

**480/2002 Coll.**  
**ACT**  
**as of June 20, 2002**  
**on Asylum and Amendment of Some Acts**

Amendment: 606/2003 Coll.  
Amendment: 207/2004 Coll.  
Amendment: 1/2005 Coll.  
Amendment: 692/2006 Coll.  
**Amendment 643/2007 Coll.**

The National Council of the Slovak Republic passed the following Act:

Article I

PART ONE  
GENERAL PROVISIONS

Section 1  
Scope of the Act

This Act shall

- a) regulate asylum procedure,
- b) stipulate the procedure for granting temporary shelter,
- c) provide for the rights and obligations of asylum seekers (hereinafter only „applicant“), persons granted asylum, aliens<sup>1)</sup> who were granted subsidiary protection, aliens seeking temporary shelter and de facto refugees,
- d) stipulate the powers of public bodies in the area of asylum, subsidiary protection and temporary shelter,
- e) regulate the integration of persons granted asylum in the society,
- f) regulate the stay in asylum facilities.

Section 2  
Definition of Terms

For the purposes of this Act

- a) international protection means granting of asylum or subsidiary protection,
  - b) asylum means protection of an alien against persecution on the grounds laid down in an international treaty<sup>2)</sup> or a separate regulation<sup>3)</sup>,
  - c) subsidiary protection means protection against serious harm in the country of origin,
  - d) persecution means serious or repeated conduct constituting a severe violation of basic human rights<sup>3a)</sup> or an accumulation of various measures, which affect an individual in a similar manner based, in particular, on
    - 1. the use of physical or mental violence including sexual violence,
    - 2. legal, administrative, police or judicial measures which are discriminatory or implemented in a discriminatory manner,
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3. denial of judicial redress resulting in disproportionate or discriminatory punishment,
  4. criminal prosecution or punishment which is disproportionate or discriminatory,
  5. criminal prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts under Section 13 Paragraph 2,
  6. acts of a gender-specific or child-specific nature,
- e) actor of persecution or serious harm means
1. the State,
  2. political parties or political movements or organisations controlling the State or a substantial part of the territory of the State, or
  3. non-State actors, if the entities under points 1 and 2 are unable or unwilling to provide protection against persecution or serious harm
- f) serious harm means
1. imposition of a death penalty or its execution,
  2. torture or inhuman or degrading treatment or punishment, or
  3. serious and individual threat to life or inviolability of person by reason of arbitrary violence in situations of international or internal armed conflict,
- g) asylum procedure means procedure granting asylum, procedure withdrawing asylum, procedure renewing subsidiary protection and procedure revoking subsidiary protection,
- h) applicant means an alien declaring to the Police Corps Department<sup>4)</sup> (hereinafter “the police department”) under Section 3 Paragraph 2 to seek granting of asylum or subsidiary protection on the territory of the Slovak Republic, or another person under this Act,
- i) person granted asylum means an alien, who was granted asylum by the Ministry of Interior of the Slovak Republic (hereinafter the “Ministry”),
- j) de facto refugee means an alien, who was granted a temporary shelter by the Ministry upon a decision of the Government of the Slovak Republic (hereinafter the “Government”),
- k) country of origin means the State or States of the alien’s citizenship or, in the case of a stateless person, the State of his/her former residence,
- l) safe country of origin means a stable State governed by law with a democratic system, of the alien’s citizenship or, in the case of a stateless person, of the alien’s former residence,
1. in which the State power protects human rights and fundamental freedoms<sup>5)</sup> and ensures their observance,
  2. which is, in general, not left by its citizens or stateless persons residing in it for the reasons under Section 8,
  3. which ratified and complies with international treaties on human rights and fundamental freedoms and
  4. which allows performance of activities by legal entities overseeing observance of human rights in the country,
- m) safe third country means a stable State governed by law with a democratic system, other than the country of origin,
1. if prior to his/her arrival to the territory of the Slovak Republic<sup>6)</sup> the alien stayed there and had an opportunity to seek protection under an international treaty,
  2. to which the alien can be returned and where he/she can seek protection under an international treaty<sup>6)</sup> without being exposed to persecution, torture, cruel, inhuman or degrading treatment or punishment,
  3. provided that it is not a State, to which a ban on expulsion or refoulement applies<sup>6aa)</sup>, and

4. provided that this State ensures protection against expulsion or refoulement similarly like the Slovak Republic,
- n) residence of a stateless alien means the State, in which the alien stayed on long-term basis prior to entering the territory of the Slovak Republic and in which he/she had personal relationships,
  - o) asylum facility means a reception centre, accommodation centre, transit centre and humanitarian centre,
  - p) reception centre means a Ministry's facility, which secures stay of applicants prior to their placement in an accommodation centre, stay of aliens who applied for granting of temporary shelter or stay of de facto refugees prior to their placement in a humanitarian centre,
  - q) accommodation centre means a facility of the Ministry, which secures stay of applicants,
  - r) **transit centre means a place in the transit area of an international airport where the applicant is being placed pursuant to Section 3 Paragraph 2 Subparagraph c) or a delimited area at another asylum facility where the applicant is being placed pursuant to Section 3 Paragraph 2 Subparagraph c) if he/she cannot be placed in the transit area of an international airport; the placement at the transit centre shall not be considered to be an entry and stay of the applicant in the territory of the Slovak Republic,**
  - s) humanitarian centre means a facility of the Ministry, which secures stay of aliens who applied for provision of a temporary shelter and stay of de facto refugees,
  - t) integration centre means a facility of the Ministry, which secures temporary accommodation of the persons granted asylum,
  - u) integration means the process of inclusion of the persons granted asylum in the society.

PART TWO  
ASYLUM PROCEDURE

CHAPTER ONE  
ASYLUM GRANTING PROCEDURE

**The commencement of the procedure**  
**Section 3**

**(1) The asylum granting procedure shall commence by the alien's statement at the competent police department that he/she applies for granting asylum or provision of subsidiary protection on the territory of the Slovak Republic unless otherwise stipulated by this Act. The statement on behalf of a minor alien shall be made by his/her legal representative or guardian appointed by the court. The asylum granting procedure shall not commence if the statement is made by an alien who has already been an applicant, or if it has been found that the statement was made by a minor.**

- (2) The competent entity to receive the statement shall be:**
- a) **the police department at the border checkpoint in case of an alien applying for granting asylum or provision of subsidiary protection when entering the territory of the Slovak Republic,**
  - b) **the police department established at the asylum facility in case of an alien applying for granting asylum or provision of subsidiary protection after entering the territory of the Slovak Republic,**

- c) the police department in the transit zone of an international airport in case of an alien who arrives by plane in the territory of the Slovak Republic and who does not meet requirements for entering the territory of the Slovak Republic,
- d) the police department established at a facility for aliens in case of an alien placed in such a facility in accordance with a special regulation<sup>6a)</sup>,
- e) the police department according to the location of the health care facility or institution in case of an alien being provided with institutional health care,
- f) the police department according to the location of the prison or custody facility in case of an alien being imprisoned or in custody,
- g) the police department according to the location of the facility for social and legal protection of minors and social curatorship in case of an alien being placed in such a facility.

(3) The statement under Paragraph 1 shall be recorded by the police department in an official form the specimen of which is included in Annex 1 and sent to the Ministry without delay.

(4) Once the statement under Paragraph 1 is made or once the alien enters the territory of the Slovak Republic in accordance with Section 4 Paragraph 6 (hereinafter referred to as “lodging the application”) the police department shall take away the travel document of the applicant or another identification document and shall issue a receipt on confirmation about it to the applicant. The copy of documents taken away and documentation necessary for reviewing the application for granting asylum shall be sent by the police department to the Ministry without delay; if the applicant is an alien with a temporary residence permit or a permanent residence permit on the territory of the Slovak Republic, the identification documents shall not be taken away and the police department shall send to the Ministry only a copy of these documents. The police department shall also ensure taking of an applicant’s fingerprint. Once the asylum granting procedure is over, the police department shall return documents taken away to the alien upon request.

(5) If there is a suspicion that the applicant hides his/her travel document or any other document necessary for reliable determination of facts, or an item endangering life or health of persons, an officer of the Police Forces<sup>4)</sup> (hereinafter referred to as “the police officer”) shall be authorized to execute a search of the applicant and his/her personal belongings. The search of the applicant shall be executed by a person of the same sex.

(6) The applicant mentioned in Paragraph 2 Subparagraphs a) and b) is obliged – if not prevented from doing so for serious reasons – to appear at the reception camp within 24 hours from lodging the application; the applicant mentioned in Paragraph 2 Subparagraph c) within 24 hours from terminating the placement at the transit centre pursuant to Section 4 Paragraph 3, and the applicant mentioned in Paragraph 2 Subparagraphs d) to g) within 24 hours from releasing from the facility for aliens pursuant to a special regulation,<sup>6a)</sup> health care facility, imprisonment, custody, or from the facility for social and legal protection of minors and social curatorship. The police department shall issue a transport document valid for 24 hours to the applicant. The applicant’s transport document shall include the identification of the police department issuing the document, number of the document, validity period of the document, name and surname, date and place of birth, sex and state citizenship of the applicant, number of the travel document or any other document by which the applicant proved his/her identity, the

address of the reception camp at which the applicant is obliged to appear, place and date of the document issuance, stamp of the police department, and signature of the officer issuing the document.

(7) Transport of the applicant to the reception camp may be accompanied by a police officer. The transport of the applicant during his/her placement at the transit centre shall be carried out under a policeman's accompaniment where such a transport shall be considered neither an entry nor stay of the alien in the territory of the Slovak Republic.

(8) If an alien applies for granting asylum or provision of subsidiary protection at a police department that is not competent to receive the statement under Paragraph 2, the police department is obliged to advise the applicant on which police department is competent to receive the statement, and if it makes no decision on detention of the applicant and on his/her placement at a facility for aliens in accordance with a special regulation<sup>6a</sup>), it shall issue to the applicant transport document valid for 24 hours. The transport document of the applicant shall contain the identification of the police department issuing the document, number of the document, validity period of the document, name and surname, date and place of birth, sex and state citizenship of the alien, number of the travel document or any other document by which the alien proved his/her identity, the address of the police department where the alien is obliged to appear, place and date of the document issuance, stamp of the police department, and signature of the officer issuing the document. The provision under Paragraph 5 shall be applied equally.

#### Section 4

(1) After lodging the application, an authorised employee of the Ministry shall make an entrance interview with the applicant. In the course of the entrance interview, the applicant shall be obliged to provide truthfully and fully all requested information necessary for a decision on the application for granting asylum; provisions of Section 6 **par. 2, 4, and 6 shall be applied accordingly**. The provided information shall be recorded on an official form (hereinafter the "questionnaire"). The specimen of the questionnaire is enclosed in the Annex No. 2.

(2) Prior to filling in the questionnaire, but at the latest within 15 days after commencement of the procedure, the authorised employee of the Ministry shall instruct the applicant of his/her rights and obligations during the asylum procedure, **of possible consequences of not fulfilling or violating his/her obligations under this Act**, of the possibility of being represented in the procedure under this Act and of access to a legal aid. The Ministry shall also provide the applicant with information about non-governmental organisations focusing on the care of applicants and persons granted asylum; if possible, the instruction and information shall be provided in writing and in the language which is supposed to be understood by the applicant.

**(3) The Ministry shall terminate the applicant's placement pursuant to Section 3 Paragraph 2 Subparagraph c) at the transit centre, and shall place him/her at the reception camp if**

- a) his/her application **for asylum** is not decided within seven days from filling in the questionnaire or
- b) the court has not decided within 30 days from delivery of a remedy against the Ministry's decision issued within the asylum procedure.

(4) A child born on the territory of the Slovak Republic to an applicant, person granted asylum or alien granted subsidiary protection shall be considered an applicant.

(5) The representative at law of the child under par. 4 is obliged to provide the authorised employee of the Ministry with all true and full information required to decide the application for granting asylum within 180 days from the birth of the child and this information will be recorded in a questionnaire; if he/she fails to do so then the Ministry shall proceed pursuant to Section 19 par. 1 Subparagraph b).

**(6) An alien who is not an applicant and who is returned to the territory of the Slovak Republic from another Member State of the European Union due to the fact that the Slovak Republic is competent to act in the asylum granting procedure shall be considered an applicant; except for an alien whose application for asylum had been rejected in the past as inadmissible or manifestly unfounded or who had not been granted asylum, the asylum granting procedure shall commence once the alien enters the territory of the Slovak Republic.**

## Section 5 Applicant's Documents

(1) The Ministry shall issue, to an alien over 15 years of age, an applicant's card during the period of the asylum procedure. **The applicant's card shall be considered his/her identity card only if the applicant's travel document or another identity document has been seized. The applicant's card shall include the name, surname, sex, date and place of birth, and state citizenship of the applicant, the fact whether it is considered an identity document, date of issuance and validity period of the card, the name of the asylum facility issuing the card, and also the names, surnames, dates of birth of the applicant's children under 15 years of age if they are applicants. The Ministry shall issue the applicant's card within three days from commencement of the procedure if it is an applicant pursuant to Section 3 Paragraph 2 Subparagraph b) or immediately after arriving to the reception camp if it is an applicant pursuant to Section 3 Paragraph 2 Subparagraphs a), c) to g).**

(2) The Ministry shall issue an applicant under 15 years of age a card under par. 1 when he/she is unaccompanied by his/her representative at law on the territory of the Slovak Republic.

(3) The asylum facility, in which the applicant is placed or in which the applicant was placed for the last time, shall issue a new card to the applicant if

- a) the circumstances under Section 23b Paragraph 2 Subparagraphs a) to d) occur
- or
- b) it is not possible to make new records in the applicant's card.

**(4) If the applicant is an alien who has a temporary residence permit or a permanent residence permit on the territory of the Slovak Republic, the Ministry shall issue to him/her an applicant's card within three days from the date of expiration of the residence permit.**

## Section 6 Interview

**(1) The authorized officer of the Ministry shall interview the applicant; the interview may be repeated if necessary. It is not necessary to hold an interview if it is possible to make a decision upon the entrance interview pursuant to Section 4 Paragraph 1.**

**(2) The applicant is obliged to appear for the interview at the place and time to be specified by the Ministry in a written notice in the language which the applicant is assumed to understand. The interview shall be held in the language in which the applicant is able to understand and in a manner ensuring adequate confidentiality of the interview. The authorized officer of the Ministry shall take minutes of the interview held.**

**(3) The applicant is obliged to truly and fully report all facts related to his/her application for asylum.**

**(4) For reasons worth special consideration and taking into account its possibilities and resources the Ministry shall provide for the interview and interpreting by a person of the same sex as the applicant's. The Ministry shall provide that the interview is lead by a person capable of taking into account the personal situation of the applicant, including his/her origin, sex, and age.**

**(5) While interviewing a minor the authorized officer of the Ministry shall take into account the age and degree of intellectual and will maturity of a minor.**

**(6) An interview with a minor who is on the territory of the Slovak republic not accompanied by its legal representative, (hereinafter referred to as "unaccompanied minor") may be performed only in the presence of his/her guardian; before the interview the guardian shall have the possibility to inform the unaccompanied minor on the significance and possible consequences of the interview and to prepare him/her for the interview.**

## Section 7 Delivery of Documents

**A document within the asylum granting procedure shall be delivered to the applicant in the form of personal delivery. When the applicant cannot be delivered the documents personally the Ministry shall deposit it with the asylum facility, in which the applicant is placed or in which the applicant was supposed to be placed, and if it concerns an applicant under Sec. 22 Paragraph 3 in the accommodation camp of his last placement; notification of depositing documents that were not delivered shall be displayed on the information board in the asylum facility. If there is no such an asylum facility, the Ministry shall deposit the document at the place to be determined by the Ministry, and notification of depositing the document that was not delivered shall be displayed on the information board in this place; for this case the Ministry shall inform the applicant on the way of delivery and determination of the place of the information board within the instructions under Section 4 Paragraph 2. When the applicant fails to collect the document within five days from their depositing the last day of this time period shall be considered the day of delivery even though the addressee failed to learn about the deposition of the document.**

## „Section 8 Granting of Asylum

Unless otherwise stipulated by this Act, the Ministry shall grant asylum to an applicant who

- a) has well-founded fear of being persecuted in his/her country of origin for reasons of race, ethnic origin or religion, holding of a particular political opinion or membership of a particular social group, and is unable or, owing to such fear, is unwilling to return to such country, or
- b) is persecuted in his/her country of origin for exercise of political rights and freedoms.

## Section 9 Granting Asylum on Humanitarian Grounds

The Ministry may grant asylum on humanitarian grounds even when no reasons under Section 8 are established in the procedure.

## Section 10 Granting Asylum for the Purpose of Family Reunification

(1) The Ministry shall grant asylum unless otherwise stipulated by this Act, for the purpose of family reunification to

- a) the spouse of a person granted asylum, if their marriage continues, and continued, also at the time when the person granted asylum left the country of origin, and if the person granted asylum gives a prior written consent to the reunification,
- b) unmarried children of the person granted asylum or the person according to the letter a) younger than 18 years of age or
- c) parents of an unmarried person granted asylum younger than 18 years of age, if the person granted asylum agrees.

(2) The applicants mentioned in Paragraph 1 have to stay on the territory of the Slovak Republic during the asylum granting procedure.

(3) The Ministry shall grant asylum to persons mentioned in Paragraph 1 only in case of family reunification with a person granted asylum that was granted asylum under Section 8.

(4) The Ministry shall also grant asylum to a child born to a female asylum seeker on the territory of the Slovak Republic, if the obligation under Section 4 par 5 is met.

## Section 11 Rejection of an application for granting asylum as inadmissible

**(1) The Ministry shall reject an application for granting asylum as inadmissible if:**

- a) **the applicant was granted asylum<sup>2</sup>) by the state which is not a Member State of the European Union, and the applicant can effectively use the protection provided by this state; this shall not apply if it is not possible to effectively return the applicant to this state,**



- b) the applicant comes from a safe third country; this shall not apply if in the case of an applicant this country cannot be considered a safe third country or if it is not possible to effectively return the applicant to a safe third country,
- c) another state is competent to act in the asylum procedure,
- d) the applicant was granted asylum<sup>2)</sup> by a Member State of the European Union, or
- e) the applicant is a national of a Member State of the European Union; this shall not apply if facts mentioned in the special regulation have occurred.<sup>7)</sup>

(2) The Ministry shall make a decision pursuant to Paragraph 1 Subparagraph b) within 60 days from the commencement of the procedure; once this time period expires, the application for granting asylum cannot be rejected as inadmissible. If the Ministry makes a decision pursuant to Paragraph 1 Subparagraph b), it shall issue to the applicant a confirmation that his/her application for granting asylum has not been reviewed in its merit; the confirmation shall be issued also in the official language of the state to which the applicant will be returned.

(3) The Ministry shall without delay inform the applicant on the fact that it is determining whether another state is competent to act in his/her asylum granting procedure; during the process of this determination the time period for making a decision shall not be running. In the verdict of the decision under Paragraph 1 Subparagraph c) the Ministry shall also specify the state that is competent to act in the asylum granting procedure.

## **Section 12**

### **Rejection of an application for granting asylum as manifestly unfounded**

(1) The Ministry shall reject an application for granting asylum as manifestly unfounded if the applicant:

- a) justifies his/her application for granting asylum by facts or reasons other than those mentioned in Section 8, 10, 13a or 13b,
- b) comes from a safe country of origin; this shall not apply if in his/her case this country cannot be considered a safe country of origin, or
- c) does not meet the obligation to cooperate with the Ministry pursuant to this Act, in particular if he/she repeatedly and for no serious reasons does not appear for the interview, which makes the examination of his/her application impossible.

(2) The Ministry shall also reject an application for granting asylum as manifestly unfounded in case the applicant does not meet requirements under Section 8, 10, 13a or 13b, and

- a) he/she has illegally entered the territory of the Slovak Republic and without serious reason has not applied for international protection without delay after having entered the territory of the Slovak Republic,
- b) he/she has not undergone taking of the fingerprints under Section 23 Paragraph 1,
- c) he/she has provided false information or documents, forged or modified documents, or has withheld substantial information or documents significant for the asylum granting procedure with an intention to make the examination of the asylum application difficult,

- d) justifies his/her application for granting asylum by disconnected, contradictory, unlikely or insufficient statements upon which his/her person cannot be considered credible,
- e) it is likely that he/she has destroyed or got rid of his/her travel document or another identity document with an intention to create a false identity or to make the examination of the application otherwise difficult,
- f) he/she has submitted his/her application for granting asylum merely with an intention to avert an imminent danger of being expelled from the territory of the Slovak Republic,
- g) without serious reason he/she has not applied for international protection without delay after having learnt the facts justifying international protection,
- h) he/she constitutes a danger for the safety of the Slovak Republic,
- i) he/she constitutes a danger for the society, or
- j) it is a subsequent application for granting asylum, and the applicant has provided different personal data.

**(3) The Ministry shall make a decision under Paragraph 1 and 2 within 60 days from the commencement of the procedure; once this time period expires, application for granting asylum cannot be rejected as manifestly unfounded.**

**(4) The Ministry shall not reject an application for granting asylum as manifestly unfounded in case of an unaccompanied minor;**

### Section 13 Denial of Asylum

(1) The Ministry shall deny granting of asylum to the applicant, if he/she fails to meet the requirements under Section 8 or Section 10.

(2) The Ministry shall also deny granting of asylum, if there is a well-founded suspicion that the applicant

- a) has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments<sup>2)</sup>,
- b) has committed a serious non-political crime outside the territory of the Slovak Republic prior to applying for asylum or subsidiary protection<sup>2)</sup>,
- c) has been guilty of acts contrary to the purposes and principles of the United Nations Organisation<sup>2)</sup>,

(3) Provision of Paragraph 2 shall also apply to persons who instigate or otherwise participate in the commission of the crimes or acts under Paragraph 2.

(4) The Ministry shall also deny granting of asylum, when

- a) the applicant can avail himself/herself of protection or assistance from organs or agencies of the United Nations Organisation other than the United Nations High Commissioner for Refugees (hereinafter the "UNHCR") and can return to an area where such protection or assistance is provided,
- b) he/she is recognized by the competent authorities of the country in which he/she has taken residence as having the rights and obligations which are attached to the

possession of the nationality of that country; or rights and obligations equivalent to those,

c) the applicant who has several citizenships refused protection of a State of his/her citizenship, provided that it is not a State under Section 8, or

d) the applicant could have availed himself/herself of an effective protection in a different part of the country of origin, if there is no well-founded fear of his/her persecution in this part of the country and the applicant can reasonably be expected to stay there; at that the Ministry shall have regard to the general circumstances prevailing in that part of the country and to personal circumstances of the applicant.

(5) The Ministry shall also deny granting of asylum under Section 10 when

a) the applicant can be reasonably considered as a danger to the security of the Slovak Republic, or when

b) the applicant has been convicted of a particularly serious crime<sup>157a)</sup> and constitutes a danger to the society.

#### „Section 13a Granting of Subsidiary Protection

The Ministry shall grant subsidiary protection to an applicant to whom it did not grant asylum, provided that there are good reasons to consider that the applicant would face a real risk of serious harm if returned to his/her country of origin, unless otherwise stipulated by this Act.

#### Section 13b Granting of Subsidiary Protection for Purpose of Family Reunification

(1) Unless otherwise stipulated by this Act, the Ministry shall grant subsidiary protection for the purpose of family reunification to

a) the spouse of an alien, who was granted subsidiary protection under Section 13a, provided that their marriage continues or continued at the time when the alien left the country of origin and the alien gave prior written consent to the reunification,

b) single children of an alien, who was granted subsidiary protection under Section 13a, or persons under Subparagraph a) before they complete 18 years of age, or

c) the parents of a single alien younger than 18 years, who was granted subsidiary protection under Section 13a.

(2) In the course of the asylum procedure, the applicants under Paragraph 1 must stay on the territory of the Slovak Republic.

(3) The Ministry shall also grant subsidiary protection to a child born on the territory of the Slovak Republic to an alien, who was granted subsidiary protection, provided that the requirement under Section 4 Paragraph 5 was met.

#### Section 13c

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<sup>15</sup> 7a) Criminal Code

## Denial of Subsidiary Protection

- (1) The Ministry shall deny granting of subsidiary protection to an applicant who does not meet the requirements under Section 13a or Section 13b.
- (2) The Ministry shall also deny granting of subsidiary protection, if there is a well-founded suspicion that the applicant
- a) has committed a crime against peace, a war crime or a crime against humanity, as defined in the international instruments<sup>2)</sup>,
  - b) has committed a particularly serious crime<sup>7a)</sup>,
  - c) has been guilty of acts contrary to the purposes and principles of the United Nations Organisation<sup>2)</sup>,
  - d) constitutes a danger for the safety of the Slovak Republic, or**
  - e) constitutes a danger for the society.**
- (3) Provision of Paragraph 2 shall also apply to persons who instigate or otherwise participate in the commission of the crimes or acts under Paragraph 2 Subparagraphs a) – c).
- (4) The Ministry shall also deny granting of subsidiary protection when the applicant
- a) has several citizenships and refuses protection of the State of his/her citizenship, provided that it is not a State under Section 13a,
  - b) could have availed himself/herself of an effective protection in a different part of the country of origin, if there is no well-founded fear of a serious harm in this part of the country and the applicant can reasonably be expected to stay there; at that the Ministry shall have regard to the general circumstances prevailing in that part of the country and to personal circumstances of the applicant, or
  - c) is suspected, on well-founded grounds, that prior to entering the territory of the Slovak Republic he/she has committed an act outside the scope of Paragraph 2, which according to a separate regulation<sup>7a)</sup> constitutes an offence, which would be punishable by imprisonment of at least 5 years, and if he/she left the country of origin only in order to avoid criminal prosecution.

## CHAPTER TWO TERMINATION OF ASYLUM

### Section 14 Grounds for Termination of Asylum

- (1) Asylum shall terminate by
- a) acquiring the nationality of the Slovak Republic to the person granted asylum,
  - b) person's granted asylum written waiver of asylum,
  - c) person's granted asylum death
  - d) its withdrawal or
  - e) denial of asylum under Section 10 for an indefinite period of time
- (2) If an asylum granted under Section 8 was withdrawn or ended under Section 14 Paragraph 1 Subparagraph b), the asylum granted for the purpose of family reunification shall also end.

(3) Asylum shall terminate by person's granted asylum written waiver of asylum on the date when this waiver was delivered on the Ministry.

## Section 15 Withdrawal of Asylum

(1) Asylum withdrawal procedure shall commence at the instance of the Ministry.

(2) The Ministry shall withdraw asylum when

- a) the person granted asylum has voluntarily availed himself/herself of the protection granted to him/her by the country of his/her nationality,
- b) the person granted asylum voluntarily re-acquired his/her original nationality after its previous loss,
- c) the person granted asylum acquired nationality and accepted the protection of the new country of his/her nationality,
- d) the person granted asylum rejects without any grounds to avail himself/herself of the protection granted by the country of his/her nationality despite the fact that circumstances, for which he/she was granted asylum ceased to exist; this shall not apply when the person granted asylum proves his/her serious reasons based on previous persecution on grounds of which he/she refuses the protection of the country of his/her nationality,
- e) the person granted asylum is capable to return to the country of his residence because the circumstances, under which asylum was granted ceased to exist; this shall not apply when the person granted asylum proves reasons of previous persecution on grounds of which he/she refuses to return to the country of his/her residence,
- f) the person granted asylum is again voluntarily staying in the country he/she left for fear of persecution
- g) there is well-founded suspicion that the person granted asylum committed an act under Section 13 par. 2.
- h) the asylum was granted only based on false data or forged documents or for the reason that the person granted asylum concealed facts significant for a reliable establishment of the facts of the case, or
- i) the person granted asylum failed to file an application for granting asylum for an indefinite period of time in the time limit under Section 20 Paragraph 2

(3) The Ministry shall also withdraw asylum granted under Section 9 or 10 when

- a) the person granted asylum can be reasonable considered to constitute a danger to the security of the Slovak Republic, or
- b) the person granted asylum has been convicted of a particularly serious crime<sup>7a)</sup> and constitutes a danger to the society.

(4) The Ministry may withdraw asylum, which was granted for humanitarian reasons when such reasons have ceased to exist and the alien can return to the country of origin.

(5) In a procedure concerning withdrawal of asylum on the grounds under Paragraph 2 Subparagraphs d) and e), the Ministry shall have regard to whether the change of circumstances is significant and whether it is not only temporary.

## „Section 15a Reasons for Ending of Subsidiary Protection

- (1) Subsidiary protection shall be ended upon
- a) granting of asylum on the territory of the Slovak Republic,
  - b) granting of a permanent residence permit on the territory of the Slovak Republic,
  - c) written declaration on waiver of subsidiary protection,
  - d) death,
  - e) refusal to renew subsidiary protection, or
  - f) revoking of subsidiary protection.

(2) When the subsidiary protection granted under Section 13a was revoked or ended under Paragraph 1 Subparagraph c), this protection shall also end with respect to an alien who was granted subsidiary protection for the purpose of the family reunification.

(3) When an alien granted subsidiary protection declares its waiver in writing, such protection shall end on the day of the declaration's delivery to the Ministry.

#### Section 15b Revocation of Subsidiary Protection

- (1) The Ministry shall revoke subsidiary protection
- a) if the circumstances, based on which the subsidiary protection was granted, ceased to exist or changed to such an extent that its further provision is not necessary,
  - b) on the grounds under Section 13c Paragraph 2 and Paragraph 4 Subparagraph c),
  - c) if the alien was granted subsidiary protection only based on false data or forged documents or on the grounds that the alien, who was granted subsidiary protection concealed fact, which were significant for a reliable establishment of the facts of the case, or
  - d) if the alien who was granted subsidiary protection failed to file an application for renewal of the subsidiary protection in the time limit under Section 20 Paragraph 3.

(2) In a procedure concerning revocation of subsidiary protection on the grounds under Paragraph 1 Subparagraph a), the Ministry shall take into account whether the change of circumstances is significant and whether it is not only temporary.“.

### CHAPTER THREE COMMON PROVISIONS ON ASYLUM PROCEDURE

#### Party to the Procedure Section 16

- (1) A party to the procedure concerning
- a) granting of asylum shall be an applicant, and, in the case of asylum under Section 10 granted for an indefinite period of time, it shall be a person granted asylum,
  - b) withdrawal of asylum shall be a person granted asylum with whom the asylum withdrawal procedure was commenced,
  - c) renewal of subsidiary protection shall be an alien, who requested for its renewal, revocation of subsidiary protection shall be an alien with whom a procedure concerning revocation was commenced.

(2) Legal acts on behalf of an alien who did not attain maturity<sup>8)</sup> shall be performed by his/her representative at law. If such an alien stays on the territory of the Slovak Republic without a representative at law, the court shall appoint him/her a guardian<sup>8a)</sup>.

(3) In the **asylum procedure, the party to the procedure** whose place of stay is not known shall not be appointed a guardian under the general regulation on administrative procedure.<sup>8b)</sup>

#### Section 17

(1) A party to the procedure shall have the right to be in contact with the Office of UNHCR and non-governmental organisations involved in care for applicants and persons granted asylum on the territory of the Slovak Republic during the procedure.

(2) Only a party to the procedure, its representative or guardian shall be entitled to inspect the file in the course of the asylum procedure, unless otherwise stipulated by this Act; however the Ministry shall not make accessible the information included in the file, if there is a justified suspicion that it could be misused in the asylum procedure.

#### Section 17a

(1) A party to the procedure, his/her legal representative and a guardian<sup>8c)</sup> can choose to be represented by an attorney or by any other representative he/she selects; a representative can only be a natural person with the full capacity for legal acts. The person mentioned in the first sentence can have only one representative selected in the same case.

(2) A power of attorney for representation shall be proved by a written warrant.

#### Section 17b

(1) Documents within the asylum granting procedure shall be delivered to the person granted asylum and alien who have been provided with subsidiary protection, in the form of personal delivery unless stipulated otherwise.

(2) If the addressee under Paragraph 1 has not been reached at the address of his/her residence, even though he/she is staying at the place of his/her residence, the deliverer shall properly notify him/her that the document will be repeatedly delivered to him/her on the specified date and time. If the repeated attempt to deliver has no effect, the deliverer shall deposit the document at the post office and properly notify the addressee on this fact. When the addressee fails to collect the document within three days from its depositing, the last day of this time period shall be considered the day of delivery even though the addressee failed to learn about the deposition of the document.

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8a) The Act No. 94/1963 Coll. on Family, as amended.

8b) Section 16 Paragraph 2 of the Act No. 71/1967 Coll.

8c) Section 16 paragraph 2 of the Act No. 71/1967 Coll.

**(3) If the addressee refused to receive the document without any reason, the document shall be considered delivered on the day when its receipt was refused; the deliverer shall record this fact.**

**(4) If it is not possible to deliver the document pursuant to Paragraph 2, the Ministry shall deposit it at the place to be determined by it; notification of depositing the document that was not delivered shall be displayed on the information board in this place. When the addressee fails to collect the document within five days from its depositing, the last day of this time period shall be considered the day of delivery even though the addressee failed to learn about the deposition of the document. For this case the Ministry shall inform the party to the procedure on the determination of the place of the information board within the information pursuant to Section 27 Paragraph 2 and Section 27c Paragraph 1.**

**(5) If a person granted asylum or alien provided with subsidiary protection has a legal representative or a guardian, the document shall be delivered only to the legal representative or guardian. If the person mentioned in the first sentence has a representative for the whole procedure based on the power of attorney, the document shall be delivered only to this representative.**

#### Section 18

(1) When the party to the procedure does not have command of Slovak language, the Ministry shall invite an interpreter to the asylum procedure. The party to the procedure shall have the right to use the language he/she can communicate in during the procedure.

(2) The party to the procedure may call in another interpreter of his/her own choice at his/her own costs to the procedure.

#### Section 18a

The Ministry shall also suspend the asylum granting procedure when another State is responsible for assessment of the application for granting asylum and the place of the applicant's stay on the territory of the Slovak Republic is not known, however for the maximum of 18 months from undertaking such responsibility; time limits under this Act shall not lapse during the procedure's suspension.

#### Section 19

##### Cessation of Procedure

- (1) The Ministry shall cease the asylum procedure when
- a) **the applicant mentioned in Section 3 Paragraph 2 Subparagraphs a) and b) or the applicant under Section 4 Paragraph 6 within three days from lodging the application, the applicant mentioned in Section 3 Paragraph 2 Subparagraph c) within three days from terminating the placement at the transit centre under Section 4 Paragraph 3 Subparagraph a) or the applicant mentioned in Section 3 Paragraph 2 Subparagraphs d) to g) within three days from being released from the facility for aliens under a special regulation,<sup>6a)</sup> the health care facility,**



**imprisonment, custody or from the facility for social and legal protection of minors and social curatorship without any serious reasons does not appear at the reception camp,**

- b) legal representative failed to meet the requirement under Section 4 Paragraph 5,
- c) a party to the procedure withdrew the application for granting asylum or renewal of subsidiary protection,
- d) the grounds, on which the Ministry had commenced the procedure ceased to exist or when it is determined that there were no grounds for commencing such procedure,
- e) a party to the procedure died,
- f) the applicant stays outside the asylum facility without a permit for more than seven days,
- g) the applicant left the territory of the Slovak Republic,
- h) it finds out that the person, which applied for granting of asylum or subsidiary protection, does not constitute a party to the procedure,
- i) a final decision has already been issued in the asylum procedure and the application was dismissed as manifestly unfounded, granting of asylum was denied, asylum was withdrawn, subsidiary protection was not renewed or the subsidiary protection was revoked, while the facts of the case did not substantially change, or
- j) the time limit for cessation of the procedure under Section 18a elapsed in vain.

(2) Paragraph 1 Subparagraphs a), f) and g) shall not apply during determination whether another State is competent to act in the asylum procedure.

**(2) A remonstrance against a decision on cessation of the procedure may be brought with the Ministry within 7 days from the day of delivery of the decision; however, a remonstrance may not be brought against the decision under Paragraph 1 Subparagraphs c) to e).** A remonstrance against a decision under Paragraph 1 Subparagraph i) shall not have suspensive effect.

#### Section 19a Assessment of Application

(1) The Ministry shall assess each application for granting asylum independently and at that it shall take into account

- a) all relevant facts as they relate to the applicant's country of origin at the time of taking a decision on the application for granting asylum, including legal regulations of the country of origin and the manner in which they are applied,
- b) statements and documentation presented by the applicant including information on whether the applicant has been or may be subject to persecution or serious harm,
- c) the individual position and personal circumstances of the applicant, including his/her origin, gender and age,
- d) whether the applicant's activities since leaving the country of origin were engaged in for the sole or main purpose of creating the necessary conditions for applying for international protection,
- e) whether the applicant could reasonably be expected to avail himself/herself of the protection of another country where he/she could assert citizenship.

(2) The fact that the applicant has already been persecuted or suffered serious harm or was subjected to direct threat of persecution or serious harm shall constitute a significant sign of justification of the applicant's fear of persecution or threat of a serious harm, unless

there are good reasons to consider that such persecution or serious harm will not be repeated.

(3) If the applicant fails to support his/her statements by evidence, the Ministry shall not take it into account at assessment of his/her application for granting asylum when

- a) the applicant has made a genuine effort to substantiate his/her application **for granting asylum**,
- b) the applicant submitted all relevant elements at his/her disposal and provided a satisfactory explanation regarding any lack of other relevant elements,
- c) the applicant's statements are found to be coherent and plausible and do not run counter to available information relevant to the applicant's case,
- d) the applicant has applied for asylum or subsidiary protection immediately after entering the territory of the Slovak Republic or, in the case of an authorised stay on the territory of the Slovak Republic, immediately after learning about the facts justifying international protection, and
- e) general credibility of the applicant has been established.

(4) When assessing the reasons for persecution, the Ministry shall take into account that

- a) the concept of race shall in particular include considerations of colour, descent or membership of a particular ethnic group,
- b) the concept of nationality shall not be confined to citizenship or lack thereof but shall in particular include membership of a group determined by its cultural, ethnic or linguistic identity, common geographical or political origins or its relationship with the population of another State,
- c) the concept of religion shall in particular include the holding of theistic, non-theistic or atheistic beliefs, the participation in or abstention from religious ceremonies, other religious acts or expression of view, or forms of personal or communal conduct based on or mandated by any religious beliefs,
- d) the concept of political opinion shall in particular include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant,
- e) a group shall be considered to form a particular social group where in particular members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and it is perceived as being different by the surrounding society; depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of sexual orientation, while this orientation cannot be understood to include acts considered to be criminal in accordance with a separate regulation<sup>7a)</sup>.

(5) When assessing an application for granting asylum, it is immaterial whether the applicant actually possesses the racial, religious, national, social or political characteristic which attracts the persecution, provided that such a characteristic is attributed to the applicant by the actor of persecution.

(6) When assessing an application for granting asylum, the Ministry shall stem from the fact that protection against persecution or serious harm is usually provided in the country of origin when the State, political parties or political movements, or organisations controlling the State or a substantial part of its territory, take reasonable steps to prevent the persecution or suffering of serious harm, in particular, by means of an effective legal system for the

detection, prosecution and punishment of acts constituting persecution or serious harm, and the applicant has access to such protection.

(7) As part of the assessment of an application for granting asylum, the Ministry shall request for comments of the Slovak Intelligence Service, which shall send the comments to the Ministry within ten days from the request's delivery; the Ministry shall allow the Slovak Intelligence Service to enter the registers under Section 48 Paragraph 1 for this purpose. **For the purposes of providing comments the Slovak Intelligence Service shall be entitled to process personal data under Section 48 Paragraph 1.**

**(8) The assessment of the application shall be done by the authorized officer of the Ministry with appropriate knowledge in the area of asylum; in case of an unaccompanied minor also with appropriate knowledge of his/her special needs.**

### Section 19b

**The provisions of Section 6 and 19a shall be accordingly applied also to the asylum granting procedure under Section 10 for indefinite period of time and to the procedures under Section 16 Paragraph 1 Subparagraphs b) to d).**

### Section 20 Decision

(1) In an asylum procedure the Ministry shall decide within 90 days from commencing the procedure; in the procedure commenced under sec. 4 par. 4 the Ministry shall decide within 90 days from providing the information under sec. 4 par. 5. In justified cases the decision-making time limit may be extended by the superior of the employee<sup>9)</sup> acting in the case. The Ministry shall inform the applicant on extension of the time limit for decision on the application for granting asylum in writing.

(2) The decision on granting asylum under sec. 8 and 9 shall be issued for an indefinite period of time. An asylum under sec. 10 shall be granted for three years for the first time; after lapse of three years an asylum shall be granted for an indefinite period of time, provided that the requirements under Section 10 are met and there are no grounds for its denial under Section 13 Paragraphs 1-4, An alien shall be obliged to file an application under the previous sentence at the earliest 90 days and at the latest 60 days before the three-year time limit elapses. An application shall be filed on an official form, the specimen of which is in the Annex no.2a, personally at a police department according to the alien's stay; the police department shall immediately send a completed application to the Ministry.

(3) Subsidiary protection under Section 13a and 13b shall be granted for one year; after the lapse of one year, provision of subsidiary protection shall always be renewed by one year upon request, provided that the requirements under Section 13a or Section 13b are met and there are no grounds for its denial under Section 13c Paragraphs 2 - 4. The alien shall be obliged to file an application under the previous sentence at the earliest 90 days and at the latest 60 days before the lapse of the one-year time limit. The application shall be filed personally on an official application form, whose sample is attached in the Annex no. 2a, at a police department according to the place of residence; the police department shall immediately send a completed application to the Ministry.

**(4) If the Ministry decides not to grant asylum or to withdraw asylum, except for withdrawal of asylum under Section 15 Paragraph 2 Subparagraph i), it shall also decide whether it shall provide the alien with subsidiary protection; if the Ministry does not provide subsidiary protection or refuses to renew subsidiary protection or revokes subsidiary protection, except for revocation of subsidiary protection under Section 15b Paragraph 1 Subparagraph d), in the verdict of the decision it shall also state whether there is an obstacle of administrative expulsion pursuant to the special regulation.<sup>9a)</sup>**

**(5) The time necessary for delivering the decision shall not be calculated within the time period for issuing a decision under this Act.**

### **Section 20a**

**(1) The decision within the asylum procedure shall be delivered to the party to the procedure at the place and time determined by the Ministry; if the party to the procedure has a legal representative or a guardian, the decision shall be delivered only to the legal representative or guardian. If the person mentioned in the first sentence has a representative for the whole procedure based on power of attorney, the decision shall be delivered only to this representative.**

**(2) A party to the procedure, his/her legal representative or a guardian, to whom the decision within the asylum procedure is delivered, must be familiarized with the decision, when receiving it, in the language that he/she understands.**

**(3) If it is not possible to deliver the decision within the asylum procedure to an applicant under Paragraph 1, the decision shall be delivered to him/her pursuant to Section 7. If it is not possible to deliver the decision within the asylum procedure to the person granted asylum or alien provided with subsidiary protection under Paragraph 1, the decision shall be delivered to him/her pursuant Section 17b.**

- (4) A decision within the asylum granting procedure shall be notified to:**
- a) the asylum facility at which the applicant is placed or the asylum facility of his last placement,**
  - b) the police department competent according to the place of the asylum facility where the applicant is placed, or according to the applicant's place of stay under the condition that he/she has a permit to stay outside the accommodation centre,**
  - c) the police department according to the place of residence of the person granted asylum or alien who was provided with subsidiary protection.**

### **Section 21 Decision Review**

**(1) Against a decision of the Ministry not to grant asylum, to withdraw asylum, except for the decision pursuant to Section 15 Paragraph 2 Subparagraph i), to refuse renewal of subsidiary protection and to revoke subsidiary protection, except for the**

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<sup>9a</sup> Section 58 Paragraphs 1 and 2 of the Act No. 48/2002 Coll., as amended by the Act No. 480/2002 Coll.

decision pursuant to Section 15b Paragraph 1 Subparagraph d), a remedy can be filed with a court<sup>10)</sup> within 30 days from the day of its delivery. Filing a remedy has suspensive effect; this shall not apply in case of a decision not to grant asylum pursuant to Section 13 Paragraph 5, to withdraw asylum pursuant to Section 15 Paragraphs 3 and 4, and to revoke subsidiary protection pursuant to Section 15b Paragraph 1 Subparagraph b) for the reason under Section 13c Paragraph 2 Subparagraph d) or e) if subsidiary protection was provided for the purpose of family reunification.

(2) A remedy against a decision rejecting an application for granting asylum as inadmissible or as manifestly unfounded can be filed with a court<sup>10)</sup> within seven days from its delivery; filing of remedy shall have no suspensive effect, unless otherwise decided by a court<sup>11)</sup>.

(3) A remedy against a decision under Paragraphs 1 and 2 shall be decided by the regional court within 90 days from the delivery of the remedy.<sup>11)</sup>

(4) A remedy against a decision under Paragraph 3 shall be decided by the appellate court within 60 days from the delivery of the remedy to the appellate court.

PART THREE  
RIGHTS AND OBLIGATIONS OF APPLICANTS, PERSONS GRANTED ASYLUM AND ALIENS  
WHO WERE GRANTED SUBSIDIARY PROTECTION

CHAPTER ONE  
RIGHTS AND OBLIGATIONS OF APPLICANTS

Section 22

(1) The applicant has the right to stay on the territory of the Slovak Republic during the asylum procedure, unless otherwise provided by this Act **or special regulation<sup>11a)</sup>**.

(2) The applicant after end of stay in a reception camp shall be placed in the accommodation camp or shall be permitted to reside outside of the accommodation camp. The Ministry may place the applicant in the integration centre for the necessary period of time.

(3) The Ministry may permit the applicant to stay outside of the accommodation camp upon a written request if

- a) he/she is capable of covering all his/her expenses related to the stay out of the accommodation camp of his/her own funds or
- b) a citizen of the Slovak Republic with a permanent residence on the territory of the Slovak Republic or an alien with a residence permit on the territory of the Slovak Republic submits a written solemn declaration that he/she shall facilitate the accommodation of the applicant and cover all expenses relating to the applicant's stay on the territory of the Slovak Republic.

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9) Section 9 of the Act No. 312/2001 Coll. on state servant as amended

10) Section 250l of the Code of Civil Procedure.

<sup>11a</sup> For instance, the Act No. 403/2004 Coll. on European Arrest Warrant and on amendment of some acts

(4) Unless otherwise stipulated by this Act, **during a stay at an asylum facility or integration centre** the applicant shall be provided with

- a) accommodation,
- b) board or boarding-out allowance,
- c) basic sanitary products and other things necessary for living.

(5) The Ministry shall pay for an urgent health care on behalf of an applicant, who does not have a public insurance<sup>1711ac)</sup>; if based on individual examination of the applicant's health condition there are determined special needs for provision of health care, the Ministry shall also cover the costs of such health care in the cases worth special attention. The Ministry shall ensure adequate health care to minor asylum seekers, who are victims of abuse, neglect, exploitation, torture or a cruel, inhuman and degrading treatment, or who have suffered from consequences of an armed conflict. For the purposes of provision of health care under this Paragraph, the Ministry shall provide the applicant with a document confirming authorisation to provision of health care.

(6) In the course of the applicant's stay in the asylum facility or integration centre he/she shall be provided with a pocket money, unless otherwise stipulated by this Act.

(7) For the duration of his/her stay in the accommodation camp the applicant may attend the Slovak language course; the expenses shall be covered by the Ministry.

- (8) The applicant shall not be entitled to any pocket money if
- a) **the application for asylum was filed repeatedly and the previous asylum procedure** had been ceased under Section 19 Paragraph 1 Subparagraphs a), c), f), g) and i),
  - b) he/she tried to enter unlawfully the territory of a different country
  - c) he/she voluntarily left the territory of the Slovak Republic and was returned **back to the territory of the Slovak Republic** or
  - d) he/she is employed or has other source of income in the amount of at least the minimum wage per one adult person under a separate regulation<sup>11ab)</sup>, or
  - e) the Ministry decided under Section 23 Paragraph 5; the applicant shall not be entitled to the pocket money from the day of the decision's delivery to the applicant.

## Section 23

(1) After lodging an application, the applicant older than 14 years of age has an obligation to undergo taking of fingerprints carried out by the police department.

(2) After arrival in the reception centre, and in the case of an applicant under Section 3 Paragraph 2 Subparagraph c) after lodging the application, the applicant shall be obliged to undergo taking of a photograph and dactyloscopic fingerprints which shall be carried out by an authorised employee from the Ministry.

(3) Unless otherwise decided by the Ministry, the applicant shall be obliged

- a) to stay in the transit centre, in the case of the applicant under Section 3 Paragraph 2 Subparagraph c),

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<sup>17</sup> 11ac) Section 3 of the Act No. 580/2004 Coll. on Medical Insurance and Changing and Amending of the Act No. 95/2002 Coll. on Insurance System and Changing and Amending of Some Acts, as amended.

- b) to submit to a medical examination provided by the Ministry without undue delay after his/her arrival to the reception centre,
- c) to stay in the reception centre until announcement of the result of the medical examination,
- d) to stay in the asylum facility, if for the purposes of preventing contagious diseases, isolation<sup>11a)</sup> or quarantine measure<sup>11b)</sup> is ordered to the applicant,
- e) to submit to the action necessary for determination of his/her financial and property situation,
- f) to attend a Slovak language course in the case of the applicant to whom the compulsory school attendance applies.

(4) The applicant shall also be obliged

- a) to observe the generally binding legal regulations and cooperate with the Ministry in the course of the asylum procedure,
- b) if he/she has allowed stay outside accommodation camp, to report to the police department competent according to the place of stay within three working days
- c) to observe internal rules during the stay in an asylum facility,
- d) to inform the Ministry of the birth of her/his child on the territory of the Slovak Republic within 20 days,
- e) to prove **himself/herself** with applicant's card upon a request by competent bodies,
- f) to protect applicant's certification of authorization to health care from loss, theft, damage, destruction or abuse,
- g) to report applicant's card or certificate of authorisation to health care loss, theft, damage, destruction or abuse to the Ministry without delay,
- h) to hand in without delay an invalid applicant's card to the Ministry,
- i) to undergo control of identity by comparison of dactyloscopic fingerprints during his/her stay in an asylum facility,
- j) immediately notify the Ministry of commencement, change or termination of employment,
- k) submit to the Ministry the certificate of authorisation to provision of health care immediately after commencement of employment
- l) to return the documents under letter g) to the Ministry.

(5) The Ministry may decide, that the applicant is obliged to adequately cover the expenses relating to his stay in the asylum facility or integration centre, or the cost of medical care provided, if his/her financial and proprietary circumstances are such, that it is possible to request from him/her at least a partial payment of the expenses relating to this stay. An appeal against such decision does not have a suspensive effect.

(6) The applicant must not enter any employment relation or similar labour relation<sup>12)</sup> or do business<sup>13)</sup> until the decision on granting asylum comes into effect; however, he/she shall be entitled to enter labour-law relations, if no final decision is made on his/her application for granting asylum within one year from initiation of the procedure, except for the case when the application for granting asylum was dismissed as manifestly unfounded or inadmissible.

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

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

12) For instance the Labour Code.

13) Section 2 Commercial Code.

**(7) If the Ministry has doubts about the age of an applicant, the applicant is obliged to undergo a medical examination; in case of the alien pursuant to Section 16 Paragraph 2 it is necessary to obtain the consent of his/her legal representative or guardian. If the medical examination determines that the applicant is a full-aged person, the Ministry shall proceed with him/her as a full-aged person, and it shall without delay inform his/her legal representative or guardian and the competent court on the result of the medical examination. If an alien refuses to undergo a medical examination or if the legal representative or guardian does not agree with this examination, in accordance with this Act, this alien shall be considered a full-aged person for the purpose of the procedure. If the medical examination cannot determine whether he/she is a minor or a full-aged person, in accordance with this Act he/she shall be considered a minor for the purpose of the procedure and legal representative and guardian shall inform the applicant without delay. Within the instruction pursuant to Section 4 Paragraph 2 the Ministry shall inform the applicant on the possibility to execute a medical examination to determine his/her age, the way of its execution, and on consequences of the examination for assessment of the application for granting asylum as well as on consequences of a refusal of the examination.**

#### Section 23a

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

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

#### Section 23b

(1) The applicant's card shall be invalid if its expiration period has terminated. The card shall be invalid before termination of the expiration period, if the asylum procedure was terminated by delivery of a final decision.

(2) The applicant's card shall also be invalid if

- a) unjustified changes were made in it,
- b) its records do not correspond with reality,
- c) it was damaged and its records are illegible,
- d) it was destroyed, lost or stolen or
- e) its holder died.

(3) Anyone who finds an applicant's card shall be obliged to hand it in without delay to a policeman or a municipal office, which shall provide its delivery to the Ministry.

#### Section 23c



**The provisions of Section 19 Paragraph 1 Subparagraphs f), g), Section 22, Section 23 Paragraph 3, Section 23 Paragraph 4 Subparagraphs b, c), e) to l), Paragraphs 5 to 7 and Section 23a shall not apply to applicants having a temporary or a permanent residence permit on the territory of the Slovak Republic.**

CHAPTER TWO  
RIGHTS AND OBLIGATIONS OF PERSONS GRANTED ASYLUM

Section 24  
Stay of Person Granted Asylum on the Territory of the Slovak Republic

**(1) A person granted asylum shall be regarded an alien who has been granted a permanent residence permit.**

**(2) The police department shall issue to the person granted asylum a residence document pursuant to a special regulation.<sup>6a)</sup>**

(3) The person granted asylum may be placed in an accommodation camp for necessary period of time on the basis of permission of the Ministry, wherein he/she is obliged to cover the expenses relating to such stay proportionally.

Section 25

**Omitted**

Section 26

**Obligations of the person granted asylum**

**A person granted asylum is obliged to:**

- a) cooperate with the Ministry and competent authorities in the process of his/her integration,**
- b) within 20 days notify the Ministry of the birth of his/her child on the territory of the Slovak Republic,**
- c) follow the internal rules order during his/her stay at the accommodation camp,**
- d) notify the Ministry of the fact that he/she has been granted the state citizenship.**

Section 27

(1) The Ministry shall provide a person granted asylum with a lump-sum benefit in the amount of 1.5 times the subsistence minimum level per one major natural person under a separate regulation<sup>11ab)</sup>; on the territory of the Slovak Republic, a person granted asylum may be provided with such benefit only once.

(2) The Ministry shall provide the applicant with briefing on information on the rights and obligations related to the granting of asylum in the language assumed to be understood by him/her.

### CHAPTER THREE RIGHTS AND OBLIGATIONS OF ALIENS WHO WERE GRANTED SUBSIDIARY PROTECTION

#### Section 27a

**(1) An alien who has been provided with subsidiary protection shall be considered an alien who has been granted a temporary residence permit.**

**(2) Pursuant to a special regulation the police department shall issue to an alien who has been provided with subsidiary protection a residence document.**

(3) An alien who was granted subsidiary protection may be accommodated, during provision of subsidiary protection, in the Ministry's facility for accommodation of aliens, who were granted subsidiary protection, where he/she shall be provided with accommodation, board or boarding-out allowance, basic sanitary products and pocket money; if such alien is employed or has other source of income in the amount of at least **60% of** the subsistence minimum level per one major person under a separate regulation<sup>11ab)</sup>, he/she shall not be entitled to pocket money and he/she shall be obliged to adequately reimburse the costs incurred by his/her stay in this facility to the Ministry. The Ministry shall regulate, by an internal regulation, details concerning conditions of alien's stay in the Ministry's facility for accommodation of aliens who were granted subsidiary protection; the internal regulation shall stipulate, in particular, a time schedule for provision of board or boarding-out allowance and the amount of the pocket money and a time schedule of its payment.

#### Section 27b

##### **Obligations of an alien granted subsidiary protection**

**An alien who was granted subsidiary protection is obliged to:**

- a) protect his/her document enabling him/her to provision of health care against its loss, theft, damage, destruction or abuse,**
- b) without delay notify the Ministry of theft, damage, destruction or abuse of his/her document enabling him/her to provision of health care,**
- c) without delay notify the Ministry of the beginning, change or termination of an employment relationship,**
- d) return to the Ministry the document enabling him/her to provision of health care immediately after the employment begins,**
- e) without delay notify the Ministry of his/her income in case he/she is accommodated at a Ministry's facility for accommodation of aliens granted subsidiary protection,**
- f) follow the internal order during his/her stay at a Ministry's facility for accommodation of aliens granted subsidiary protection,**

- g) within 20 days notify the Ministry of the birth of his/her child on the territory of the Slovak Republic,**
- h) notify in writing the police department of the fact that he/she will continuously stay outside the territory of the Slovak Republic for more than 90 days,**
- i) return to the Ministry the document pursuant to Subparagraph a) if subsidiary protection expires pursuant to Section 15a Paragraph 1 Subparagraphs a) to c), e) and f).**

#### Section 27c

(1) The Ministry shall provide an alien who was granted subsidiary protection with briefing on information on the rights and obligations relating to provision of subsidiary protection in the language assumed to be understood by him/her.

(2) The Ministry shall provide an alien who was granted subsidiary protection with a language course of basic Slovak.

(3) The Ministry shall pay for the health care provided on the territory of the Slovak Republic to an alien who was granted subsidiary protection and does not have a public health insurance<sup>11ac)</sup>. It shall pay for it in the extent normally paid based on a public health insurance<sup>1818b)</sup>. For the purposes of provision of the health care under this Paragraph, the Ministry shall issue to an alien who was granted subsidiary protection a certificate of authorisation to health care.

### PART FOUR INTEGRATION

#### Section 28

(1) The objective of integration is the inclusion of persons granted asylum into society, in particular the acquisition of appropriate accommodation and employment.

(2) After asylum granting the Ministry shall usually place the person granted asylum in an integration centre.

(3) After termination of the stay in the integration centre and the course of basic Slovak the Ministry shall make the person granted asylum a one-time offer for accommodation.

(4) The Ministry shall grant the municipality that will provide for the accommodation of the person granted asylum a contribution to procure accommodation or a contribution to the development of municipality infrastructure under conditions stipulated in the comprehensive integration programme, to be adopted by the Government upon a proposal of the Ministry.

(5) For the purposes of an easier integration in the society, a person granted asylum shall be obliged to attend, during his/her stay in an integration centre, a course of basic Slovak

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<sup>18</sup> 18b) Act No. 577/2004 Coll. on Extent of Health Care Covered Based on Public Health Insurance and Payment for Services Related to Provision of Health Care, as amended.“.

provided by the Ministry. Upon request, the Ministry shall also provide a course of basic Slovak to a person granted asylum, who was not placed in an integration centre or who did not attend a course of a basic Slovak during his/her stay in an integration centre.

## PART FIVE TEMPORARY SHELTER

### Section 29

(1) Temporary shelter shall be granted for the purpose of protecting aliens from war conflicts, by endemic violence, impacts of a humanitarian disaster or permanent or mass violation of human rights in the country of their origin.

(2) The Government in accordance with the decision of the European Union Council shall determine the commencement, conditions and termination of temporary shelter and shall earmark funds to cover the costs related to granting temporary shelter.

### Section 30

- (1) The alien applying for temporary shelter shall make a statement on it
- a) when entering the territory of the Slovak Republic at the competent police department at the place of border check-point,
  - b) after entering the territory of the Slovak Republic at the police department competent for the location where the alien is staying,

(2) The police department shall record statement under par. 1 on an official form, the specimen of which is in Annex 1 and shall send it to the Ministry without delay.

(3) After taking statement under par. 1 the police department shall withdraw the travel document or any other identity document from the alien and it shall issue a receipt confirmation to the alien. The documents collected shall be sent by the police department to the Ministry without delay. The police department shall also arrange taking alien's fingerprints.

**(4) Alien according to Paragraph 1 is obliged – unless prevented from doing so by serious reasons – to appear at the reception camp within 24 hours from lodging the application; the police department shall issue to the applicant a transport document valid for 24 hours; Section 3 Paragraph 6 the third sentence shall be applied accordingly.**

**(5) For the search of an alien according to Paragraph 1, search of his/her personal belongings and his transportation, Section 3 Paragraphs 5 to 7 apply accordingly.**

### Section 31 Decision on Granting Temporary Shelter

(1) After arrival at the reception centre the alien defined in the Section 30 Paragraph 1 is obliged to provide the competent employee of the Ministry information on personal data in the extent defined in the Annex No. 3 for the purpose of granting temporary shelter. The alien shall

be issued a document on permission of tolerated stay on the territory of the Slovak Republic<sup>14)</sup> and marked "DE FACTO REFUGEE", if

a) his/her arrival to the territory of the Slovak Republic was arranged by the Office of the High Commissioner or another international organisation, or

b) it concerns the resettlement of an alien who was granted a temporary shelter by another state.

(2) If it does not concern an alien defined by the second sentence of the Paragraph 1, the Ministry shall interview the alien applying for granting of temporary shelter for the purpose of finding whether he/she complies with the conditions set out for granting of temporary shelter.

(3) After arrival at the reception centre the alien under par. 2 shall be issued a card of the alien applying for temporary shelter as his/her identity document until it is **finally decided** on granting temporary shelter; Section 5 shall apply accordingly.

(4) The Ministry shall decide on granting temporary shelter to an alien under Section 2 not later than 15 days from filing the application, in well-founded cases the supervisor of the officer acting in the procedure can extend this time limit by 15 days and also repeatedly. According to the Paragraph 2, the Ministry shall notify the alien in writing about the extension of the time limit.

(5) The Ministry shall cease the temporary shelter granting procedure concerning an alien under par. 2 when the alien

a) withdrew his application,

b) voluntarily left the territory of the Slovak Republic,

c) died in the course of the procedure,

d) applied for asylum or subsidiary protection or was granted temporary stay<sup>14)</sup> or permanent residence<sup>14)</sup> on the territory of the Slovak Republic.

(6) In cases under par. 5 Subparagraphs b) to d) no decision shall be issued; the grounds for cessation of the procedure shall be recorded in the file.

(7) When alien's application for temporary shelter is approved, a decision shall not be issued and the alien shall only be issued a document of permitting tolerated stay on the territory of the Slovak Republic marked „DE FACTO REFUGEE“; the Ministry shall without delay notify the competent police department of this fact and shall furnish it with data necessary for issue of the document.

(8) The Ministry shall reject an application for temporary shelter when the alien fails to comply with the requirements for granting temporary shelter.

(9) Provisions concerning asylum procedure shall apply to the temporary shelter granting procedure accordingly, unless otherwise provided.

#### Section 31a

#### Granting of Temporary Shelter for the Purpose of Family Reunification

The Ministry shall grant the temporary shelter for the purpose of the family reunification

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14) Act No. 48/2002 Coll.

- a) to the spouse of the de facto refugee, if their marriage continues, and continued, also at the time when alien left the country of origin, and if the de facto refugee gives a prior written consent to the reunification
- b) to the unmarried children of the de facto refugee and the unmarried children of the de facto refugee's spouse who are not 18 years of age
- c) to other close relatives than defined in letters a) and b), if they lived in common household with the de facto refugee and were totally or partially dependent on the de facto refugee.

### Section 32 Termination of Temporary Shelter

- (1) Provision of temporary shelter shall terminate
- a) by lapse of the time determined by the Government decision,
  - b) de facto refugee's death,
  - c) application for granting asylum or subsidiary protection by the de facto refugee or by being granted temporary stay<sup>14)</sup> or permanent residence<sup>14)</sup> on the territory of the Slovak Republic,
  - d) by de facto refugee's written waiver of temporary shelter,
  - e) when another country granted the de facto refugee temporary shelter, or
  - f) by revocation.

(2) Granting temporary shelter shall cease by de facto refugee's written waiver of temporary shelter on the date of delivery of such waiver to the Ministry.

(3) For the purpose of resettlement to another state where the de facto refugee shall be granted temporary shelter, the Ministry shall issue him an identification document, a specimen of which is contained in the Annex No. 4.

### Section 33 Revocation of Temporary Shelter

- The Ministry shall revoke granting of temporary shelter when
- a) there is well-grounded suspicion that the de facto refugee committed an act under Section 13 par. 2,
  - b) the de facto refugee was granted temporary shelter only on the basis of false or forged facts on his/her identity or
  - c) the de facto refugee can be reasonably considered risk to the security of the Slovak Republic or
  - d) de facto refugee was convicted of a particularly serious crime<sup>7a)</sup> and constitutes a danger to the society.

### Section 34 Review of Decisions

(1) A remedy against the decision of the Ministry to reject the application for temporary shelter or against a decision to cessation of granting of temporary shelter can be filed with a court<sup>10)</sup> within seven days from the delivery of the decision. Filing of remedy shall have suspensive effect. The court shall decide on the remedy against such decision without delay.

- (2) Regional court shall be competent to decide on the remedy under Section 1.

Section 35  
The Rights and Obligations of Aliens Applying for Temporary Shelter

Sections 22 to 23b shall apply to aliens applying for temporary shelter accordingly while the Ministry shall place the alien into a humanitarian centre after the stay in the reception centre ended.

Section 36  
The Rights and Obligations of De Facto Refugees

(1) Sections 22 and 23 par. 1 to 5 shall apply to de facto refugee accordingly, while the Ministry shall place the de facto refugee into a humanitarian centre after the stay in the reception centre ended. If it is not possible to place the de facto refugee into the humanitarian centre, he/she shall be granted financial sources to find accommodation on quality of humanitarian centre.

(2) During the provision of temporary shelter the de facto refugee shall be entitled to tolerated stay on the territory of the Slovak Republic under a separate regulation<sup>14</sup>).

(3) The Ministry shall provide the de facto refugee instruction in writing, in the language likely to be understood by him/her, on his/her rights and obligations relating to granting of temporary shelter.

PART SIX  
ASYLUM FACILITIES

Section 37

(1) For the sake of compliance with international commitments of the Slovak Republic<sup>2</sup>), the Ministry is creating conditions for establishing asylum facilities; municipalities shall co-operate with the Ministry by establishing of a facility.

(2) The Ministry shall grant the municipality a contribution to cover partially the expenses the municipality will make with respect to establishing and operating an asylum facility on its territory.

Section 38

Upon request by the Ministry a police department shall arrange search of the alien and search of his/her personal things prior to entering the reception centre or at any time during his/her stay in the asylum facility on grounds stated in Section 3 par. 5. A person of the same sex as the alien shall perform the search.

### Section 39

(1) The Ministry shall create appropriate conditions for the accommodation of **unaccompanied minors**, for families with children and persons requiring special care in asylum facilities.

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

(3) During the stay in the asylum facility the Ministry shall create for aliens conditions for cultural and sports activities and for acquiring skills and knowledge supporting their future position in the society.

### Section 40

(1) A stranger may enter the asylum facility only with a permission of the Ministry; **the Ministry may refuse to issue the permission to the selected representative of the party to the procedure only due to endangering safety or protection of public order.** The general regulation concerning administrative procedure shall not apply to permitting entry of an asylum facility.<sup>20)</sup>

(2) It is possible to move in the asylum facility only in the presence of an employee of this facility, if the Ministry does not decide otherwise. An alien shall have the right to talk with authorised UNHCR representative, his/her representative or guardian in the absence of third persons. The Ministry shall make appropriate area available in the asylum facility for this purpose.

### Section 41

(1) The Ministry shall regulate the details concerning the conditions of aliens' stay in the asylum facility in internal rule.

(2) In the internal rules the Ministry shall regulate in particular

- a) time table for food delivery,
- b) the amount of the pocket money and a time table for its disbursement,
- c) time table for delivery and distribution of documents,
- d) conditions, under which the asylum facility may be left.

(3) The Ministry shall issue the internal rules of the asylum facility in the Slovak language and shall arrange their translation into other languages as needed by the aliens.

(4) The Ministry shall ensure that the aliens accommodated in an asylum facility are informed on the internal rules of this facility in a language they understand.

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<sup>20)</sup>



PART SEVEN  
CO-OPERATION WITH OFFICE OF UN HIGH COMMISSIONER, INTERNATIONAL  
ORGANISATION FOR MIGRATION AND NON-GOVERNMENTAL ORGANISATIONS

**Co-operation with UN High Commissioner**

**Section 42**

**(1) During the asylum granting procedure the Ministry shall cooperate with the High Commissioner Office.**

**(2) During the asylum granting procedure the High Commissioner Office has the right to have an access to the applicant; the conditions of the access to the applicant placed at a facility other than asylum facility may be specified in special regulations.<sup>20a)</sup> During the asylum procedure the High Commissioner Office may submit its positions and if the party to the procedure provides his/her consent,**

- a) it can participate in the asylum procedure,**
- b) it can inspect the files of the party to the procedure,**
- c) it shall be announced the decision in the asylum procedure.**

**(3) The High Commissioner Office is entitled to use the data it became familiar with under Paragraph 2 only for the purpose of fulfilling its tasks in accordance with international treaty.<sup>2)</sup>**

**(4) The provisions of Paragraphs 1 to 3 shall apply accordingly also to an organization acting on behalf the High Commissioner Office in the territory of the Slovak Republic under an agreement with the Ministry.**

<sup>20a)</sup> For instance, the Act No. 475/2005 Coll. on imprisonment and on amendment of some acts, the Act No. 221/2006 Coll. on custody

**Section 43**

**The Ministry shall provide the High Commissioner Office with statistical data on applicants.**

Section 44

Co-operation with the International Organisation for Migration

The Ministry shall co-operate with the International Organisation for Migration in arranging the movement of aliens who want to return voluntarily to their country of origin or to a third country.

Section 45

Co-operation with Non-governmental Organisations

The Ministry shall co-operate with non-governmental organisations in ensuring care for applicants and persons granted asylum.

Section 46  
Co-operation in Granting Subsidiary Protection and Temporary Shelter

Provisions of Sections 42 to 45 shall also apply to co-operation in matters concerning granting of subsidiary protection and temporary shelter accordingly.

PART EIGHT  
COMMON, INTERIM AND FINAL PROVISIONS

Section 47

A separate Act<sup>6a)</sup> shall apply to family reunification of an alien, except for the cases under Section 10, 13b and 31a..

Section 47a

The Ministry may accommodate in an accommodation centre an alien who withdrew his/her application for granting asylum and requested for a voluntary return to his/her country of origin and provide him/her with board or boarding-out allowances and basic sanitary products during his/her tolerated stay<sup>1921)</sup>; Section 22 Paragraph 5 shall apply accordingly to the alien.

Section 48  
Records

- (1) The Ministry shall keep in its information system
- a) personal data and information on applicants,
  - b) personal data and information on persons granted asylum,
  - c) personal data and information on aliens granted subsidiary protection,“.
  - d) personal data and information on aliens applying for temporary shelter,
  - e) personal data and information on de facto refugees,
  - f) data about place of residence, images and recordings of persons mentioned under letters a) to e)
  - g) register of fingerprints of applicants and aliens applying for temporary shelter.

(2) The Ministry shall keep personal data under Section 1 in the extent according to Annexes Nos. 1 to 3.

(3) The Ministry shall provide the Statistical Office of the Slovak Republic with information about applicants, persons granted asylum, aliens granted subsidiary protection, aliens applying for temporary shelter and de facto refugees.

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<sup>19</sup> 21) Section 43 Paragraph 2 second sentence of the Act No. 48/2002 Coll., as amended

(4) A separate regulation shall apply to the personal data protection.<sup>22)</sup>

#### Section 49 Exchange of Data

(1) The Ministry shall

- a) provide data under Section 48 par. 1 to another country,
- b) receive data under Section 48 par. 1 from another country.

(2) The Ministry shall inform the person concerned of the exchange of data with another country and shall make access to data acquired by exchange available to the person concerned upon request.

(3) During the asylum procedure, during the provision asylum, during provision of subsidiary protection, during the procedure on granting temporary shelter, and the duration of providing the temporary shelter, the Ministry cannot, without consent of the person concerned, provide data defined in the Section 48 to the state according to the Section 8, Section 13a and Section 29 Paragraph 1. **The Ministry must not obtain information on aliens from the agents of their persecution or of serious injustice in a manner that the agent of the persecution learns that these aliens are persons granted asylum or aliens provided with subsidiary protection; in case of applicants this applies to the alleged agent of their persecution or serious injustice.**

#### Section 50 Coverage of Costs of the Procedure and of Other Expenses

(1) The Ministry shall cover

- a) expenses related to transport of the alien to the reception centre,
- b) expenses related to the stay of the alien in an asylum facility,
- c) costs of the procedure and interpreter's fees in the procedure under this Act,
- d) other expenses, if provided so in this Act.

#### Section 51

The Ministry may withdraw away pocket money from the applicant, the alien applying for temporary shelter or a de facto refugee for violating obligations under this Act. An appeal against the decision on the withdrawal of the pocket money does not have a suspensive effect.

#### Section 52

(1) The general regulation concerning administrative procedure<sup>20)</sup> shall apply to procedure under this Act, unless otherwise provided by this Act.

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<sup>22)</sup>

**(2) In the Ministry's decision not to grant asylum pursuant to Section 13 Paragraph 5 Subparagraph a), not to grant subsidiary protection pursuant to Section 13c Paragraph 2 Subparagraph d), to withdraw asylum pursuant to Section 15 Paragraph 3 Subparagraph a), to revoke subsidiary protection pursuant to Section 15b Paragraph 1 Subparagraph b) for the reasons pursuant to Section 13c Paragraph 2 Subparagraph d), to refuse renewal of subsidiary protection pursuant to Section 20 Paragraph 3 for the reason pursuant to Section 13c Paragraph 2 Subparagraph d), and to revoke the temporary shelter pursuant to Section 33 Paragraph c), the reasoning shall only recall the fact that it is the interest of safety of the Slovak Republic.**

#### Section 53

The Government shall issue a List of Countries considered safe third country and safe countries of origin.

#### Section 53a

Based on this Act the legal acts of European Communities and European Union referred to in the Annex No. 5 shall be assumed.

#### Section 53b

(1) For determination of the Member state of the European Union responsible for examining an asylum application lodged by a third-country national in one of the Member states of the European Union the criteria and mechanisms stipulated in the legally binding acts of the European Communities<sup>22a)</sup> shall apply; however, the examination of the asylum application lodged by an alien who was granted temporary protection is in exclusive responsibility of the Member State approving his resettlement to its territory.

(2) A third-country national according Paragraph 1 is he, who has not nationality of the Member State of the European Union.<sup>22b)</sup>

#### Section 54

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<sup>22a)</sup> Regulation of the European Council No. 343/2003/EC of 18. February 2003 establishing criteria and mechanisms for determining the Member State of the European Union responsible for examining an asylum application lodged in one of the Member States by a third-country national

Regulation of the European Commission of the European Communities No. 1560/2003 of 2. September 2003 laying down detailed rules for the application of European Council Regulation No. 343/2003 establishing criteria and mechanisms for determining the Member State of the European Union responsible for examining an asylum application lodged in one of the Member States by a third-country national.

Regulation of the European Council No. 2725/2000/EC of 11. December 2000 concerning the establishment of „Eurodac“ for the comparison of fingerprints for the effective application of the Dublin Convention.

Regulation of the European Council No. 407/2002/EC of 28. February 2002 laying down certain rules to implement the Regulation of the European Council No. 2725/2000/EC concerning the establishment of „Eurodac“ the comparison of fingerprints for the effective application of the Dublin Convention.

<sup>22b)</sup> Regulation of the European Council No. 343/2003/EC of 18. February 2003 Article 17 paragraph 1 of The Treaty establishing European Community

### Interim provisions

(1) Refugee status procedure commenced before 1 January 2003 shall be considered asylum procedure and shall be concluded according to this Act.

(2) Alien granted refugee status under previous legislation shall be understood to mean the person granted asylum under this Act.

(3) Where the generally binding regulations use the words „applicant for refugee status“ they shall be understood to mean the „applicant“.

(4) Where the generally binding regulations use the word „refugee“ it shall be understood to mean the „person granted asylum“.

(5) Document permitting permanent residence on the territory of the Slovak Republic marked „REFUGEE“ and issued under previous legislation shall be considered a document permitting permanent residence on the territory of the Slovak Republic marked „PERSON GRANTED ASYLUM“ with validity marked in it.

(6) Refugee's card issued to an alien applying for refugee status under previous legislation shall be considered applicant's card under this Act.

### Section 55

Act of the National Council of the Slovak Republic No. 283/1995 Coll. on refugees as amended by Act No. 309/2000 Coll. is repealed.

### Article II

Act No. 99/1963 Coll. Code of Civil Procedure as amended by Act No. 36/1967 Coll., Act No. 158/1969 Coll., Act No. 49/1973 Coll., Act No. 20/1975 Coll., Act No. 133/1982 Coll., Act No. 180/1990 Coll., Act No. 328/1991 Coll., Act No. 519/1991 Coll., Act No. 263/1992 Coll., Act of National Council of the Slovak Republic No. 5/1993 Coll., Act of National Council of the Slovak Republic No. 46/1994 Coll., Act of National Council of the Slovak Republic No. 190/1995 Coll., Act of the National Council of the Slovak Republic No. 232/1995 Coll., Act of the National Council of the Slovak Republic No. 233/1995 Coll., Act of the National Council of the Slovak Republic No. 22/1996 Coll., Act of the National Council of the Slovak Republic No. 58/1996 Coll., Finding of the Constitutional Court of the Slovak Republic No. 281/1996 Coll., Act No. 211/1997 Coll., Finding of the Constitutional Court of the Slovak Republic No. 359/1997 Coll., Act No. 144/1998 Coll., Act No. 169/1998 Coll., Act No. 187/1998 Coll., Act No. 225/1998 Coll., Act No. 233/1998 Coll., Act No. 235/1998 Coll., Finding of the Constitutional Court of the Slovak Republic No. 318/1998 Coll., Act No. 331/1998 Coll., Finding of the Constitutional Court of the Slovak Republic No. 66/1999 Coll., Finding of the Constitutional Court of the Slovak Republic No. 166/1999 Coll., Finding of the Constitutional Court of the Slovak Republic No. 185/1999 Coll., Act No. 223/1999 Coll., Act No. 303/2001 Coll., Act No. 501/2001 Coll., Act No. 232/2002 Coll. and Act No. 424/2002 Coll. shall be amended as follows:

At the end of Section 246 par. 2 Subparagraph a) the following words shall be added: „unless otherwise provided by a separate act“.

### Article III

Act of the National Council of the Slovak Republic No. 145/1995 Coll. on administrative charges as amended by Act of the National Council of the Slovak Republic No. 123/1996 Coll., Act of the National Council of the Slovak Republic No. 224/1996 Coll., Act No. 70/1997 Coll., Act No. 1/1998 Coll., Act No. 262/1998 Coll., Act No. 232/1999 Coll., Act No. 3/2000 Coll., Act No. 142/2000 Coll., Act No. 211/2000 Coll., Act No. 468/2000 Coll., Act No. 553/2001 Coll., 96/2002 Coll., Act No. 118/2002 Coll. and Act No. 418/2002 Coll. shall be amended as follows:

In the Annex to Act of the National Council of the Slovak Republic No. 145/1995 Coll. on administrative charges as amended, part Administrative Charges Tariff, item 20, after the words "the nationals ... SKK 500" the following text is inserted:

#### „Exemption

Aliens granted asylum shall be exempted from charges under this item<sup>16a</sup>).“.

The footnote to reference 16a reads:

„<sup>16a</sup>) Act No 480/2002 Coll. on asylum and on the amendment of some acts.“.

### Article IV.

Act No. 48/2002 Coll. on the stay of aliens and on the amendment of some acts shall be amended as follows:

1. In Section 14 a new Paragraph 4 is inserted after Paragraph 3 and it reads as follows:

„(4) Representation office abroad shall grant visa to a family member of the person granted asylum when he/she meets requirements under a separate regulation<sup>5a</sup>).“.

The existing Paragraphs 4 to 9 shall be marked as Paragraphs 5 to 10.

The footnote to reference 5a reads:

„<sup>5a</sup>) Section 10 of Act No. ..../2002 Coll. on asylum and on the amendment of some acts.“.

2. In Section 14 par. 8 the colon at the end is replaced by a semi-colon and the following words are added „this shall not apply to visa under par. 4.“.

3. Section 58 including the title reads:

#### „Section 58

#### Obstacles to Administrative Expulsion

(1) An alien cannot be administratively expelled to a country where his/her life would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion or where he/she would be tortured or exposed to cruel, inhuman or degrading treatment or punishment. Equally, an alien cannot be administratively expelled to a country where he would be imposed a death penalty or where is reason to assume that such a penalty could be imposed in pending criminal proceedings.

(2) An alien cannot be expelled to a country where his freedom would be threatened on account of his/her race, religion, nationality, membership of a particular social group or political opinion; this shall not apply when alien's conduct present a risk to the

security of the country or when he/she presents a risk for the Slovak Republic after being convicted by a final judgement of a particularly serious crime<sup>21</sup>).

(3) A stateless person having a permanent residence permit can be administratively expelled only in case when his/her conduct presents a risk to the security of the country or the public order and the obstacles to administrative expulsion under par. 1 and 2 do not apply to him/her.“.

#### Article V

This Act shall come into effect on 1 January 2003 with the exception of Section 11 par. 1 Subparagraph a) and Section 21 par. 2 that shall come into effect on the day when the Treaty on the Accession of the Slovak Republic to the European Communities becomes valid.

Act No. 606/2003 Coll. comes into effect 1 January 2004.

Act No. 207/2004 Coll. comes into effect on the day when the Treaty on the Accession of the Slovak Republic to the European Union becomes valid.

Act No. 1/2005 Coll. comes into effect on 1 February 2005.

Act No. 692/2006 Coll. comes into effect on 1 January 2007.

**Act. No 643/2007 Coll. comes into effect on 1 January 2008.**

Rudolf Schuster, with own hand  
Jozef Migaš, with own hand  
Mikuláš Dzurinda, with own hand

#### Annexes:

Annex 1 – Statement of an alien (application for asylum)

Annex 2 – Questionnaire for an asylum seeker

Annex 2a – Application for asylum for indefinite period/renewal of subsidiary protection

Annex 3 – Questionnaire for a person seeking temporary shelter

Annex 4 – Form of the card for resettlement of persons enjoying temporary shelter

Annex 5 – List of the transposed legal acts of EC and EU

#### Footnotes:

1) Section 1 paragraph 2 of Act No. 48/2002 Coll. on the stay of aliens and on the amendment of some acts.

2) Convention on the legal status of refugees (Notification of the Ministry of the Foreign Affairs of the Slovak Republic No. 319/1996 Coll.)

3) Article 53 of the Constitution of the Slovak Republic

3a) I.e. Article 15 Paragraph 2 of the Convention on Human Rights and Fundamental Freedoms (Notification of the Federal Ministry of Foreign Affairs No. 209/1992 Coll.).

4) Act No. 171/1993 Coll. on the Police force

5) I.e. Convention on Human Rights and Fundamental Freedoms (notification from the Federal Ministry of Foreign Affairs No. 209/1992 Coll.)

6) Convention on the legal status of refugees (Notification of the Ministry of the Foreign Affairs of the Slovak Republic No. 319/1996 Coll.), Convention on Human Rights and Fundamental Freedoms (notification from the Federal Ministry of Foreign Affairs No. 209/1992 Coll.)

- 6a) Act No. 48/2002 Coll. on stay of aliens
- 6aa) Section 58 Paragraphs 1 and 2 of the Act No. 48/2002 Coll. as amended by the Act No. 480/2002 Coll., Section 65 of the Criminal Code, Section 501 of the Criminal Procedure Code.
- 7) Protocol on asylum of state citizens of the Member State of the European Union, part of the EC Treaty (notification No. 185/2004 Coll.)
- 7a) Criminal Code
- 8) Section 8 par. 2 Civil Code
- 8a) Act No. 94/1963 Coll. on Family
- 8b) Section 16 par. 2 of Act NO.71/1967 Coll.
- 9) Section 9 of Act No. 312/2001 Coll. on State Service
- 9a) Section 58 par. 1 and 2 of Act No. 48/2002 Coll. As amended by 480/2002 Coll.
- 10) Section 250l Civil Procedure Code
- 11) Section 250n Civil Procedure Code
- 11a) I.e. Criminal Code
- 11ab) Section 2 par. a) of the Act No.601/2003 on minimum level of subsistence
- 11ac) Section 3 of the Act No. 580/2004 on health insurance
- 11b) Section 17 of the internal order of the Ministry of Health No. 79/1997 Coll.
- 12) I.e. Labour Code
- 13) Section 2 Commercial Code
- 15) Act No. 381/1997 Coll. on Travel Documents as amended by 48/2002 Coll.
- 16) Act No. 5/2004 Coll. on Services of Employment
- 17) Section 34 to 37 of the Act No. 29/1984 Coll. On system of Elementary and High Schools (School Act), Internal order of the Ministry of Education of the Slovak Socialist republic No. 143/1984 Coll. on Elementary School
- 18) Act NO. 195/1998 Coll. on Social Help
- 18b) Act No. 577/2004 Coll. on Scope of Health Care financed based on Public Health Insurance and on Payments for Services related to Provision of Health Care
- 19) Section 41 par. 2 Criminal Code
- 20) Act No. 71/1967 Coll.
- 20a) I.e. Act No. 475/2005 on Execution of Imprisonment, Act No. 221/2006 on Execution of Custody
- 21) Section 43 par.2 second sentence Act No. 48/2002 Coll.
- 22) Act No. 428/2002 Coll. on Protection of Personal Data
- 22a) EC Council Regulation No. 343/2003 from 18. February 2003 regulating criteria and mechanisms for determination of the Member State responsible for assessment of the asylum claim lodged in the Member State by a third country national (Official Journal of the European Union L050, 25/02/2003)
- EC Commission Regulation No. 1560/2003 from 2. September 2003 which regulates detailed rules on application of the EC Council Regulation No. 343/2003 regulating criteria and mechanisms for determination of the Member State responsible for assessment of the asylum claim lodged in the Member State by a third country national (Official Journal of the European Union L222, 05/09/2003)
- EC Council Regulation No. 2725/2000 from 11. December 2000 regulating establishment of the “EURODAC” system for identification of the fingerprints for effective implementation of the Dublin Treaty (Official Journal of the European Communities L316, 15/12/2000)
- EC Council Regulation No. 407/2002 from 28. February 2002 regulating certain rules for implementation of the EC Council Regulation No. 2725/2000 regulating establishment of the “EURODAC” system for identification of the fingerprints for effective implementation of the Dublin Treaty (Official Journal of the European Union L062, 05/03/2002)
- 22b) EC Council Regulation No.343/2003 from 18. February 2003, Article 17 par.2 of the EC Treaty

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## ANNEX 5 – LIST OF THE TRANSPOSED LEGAL ACTS OF THE EUROPEAN COMMUNITIES AND THE EUROPEAN UNION

1. Council Directive 2001/55/EC of 20 July 2001 on minimum standards of provision of temporary protection in case of massive influx of displaced persons and on measures to support burden sharing among Member States in reception of these persons and bearing consequences resulting thereof (O.J. EC L 212, 07/08/2001).



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2. Council Directive 2003/9/EC of 27 January 2003 which lays down minimum standards for reception of asylum seekers (O.J. EC L 31, 06/02/2003).
  3. Council Directive 2004/83/EC of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted (EU Official Journal L 304, 30 September 2004, Special Issue of Official Journal, 19/vol. 7).
  4. Council Directive 2005/83/EC of 1 December 2005 on minimum standards for procedures in Member States on granting and withdrawal of the status of refugee (O.J. EC L 326, 13/12/2005)