented 43.9% and third-country nationals 48.4% of the total number of immigrants.

The highest share in the number of immigrants by country of birth and development level of countries other than EU-27 countries, European Free Trade Area countries, and candidate countries, was represented by the citizens of medium-developed countries (52.2 %), mostly the Ukraine, Vietnam and China, and of highly-developed countries (44.9%), such as Serbia, Korea, Russia, USA and Libya. Little-developed countries constituted a share of only 2.8% in the number of immigrants.

The following countries are countries with the highest number and share of third-country immigrants arriving for the purpose of usual residence in the reference year 2009: Ukraine (1,575 persons), Serbia (1,101), Vietnam (873), Korea (663), China (635), Russia (491), USA (269), Turkey (167), Libya (99), Former Yugoslav Republic of Macedonia (93).

The number of male immigrants (62%) arriving in the SR was higher than the number of female immigrants. As for the migration of Slovak citizens, this proportion is contrary: females constituted 52% of the total number of Slovak immigrants. As for the age structure, the highest number of citizens from outside of the European Union countries was constituted by the age category of 20 – 34 years; those from European Union countries, including Slovakia, were mostly represented in the age category of 35 – 64 years.

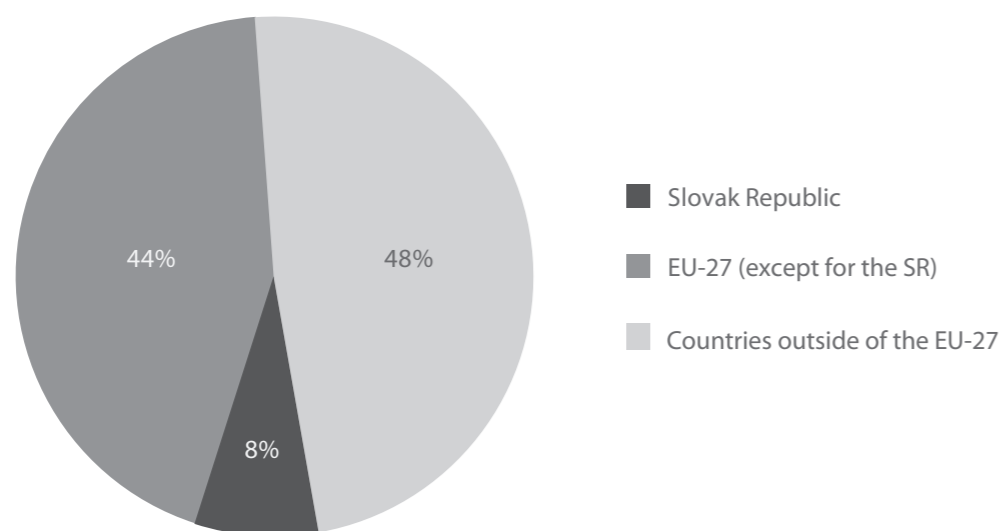
**Table 2 Immigration to the SR for the Purpose of Usual Residence by Nationality, Age Groups and Gender as of 31 December 2009**

Nationality, Nationality Group	Total	Age Group					Gender	
		0-19	20-34	35-64	65+	Not stated	Males	Females
<b>Total</b>	15 643	2 125	6 902	6 162	454	0	9 853	5 790
<b>Slovak Republic</b>	1 205	322	399	413	71	0	578	627
<b>EU-27 (excl. SR)</b>	6 868	620	2 798	3 164	286	0	4 590	2 278
<b>Countries outside of EU-27</b>	7 568	1 182	3 704	2 585	97	0	4 684	2 884
- EFTA countries (CH, IS, LI, NO)	130	10	91	24	5	0	77	53
- candidate countries (HR, MK, TR)	333	41	203	86	3	0	245	88
<b>Countries other than EU-27, EFTA and candidate countries</b>	7 105	1 131	3 410	2 475	89	0	4 362	2 743
- highly developed countries outside of the EU	3 193	635	1 252	1 255	51	0	1 905	1 288
- medium-developed countries	3 711	464	2 036	1 173	38	0	2 282	1 429
- little developed countries	201	32	122	47	0	0	175	26
<b>Stateless persons</b>	25	7	5	13	0	0	18	7
<b>Other</b>	0	0	0	0	0	0	0	0
<b>Unknown</b>	2	1	1	0	0	0	1	1
<b>Highest share of foreign immigrants by nationality (third countries)</b>								
1. Ukraine	1 575	182	705	666	22	0	910	665
2. Serbia	1 101	195	443	441	22	0	678	423
3. Vietnam	873	89	596	180	8	0	561	312
4. Korea	663	173	218	271	1	0	401	262
5. China	635	123	349	160	3	0	368	267
6. Russia	491	95	149	234	13	0	237	254
7. USA	269	59	112	89	9	0	151	118
8. Turkey	167	9	132	26	0	0	120	47
9. Libya	99	42	18	39	0	0	61	38
10. FYR Macedonia	93	19	38	35	1	0	70	23

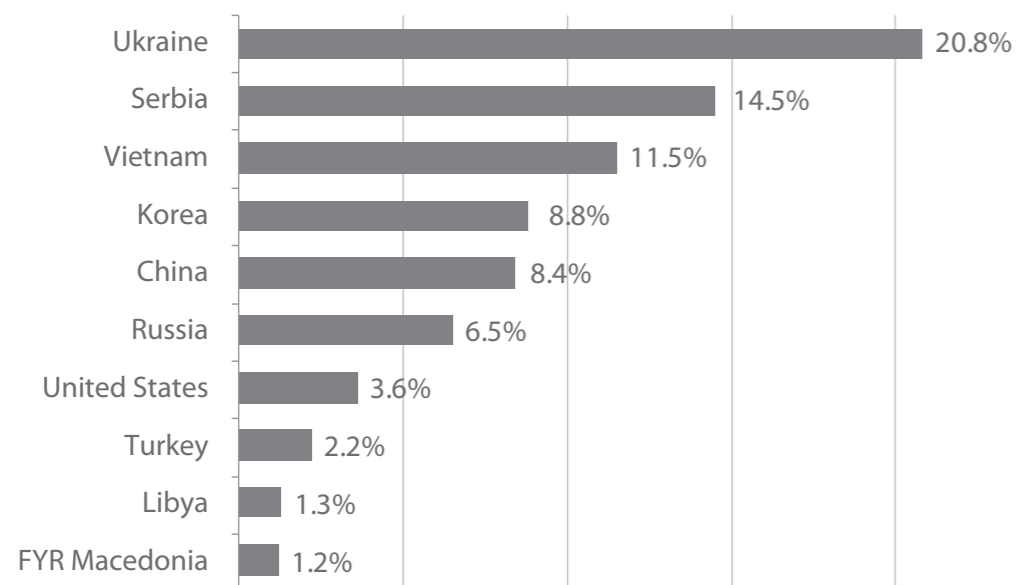
Source: Eurostat

A comparison of immigrants by country of birth and immigrants by nationality shows differences mainly in relation to the migration of EU nationals. As for nationality, 6,888 nationals of the EU-27 countries came to the SR in the reference year 2009, whereas the number of people born in the EU-27 countries was lower by 555. This data implies the naturalisation of migrants and confirms their subsequent migration throughout the European territory.



**Chart 1 Immigration to the SR by Nationality as of 31 December 2009**

Source: SO SR

**Chart 2 Largest Share of Immigration to the SR by Third-Country Nationals by Nationality as of 31 December 2009**

Source: SO SR

In the reference year 2009, a total of 4,753 persons emigrated from the Slovak Republic; 30.1% were nationals of the Slovak Republic. EU nationals constituted 27.9%, and third-country nationals 41.9%. More males than females emigrated from Slovakia in the reference year; their share in total emigration reached 61.4%. As for emigrated Slovak nationals, the long-term trend is contrary; in 2009 females constituted 64.7%.

The highest number of emigrants from among Slovak nationals and third-country nationals was in the age category of 20-34 years. The number of emigrants from the EU-27 countries was slightly higher in the age category of 35-64 years.

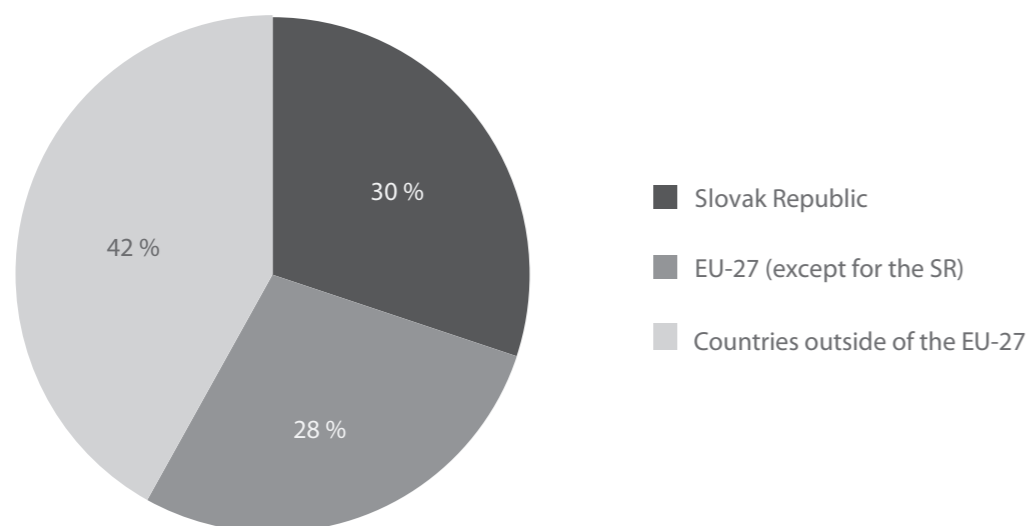
**Table 3 Emigration from the Place of Usual Residence by Nationality, Age Groups and Gender as of 31 December 2009**

Nationality, Nationality Group	Total	Age Group					Gender	
		0-19	20-34	35-64	65+	Not stated	Males	Females
<b>Total</b>	4 753	537	2 351	1 787	78	0	2 920	1 833
<b>Slovak Republic</b>	1 432	263	717	421	31	0	505	927
<b>EU-27 (excl. SR)</b>	1 328	60	611	622	35	0	1 059	269
<b>Countries outside of the EU-27</b>	1 993	214	1 023	744	12	0	1 356	637
<b>Other</b>	0	0	0	0	0	0	0	0
<b>Unknown</b>	0	0	0	0	0	0	0	0
<b>Largest emigration share by nationality (third countries)</b>								
1. Vietnam	343	5	254	84	0	0	288	55
2. Ukraine	322	4	155	163	0	0	225	97
3. Korea	297	80	71	146	0	0	177	120
4. USA	166	33	73	51	9	0	88	78
5. China	122	5	70	47	0	0	75	47
6. Russia	82	8	33	41	0	0	50	32
7. Turkey	81	4	71	6	0	0	42	39
8. Serbia	68	4	32	32	0	0	55	13
9. Japan	38	1	10	26	1	0	33	5
10. Israel	27	1	24	2	0	0	14	13

Source: Eurostat

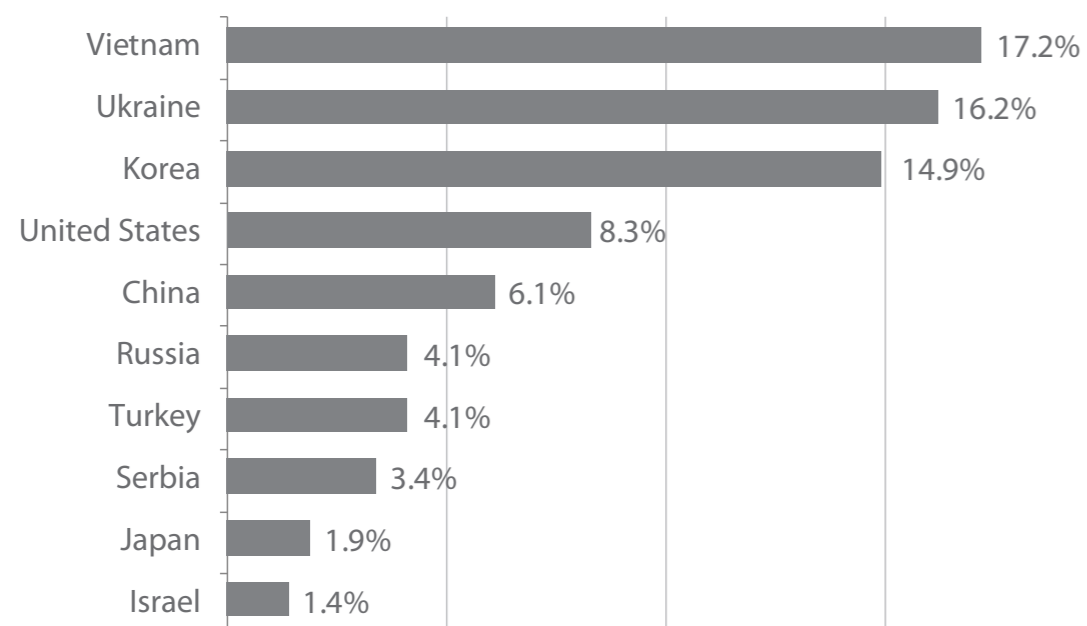
The majority of emigrants moved from Slovakia to EU countries (57.2%); 37.8% of them moved to third countries, and the country of next stay unknown in the case of 5%.

Chart 3 Emigration from the SR by Nationality as of 31 December 2009



Source: SO SR  
Krajiny mimo EU 27 – Countries other than the EU27  
EU 27 (okrem SR) – EU 27 countries (except the Slovak Republic)

Chart 4 Largest Share of Emigration from the SR by Third-Country Nationals by Nationality as of 31 December 2009



Source: SO SR

Table 4 shows the largest share of third countries as countries of next stay.

Table 4 Emigration from the Place of Usual Residence by Country of Next Stay, by Age Groups and by Gender as of 31 December 2009

Country of Next Stay	Total	Age Group					Gender	
		0-19	20-34	35-64	65+	Not stated	Males	Females
<b>Total</b>	4 753	537	2 351	1 787	78	0	2 920	1 833
<b>EU-27 (excl. SR)</b>	2 719	312	1 285	1 059	63	0	1 586	1 133
<b>Countries outside of EU-27</b>	1 797	219	896	670	12	0	1 127	670
<b>EU-15</b>	1 240	172	573	473	22	0	664	576
<b>EU-25 (excl. SR)</b>	2 356	301	1 089	905	61	0	1 270	1 086
<b>Other</b>	0	0	0	0	0	0	0	0
<b>Unknown</b>	237	6	170	58	3	0	207	30
<b>Emigrants with the largest numbers by country of next stay (third countries)</b>								
1. Ukraine	298	9	139	150	0	0	202	96
2. Vietnam	227	6	156	65	0	0	192	35
3. USA	220	42	87	84	7	0	101	119
4. Korea	210	65	52	93	0	0	122	88
5. Serbia	117	12	61	44	0	0	84	33
6. China	104	4	64	36	0	0	65	39
7. Switzerland	76	8	50	17	1	0	20	56
8. Russia	74	11	24	38	1	0	44	30
9. Turkey	47	1	41	5	0	0	30	17
10. Canada	44	9	17	18	0	0	20	24

Source: Eurostat

### 3.1.2 Usual Residence

The total number of foreigners with legal (registered) residence in the Slovak Republic as of 31 December 2009 was 62,882, of which 38,717 were nationals of the EU-27 (61.6%). The most numerous group of foreigners from EU countries has long been constituted by nationals of the Czech Republic (8,346) and other neighbouring countries – Poland (5,369), Hungary (4,602), Germany (4,038), and Austria (2,064). Since Romania's entry into the European Union, the number of Romania nationals with usual residence in the SR increased to 5,424 persons.

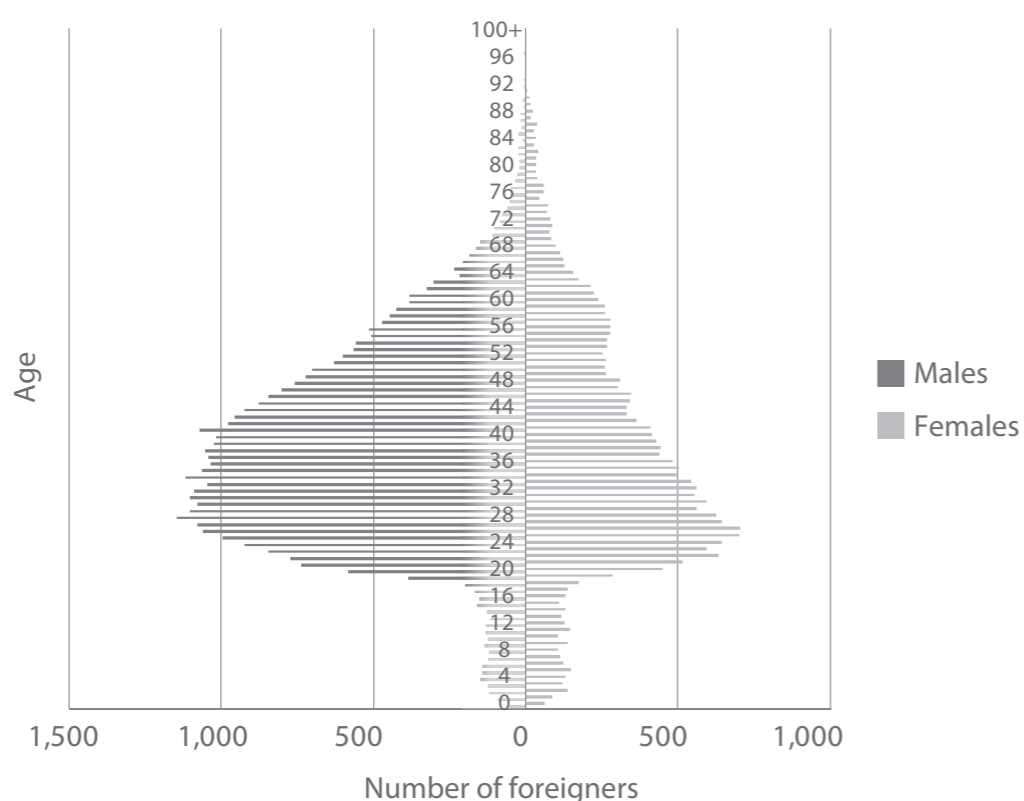
Third-country nationals represented 38.4% of the total number of foreigners (24,165 persons). The most numerous groups of third-country nationals was constituted by the citizens of the Ukraine (5,907), Serbia (3,335), Vietnam (2,344), Russia (2,042), China (1,718), Korea (1,689), USA (1,007), the former Yugoslav Republic of Macedonia (421), Croatia (412), and Norway (356).

According to the human development index which divides countries into three groups by their development level, the nationals of medium-developed countries (52.7%) represented the highest share (China, Ukraine, Vietnam). This group of countries was followed by highly developed countries (45.1%) with the nationals of Russia, Korea and the USA. Little developed countries constituted 2.2% of third-country nationals.

As for the demographical structures of foreigners with usual residence in the SR by gender, males prevailed in this category with a share of 64.4%. As regards age, the largest number of foreigners was from the age category of 35 – 64 years old, which implies that it was mainly work migration.

The analysis of the age structure of citizens and foreigners confirms that foreigners with usual residence in the Slovak Republic positively influence the age structure of the population, as migration is mainly characteristic for persons from lower age groups (refer to Chart 5).

**Chart 5 Age Structure of Foreigners with Usual Residence in the SR as of 31 December 2009**



Source: SO SR

**Table 5 Citizens with Usual Residence in the SR by Nationality, by Age Groups and by Gender as of 31 December 2009**

Nationality, Nationality Group	Total	Age Group					Gender	
		0-19	20-34	35-64	65+	Not stated	Males	Females
<b>Total</b>	5 424 925	1 199 506	1 345 751	2 214 534	665 134	0	2 636 938	2 787 987
<b>Slovak Republic</b>	5 362 043	1 193 980	1 322 247	2 183 938	661 878	0	2 596 438	2 765 605
<b>EU-27 (excl. SR)</b>	38 717	2 374	13 667	20 422	2 254	0	26 242	12 475
<b>Countries outside of the EU-27</b>	24 165	3 152	9 837	10 174	1 002	0	14 258	9 907
- EFTA countries (CH, IS, LI, NO)	601	36	344	184	37	0	359	242
- candidate countries (HR, MK, TR)	1 183	127	502	496	58	0	849	334
<b>Countries other than EU-27, EFTA and candidate countries</b>	22 381	2 989	8 991	9 494	907	0	13 050	9 331
- highly developed countries outside of the EU	10 091	1 682	3 408	4 575	426	0	5 879	4 212
- medium-developed countries	11 802	1 275	5 332	4 736	459	0	6 759	5 043
- little developed countries	488	32	251	183	22	0	412	76
<b>Stateless persons</b>	81	2	13	48	18	0	58	23
<b>Other</b>	0	0	0	0	0	0	0	0
<b>Unknown</b>	0	0	0	0	0	0	0	0
<b>Largest share of foreigners with usual residence by nationality (third countries)</b>								
1. Ukraine	5 907	623	2 099	2 816	369	0	3 041	2 866
2. Serbia	3 335	413	1 354	1 460	108	0	2 037	1 298
3. Vietnam	2 344	242	1 316	752	34	0	1 475	869
4. Russia	2 042	323	493	1 064	162	0	907	1 135
5. China	1 718	277	887	528	26	0	944	774
6. Korea	1 689	468	424	795	2	0	1 040	649
7. USA	1 007	206	250	455	96	0	592	415
8. FYR Macedonia	421	56	170	176	19	0	276	145
9. Croatia	412	49	101	224	38	0	313	99
10. Norway	356	12	304	32	8	0	178	178

Source: Eurostat

Montenegro and Turkey appeared on the list of Top10 countries with the largest number of third-country nationals in the Slovak Republic as of the end of the analysed year by country of birth, compared to the Top10 countries by nationality, replacing Croatia and Norway. That implies that in the case of the former Yugoslavia, the nationality could have been granted by choice; and in the other group by naturalisation and subsequent migration of these third-country nationals across the European territory.

**Table 6 Citizens with Usual Residence in the SR by Country of Birth, by Age Groups and by Gender as of 31 December 2009**

Country of Birth	Total	Age Group					Gender	
		0-19	20-34	35-64	65+	Not stated	Males	Females
<b>Total</b>	5 424 925	1 199 506	1 345 751	2 214 534	665 134	0	2 636 938	2 787 987
<b>Slovak Republic</b>	2 594	533	452	1 133	476	0	1 344	1 250
<b>EU-27 (excl. SR)</b>	35 909	2 240	12 922	18 850	1 897	0	24 507	11 402
<b>Outside of EU-27</b>	24 364	2 752	10 126	10 605	881	0	14 642	9 722
- EFTA countries (CH, IS, LI, NO)	559	35	319	174	31	0	337	222
- candidate countries (HR, MK, TR)	1 216	104	513	542	57	0	890	326
<b>Countries other than the EU-27, EFTA and candidate countries</b>	22 589	2 613	9 294	9 889	793	0	13 415	9 174
- highly developed countries outside of the EU	10 388	1 579	3 663	4 751	395	0	6 204	4 184
- medium-developed countries	11 706	1 001	5 366	4 949	390	0	6 796	4 910
- little developed countries	495	33	265	189	8	0	415	80
<b>Other</b>	0	0	0	0	0	0	0	0
<b>Unknown</b>	5 362 058	1 193 981	1 322 251	2 183 946	661 880	0	2 596 445	2 765 613
<b>Largest share of foreigners with usual residence by country of birth (third countries)</b>								
1. Ukraine	5 636	531	2 042	2 778	285	0	2 916	2 720
2. Serbia	2 384	337	966	1 015	66	0	1 423	961
3. Vietnam	2 255	148	1 313	760	34	0	1 428	827
4. Russia	2 034	284	540	1 066	144	0	935	1 099
5. Korea	1 673	448	426	797	2	0	1 034	639
6. China	1 639	185	889	538	27	0	901	738
7. Montenegro	973	79	433	416	45	0	638	335
8. USA	904	184	248	415	57	0	546	358
9. FYR Macedonia	463	51	178	213	21	0	312	151
10. Turkey	422	16	248	155	3	0	331	91

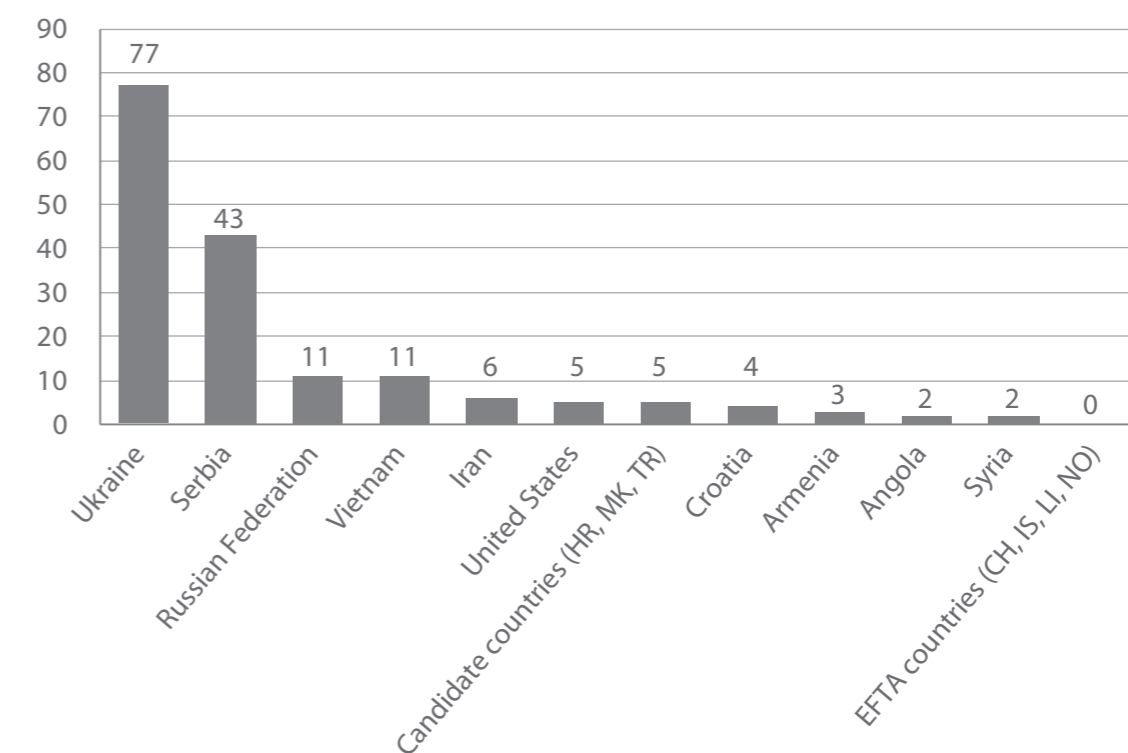
Source: SO SR; BBAP PFP

Note: The country of birth of Slovak citizens has until recently been ascertained through the census of population, houses and flats.

### 3.1.3 Acquisition of Citizenship

The citizenship of the Slovak Republic was granted to a total of 262 persons with usual residence in the SR in 2009, while 34.5% of persons previously had the citizenship of another EU Member State, and 64.5% had the citizenship of third countries.

From the group of third-country nationals living in Slovakia as of the end of the analysed year who were granted citizenship of the SR, 23.3% previously had the citizenship of medium-developed countries, 38.5% previously had the citizenship of middle-developed countries, and persons from little developed countries represented a minimum share.

**Chart 6 Citizenship of the SR Granted to Third-Country Nationals with Usual Residence in the SR as of 31 December 2009**

Source: SO SR

As for age structure, persons within the age group of 35-64 years old represented the largest share of persons granted citizenship of the SR.

From the point of view of gender, males prevailed among the persons with granted citizenship (51.5%).

**Table 7 Citizenship of the Slovak Republic Granted to Persons with Usual Residence in the SR by Previous Citizenship, by Age Groups and by Gender as of 31 December 2009**

Nationality, Nationality Group	Total	Age Group					Gender	
		0-19	20-34	35-64	65+	Not stated	Males	Females
<b>Total</b>	262	65	89	88	20	0	135	127
<b>EU-27 (excl. SR)</b>	90	22	28	29	11	0	50	40
<b>Countries outside of the EU-27</b>	169	43	59	59	8	0	86	83
- EFTA countries (CH, IS, LI, NO)	0	0	0	0	0	0	0	0
- candidate countries (HR, MK, TR)	5	2	0	3	0	0	3	2
<b>Countries other than the EU-27, EFTA and candidate countries</b>	164	41	59	56	8	0	80	84
- highly developed countries outside of the EU	61	8	33	17	3	0	38	23
- medium-developed countries	101	33	24	39	5	0	41	60
- little developed countries	2	0	2	0	0	0	1	1
<b>Stateless persons</b>	0	0	0	0	0	0	0	0
<b>Other</b>	0	0	0	0	0	0	0	0
<b>Unknown</b>	3	0	2	0	1	0	2	1
<b>Largest share of foreigners who were granted the citizenship of the SR by previous citizenship (third countries)</b>								
1. Ukraine	77	23	21	29	4	0	25	52
2. Serbia	43	2	31	9	1	0	28	15
3. Russia	11	5	2	3	1	0	5	6
4. Vietnam	11	6	0	5	0	0	9	2
5. Iran	6	1	1	3	1	0	3	3
6. USA	5	1	0	3	1	0	4	1
7. Croatia	4	2	0	2	0	0	2	2
8. Armenia	3	2	0	1	0	0	0	3
9. Angola	2	0	2	0	0	0	1	1
10. Syria	2	1	0	1	0	0	2	0

Source: Eurostat

### 3.2 Residence Permit and Residence of Third-Country Nationals

The data provided in this chapter, referring to 2009, are used in line with the Migration Statistics Regulation (the data is taken from the Eurostat Statistics Database) and in line with the Technical Instructions for Data Collection under Article 6 of the Migration Statistics Regulation. The data of the Eurostat database of 2008 was used for comparison.

**Table 8 First Residence Permits by Country of Origin, by Citizenship and by Reasons for Stay (2009)**

First Residence Permits	Total	Family Reasons	Study Reasons	Business Reasons	Other Reasons
<b>First permits – total</b>	5 336	1 156	334	2 302	1 544
<b>Top 10 third countries (total number)</b>					
Ukraine	1 356	223	30	834	269
Serbia	818	25	11	69	713
Korea	418	154	6	197	61
Russia	366	113	16	209	28
Vietnam	352	85	0	223	44
China	319	93	17	201	8
USA	226	67	23	103	33
Turkey	153	16	81	30	26
FYR Macedonia	79	32	0	29	18
Libya	72	34	18	1	19

Source: Eurostat

5,336 permits for residence in the Slovak Republic were granted in 2009, of which 1,156 (22%) were granted for family reasons, 334 (6%) for study reasons, 2,302 (43%) for business reasons, and 1,544 (29%) for other reasons.

As for nationality, the highest share (as 2008) was constituted by the nationals of the Ukraine (25%), Serbia (15%), and Korea (8%), who together represented 48% of the total number of residence permits. Compared to the previous year, the share of Vietnamese nationals was lower (in 2008 Vietnamese nationals occupied the second place).

In 2009, most residence permits were granted to third-country nationals for business reasons (43%), with the nationals of Ukraine (36%), Vietnam (10%) and Russia (9%) representing the largest share.

Compared to 2008, the number of granted residence permits decreased significantly by 34% (2,689 less residence permits), most being granted for business reasons – a drop of 42% (1,682 less residence permits). The number of residence permits granted for family reasons reported just a slight decrease – 6% (68 less residence permits). This decline was caused in particular by the impacts of the global economic crisis on employment.

**Table 9 Changes of the Immigration Status in the Residence Permits, Reasons (2009)**

New reasons	Family reasons	Study reasons	Business reasons	Other reasons
Original reasons		0	8	38
Family reasons				
Study reasons	1		11	12
Business reasons	13	2		151
Other reasons	11	7	17	

Source: Eurostat

A total of 269 third-country nationals changed their immigration status (purpose of stay) in 2009. The majority of changes related to a change from a residence permit granted for business reasons to a residence permit granted for other reasons (151 persons). This development can also be ascribed to the global economic crisis which caused job losses and subsequent changes in the reasons for stay.

As for the number of changes in the immigration status in 2009, the nationals of Ukraine – 16% (42), Vietnam – 15% (40), Russia – 13% (34), China – 10% (28) and Korea – 5% (14) represented the largest shares. Other third countries constituted 41% (111).

The available comparable statistical data implies that 442 third-country nationals changed their immigration status in 2008. Compared to 2008, this number significantly declined – by 39% (173 changed statuses less). For comparison, the largest share in immigration status changes was reported among the nationals of Korea – 19% (85), Ukraine – 19% (85), Serbia 10% (44), Russia – 8% (34), Vietnam – 7% (30), and other third countries – 37% (164).

**Table 10 Valid Residence Permits by Nationality and Reason (2009)**

Residence Permits	Valid Residence Permits - Total	Duration of Stay	Family Reasons	Study Reasons	Business Reasons	Other Reasons
		12 months and more	12 months and more	12 months and more	12 months and more	12 months and more
<b>Total</b>	<b>22 068</b>	<b>22 068</b>	<b>5 005</b>	<b>688</b>	<b>7 192</b>	<b>9 183</b>
<b>Top 10 Third Countries</b>						
Ukraine	5 413	5 413	1 001	62	1 725	2 625
Serbia	3 165	3 165	193	17	149	2 806
Vietnam	2 204	2 204	532	5	1 429	239
Russia	1 738	1 738	504	31	629	574
China	1 609	1 609	397	23	1 055	134
Korea	1 525	1 525	431	4	503	587
USA	844	844	313	31	322	178
FYR Macedonia	714	714	212	3	151	348

Croatia	366	366	123	11	100	132
Norway	355	355	0	7	0	348

Source: Eurostat

Note: With regard to the duration of stay, all residence permits were listed in the category of 12 months and more due to unavailable data.

As of 31 December 2009, the number of registered residence permits was 22,068. Compared to the period ending on 31 December 2008, this number increased by 10% (2,106 residence permits more). The most frequent reasons for stay were other reasons – 42% (9,183), business reasons – 32% (7,192), family reasons – 23% (5,005), and study reasons – 3% (688). Compared to the data as of 31 December 2008, the number of residence permits granted for family reasons saw the largest increase – by 27% (1,343), followed by business reasons – by 71% (1,212); the number of residence permits granted for study reasons observed a decrease by 15% (102), and for other reasons a decrease by 4% (347). Due to the unavailability of data, all residence permits were listed in the duration category of 12 months and more.

**Table 11 Long-Stay Residence Permits Granted to Third-Country Nationals in 2008 and 2009 by Nationality**

Third-Country Nationals	Total as of 31 December 2008	Third-Country Nationals	Total as of 31 December 2009
<b>Total</b>	<b>1 059</b>	<b>Total</b>	<b>2 946</b>
Stateless persons	1	Stateless persons	27
Unknown	0	Unknown	2
<b>Top 10 countries</b>		<b>Top 10 countries</b>	
Vietnam	248	Ukraine	1 149
Ukraine	233	Russia	605
Russia	178	Vietnam	342
China	131	China	151
USA	69	USA	136
Croatia	42	Croatia	122
Serbia	27	FYR Macedonia	116
FYR Macedonia	20	Serbia	33
Turkey	13	Bosnia and Herzegovina	26
Belarus	12	Turkey	26

Source: Eurostat

Note: Long Stay Residence Permits valid at the end of the reference year

A comparison of the number of persons with a long-stay residence permit in the Slovak Republic with the number the previous year (as of 31 December 2008) shows a significant increase by 64% (1,887 residence permits). The nationals of Ukraine, Russia and Vietnam traditionally constitute the highest share of third-country nationals with a long-stay residence permit. Changes occurred in the share of nationalities compared to the year before. The number of Ukrainian nationals saw a year-

-to-year increase by 17 percentage points (from 22% in 2008 to 39% in 2009); on the other hand, the number of Vietnamese nationals reported a significant year-to-year decline by 11.6 percentage points (from 23.4% in 2008 to 11.6% in 2009). Due to the big increase in the number of valid residence permits granted to Ukrainian nationals, the share of all other nationalities in the total number of long-stay residence permits decreased.



## Illegal Immigration and Returns

The data of 2009 presented in this chapter is used pursuant to the Migration Statistics Regulation, and is taken from the Eurostat Statistics Database. Comparable data of 2008 are also taken from the Eurostat Statistics Database. This statistical data is slightly different from the official data published by the Bureau of the Border and Aliens Police of PFP.

The issue of illegal migration and returns of foreign nationals from the territory of the SR, i.e. the conditions of entry into the SR and departure from the SR, the conditions of foreigners' stay in the SR, the conditions and the process of administrative expulsion of foreigners from the territory of the SR, the conditions of aliens' apprehension and their placement in the facilities for foreigners, as well as any other provisions concerning legal and illegal migration, are regulated by the Act on Stay of Aliens which entered into force on 1 April 2002.<sup>4</sup>

In line with the obligation to harmonise the conditions of entry and stay of third-country nationals in the territory of the SR with the existing European Community legislation, all the existing directives of European Communities concerning regular and irregular migration were transposed into the Act on Stay of Aliens, respecting the transposition deadlines, as a result of which the Act was amended several times.

No substantial changes were made in 2009 from the point of view of legal and institutional developments in the Slovak Republic compared to 2008 that would have an impact on illegal migration and returns. Act No. 594/2009 Coll. on Changes and Amendments of the Act on Stay of Aliens was

<sup>4</sup> Important sources of law concerning the material or procedural aspects of legal and illegal migration include international legislation, especially the Convention for the Protection of Human Rights and Fundamental Freedoms, and the Convention on the Rights of the Child; or European legislation, such as Council Decision No 2004/573/EC of 29 April 2004 on the organisation of joint flights for removals from the territory of two or more Member States, of third-country nationals who are subjects of individual removal orders. At the national level, an important source of law, besides the Act on Stay of Aliens, is the Act No 171/1993 Coll. on the Police Force, and Act No 71/1967 Coll. on Administrative Proceedings, as well as internal regulations defining these issues, such as ordinances, guidelines, etc.

published in the Collection of Laws, issue no. 199/2009 of 31 December 2009 and entered into effect in 2010. The changes introduced by this Act concerned the issuance of visas; the granting of different types of residence permits; administrative expulsion; and the apprehension of foreigner nationals. These changes responded to the Community's Visa Code by regulating the issuance of visas and the granting of temporary residence permits, and also related to the need to transpose Directive 2008/115/EC of the European Parliament and of the Council of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals.<sup>5</sup>

#### 4.1 Prevention of Illegal Entry and Stay – Apprehensions

Developments in the field of illegal migration in recent years have been characterised by a declining tendency. A comparison of data on illegal migration of the years prior to Slovakia's entry into the Schengen Area and the data of 2008 and 2009 shows that the number of illegal migrants apprehended upon illegal border crossing or illegal stay in the territory of the SR largely dropped. The declining tendency relates to Slovakia's entry into the Schengen Area in 2007, which brought along enhanced protection of the external border and the cancellation of border controls on the internal borders. Besides this reduction in illegal migration, the shares of the two basic categories also changed – the illegal crossing of the state border of the SR, and illegal stay in the territory of the SR. While illegal state border crossing prevailed prior to Slovakia's entry into the Schengen Area, the category of illegal stay in the territory of the SR became dominant after entering the Schengen Area.

**Table 12 Number of Foreign Nationals Apprehended in the Territory of the SR in the Period 2005 – 2009**

Apprehended Foreign Nationals	2005	2006	2007	2008	2009
<b>Total</b>	<b>7 970</b>	<b>7 620</b>	<b>6 110</b>	<b>2 320</b>	<b>1 715</b>
Illegal crossing of the state border of the SR	5 104	4 129	3 311	1 020	570
Illegal stay in the territory of the SR	2 866	3 491	2 799	1 300	1 145

Source: BBAP PFP and Eurostat.

During the last five years, the smallest number of illegal migrants apprehended in the territory of the SR was reported in 2009, mainly due to the reduction in illegal border crossing (decline by 44.1%). As for illegal stay in the territory of the SR, a slight increase (by 11.9%) can be observed compared to 2008, but the significant decline in the number of foreigners apprehended during illegal state border crossing was due to the overall reduction in the number of illegal migrants apprehended in the SR by 26.1% compared to 2008. A total of 1,145 migrants were apprehended upon illegal stay, and 570 upon illegal crossing of the state borders of the SR.

There was minimum illegal migration pressure on the external Schengen air borders both in 2008 and 2009. The reason for this development is primarily the fact that the capacity of the three Schengen airports in the SR is small, and the number of flights from countries outside the Schengen Area is very low. In spite of the lower number of discovered illegal migrants, the pressure on the Slovak-

<sup>5</sup> Potočková I., Annual Report on Migration and Asylum Policies 2009, National Study for the European Migration Network, IOM, 2009

-Ukrainian border remained high in 2009, since it is the only external Schengen land border being the main migration flow as a part of the Eastern-European migration route.

The Slovak Republic has long been a transit country for the majority of illegal migrants, and this trend did not change in 2009. The facts proving that the SR is a transit country for the majority of illegal migrants, mainly include the misuse of the asylum instrument upon apprehension (filing an asylum application by which the foreigner avoids expulsion, and subsequent wilful departure from asylum facilities and continued illegal migration to more developed EU countries), Dublin transfers from the countries of destination to the territory of the SR, migrants' statements, etc.

**Table 13 Apprehended Third-Country Nationals by Nationality, Top 10 in 2008 and 2009**

Nationality	Year 2008	Nationality	Year 2009
Ukraine	600	Ukraine	410
Moldova	470	Moldova	260
Georgia	230	Pakistan	200
Pakistan	190	Vietnam	140
Russia	160	Georgia	130
Afghanistan	135	Afghanistan	115
India	120	Russia	80
Bangladesh	70	India	50
China	70	China	40
Korea	55	Serbia	30

Source: Eurostat

The largest share (23.9%) of the total number of illegal migrants apprehended in 2009 was constituted by Ukrainians, just as in 2008. Their number decreased by 190, which is 1.9 percentage points, but their share of total illegal migration remains unchanged. Ukrainians are typical over-stayers in the SR. Of the total number of apprehended Ukrainians, 80% were apprehended upon their illegal stay in the country, mainly preceded by legal entry into the territory of the SR. The largest decline was observed among Moldova nationals; the share of Moldova nationals of the total number of persons apprehended in 2009 constituted 15% compared to 20% in 2008. The number of apprehended Moldavians dropped by 210, which is a year-to-year decline of 44.7%, which was reflected in the largest drop in total illegal migration by 5 percentage points. Moldavians were apprehended upon illegal crossing of the external land border in 65% of cases. They are typical transit migrants. The nationals of Vietnam represented the highest increase in the share of apprehended illegal migrants; in 2008 they were not among the Top10 countries with the highest share in illegal migration in the SR<sup>6</sup>, but in 2009 they occupied fourth position with 140 apprehended persons. All were apprehended upon illegal stay in the SR, just as the nationals of Serbia whose number increased by 15 compared to the previous year. Besides the nationals of Vietnam and Serbia, an increase was reported only among the nationals of Pakistan (5%).

<sup>6</sup> 40 nationals of Vietnam were apprehended in 2008.



The largest decline was observed in relation to the nationals of Bangladesh and Korea; compared to 2008 they are not in the Top10 countries of nationals apprehended in 2009. A larger decline was also reported among the nationals of India (58%), Russia (50%) and Georgia (43%). As for other citizenships, no significant changes occurred. Most of the apprehended illegal migrants came from the category of transit migrants.

As per age, the persons apprehended most frequently were persons of productive age; the number of minors represented only 7%. The average share of males was 83% and females 17%. The share of males was higher among all nationals in the Top10 group.

94.6% of all persons apprehended upon illegal state border crossing in 2009 were apprehended at the external land border – at the Slovak-Ukrainian state border through which the main migration flow runs. Migrants crossed this border section mainly by foot, outside the border crossing through the so-called green border, and in the majority of cases with the help of smugglers, without travel documents, and in the direction of the SR. Very few attempted to cross the border through the border crossing.

The number of migrants apprehended at airports upon illegal crossing of the external border remained unchanged compared to 2008, and constituted a share of 2.6% of the total number of illegal state border crossings. Upon entry into the SR, all apprehended persons presented false or forged travel documents. Upon exit from the SR, they also presented false or forged travel documents or travel documents of other persons. All were apprehended at Bratislava airport. The nationality of apprehended foreigners was various. They came mainly from Eastern European countries, Asia and Africa. This sub-category is small, just like the illegal crossing of internal borders. This is due to the fact that Slovakia does not have an airport of international importance in terms of transport volumes.

In 2009, 1,145 migrants were apprehended upon illegal stay in the SR, which represents 66.7% of overall illegal migration in 2009.

An analysis of the discovered illegal stays of migrants from the point of view of their previous entry into the territory of the SR, the reasons for their stay, and the place of being discovered gives us three basic categories to be assessed separately.

The first category is illegal stay discovered inland and preceded by illegal entry into the territory of the SR, and includes illegal migrants staying in Slovakia for a minimum period of time and just transiting our territory. In the majority of cases, these migrants have no identity documents, and usually use the main migration route – the external land border, which relates to the fact that more than half of these migrants were apprehended in Eastern Slovakia. The nationals of Afghanistan, Moldova and Pakistan were mostly represented in this category.

The second category is illegal stay discovered inland, preceded by legal entry into the territory of the SR (or the Schengen Area). A characteristic feature of this category is that foreign migrants falling into this group stay in our territory longer, and have a visa or a residence permit in the SR or other Schengen country. This category is known as “over-stayers”: their stay in the SR has become illegal

by having exceeded the period of stay specified in the visa, residence permit, no-visa agreement, etc. This category is closely connected with the problem of illegal work which is the most frequent reason for staying in the territory of the SR. Mostly represented in this category are the nationals of the Ukraine, followed by the nationals of Korea and Vietnam. For this group of nationals, the Slovak Republic is also a country of destination.

The third category is illegal stay discovered at border crossings upon exit from the SR, constituted by migrants who entered the territory of the SR illegally, and mostly migrants who entered the SR or the Schengen Area legally (over 90%), but exceeded the period of residence stated in the visa or in the residence permit, the majority being migrants with expired visa. The nationals of Ukraine constitute the largest share in this category, which is understandable given the common state border. Ukrainians are economically motivated to enter the SR and the EU. A specific feature of these cases is that it is often difficult to prove whether the foreigner stayed (worked) in the Slovak territory or another EU Member State.

## 4.2 Returns

This sub-chapter analyses the data on the total number of third-country nationals who are bound to leave the territory of the SR (the number of decisions on administrative expulsion or judicial expulsion of third-country nationals), and data on the total number of third-country nationals who actually left the territory of the SR on the basis of a decision on administrative expulsion or court decision.

The total number of third-country nationals bound to leave the territory of the SR, and those who have in fact left the territory of the SR, does not include persons who were denied entry and persons taken back from the SR under the Dublin Regulations. The rule under which one person can be listed only once was also respected.

For the purposes of comparison of the number of returns with the previous year, the authors used the statistical data on the number of third-country nationals bound to leave the territory of the SR (number of issued decisions on administrative expulsion or judicial expulsion of third-country nationals), as well as the data on persons who actually left the Slovak Republic in 2008 on the basis of a decision on administrative expulsion or court decision, as published by the Eurostat Statistical Database.

Under the Act on Stay of Aliens, measures to prevent any further illegal acts and actions aimed at their return are taken against foreign nationals who illegally crossed the state border or violated the conditions of stay. Except for cases where a foreign national applies for asylum or voluntary return, or is issued a decision in another Member State, foreign nationals get a decision on administrative expulsion or judicial expulsion.

**Table 14 Number of Third-Country Nationals Bound to Leave the Territory of the SR in 2008 and 2009**

Nationality	2008	2009
Total	1 655	1 180
Stateless persons	1	0
Unknown	1	0

Source: Eurostat

In 2009, 1,180 decisions on return were issued, which is 68.8% of the total number of apprehended migrants (31.2% applied for asylum in the Slovak Republic or for voluntary return, or were returned to the territory of another Member State under the Dublin procedure, or were unaccompanied minors). Compared to the previous year in which 1,655 decisions on return were issued, this is a decrease by 28.7%.

To correctly understand this difference, it is necessary to consider the number of persons apprehended in the respective years – refer to Table 12 in Chapter 4.1 Number of Foreigners Apprehended in the Territory of the SR in the Period 2005 – 2009. There was a year-to-year decline in this number by 26.1% - from 2,320 apprehended persons in 2008 to 1,715 in 2009. This fact implies that the proportion of issued decisions on return to the number of persons apprehended in 2008 decreased by up to 2.5 percentage points in 2009 (from 71.3% in 2008 to 68.8% in 2009).

In 2009, the share of enforced decisions on return declined from 78.25% in 2008 to 76.27% in 2009, which is a decrease by 1.98 percentage points.

**Table 15 Countries of Origin of Third-Country Nationals Bound to Leave the Territory of the SR, Top 10 (2008 – 2009)**

Year 2008		Year 2009	
Nationality	Total	Nationality	Total
Ukraine	580	Ukraine	400
Moldova	320	Moldova	180
Georgia	135	Vietnam	110
Pakistan	110	Georgia	95
India	85	Afghanistan	65
Afghanistan	75	Russia	50
Russia	55	Pakistan	50
Korea	50	China	25
China	50	Turkey	20
Bangladesh	45	Korea	20

Source: Eurostat

Most of the decisions on return in 2009 were issued in relation to the nationals of Ukraine (33.9%), followed by the nationals of Moldova (15.2%), Vietnam (9.3%), Georgia (8.0%), and Afghanistan (5.5%). As for other citizenships, the share in the total number of decisions on return did not reach 5%.

When comparing this data with the previous year, significant differences were observed in the proportion of particular citizenships to the total number of issued decisions. A significant year-to-year increase by 7.5 percentage points was observed in relation to migrants from Vietnam. This development was caused by the economic crisis that had an impact on the employment of Vietnam nationals who belong to the group of third-country nationals with a low education level. A year-to-year decline by 4.1% was reported in relation to Moldova nationals and Indians with a year-to-year decline by 3.4%.

**Table 16 Number of Third-Country Nationals Who Actually Left the Territory of the SR in 2008 and 2009**

Nationality	Year	
	2008	2009
Total	1 295	900
Stateless person	0	0
Unknown	0	0

Source: Eurostat

In 2009, 76.3% of third-country nationals, who were issued the decision on return, verifiably left the territory of the SR. The majority were expelled from the Slovak Republic through the Slovak-Ukrainian border; yet it is not possible to ascertain whether these foreigners in fact returned to their country of origin (with the exception of Ukrainians). Some foreign nationals left Slovak territory through the external border at airports (out-of-Schengen flights).

**Table 17 Countries of Origin of Third-Country Nationals Who Actually Left the Territory of the SR, Top 10 (2008 – 2009)**

Year 2008		Year 2009	
Nationality	Total	Nationality	Total
Ukraine	480	Ukraine	335
Moldova	315	Moldova	175
Georgia	135	Georgia	80
Pakistan	110	Vietnam	60
India	80	Russia	50
Afghanistan	65	Afghanistan	45
Russia	40	Pakistan	30
Bangladesh	35	Armenia	20
China	30	Serbia	10
Armenia	10	Turkey	10

Source: Eurostat

A comparison with the previous year implies significant differences in the shares of citizenships in the total number of third-country nationals who actually left the territory of the SR; the same applies to the comparison of data on the share of citizenships in the total number of third-country nationals bound to leave the territory of the SR.

A significant year-to-year increase was observed in relation to the nationals of Vietnam (an increase by 6.3%). An increase by 2.5 percentage points was reported in relation to migrants from Russia.<sup>7</sup> A large year-to-year decline by 4.8 percentage points related to the nationals of Moldova, as well as to migrants from India, the share of which decreased by 4.3 percentage points.

Other third-country nationals who were issued the decision on return and in the case of whom it was not possible to verifiably prove their departure from the Slovak territory represent the group of migrants with a share of 23.7%. This group includes illegal migrants who were issued the decision on return and were released with the commitment to leave the territory of the Slovak Republic within the set period (whereas it is not possible to verifiably prove the fulfilment of this commitment), or about the physical return of which no decision was taken, or the physical return of which was executed in the year following the year analysed in this Report (in 2010).

<sup>7</sup> Compared to the number of apprehended Russia nationals in 2009 (80 persons), 50 persons actually left the territory of the SR, which constitutes 62.5%. In 2008 it was only 25% (40 persons out of 160).

# 05

## Border Control

### 5.1 Prevention of Illegal Entry and Stay – Refusals

The data provided in sub-section 5.1 Refusals of Entry is taken from the Eurostat Statistics Database – third-country nationals refused entry at the border (at the external land border and external air border). The data from the Eurostat Statistics Database was also used for the purposes of comparison of numbers of refusals in 2008.

The border control on the external border comprises the check of compliance with conditions for entry into the territory of the Slovak Republic, and search for data on persons to be apprehended or persons refused entry into the Slovak Republic or the Schengen Area. The refusal of entry serves the purpose of preventing the entry of undesirable persons and persons failing to comply with the conditions of entry, which has a certain preventative effect on the elimination of illegal migration.

**Table 18 Refusals of Entry of Third-Country Nationals at External Borders in 2008 and 2009 by Reason for Refusal of Entry**

Reasons for Refusal of Entry	2008			2009		
	Total	Whereof		Total	Whereof	
		Land Border	Airports		Land Border	Airports
A	5	5	0	5	5	0
B	5	0	5	10	5	5
C	965	950	15	305	290	15
D	15	10	0	10	10	0
E	275	270	5	315	310	5
F	5	5	0	10	10	0

G	20	20	0	30	30	0
H1 a H2	255	245	10	165	150	15
I	0	0	0	5	0	0
<b>Spolu</b>	<b>1 540</b>	<b>1 505</b>	<b>30</b>	<b>855</b>	<b>815</b>	<b>40</b>

Source: Eurostat

**Reasons pursuant to Regulation (EC) No 562/2006 of the European Parliament and of the Council establishing a Community Code on the rules governing the movement of persons across borders (Schengen Borders Code):**

A - has no valid travel document(s)

B - has a false/counterfeit/forged travel document

C - has no valid visa or residence permit

D - has a false/counterfeit/forged visa or residence permit

E - has no appropriate documentation justifying the purpose and conditions of stay

F - has already stayed for three months during a six-month period on the territory of the Member States of the European Union

G - does not have sufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit

H1 - is a person for whom an alert has been issued for the purposes of refusing entry in the SIS

H2 - is a person for whom an alert has been issued for the purposes of refusing entry in the national register

I - is considered to be a threat to public policy, internal security, public health or the international relations of one or more of the Member States of the European Union.

Of the total of 855 refusals reported in 2009, 95.3% related to external land borders and 4.7% to external air borders. The most frequent reason for the refusal of entry of third-country nationals was failing to present the required documents to justify the purpose and conditions of stay (reason "E") – 36.8% (315 refusals), the nationals of Ukraine constituting the largest share. The number of refusals for entry for that reason compared to 2008 slightly increased. The largest decline by up to 660 was observed in relation to reason "C" – absence of a valid visa or residence permit; in 2008 it was the most frequent reason for refusal of entry of third-country nationals with 62.7%, the largest share constituted by the nationals of Ukraine.

A specific feature in the development of refusals of entry for the reasons listed above is the fact that the nationals of Ukraine no longer attempt to enter the territory of Slovakia or the Schengen Area without a valid visa or residence permit,<sup>8</sup> but upon border controls they fail to present the docu-

<sup>8</sup> The decline in the number of refusals of entry under "reason C" in 2009 compared to 2008 could be influenced by the following factors:

a) introduction of local border traffic with Ukraine (implemented from October 2008, with effects manifested in 2009);

b) since 2009, the nationals of Ukraine have used the modus operandi of entering the EU without a visa in their travel documents to a lesser extent, and changed to other ways of entering the country (for example, by obtaining a false visa, which can result in refusing entry for reason "E");

c) facilitation of visa granting to the nationals of Ukraine (the Agreement entered into force on 1 January 2008). On the basis of this Agreement, the categories of Ukraine nationals which are not listed in the Agreement are granted a visa in a facilitated way and at a lower fee of EUR 35 for all types of short-stay visas. Members of official delegations, sportsmen, pensioners, journalists, family members of Ukraine nationals with a legal stay in a EU Member State, etc., can obtain the visa free of charge.

ments to justify the purpose of their stay and the conditions of stay that should normally be presented with the visa application.

The other frequent reasons were the following: the fact that it is a person for whom an alert has been issued for the purposes of refusing entry in the Schengen Information System (19.3%); and failing to prove sufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit. As for risk to society, the highest risk is represented by attempts to enter the territory of the Slovak Republic with false or forged travel documents, or with false and forged visas or residence permits. For this reason, 20 foreign nationals were refused entry.

**Table 19 Overview of Refusals of Entry on External Borders by Type of Border and Nationality, Top 7 (2008 – 2009)**

Year 2008 Nationality	Total	Border		Year 2009 Nationality	Total	Border	
		Land	Airports			Land	Airports
Ukraine	1 435	1 435	0	Ukraine	750	750	0
Russia	35	30	5	Moldova	30	30	0
Moldova	30	30	0	Russia	25	20	5
India	10	0	10	India	25	0	25
Belarus	5	5	0	Belarus	5	0	0
Ecuador	5	0	5	Turkey	5	0	0
Iran	5	0	5	Georgia	5	5	0

Source: Eurostat

The structure of foreign nationals refused entry by citizenship is given by the geographical position of the Slovak Republic. Since Slovakia has a common external land border only with Ukraine, the number of Ukraine nationals in this category remains the highest – up to 87.7% (all were refused entry at the land border), followed by Moldavians with 3.5% and Russians with 2.9% share – 20 were refused entry at the land border, and 5 at external borders at airports. Compared to 2008, the nationals of India reported a large increase, constituting 2.9% of the total number refusals of entry, all being refused entry at the external border at the airport. These refusals were reported in February. All arrived by regular flights from Amritsar (Punjab). No similar events occurred in the other months of 2009. The decrease in the number of refusals at airports was positively influenced by the staff of Air Slovakia, who were sent to Amritsar and directly denied transport to foreigners who failed to meet the conditions of entry.

As for disaggregation by gender, 65.9% of males and 34.1% of females were refused entry at external land borders, and 84.2% of males and 15.2% of females at external borders at airports in 2009. In connection with disaggregation by age, the largest share was represented by people of productive age.

Compared to the identical period of the previous year, the number of refusals declined by 44.6% in 2009. The largest decline can be observed in relation to reasons such as absence of a valid visa or residence permit, or where it is a person for whom an alert has been issued for the purposes of refusing

entry in SIS.<sup>9</sup> On the other hand, an increase is observed in relation to reasons such as the absence of appropriate documents to justify the purpose and conditions of stay, or insufficient means of subsistence in relation to the period and form of stay, or the means to return to the country of origin or transit.

## 5.2 Relationship between Refusals, Apprehensions and Returns

In the field of illegal migration, the Slovak Republic as a Schengen Area member uses different instruments consisting of, above all, preventative measures. In the case third-country nationals fail to comply with the conditions for entry into the Slovak Republic (Schengen Area), they are refused entry, and the border guard prevents them from entering the territory of the SR (Schengen Area). The data about the total number of third-country nationals who were refused entry into the territory of the SR (Schengen Area), as well as data about the place they were refused entry are presented in Table 18 Refusal of Entry of Third-Country Nationals on the External Borders by Reason for Refusal in 2008 and 2009.

As for the citizenship of third-country nationals who were refused entry in 2009, this group was dominated by the nationals of Ukraine (87.72%), followed by Moldavians (3.51%), and Russians (2.92%). It is evident that the refusal is related to the geographical location of Slovakia, especially in cases concerning refusals at the external land border. Refusals at the external borders at airports form only 4.68% and relate to the citizenships of geographically more distant countries (India and Russia) - Table 19 Overview of Refusals of Entry on the External Borders by Type of Border and by Nationality, Top 7 (2008 – 2009).

On the other hand, the ethnic composition of apprehended third-country nationals is diverse – Table 13 Apprehended Third-Country Nationals by Nationality in 2008 and 2009, Top10; and the shares of particular citizenships do not correspond to the shares of particular citizenships in the total number of refusals. The ethnic composition of apprehended third-country nationals and third-country nationals who were issued the decision on return and executed returns is similar (for comparison, refer to Table 15 Countries of Origin of Third-Country Nationals Bound to Leave the Territory of the SR, Top10 (2008 – 2009), and Table 17 Countries of Origin of Third-Country Nationals Who Actually Left the Territory of the SR, Top10 (2008 – 2009). The reason for this is the fact that the foreign nationals apprehended upon illegal migration are issued the decision on return, and the returns are carried out on the basis of the decisions on return. There is a close relation between apprehensions, decisions on return, and executed returns.

As for composition by nationality, the nationals of Ukraine and Moldova occupied the first two positions in each category observed in 2009.

<sup>9</sup> This decline can be attributed to the following factors:

1. Foreigners' awareness of strict border controls, as a result of which foreigners do not attempt to enter the country through border crossing, but choose other ways;
2. Relation to the overall decline of illegal migration pressures through the Eastern external borders;
3. In some cases of refusal of entry, a concurrence of reasons can be observed. According to the current Slovak legislation, only one reason – the graver one – can be stated if several reasons exist.

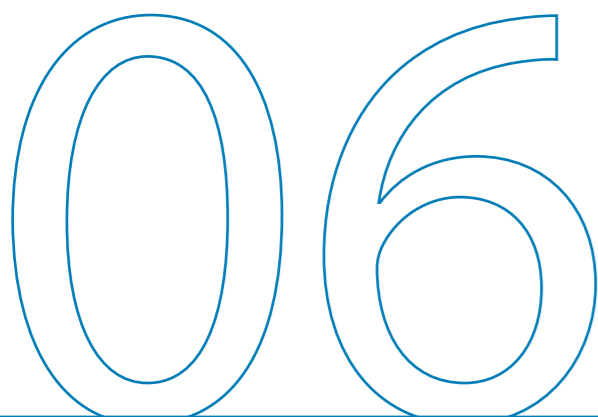
**Table 20 Comparison of the Countries of Origin of Apprehended and Returned Third-Country Nationals Who Were Refused Entry, Top 7/10 (2009)**

Refusal of Entry	Total	Apprehensions	Total	Obligation to Leave the Country	Total	Actual Departures from SR	Total
Ukraine	750	Ukraine	410	Ukraine	400	Ukraine	335
Moldova	30	Moldova	260	Moldova	180	Moldova	175
Russia	25	Pakistan	200	Vietnam	110	Georgia	80
India	25	Vietnam	140	Georgia	95	Vietnam	60
Belarus	5	Georgia	130	Afghanistan	65	Russia	50
Turkey	5	Afghanistan	115	Russia	50	Afghanistan	45
Georgia	5	Russia	80	Pakistan	50	Pakistan	30
:	:	India	50	China	25	Armenia	20
:	:	China	40	Turkey	20	Serbia	10
:	:	Serbia	30	Korea	20	Turkey	10

Source: Eurostat

The number of issued decisions is largely influenced by the modus operandi of illegal migration and by the fact of whether it concerns unaccompanied minors (it is not possible to issue a decision on expulsion for unaccompanied minors, except that it is in their interest). In cases where third-country nationals are apprehended inland after illegally entering the Slovak Republic, about half apply for asylum in Slovakia after being apprehended, and hence the decision on return is not issued.

Where third-country nationals violated the conditions of stay (over-stayers), they were usually issued the decision on return and were bound to depart from the territory of the SR within the set period; but in the majority of cases it was not possible to verifiably prove whether they have in fact left the territory of the SR (e.g. Koreans). Most of the decisions on return and most of the returns compared to the number of apprehended persons were enforced in relation to third-country nationals who had been apprehended upon the illegal crossing of the external border (e. g. Ukrainians, Moldavians, Vietnamese, Georgians, etc.).



## Asylum: International Protection

The Migration Office of MoI SR (MO MoI SR) as the first-instance administration body deciding on granting asylum and subsidiary protection to foreign nationals, proceeds in accordance with the provisions of Act No 480/2002 Coll. on Asylum, which specifically reflects the provisions of the Geneva Convention Relating to the Status of Refugees (1951), the New York Protocol Relating to the Status of Refugees (1967), as well as the related European directives and regulations governing the international protection of foreigners.

In 2009, no legal changes were made that would have an impact on asylum issues.

For the first time in history, the Slovak Republic joined a resettlement programme under the distribution of migration load in 2009. On the basis of the international Agreement between the Government of the Slovak Republic, the UN High Commissionaire for Refugees, and the IOM International Organization for Migration, the Slovak Republic provided assistance to 98 Palestine refugees who were moved from the refugee camp Al Walid on the Iraqi-Syrian border to Slovakia, where they were provided with care and protection until their transfer to the United States as their country of destination. Thus the Slovak Republic manifested its readiness to provide assistance to those in need within the scope of its possibilities. In 2009, the Slovak Republic also showed its readiness to join the relocation programme of internal relocation of persons under international protection by taking over the first ten persons under an international protection from Malta in 2010.

With regard to national development, an important measure in the building of the migration management system was the establishment of the Steering Board for Migration and Integration of Foreigners (hereinafter referred to as the "Steering Board") pursuant to Resolution of the Government of the Slovak Republic No. 467 of 24 June 2009 on the Summary Report on the state of implementation of the commitments from the Concept of Migration Policy of the Slovak Republic by the governmental departments in 2008. The Steering Board contributes to the improvement of decision-making

processes in the field of migration in the Slovak Republic, creates suitable room for resolving current issues, and is responsible for the implementation and monitoring of tasks resulting from the Migration Policy Concept and Concept of Foreigners' Integration in the SR. The Steering Board executes the role of the principal coordination, inter-departmental, expert and initiating body in the Slovak Republic in migration issues.

In 2009 the MIGRA International System for Migration and International Protection (IS MIGRA) continued to be developed. The system is financed as a national project by the European Refugee Fund and by the External Borders Fund. The information system was used by the organisational departments of MO MoI SR and BBAP PFP. The introduction and use of this information system will enable its users to better fulfil their tasks related to the register of persons who applied for any form of international protection. At the same time, the system will provide better and more transparent registration of persons who were granted any form of international protection in the Slovak Republic.

### 6.1 Applications for International Protection

In 2009, 822<sup>10</sup> applications for asylum were submitted, which is 107 (9.6%) less compared to the previous year. This is the lowest number reported since 1998. The average monthly number of asylum applications submitted in 2009 was 68.5 compared to 75 monthly applications filed in 2008 (a drop by almost 10%). An overall decline in the number of asylum seekers was observed in the majority of European Union countries compared to 2008.

The number of suspended asylum granting procedures in 2009 reached 460 (56% of the total number of 822 applications filed) compared to 457 (50% of the total number of 909) in 2008, which is an increase by 5%. Foreigners repeatedly do not show any interest in having their applications reviewed in the Slovak Republic.

In 2009, asylum was granted in 14 cases, subsidiary protection was granted in 98 cases, and the citizenship of the SR to an asylum status holder was granted in one case.

From the point of view of the long-term development of the migration situation in the SR, the current state is comparable to the situation in the period until 1998. The reported numbers (11,344 in 2004) show a relatively stable descending tendency of this category of migrants in general. The situation in neighbouring EU Member States, with the exception of Poland, is similar.

The situation concerning the composition of asylum seekers in the Slovak Republic as per continents has been stable over the past few years. In 2009, asylum applications were filed by persons of 45 different nationalities. The number of asylum applications indicates that Asia, followed by Europe, has clearly dominated asylum seekers' composition recently. In 2009, the number of asylum applications submitted by nationals of Asian countries rose by 2.9 percentage points compared to 2008 (2008 – 67.4%; 2009 – 70.3%), and the number of applications presented by nationals of European countries decreased by 5.2 percentage points (2008 – 30.4%, 2009 – 25.2%). As far as Asia is concerned, most applicants in 2009 came from Pakistan (2009 – 168; 2008 – 109) and India (2009 – 57; 2008

<sup>10</sup> According to Eurostat statistics, the number is rounded up to 820.

– 88), while regarding Europe the majority of applicants came in both years from Georgia (2009 – 98; 2008 – 119) and Moldova (2009 – 73; 2008 – 113). The number of asylum applications from Africa and America, and applications filed by stateless persons slightly increased (4.5%), while in 2008 this negligible number hardly reached 2% of the total number of applications.

Compared to 2008, the number of asylum applications submitted by males slightly decreased by 2.4% and the number of asylum applications presented by females slightly increased by 2.3%.

As for the age structure of asylum seekers, the majority of applicants were aged between 18 and 34 in both years. This age group formed about 68% of all applicants in 2008, and approx. 61% in 2009. The second most numerous age category in 2008 and 2009 was the 35-64 range (approx. 27% in 2009, and about 18% in 2008); followed by the category of 0-17 years old (approx. 27% in 2009 and about 13% in 2008); no asylum application was filed in the age category over 65 years.

In 2008 and 2009, MO Mol SR did not supply Eurostat any data on first-time asylum seekers because the delivery of such data was based on the principle of voluntariness by EU Member States.

The number of persons whose applications for international protection were reviewed by MO Mol SR as of the end of the reference period (December 2009) reached 70, of which 59 were males and 13 females. The most numerous category was the 18-34 range (41 persons), and the second most numerous age category was the category of 35-64 years old. As per country of nationality, first place was occupied by Moldova, followed by Russia, Vietnam, Pakistan and Georgia.

In 2009, 35 applications for international protection were withdrawn, which is 5 applications less compared to 2008. This number related mainly to applicants from Moldova, Russia, Vietnam, Pakistan and Georgia. The number of withdrawn asylum applications filed by males reached 25, and by females 10; the most numerous age category was 18-34 years old.

## 6.2 Decisions on International Protection

In 2009, the Migration Office of Mol SR took 285 decisions under the first-instance asylum and subsidiary protection granting procedure, compared to 370 decisions in 2008. With regard to age structure and gender, applications were mostly filed by males in the age category of 18-34 years old, which is similar as the previous year. In 2009, MO Mol SR granted international protection to 112 persons from the total number of 822 applications (13.6%) compared to 88 cases from the total of 909 applications (9.76%) in 2008. Compared to the previous year, the number of asylums and subsidiary protections granted grew by 4%. In 2009, the total share of forms of international protection granted<sup>11</sup> reached 25.4%, which is an increase by 8 percentage points against 2008 (in 2008 – 17.5%).

Asylum as a form of international protection was granted in 14 cases in 2009, mostly to the nationals of Iran (3), Cuba (3), Afghanistan (1), China (1), Pakistan (1), Palestine (1), Cameroon (1), the Democratic Republic of Congo (1), and to one stateless person. In 2008 asylum was granted in 22 cases, mostly

to the nationals of Iraq (8), Cuba (8) and Palestine (2). Females constituted half of the total number of granted asylums; according to age structure, asylum was mostly granted to males in the age category of 18 – 34 years old.

Asylum on humanitarian grounds was granted to two persons – nationals of Pakistan (1) and China (1). In both years, asylum was mainly granted for the reasons provided in the Geneva Convention (Art. 8 of the Act on Asylum). The share of the number of granted asylums in the number of asylum applications filed was 1.7% in 2009 (in 2008 2.4%), which means a slight decrease in the number of granted asylums by 0.7 percentage points.

In 2008 the Migration Office of Mol SR granted subsidiary protection to 98 foreign nationals (in 2008 66 foreign nationals), mostly to asylum seekers from Afghanistan (45), Iraq (10), Iran (5), India (5) and Russia (5). Compared to 2008, subsidiary protection was granted in 66 cases (Afghanistan – 29, Iraq – 25, and other).

While there were 88 positive decisions taken in 2008 (22 asylums and 66 subsidiary protections granted), in 2009 it was 135 positive decisions (14 asylums, 89 subsidiary protections granted, and 30 tolerated state permits issued by the police department).

Most of the positive decisions in 2009 were issued to males and to the nationals of Afghanistan (33% – almost exclusively subsidiary protection) and Iraq (7.4%; including one case of asylum granted for the purpose of family reunification) (2008 – 38% both asylum and subsidiary protection granted), and from other countries. In 2008, asylum was mostly granted to male nationals of Afghanistan (33% – exclusively subsidiary protection) and Iraq (28% – subsidiary protection, and asylum granted in 8 cases). Mol SR did not grant temporary shelter in any of these two years. The number of rejected applications in 2009 reached 145, which represents 51% of the total number of decisions taken by first-instance body.

In 2009, decisions on denying asylum were taken in 4 cases under first-instance procedures concerning the nationals of Congo, China, Iraq, and one stateless person.

In 2009, 40 subsidiary protections were cancelled, mostly to the nationals of Afghanistan, Armenia, Syria and Iran. In both years, no temporary shelter was abolished, and no residence permit was cancelled due to humanitarian reasons under first-instance procedure.

As for second-instance and third-instance procedures, the number of final decisions in 2009 reached 35, of which positive decisions constituted approx. 43% (15) and the number of rejections represented 57% (20). These figures again related mostly to males in the age category 18-34 years old and nationals of China, Vietnam, Pakistan and Armenia. Compared to 2008, the number of final decisions taken by regional courts under second-instance procedures and by the Supreme Courts of the SR under third-instance procedures decreased by 35 from the total number of 70 final decisions.

Since the Slovak Republic did not join any annual resettlement programme in 2009 and 2008, it is not possible to present this data.

<sup>11</sup> Total share of forms of protection granted = (number of asylums granted + number of subsidiary protections provided / number of asylums granted + number of subsidiary protections provided + number of decisions on denying asylum) \* 100.

### 6.3 Dublin Transfers

The Dublin Centre established under the Migration Office of MoI SR ensures and conducts activities arising from Council Regulation (EC) 343/2003 of 18 February 2003 (Dublin Regulation). If a third-country national applies for asylum in the territory of the EU, it is necessary to verify and subsequently appoint the country responsible for reviewing the applications under the Dublin procedure governed by Council Regulation (EC) No. 343/2003. The Dublin Regulation specifies the criteria and mechanisms for determining the responsible Member State for reviewing the application. The decisions are taken under Dublin procedures on the basis of set criteria, while following the mechanisms defined in the Dublin Regulation. In 2009, the Dublin Centre cooperated with the IS Refugee (Utečec) and used the EURODAC system which serves for fingerprint comparison for the purpose of the effective implementation of the Dublin Regulation.

Dublin requests are divided into two basic categories: received and forwarded. This structure is also followed by the statistical tables which are identical to the criteria (numbers per countries; numbers of accepted or rejected requests; division by the type of requests – three types; the provision of the Dublin Regulation under which the request is reviewed; whether the request was based on EURODAC; and the number of executed transfers).

In 2009, 698 requests in total were received from other countries on the basis of the Dublin Regulation; applicants filed 90 requests for taking charge and 60 requests for taking back. Every request is received and subsequently decided under a particular provision of the Regulation (which does not need to be identical) concerning requests for taking charge or requests for taking back. The majority of the requests for taking charge (86.66%) were received under Articles 9 and 10 of Council Regulation (EC) No 343/2003. Around the same share of requests for taking back (85.20%) are accepted requests under Article 16(1)c of Council Regulation (EC) No 343/2003. These requests related to cases where the applicant was involved in the review procedure in the territory of the SR but stayed in the territory of another Member State without a permit. Of the total of 698 accepted requests, only 149 requests did not comply with the data sent by the EURODAC central unit, which is the result of the comparison of asylum-seekers' fingerprints with the fingerprints taken before and forwarded to the central unit from all Member States applying the Dublin Regulation. That implies that the application was based on EURODAC in 561 cases, which means that the data in EURODAC matched the data of the Slovak Republic as a country in which the foreigner's fingerprints were taken. The number of received requests for information, which represent the third type of requests used under the Dublin Regulation, was 272, and only 4 of them were not answered by the end of 2009.

**Table 21 Accepted Requests – Dublin Requests by Type, Reason for Request and Decision**

Dublin Requests	Received requests	Accepted requests	Denied requests	Transfers
Total number of requests	698	358	304	232
Total number of requests for taking charge	90	22	50	24

Requests for taking charge: family ties (Art. 6, Art. 7, Art. 8, Art. 14)	8	1	7	0
Requests for taking charge: on the basis of documents (Art. 9, Art. 10, Art. 11, Art. 12)	78	21	39	24
Requests for taking charge: humanitarian reasons (Art. 15)	4	0	4	0
Total number of requests for taking back	608	336	254	208
Requests for taking back: withdrawals of requests while the Dublin procedure is on the way (Art. 4.5)	4	0	1	0
Requests for taking back: under review process – without a permit in the territory of another Member State (Art. 16.1.c)	518	228	219	161
Requests for taking back: withdrawal of request – new request in another Member State (Art. 16.1.d)	3	1	2	1
Requests for taking back: denied request – without a permit in the territory of another Member State (Art. 16.1.e)	83	107	32	46
Total number of requests based on EURODAC	561	287	256	:
Requests for taking charge based on EURODAC	14	3	9	:
Requests for taking back based on EURODAC	547	284	247	:
Total number of undecided requests by the end of the reference period	36	:	:	:
Total number of requests for information	272	:	:	:
Number of replies to requests for information	268	:	:	:

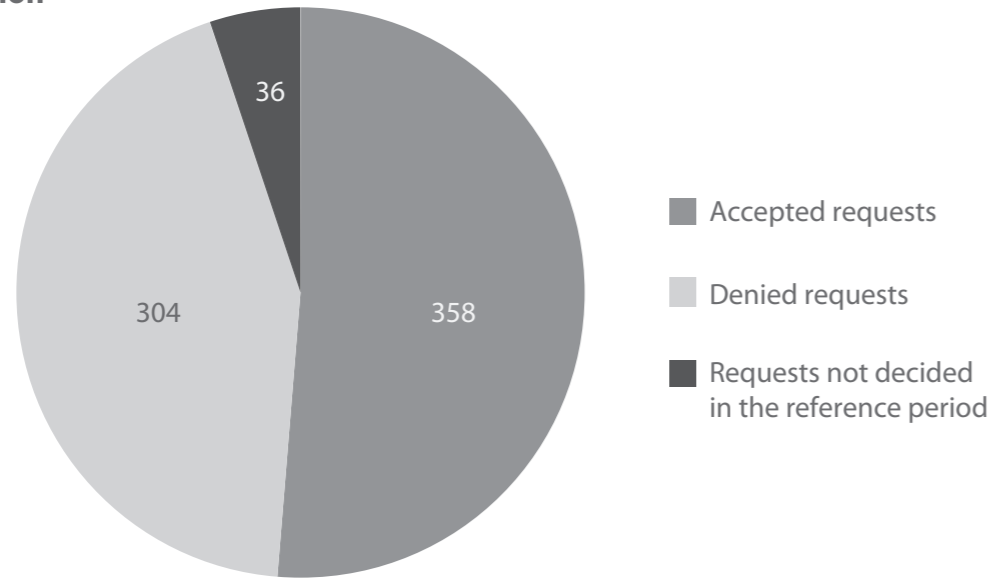
Source: Eurostat

Of the total number of 698 requests, 358 requests were accepted and 304 requests were denied. The rest (36 requests) was not decided by the end of the reference period 2009. After a received request is accepted, the state responsible for reviewing the asylum application filed by a third-country national is the Slovak Republic to the territory of which that person is transferred. Of the total of 358 accepted requests, which corresponds to the number of persons, 232 persons were actually accepted to the Slovak Republic in 2009. The transfers of persons and their acceptance in our territory require close cooperation between the Dublin Centre and BBAP PFP, which organises and carries out transfers of persons. If the Slovak Republic is responsible for the case, BBAP PFP organises the



transfer on the basis of communication with the given country, informs the competent authorities about the applicant's arrival in our territory, and moves the applicant to the reception centre or accommodation centre in Slovakia.

**Chart 7 Received Requests (Requests for Taking Charge and Requests for Taking Back) in 2009 by Decision**



Source: Chart prepared on the basis of Eurostat data

The order of countries with the highest or most significant number of forwarded countries (from the point of view of the SR – number of received requests) remained unchanged in 2009. Slovakia recorded the highest number of requests received from Austria (35.1% of the total number of received requests), followed by Germany with 104 requests, and France with 72.

**Table 22 Total number of applications accepted by the Slovak Republic by states**

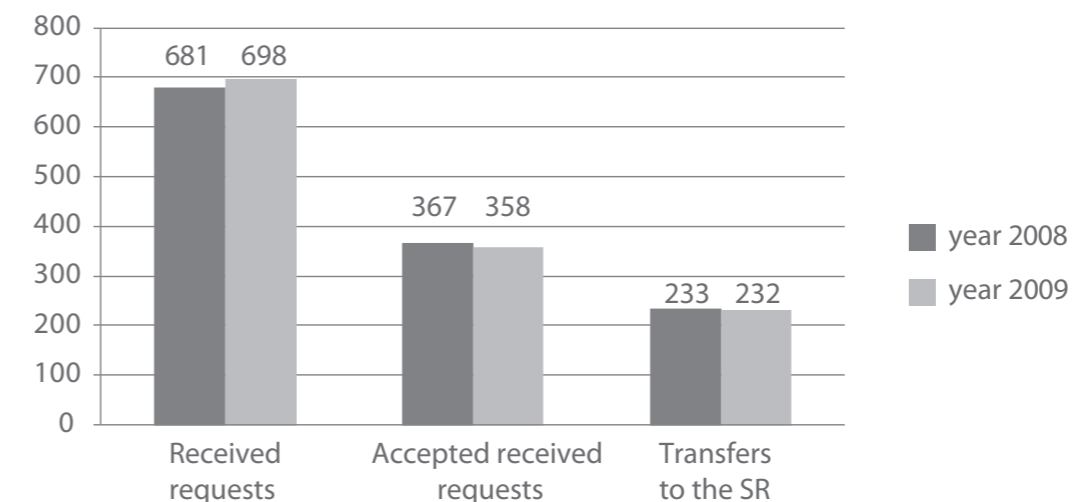
Country from which the Dublin application was received	Accepted requests for taking charge and for taking back	Total number of requests for information
Belgium	26	3
Bulgaria	0	0
Czech Republic	6	3
Denmark	8	3
Germany	104	15
Estonia	0	0
Ireland	3	1
Greece	1	0
Spain	2	0
France	72	4
Italy	67	5
Cyprus	0	0

Latvia	0	0
Lithuania	1	1
Luxemburg	1	0
Hungary	10	2
Malta	0	0
The Netherlands	28	2
Austria	245	180
Poland	4	3
Portugal	1	0
Romania	4	0
Slovenia	0	0
Finland	2	1
Sweden	14	6
Great Britain	41	0
Iceland	0	0
Norway	13	7
Switzerland	45	36
<b>Total number</b>	<b>698</b>	<b>272</b>

Source: Eurostat

Compared to 2008, the numbers of received requests are almost identical, specifically concerning the numbers of received requests (received requests for taking charge + received requests for taking back), accepted and denied received requests, and executed transfers. This clear balance in both years results from the development of Slovakia's position within the EU. Although Slovakia continues to be a transit country compared to Western EU countries, thanks to the good protection of the external Schengen border the Slovak Republic is no longer a country through which foreigners enter the Schengen Area in large numbers.

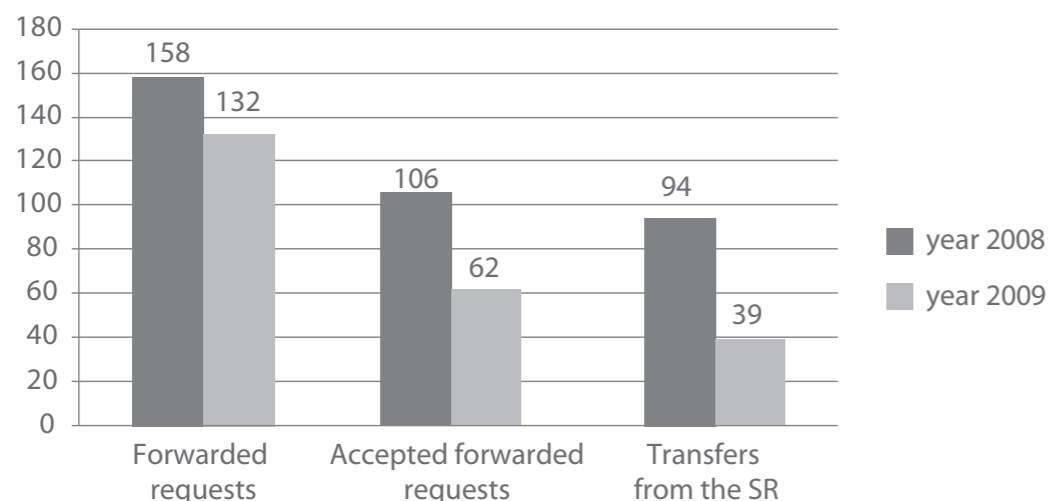
**Chart 8 Requests Received by the Slovak Republic under the Dublin Regulation – Comparison of 2008 and 2009**



Source: Chart prepared on the basis of Eurostat data

As for the number of forward requests in 2009, 62 requests were accepted and 55 requests were denied by countries applying the Dublin Regulation. 39 transfers were carried out in cooperation with BBAP PFP, which is only a 62.9% success rate of handing over foreigners to countries responsible for reviewing their asylum applications. Compared to 2008, the number of transfers from the SR to the country responsible for reviewing the asylum application is significantly lower against the number of accepted requests. One of the reasons is the decline in the number of asylum applications filed by detained foreigners. In the case a foreigner is accepted by another Member State and is still detained, the effectiveness and enforceability of the transfer is fully successful. On the other hand, the success rate of transfers of applicants staying in accommodation centres is much lower. In many cases, applicants wilfully leave the accommodation centres and the place of their next stay is unknown.

**Chart 9 Requests Forwarded from the Slovak Republic under the Dublin Regulation in 2008 and 2009**



Source: Chart prepared on the basis of Eurostat data

Requests for taking back represented 82.58% of the total number of forwarded requests. The requests were mostly subject to Article 16(1)(c) of Council Regulation (EC) No. 343/2003, which means that the applicant stayed in the territory of the SR without a permit and their request was reviewed in another Member State. Of 7 requests for taking charge forwarded for humanitarian reasons (mainly family reunification), only one request was accepted. The total number of forwarded requests for information reached 25.

**Table 23 Forwarded Requests – Dublin Requests by Type of Request, Reason and Decision**

Dublin Requests	Forwarded Requests	Accepted Requests	Denied Requests	Transfers
Total number of requests	132	62	55	39
Total number of requests for taking charge	23	4	12	3
Requests for taking charge: family reasons (Art. 6, Art. 7, Art. 8, Art. 14)	0	0	0	0

Requests for taking charge: based on documents (Art. 9, Art. 10, Art. 11, Art. 12)	16	3	7	2
Requests for taking charge: humanitarian reasons (Art. 15)	7	1	5	1
Total number of requests for taking back	109	58	43	36
Requests for taking back: withdrawals during on-going Dublin procedure (Art. 4.5)	0	0	0	0
Requests for taking back: under review – without a permit in the territory of another Member State (Art.16.1c)	89	32	35	19
Requests for taking back: withdrawals – new request in another Member State (Art. 16.1.d)	0	1	0	1
Requests for taking back: denied requests – without a permit in the territory of another state (Art. 16.1.e)	20	25	8	16
Total number of requests based on EURODAC	99	47	41	:
Request for taking charge based on EURODAC	7	0	4	:
Requests for taking back based on EURODAC	92	47	37	:
Total number of undecided requests by the end of the reference period	15	:	:	:
Total number of requests for information	25	:	:	:
Number of replies to requests for information	25	:	:	:

Source: Eurostat

The majority of requests were forwarded to Austria (44 requests), followed by Poland (17 requests), and Hungary (15 requests). The significantly high number of requests forwarded to these countries is given by the geographical position of Slovakia – common border and proximity of the Schengen border.

**Table 24 Total number of applications dispatched from the Slovak Republic by countries**

Country to which Dublin requests were forwarded	Forwarded requests for taking charge and for taking back	Total number of requests for information
Belgium	2	0
Bulgaria	1	0
Czech Republic	4	1
Denmark	1	0
Germany	9	5
Greece	8	0
Spain	3	1
France	2	3
Italy	1	1
Luxemburg	1	0
Hungary	17	0
The Netherlands	3	2
Austria	44	7
Poland	15	0
Romania	8	0
Finland	2	1
Sweden	6	1
Great Britain	2	1
Norway	1	0
Switzerland	2	2
<b>Total number</b>	<b>132</b>	<b>25</b>

Source: Eurostat

In 2009, no such legislation changes concerning illegal migration and returns were made that would be directly related to the application of the Dublin Regulation.

## 6.4 Unaccompanied Minors

Minor asylum seekers filed 28 applications in 2009, which represents approximately 4% of the total number of 822 asylum applications. The proportion of unaccompanied minors in the total number of filed applications in the previous year constituted approximately 8%. The age group of 16-17 years old remains the most numerous age category of unaccompanied minors, representing around 83% in both years. As for the gender of unaccompanied minors, the number of males is absolutely prevalent. In 2009, only two asylum applications were submitted by minor females. The order of the five countries with the largest number of asylum applications filed by unaccompanied minors was almost the same in both years – Moldova, Afghanistan, Bangladesh, Montenegro, and Georgia.

## Bibliography

### Literature

Composite author: Annual Statistical Report on Migration and International Protection in the Slovak Republic 2008, National Study for the European Migration Network, IOM, 2010

Potočková I., Annual Report on Migration and Asylum Policies 2009, National Study for the European Migration Network, IOM, 2009

Domonkos T., Páleník M., Radvanský M.: Satisfying Labour Demand through Migration in the Slovak, National Study for the European Migration Network, IOM, 2010.

Mária Katerinková a kol.; Zahraničné sťahovanie a cudzinci v Slovenskej republike v roku 2009, Statistical Office of the SR, 2010

Bureau of the Border and Aliens Police of the PFP: Strategic Analysis of Illegal Migration in the SR in 2009

Bureau of the Border and Aliens Police of the PFP: Statistical Overview of Legal and Illegal Migration in the Slovak Republic in 2009

### Legislation

Act No. 48/2002 Coll. on Stay of Aliens and on Changes and Amendments of Certain Other Acts, as Amended

Act No. 480/2002 Coll. on Asylum and on Changes and Amendments of Certain Other Acts, as Amended

Regulation (EC) No 862/2007 of the European Parliament and of the Council of 11 July 2007 on Community statistics on migration and international protection

Council Regulation (EC) No 343/2003 of 18 February 2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national

### Internet

www.minv.sk  
www.statistics.sk  
www.emn.sk



**IOM International Organization for Migration**  
**Office in the Slovak Republic**  
**National Contact Point of the European Migration Network in the SR**  
Grösslingová 4, 811 09 Bratislava, Slovak Republic  
[www.iom.sk](http://www.iom.sk), [www.emn.sk](http://www.emn.sk)

ISBN 978-80-89506-11-8