

Act No. 283 of 14 November 1995, Refugee Act

Publisher [National Legislative Bodies](#)

Author National Council of the Slovak Republic

Publication
Date 1 January 1996

Reference SVK-140

Cite as *Act No. 283 of 14 November 1995, Refugee Act* [], 1 January 1996, available at:
<http://www.refworld.org/docid/3ae6b56a18.html> [accessed 30 December 2013]

Comments This is an unofficial translation.

This is not a UNHCR publication. UNHCR is not responsible for, nor does it necessarily endorse, its content. Any views expressed are solely those of the author or publisher and do not necessarily reflect those of UNHCR, the United Nations or its Member States.

Date of entry into force: 01 January 1996

PART ONE - INTRODUCTORY PROVISIONS

Article 1 - Purpose of the Act

(1) The purpose of the Act is to set down procedures of state authorities on the process of determination of refugee status in the Slovak Republic and to define the rights and the duties of the aliens who applied for refugee status or who were granted refugee status at the territory of the Slovak Republic.

(2) The Act covers the aliens who were granted temporary protection on the territory of the Slovak Republic.

Article 2 - Definitions of terms

For the purpose of interpretation and implementation the Act:

a) the term "refugee" refers to an alien to whom the Ministry of Interior of the Slovak Republic (hereinafter referred to as "the Ministry") granted refugee status.

b) the term "de-facto refugee" refers to an alien who was granted temporary protection on the territory of the Slovak Republic for the purpose of protection against the war consequences in the country of his origin, or in the country of his former habitual residence,

c) the term "the country of his nationality" means every country of which he has acquired a nationality. If an alien is a stateless person, this country is the country of his former habitual residence,

d) the term "reception center for refugees" means a special facility of the Ministry provided for the temporary stay of aliens who applied for refugee status on the territory of the Slovak Republic, for their stay during the quarantine period, and for de-facto refugees before they are located in a humanitarian center,

e) the term "quarantine measures" means a temporary isolation of those aliens, who applied for granting of

refugee status on the territory of the Slovak Republic, in the reception center for the period no longer than one month in order to carry out the basic medical examinations and to prevent a possible spread of infectious disease.

f) the term "refugee center" means a special facility of the Ministry where the stay of aliens is secured for the period from the end of the quarantine until a decision on their application for refugee status is issued, and for the necessary period of time for stay of aliens granted refugee status on the territory of the Slovak Republic,

g) the term "humanitarian center" means special facilities for the stay of the de-facto refugees granted temporary protection on the territory of the Slovak Republic by the Slovak Government, is ensured.

h) the term "safe country of origin" refers to alien's country of origin which is a legal state with democratic system, where there is no persecution based on race, nationality, or religion, or membership of a particular social group or political opinions,

i) the term "safe third country" refers to such country defined in letter h), from which the alien arrives and where he/she can be safely refouled.

j) the term "manifestly unfounded application" refers to such application which does not contain manifestly proved facts which are conditional for granting the refugee status on the territory of the Slovak Republic.

PART TWO - PROCEDURES FOR THE DETERMINATION OF REFUGEE STATUS

Article 3 - Participants in Procedure

(1) Participants in the Procedure for the determination of refugee status are aliens who have applied for recognition of refugee status on the territory of the Slovak Republic.

(2) In the case of an alien younger than 15 and alien who lost his ability for legal acts or whose ability for legal acts was restricted, his legal representative or guardian acts on his behalf.

Article 4 - Commencement of the Procedure

(1) The Procedure for the determination of refugee status on the territory of the Slovak Republic is under the competency of the Ministry. The procedure commences when the alien declares his/her intention to apply for refugee status.

(2) An alien (further only "applicant") who intends to apply for refugee status in the Slovak Republic will declare, in writing or orally, into the protocol (record) that he is applying for granting refugee status (hereinafter referred to as "the written declaration")

a) at the border at the time of entry into the Slovak Republic at the Police Department of the frontier crossing,

b) within 24 hours after crossing the border of the Slovak Republic at the Police Department at the place of his stay unless there are serious obstacles,

c) within the period of permitted stay on the territory of the Slovak Republic, at the Police Department at the place of his stay, in the case that in the country of his last permanent residence a situation originated which does not allow his return to the country, if in the country of his last residence such a situation occurs that he

cannot or does not want to return.

(3) The Police Department where an alien expressed orally or in writing his intention to apply for granting refugee status, is obliged to prepare a written record of the intention and send it without delay to the Ministry.

(4) After the written declaration of the alien that he intends to apply for the granting of refugee status, the Police Department will deposit his passport or another document which certifies his identity and will provide him with certificate of the deposit of such document.

(5) The Police Department will provide the alien, referred to in section 2, with a card, which will replace his identity paper. The card is valid for 24 hours. This documents serves as identity card during his transportation to Reception center.

(6) If it is of public interest, the transport of an alien to the reception center for refugees will be carried out under the supervision of a member of the Police Department.[\[1\]](#)

(7) The Ministry, upon the request of an applicant, who applies in writing for the granting of refugee status during his legal stay on the territory of the Slovak Republic, shall decide if he will be accommodated in the reception center for refugees.

(8) The expulsion or return of an applicant who applied for granting refugee status to the frontiers of the territory where he would be threatened by risk of torture, inhuman treatment or death penalty for reasons of race, nationality and religion or for his political opinion, or membership in a particular social group is not allowed. The benefit of the present provision may not, however, be claimed by a refugee, about whom there are reasonable grounds for regarding as a danger to the security of the Slovak Republic, or who has been convicted by final judgment of a particularly serious intentional crime.[\[2\]](#)

Article 5

(1) An alien who declared his/her intention to apply for the granting of refugee status (further only "Applicant"), shall submit within 24 hours from arrival in the reception centre a written application for granting of refugees status to the Ministry if there are no serious obstacles to do so; otherwise procedure under Article 10 will be followed. In his/her application the applicant is obliged to state truly and completely all required data.

(2) An applicant who is illiterate will communicate his application for granting refugee status orally into a protocol (record) in the presence of a third person. If the applicant's capacity is limited he must be represented in the procedure by a legal representative; if he does not have a legal representative and it is necessary to defend his rights, the Ministry will appoint him with a guardian.[\[3\]](#)

(3) Whenever an applicant is not able to communicate in the official language of the Slovak Republic, the Ministry calls for an interpreter.

(4) If the Ministry does not decide otherwise, the applicant is obliged to remain in the reception center until the decision on granting a refugee status becomes valid, to undergo medical examination, quarantine, taking a photograph, finger-prints and to observe the internal order.

(5) Paragraph 17, Section 2, adequately applies to an alien who applied for granting of refugee status.

Article 6 - Refugee identification card

After submitting the application for granting refugee status the police department will provide the applicant with a refugee identification card.

Article 7 - Granting refugee status to aliens

(1) The Ministry will grant refugee status to an alien who, in the country of his nationality, has a well-founded fear of being persecuted for reasons of race, religion, nationality, for his political opinion or membership of a particular social group and he is unable or, owing to such fear, is unwilling to go back to the country of his origin. The same applies to a stateless person who is outside country of his former habitual residence.

(2) The Ministry can grant refugee status on the territory of the Slovak Republic to an alien also for humanitarian reasons.

Article 8 - Refusal of refugee status to aliens

(1) The Ministry will deny refugee status to an alien if the applicant:

a) does not meet conditions mentioned in Art. 7;

b) has committed a crime against peace, a war crime or a crime against humanity;

c) he/she is coming from a safe third country to which he/she can be effectively readmitted or from a safe country of origin. This does not apply if an alien provides facts which would imply that despite the general situation in these countries he is in danger of persecution;

d) has been finally sentenced for committing a particularly serious intentional crime;

e) has been sentenced for acts against the UN Charter objectives and principles.

Article 9 - Cancellation of the Refugee Status

(1) Ministry will cancel the refugee status if the recognized refugees committed serious intentional crime for which he/she was finally sentenced.

(2) Ministry can cancel the refugee status if the decision on recognition of refugee status was based on false or incomplete facts or forged documents.

Article 10 - Accelerated Procedure

(1) If an alien, whose claim is manifestly unfounded, has applied for the granting of refugee status on the territory of the Slovak Republic, the Ministry will make a decision within 7 days from the commencement of the procedure

(2) The decision of the Ministry according to section (1) can be appealed with a suspensive effect within 3 working days since it has been delivered.

(3) Article 8 of this law may be used adequately in the accelerated procedure.

Article 11 - Suspension of the Procedure

(1) The Ministry can suspend the procedure upon the request of an applicant for serious reasons for not more than 30 days.

(2) It is possible to appeal the decision on the suspension of the procedure.

Article 12 - Termination of the Procedure

(1) The Ministry shall terminate the procedure for the determination of refugee status when the applicant:

a) canceled his application;

b) has left voluntarily the territory of the Slovak Republic;

c) died within the duration of the procedure.

(2) Decision in cases referred to in Section 1, letter c) will not be issued.

(3) If the procedure has been legally terminated according to Section 1, letters a) and b), the Ministry will decide on granting of the refugee status based on a new asylum application. This application will only be considered if it contains facts necessary for granting of the refugee status under Article 7.

Article 13 - Decision on the Granting of the Refugee Status

(1) The Ministry shall take a decision in the procedure for the determination of refugee status within 90 days from the day commencement of the procedure. This time limit can be, in justifiable cases, extended by the Minister of Interior of the Slovak Republic (further only "the Minister"). The extension of the time limit shall be announced to the applicant in writing.

(2) The decision on granting refugee status is issued for an indefinite period.

(3) The decision on granting refugee status is delivered to the applicant, to his/her legal representative or guardian, to the Refugee Center and to the Office of the United Nations High Commissioner for Refugees, upon request.

Article 14 - Cessation of the Refugee Status

The refugee status of an alien will cease if:

a) he voluntarily avails himself of protection which has been provided for him/her by the country of his nationality,

b) after the prior loss of his nationality he will re-acquire his original nationality,

c) he has acquired a new nationality and he has accepted protection of the country of his new nationality,

d) he refuses without justification to avail himself of the protection of the country of his nationality even though the circumstances on the basis of which he has been granted refugee status have ceased to exist. This shall not apply to a refugee who is able to evoke compelling reasons arising out of previous persecution for refusing to avail himself of the protection of the country of nationality.

e) even though he does not have the citizenship he is able to return to the country of his former habitual

residence because the circumstances on the basis of which he has been granted refugee status have ceased to exist. This shall not apply to a refugee who is able to evoke compelling reasons arising out of previous persecution for refusing to return to the country of his former habitual residence.

f) when he has voluntarily reestablished himself in the country which he left owing to fear of persecution.

(2) If an alien's refugee status ceases according to the section (1) the Ministry will secure his departure from the territory of the Slovak Republic, while cooperating with United Nations High Commissioner for Refugees.

Article 15 - Appeal

(1) Decision of the Ministry on the procedure for the determination of refugee status can be appeal to the authority which issued the decision within the time period of 15 days from the delivery of the decision.

(2) The Minister will take a decision within 60 days.

(3) The decision taken by the Minister can be reviewed by the court. [\[4\]](#)

Article 16 - Costs of the Procedures

(1) The Ministry shall cover expenses related to the administrative procedure, including expenses for interpretation services.

(2) The Ministry shall cover, on behalf of the applicant travel expenses related to his transport to the reception center.

(3) The Ministry shall cover costs related to the stay of the applicant for granting refugee status in the reception center and refugee center.

PART THREE - STATUS OF REFUGEES AND DE-FACTO REFUGEES

Article 17 - Stay of Refugee on the Territory of the Slovak Republic

(1) Permanent residence permit will be granted to an alien who has been granted refugee status. [\[5\]](#)

(2) If an alien has not been granted refugee status, the competent police authority shall decide on his further type of residence on the territory of the Slovak Republic [\[6\]](#)

(3) The competent police authority shall issue the alien, who has been granted a refugee status, a permanent residence card marked "UTEÈENEC" (REFUGEE) containing personal data of the refugee.

(4) The holders of the cards marked as "UTEÈENEC" are obliged to secure that the data specified in the cards reflect reality. The holders of the cards are obliged to notify of any change of name, surname, nationality and address to the competent police authority within three working days from the day when the change occurred.

(5) The Ministry shall issue the alien who has been granted refugee status, upon his written request, an international travel document if no serious reason concerning security of the state or public order prevent so.

RIGHTS AND DUTIES OF REFUGEES

Article 18

- (1) By decision on granting of refugee status in the Slovak Republic the alien acquires the same status as a citizen of the Slovak Republic if special provisions do not provide otherwise.
- (2) The refugee is obliged:
 - a) to observe law and other generally binding legal regulations valid on the territory of the Slovak Republic,
 - b) to notify the Ministry of all changes related to the Article 17, section (4).
 - c) to notify the Ministry, without delay, of cases when his refugee card has been lost or stolen,
 - d) during the stay in the reception center and in the refugee center observe the internal order.
- (3) The refugee and applicant can, during his stay in the reception and refugee center, take part in the Slovak language courses free of charge.
- (4) Special regulations apply to the obligatory school attendance [\[7\]](#)

Article 19

Employment of refugees on the territory of the Slovak Republic is governed by special regulations. [\[8\]](#)

Article 20

Entitlement to a social welfare for refugees living on the territory of the Slovak Republic is governed by a special regulation. [\[9\]](#)

DE-FACTO REFUGEES

Article 21

- (1) If an alien intends to apply for granting of the temporary protection in the Slovak Republic, he applies so in writing or orally into a protocol at the Police department located at the border crossing after entering the territory of the Slovak Republic. Provision of Article 4 applies adequately.
- (2) When an alien meets the conditions for granting temporary protection, the Police department will remove his travel document or other identification card and will provide him with a document , valid for 24 hours, which replaces his identification card. This document also serves as an identification document during his transportation to the reception center.
- (3) The Police department where the alien stated orally or in writing that he applies for the temporary protection is obliged to prepare a record and send it to the Ministry without delay.
- (4) The competent police authority will provide an alien with a de-facto refugee card upon his arrival to the reception center for refugees for the time of his stay on the territory of the Slovak Republic.

Article 22 - Rights and Duties of De-Facto Refugees

- (1) Special regulations govern the entitlement of de-facto refugee to the social benefits[\[10\]](#)
- (2) The same special regulations for employment of refugees govern the employment of the de-facto refugee during their stay in the Slovak Republic[\[11\]](#)
- (3) De-facto refugees are obliged:
 - a) to remain in the reception center during the quarantine period upon arrival to the Slovak Republic,
 - b) to undergo medical examination, taking photographs, and finger-prints,
 - c) to observe the law and other generally binding legal regulations valid on the territory of the Slovak Republic,
 - d) to notify the Police department, without delay, of loss of the identification card of the de-facto refugee or if the identification card has been stolen,
 - e) to observe during their stay in reception center and in the humanitarian the internal order.

PART FOUR - COMMON, INTERIM, AND FINAL PROVISIONS

Article 23 - Reception Center for Refugees

- (1) Applicants who have applied for granting refugee status and de-facto refugees to whom temporary protection has been granted on the territory of the Slovak Republic are for the time of the quarantine accommodated in the reception center for refugees, unless the Ministry decides otherwise.
- (2) Applicants for granting refugee status and de-facto refugees are provided free of charge accommodation, food, medical care and he is allocated pocket money during their stay in the reception center.

Article 24 - Refugee Center

- (1) At the end of the quarantine period and before the decision on the determination of the refugee status the applicant is accommodated in the refugee center, where he is provided accommodation, food, basic medical care and is allocated a pocket money.
- (2) Refugee can be accommodated in the refugee center only for necessary period of time, where he is obliged, if employed or self-employed, to contribute appropriately to cover the expenses related to his stay.
- (3) The Ministry can place an alien who has not been granted refugee status in the refugee center for a necessary period of time and
 - a) this alien cannot be deported or refouled according to the Article 4, section 8 of this Law.
 - b) for the time necessary to obtain documents for his departure from the territory of the Slovak Republic.

Article 25 - Humanitarian Centers

- (1) The Ministry shall secure, after the completion of quarantine period, accommodation in a humanitarian center for de-facto refugees who have been granted temporary protection on the territory of the Slovak Republic

(2) De-facto refugees are provided with free of charge accommodation, food, basic medical care and their are allocated pocket money during their stay in humanitarian centers.

(3) De-facto refugees who are employed or self-employed are obliged to contribute appropriately to cover the expenses related to their stay in the humanitarian center.

(4) Ministry will allow, upon request of the de-facto refugees, to be accommodated outside of the humanitarian center.

Article 26 - Cooperation with the Office of the United Nations High Commissioner for Refugees

(1) The Ministry cooperates with the United Nations High Commissioner for Refugee during the determination of refugee status procedure.

(2) The representative of the office of United Nations High Commissioner for Refugees can at any time participate in the determination procedure.

Article 27

Decisions on granting of the refugee status issued by the state authorities in accordance with the previous regulations are considered to be decisions taken in accordance with this Act.

Article 28

Unless this Act provides otherwise, general regulations on administrative proceedings apply in the refugee status determination procedure [\[12\]](#)

Article 29

The Government of the Slovak Republic will issue the list of safe third countries and safe countries of origin.

Article 30

Refugee Act No. 498/1990Zb. is cancelled.

Article 31

This Act comes into force on 1 January 1996.

[\[1\]](#) Slovak National Council Law No. 171/1993 on Police Corps in wording of the Slovak National Council Law No. 254/1994.

[\[2\]](#) Article 41, Section 2 of the Criminal Code.

[\[3\]](#) Articles 16 & 17 of the Law No. 71/1967 on administrative proceedings (Administrative Code)

[\[4\]](#) Articles 244 to 250s Civil Court Code

[\[5\]](#) Article 7 of the Slovak National Council Law No. 73/1995 on the stay of aliens on the territory of the Slovak Republic

[\[6\]](#) Slovak National Council Law No. 73/1995

[\[7\]](#) Resolution of the Ministry of Education of the Slovak Socialist Republic No. 143/1984 on elementary schools in the wording of later regulations.

[\[8\]](#) Law No. 1/1991 on employment in the wording of the later regulations.

[\[9\]](#) Eg. Law No. 100/1988 on social security in the wording of later regulations.

[\[10\]](#) Eg. Law No. 100/1988 on social security in the wording of later regulations.

[\[11\]](#) Law No. 1/1991 on employment in the wording of the later regulations.

[\[12\]](#) law No. 71/1967 on administrative proceedings (Administrative Order)

Search Refworld

by keyword

and / or country

[Advanced Search](#) | [Search Tips](#)

Countries

- [Slovakia](#)

Topics

- [Refugee / Asylum law](#)