

# **The National Council of the Slovak Republic**

## **II. Electoral Period**

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### **T H E L A W No. 48/2002**

**of 13 December 2001**

#### **on the Residence of Aliens and on the Change and Updates of Some Laws**

**The National Council of the Slovak Republic adopted this law:**

##### **Article I**

##### **P A R T O N E**

##### **THE BASIC PROVISION**

**' 1**

- (1) The purpose of this law is to regulate**
- a) the conditions of entry of aliens to the territory of the Slovak Republic (further only Athe entry),**
  - b) the conditions of the residence of aliens on the territory of the Slovak Republic (further only Athe residence),**
  - c) the conditions of issue of the documents for aliens,**
  - d) the obligations of aliens, of another natural persons and legal persons in regard to the entry and residence,**
  - e) the procedure of notification of the residence, of keeping records on aliens and of monitoring of the residence,**
  - f) the conditions and procedure of the administrative expulsion of an alien from the**

territory of the Slovak Republic (further only *Athe* administrative expulsion),

- g) the conditions of the detention of an aliens and their placement in the facility for aliens (further only *Athe* facility),
- h) the conditions of the police transport of an alien through the territory of the Slovak Republic (further only *Athe* police transport) and
- i) the offences and the other administrative torts relevant to the entry and the residence.

(2) An alien is each person who is not the citizen of the Slovak Republic.

(3) This law applies to aliens who applied for granting of refugee status on the territory of the Slovak Republic, the aliens who were granted refugee status on the territory of the Slovak Republic, the aliens who were granted temporary residence permit on the territory of the Slovak Republic, if an separate law<sup>1</sup> does not regulate otherwise.

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The following definitions are made for the purpose of this law

- a) the travel document is a passport or other public record, if it is accepted by the Slovak Republic as a travel document, if it is valid, if its integrity is not damaged and if the document is not damaged in such a way that it is not readable,
- b) the uninterrupted residence is a period of residence based on the residence permit which begins on the day of the entry; the period of serving a sentence and the uninterrupted stay of the alien abroad for more than 180 does not count into the uninterrupted residence period,
- c) the border crossing is a place defined by the international agreement for entry and departure of the alien from the territory of the Slovak Republic (further only *Athe* departure); the border crossing is also an airport or a port defined for entry of departure,
- d) a *persona non grata* is an alien who was administratively expelled, or an alien on whom an expulsion sentence<sup>2</sup> was imposed,

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<sup>1</sup> Law of the National Council of the Slovak Republic No. 283/1995 of the Law Collection (further only *Athe* L.C.≡) on Refugees in the wording of the Law No. 309/2000 of the L.C..

<sup>2</sup> § 57 of the Criminal Code in the wording of the subsequent regulations.

- e) the provider of an accommodation is a legal person or a natural person who operates an accommodation facility,
- f) the carrier is a legal person or natural person who disposes of the permit to transport persons,
- g) the facility is a place where the alien is obliged to remain on the basis of the decision on detention issued according to this law.

## P A R T T W O

### E N T R Y

#### C H A P T E R O N E

##### T H E C O N D I T I O N S O F E N T R Y

' 3

(1) The entry is possible only with the travel document and visa of the Slovak Republic (further only Athe visa) or with the travel document and residence permit. The visa is not required if it is defined by the international agreement binding for the Slovak Republic (further only Athe international agreement) or, if it is determined by the Government of the Slovak Republic.

(2) The entry is possible only through the border crossing determined for the international travel during its operational period, if the international agreement does not regulate otherwise.

(3) The entry of an alien younger than 16 years of age who does not hold a travel document, is possible only in the company of a person who holds a travel document which includes the record of the minor alien; if this person is required to possess a visa, the alien younger than 16 years age must also be recorded in the visa.

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(1) It is required that the alien undergoes a border control at the point of entry.

(2) If required during the border control, the alien is obliged

- a) to produce documents defined in the § 3, sec. 1,
- b) if the international agreement does not regulate otherwise, to produce a document on the health insurance covering the costs related to the provision of the health care to the alien on the territory of the Slovak Republic (further only Athe document on health insurance),
- c) to demonstrate the financial sufficiency for the duration of residence in the freely-convertible currency, amounting to not less than a half of the minimum wage defined by the separate regulation<sup>3</sup> for each day of the residence; the alien younger than 16 years of age is obliged to demonstrate the financial sufficiency equivalent to half the amount.

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(1) The Police Force Officer (further only Athe police officer) has the right to perform a border control which consists of

- a) the inspection of the documents according to the § 3, sec. 1,
- b) the determination and verification of the alien's identity,
- c) the inspection of the alien's data in the information systems of the Police Force administered according to the separate regulation<sup>4</sup>,
- d) the inspection of the documents certifying the purpose of the residence, the financial sufficiency for duration of the residence and the document on health insurance,
- e) the subsequent procedural steps according to the separate regulation<sup>5</sup>.

(2) If the police officer performs the border control on the basis of the international agreement outside of the territory of the Slovak Republic, this inspection and its relevant procedural steps have equal legal validity as the border control performed on the territory of the Slovak Republic.

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<sup>3</sup> The Law of the National Council of the Slovak Republic No. 90/1996 of the L.C. on the Minimum Wage in the wording of the subsequent regulations.

<sup>4</sup> § 69 of the Law of the National Council of the Slovak Republic No. 171/1993 of the L.C. on the Police Force in the wording of the Law No. 353/1997 of the L.C..

<sup>5</sup> Law of the Slovak National Council of the Slovak Republic No. 171/1993 of the L.C. in the wording of subsequent regulations.

**(4) If, during the border control, the police officer finds out that the alien produced a false or altered travel document, he is entitled to seize such a document. He is also entitled to seize a travel document which was issued to another person and the alien declares this travel document as his own, or if the travel document was declared as invalid or stolen by the authority of the issuing state.**

**(5) The police officer is entitled to record the execution of the border control in the travel document of the alien.**

**(6) The regulations of the § 4, sec. 1 and 2, letter a), the sections 1 to 5 are accordingly applicable also to the departure.**

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### **Refusal of the Entry**

**(1) The police officer shall refuse the entry to an alien if**

- a) he is a persona non grata,**
- b) it is necessary for the security of the state, the maintenance of the public order, the protection of health or the protection of rights and freedoms of other persons and, in the selected territories, also for the protection of nature,**
- c) he does not fulfill the conditions for the entry according to the § 3,**
- d) the alien refuses to undergo the border control or does not produce documents required during the border control,**
- e) a reasonable suspicion exists that the alien misuses the residence for other purpose than defined in the international agreement, by the government of the Slovak Republic, or other purpose than specified in the visa issued to him, or**
- f) he did not settle financial obligations towards the Slovak Republic.**

**(2) The police officer can refuse the entry if**

- a) the travel document of the alien is filled up with official records or**
- b) an another border crossing was determined for the entry (§ 14, sec. 5).**

**(3) The police officer shall take into consideration that an adequate proportionality between the reasons for refusal of entry and its impacts be preserved when he makes the**

decision on refusal of the entry according to the section 2.

(4) If the alien who was refused the entry according to the sections 1 or 2, cannot immediately depart the place of border control due to legal reasons or other obstacles, the police officer can order him to remain at determined place for certain period of time.

(5) The police officer is entitled to record the refusal of the entry in the travel document of the alien.

(6) The general regulation on the administrative proceedings does not apply to the proceeding on refusal of the entry<sup>6</sup>.

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### Exclusion of the Refusal of Entry

The alien, who during the border control, applied for granting of the refugee status on the territory of the Slovak Republic, for granting of the temporary protection on the territory of the Slovak Republic, who was granted the temporary protection on the territory of the Slovak Republic or to whom a travel document of an alien was issued ( § 48), cannot be refused entry.

## CHAPTER TWO

### VISA

' 8

### The Visa Categories

- (1) The alien can be granted
- a) an airport visa,
  - b) a transit visa,
  - c) a short-term visa,
  - d) a long-term visa.

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<sup>6</sup> Law No. 71/1967 of the Collection on Administrative Proceedings (the Administrative Order).

**(2) The transit visa and the short-term visa can be granted also in the form of a group visa.**

**' 9**

### **An Airport Transit Visa**

**An airport transit visa entitles the alien to remain in the transit area of the public airport on the territory of the Slovak Republic during the waiting period for a flight connection defined in the air-ticket.**

**' 10**

### **The Transit Visa**

**(1) The transit visa entitles the alien to transit the territory of the Slovak Republic during his journey from the territory of one state to the territory of the third state (further on the transit). The transit cannot exceed five days.**

**(2) The total of the days of a number of transits cannot exceed 90 days in one half a year.**

**(3) The Department of the Police Force (further only the police department) can grant the alien a transit visa on the border crossing based on the humanitarian reason, if the alien proves that the transit is urgent and he was not able to anticipate it, or the granting of the transit is in the interest of the Slovak Republic.**

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### **The Short-term Visa**

**(1) The short-term visa entitles the alien to one or number of entries for a length of residence defined by this visa; the uninterrupted residence, nor the total of days of a number of residencies cannot exceed 90 days in one half a year.**

**(2) The police department can grant short-term visa on the border crossing based on the humanitarian reason if the alien proves, that his entry is urgent and that he was not able to anticipate it, or the granting of visa is in the interest of the Slovak Republic; in these cases the validity of the granted visa cannot exceed 15 days.**

### **Long-term Visa**

**The long-term visa entitles the alien to entry and residence for more than 90 days in one half a year, if it is necessary for respecting of the obligations of the Slovak Republic defined by the international agreements.**

### **The Proceedings on Granting of Visa**

**(1) The alien lodges an application for granting of visa personally on the official printed form at the diplomatic mission or at the consular office of the Slovak Republic abroad (further only Athe representation abroad), if this law does not regulate otherwise. The application for the group visa can be lodged by the leader of the group on behalf of all applicants.**

**(2) With the application for granting of visa, the alien is obliged to produce the travel document and attach a photograph sized 3 x 3,5 cms picturing his current image in the 3/4 profile of the face.**

**(3) The representation abroad is entitled to record the receipt of the application in the travel document of the alien.**

**(4) At the request, the alien is obliged to produce with the application for granting of visa the documents confirming the purpose of the residence, the financial guarantee for the duration of the residence, the prove of financial means for departure, the document on health insurance and other documents which are necessary for decision on the application for granting of visa and according to this law are not older than 90 days. If requested, the alien will attend an interview in person.**

**(1) When granting a visa to the alien, the representation abroad shall especially**



take into consideration

- a) the security of the state, the maintenance of the public order, the protection of health and the protection of rights and freedoms of other persons and, in the selected territories, also the interest in protection of the nature,
- b) the purpose of the anticipated residence,
- c) the previous residence of the alien,
- d) the interest of the Slovak Republic.

(2) The granting of visa can be contingent upon an invitation verified by the police department, upon a deposit of financial amount at the representation abroad equivalent to the sum of expenses necessary for the departure, and upon producing the return travel ticket or return flight ticket. If the alien departs without utilizing the deposited financial amount, it shall be refunded to him.

(3) The representation abroad can grant visa only with the consent of the Ministry of Interior of the Slovak Republic (further only the Athe ministry of interior) which is binding to the representation abroad; the ministry of interior and the Ministry of Foreign Affairs of the Slovak Republic (further only Athe ministry of foreign affairs) can agree on cases in which the representation abroad can grant visa even without the consent of the ministry of interior.

(4) The visa is granted into the travel document in the form of an adhesive label. The validity of the visa must expire at the latest 90 days before the expiration of the validity of the travel document.

(5) The representation abroad is entitled to determine the border crossing for the entry by an alien, which is also recorded in his visa.

(6) The representation abroad decides on the application for granting of visa within 30 days from the receipt of the application.

(7) No legal title exists for granting of visa.

(8) The police department is entitled to cancel the visa if it ascertains facts justifying the rejection of application for granting of visa, or if the alien is administratively expelled.

(9) The general regulation on the administrative proceedings does not apply to the granting of visa and to the decision-making on the cancellation of visa<sup>6</sup>.

## The Invitation

(1) The invitation is filed on the printed form and contains information about the inviting person, the invited alien, the purpose of the invitation to the territory of the Slovak Republic and the obligation of the inviting person, that he will cover all expenses connected to the residence and departure of the invited alien. The inviting person is obliged to prove his ability to cover all expenses related to the residence and the departure of the invited alien. The police department verifies the departure of the invited alien.

(2) The citizen of the Slovak Republic holding a permanent residence permit on the territory of the Slovak Republic, the alien holding a temporary residence permit or the alien holding a permanent residence permit can invite to the territory of the Slovak Republic his parent, child, grand-parent, grand-child, husband, wife, son-in-law, daughter-in-law; other person can be invited only with the consent of the ministry of interior required by the police department verifying the invitation.

(3) The legal person or the natural person entitled to run a business can invite to the territory of the Slovak Republic an alien engaged in a similar activity.

(4) The invitation is verified by the police department pertinent to the place of residence of the inviting natural person or pertinent to the residence of the inviting legal person.

(5) The police department shall not verify the invitation if

- a) the invited alien is a persona non grata,
- b) the invitation does contain the properties specified in the section 1,
- c) a well-founded suspicion exists, that the purpose of the residence of the alien declared in the invitation does not correspond with the actual purpose of the invitation,
- d) a well-founded suspicion exists, that the invited alien can endanger during his residence the security of the state, the public order, the health or the rights and freedoms of another persons and, in the selected territories, also the nature, or
- e) if it does not receive the consent of the ministry of interior according to the section 2, if such a consent is required.

(6) The police department shall decide on the verification of the invitation within 15 days from the receipt of the application for verifying the invitation.

**(7) The general regulation on the administrative proceeding does not apply to the decision on verifying of the invitation<sup>6</sup>.**

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### **Separate Provisions on Aliens Benefiting from the Diplomatic Privileges and Immunities**

**(1) The ministry of foreign affairs grants visa as a diplomatic visa or an separate visa<sup>7</sup> specified in § 8 if the visa is requested by a diplomatic note of the foreign country, to an alien who**

- a) is registered at the diplomatic protocol of the ministry of foreign affairs together with his family relatives living with him in a common household at the place of his official assignment or**
- b) is an employee of the foreign mass media registered at the ministry of foreign affairs.**

**(2) The representation abroad pertinent to the residence of operation of the diplomatic passport holder, the official or comparable passport holder, shall issue a visa specified in the § 8 as a diplomatic visa or an individual visa to an alien, if the visa is requested by a diplomatic note of the foreign country and if he**

- a) is accredited in the diplomatic protocol of the ministry of foreign affairs and resides outside the territory of the Slovak Republic,**
- b) enters the territory of the Slovak Republic as a diplomatic official, a member of the administrative, technical or official personnel, or his family relative living with him in a common household,**
- c) enters the territory of the Slovak Republic for the purpose of the official visits and negotiations, or**

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<sup>7</sup>       **The Declaration of the Minister of Foreign Affairs No. 157/1964 of the Collection on Vienna Convention regarding the Diplomatic Relations.**  
          **The Declaration of the Minister of Foreign Affairs No. 32/1969 of the Collection on the Vienna Convention regarding the Consular Relations.**  
          **The Declaration of the Minister of Foreign Affairs No. 40/1987 of the Collection on the Convention regarding Special Mission.**

- d) is employed at the diplomatic mission of foreign state abroad and regularly accompanies a diplomatic employee on his missions to the territory of the Slovak Republic.

## **PART THREE**

### **RESIDENCE**

#### **CHAPTER FIRST**

##### **TEMPORARY RESIDENCE**

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#### **General Provisions**

- (1) The temporary residence permit entitles alien to remain on the territory of the Slovak Republic and to journeys abroad and back to the territory of the Slovak Republic during the period for which he was granted the temporary residence permit by the police department.
- (2) The temporary residence permit is not required from an alien who was granted the status of the Foreign Slovak.<sup>8</sup>
- (3) The police department can, upon request of an alien, grant the temporary residence permit for the period necessary to accomplish the purpose of the residence, however for one year at most, if this law does not regulate otherwise.
- (4) The temporary residence permit is limited to one purpose. If the alien attempts to perform a different activity than the one for which he was granted temporary residence permit, he must lodge a new application for granting a temporary residence permit.

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#### **The Purpose of the Temporary Residence**

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<sup>8</sup>

The Law No. 70/1997 of the L.C. on Foreign Slovaks and on changes and updated to some laws.

**The police department can grant the temporary residence permit to the alien for the purpose of**

- a) the enterprise,**
- b) the employment,**
- c) the study,**
- d) the activity in the special programmes, or**
- e) the family reunion.**

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### **The Enterprise**

**(1) The police department can grant the temporary residence permit for the purpose of enterprise to an alien on the basis of a trade licence issued according to the separate regulation<sup>9</sup>.**

**(2) The alien who was granted the temporary residence permit for the purpose of enterprise cannot enter a legal labour agreement or similar labour agreement<sup>10</sup>.**

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<sup>9</sup> For example the Law No. 455/1991 of the Collection on Trade Enterprise (Trade Law) in the wording subsequent regulations, the Law No. 513/1991 of the Collection, Trade Code in the wording of subsequent regulations.

<sup>10</sup> For example the Employment Code

### **The Employment**

**(1) The police department can grant the temporary residence permit for the purpose of employment to an alien on the basis of employment permit<sup>11</sup>, if the international agreement does not regulate otherwise.**

**(2) The police department can grant the temporary residence permit for the purpose of seasonal employment upon fulfilling the condition specified in the section 1 for a period no longer than 180 days in one calendar year.**

**(3) The alien who was granted the temporary residence permit for the purpose of employment cannot engage in the enterprise.**

### **The Study**

**(1) The police department can grant the temporary residence permit to an alien who is a pupil of the elementary school or studies at the secondary school, at the vocational school, at the secondary trade school or at the university or participates on the lifelong education.**

**(2) According to the section 1, the police department can grant the temporary residence permit only to an alien who was accepted to study at a state school or at a school recognised by the government.**

**(3) The alien who was granted the temporary residence permit by the police department for the purpose of study cannot engage in the enterprise or cannot enter a legal labour agreement or similar labour agreement for the duration of his temporary residence permit .**

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<sup>11</sup> The Law of the Slovak National Council No. 387/1996 of the Law Collection on Employment in the wording of subsequent regulations.

### **Activity in the Special Programmes**

The police department can grant the temporary residence permit to an alien for the purpose of performing an activity under special programmes of a research, an academic activity, a lectureship or if it is necessary to fulfil the obligation of the Slovak Republic determined by the international agreement.

### **The Family Reunion**

(1) The police department can grant the temporary residence permit for the purpose of the family reunion to an alien who is/are

- a) a spouse of an alien holding the temporary residence permit or holding the permanent residence if the marriage lasting at least one year,
- b) an underage child of aliens holding the temporary residence permit or an underage child who is, according to the law or the decision of the competent authority, in the care of an alien holding a temporary residence permit.
- c) retired parents dependent on the care of the citizen of the Slovak Republic with a permanent residence on the territory of the Slovak Republic or on the care of an alien holding a permanent residence permit.

(2) According to the section 1, the police department can grant the permit no earlier than after one year of the duration of the residence of the alien holding residence permit if his further residence shall last at least two years.

(3) The alien who was granted the temporary residence permit for the purpose of family reunion by the police department cannot during the temporary residence engage in enterprise or enter into legal labour agreement or similar labour agreement.

### **The Application for Granting Temporary Residence Permit**

- (1) The application for granting of the temporary residence permit is lodged

personally by the alien abroad at the representation abroad in the state which issued the alien the travel document or at the representation abroad in the state where he resides, if this law does not regulate otherwise; if there no such a representation abroad exists, the application is lodged at the representation abroad appointed by the ministry of foreign affairs upon consultations with the ministry of interior.

(2) The alien applying for granting of temporary residence permit for the purpose of study can lodge the application for granting of temporary residence permit also at the police department, if he was granted scholarship by the Slovak Republic, if he continues to study for an academic title, if he performs an academic activity following the university study or as part of the further studies or if it is established by the international agreement.

(3) The alien who was granted temporary residence permit for the purpose of family reunion with an alien, who has or had been granted temporary residence permit for the purpose of enterprise or for the purpose of employment, can lodge an application for granting of the temporary residence permit also at the police department if

- a) he widowed or his marriage was divorced and his uninterrupted temporary residence permit on the territory of the Slovak Republic last five years, or
- b) if he reached mature age.

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(1) The alien lodges the application for granting of the temporary residence permit on a printed form. At the time of lodging of the application, the alien is obliged to produce his travel document. The representation abroad or the police department shall not accept the application for granting of the temporary residence if the alien does not produce his travel document.

(2) The alien is obliged to attach to the application for temporary residence permit three photographs sized 3 x 3,5cms developed from the same negative or prepared by a device with simultaneous exposition containing multiple lenses portraying the image of the face in three-quarter profile.

(3) The alien shall attach to the application for granting of the temporary residence permit documents not older than 90 days certifying

- a) the purpose of the residence,
- b) the integrity,
- c) the financial guarantee for the duration of the residence,



- d) the health insurance on the territory of the Slovak Republic, and
- e) the guarantee of an accommodation for the duration of the residence.

(4) The representation abroad or the police department can request the alien to produce a document not older than 30 days confirming the fact that he is not suffering from any infectious disease, spreading of which is considered to be a criminal offence<sup>12</sup> and a document confirming that he will not be a burden to the social care system of the Slovak Republic.

(5) The alien proves the financial guarantee for the duration of residence in the sum of quadruple of the minimal wage<sup>3</sup> for each month of the residence, at least for one year; the alien younger than 16 years of age by the sum equal to the half of the sum. The alien applying for temporary residence permit for the purpose of study, proves the financial guarantee of the residence by confirmation of the legal person guaranteeing his study, of the sum equal to the minimum wage for each month of the anticipated residence.

(6) If the application for granting of the temporary residence permit does not contain the properties specified in the sections 2 to 5, the authority receiving the application shall request the applicant to eliminate the inadequacies of the application and at the same time shall instruct the alien on the implications of not doing so. If the alien does not eliminate the inadequacies in the requested time limit, the police department shall cease the proceeding.

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#### **Decision on the Application for Temporary Residence Permit**

(1) The police department shall consider the decision on the application for the temporary residence permit with the view to

- a) the public interest, specifically to the security aspect, to the economical needs of the Slovak Republic, especially whether the enterprise activity of the alien presents a contribution to the economy of the Slovak Republic, to the situation and to the development of the labour market and public health,
- b) the personal and family relationships of the alien, his financial situation and the length of the present residence and the anticipated residence.

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<sup>12</sup> The Resolution of the ministry of Justice of the Slovak Republic No. 105/1987 of the Collection, which defines diseases considered to be infectious in relevance to the Criminal Law.

**(2) The police department shall reject the application for granting of temporary residence permit if**

- a) the alien is a persona non-grata,**
- b) during the decision making on the application for granting of temporary residence permit it ascertains that the residence of the alien is not necessary for accomplishment of his intentions,**
- c) a founded suspicion exists that, during his residence the alien jeopardises the security of the state, the public order, the health or the rights and freedoms of another persons and, in the selected territories, also the nature,**
- d) it is possible to anticipate that the alien shall present a burden for the social care system and the health insurance system of the Slovak Republic,**
- e) a founded suspicion exists that the alien concluded a marriage with the intention to be granted a temporary residence permit.**

**(3) The police department shall decide on the granting of the temporary residence permit within 90 days from the delivery of the application to the police department.**

**(4) The decision is not issued if application for the temporary residence permit is satisfied.**

**(5) The alien does not have a legal title to the granting of temporary residence permit.**

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### **Renewal of the Temporary Residence Permit**

**(1) The police department can renew the temporary residence permit**

- a) at most for 180 days, if the temporary residence permit was granted for the purpose of seasonal employment for less than 180 days and the finalising of the work requires the residence,**
- b) at most for three years, if the anticipated residence of the alien shall last at least three years,**
- c) at most for five years for the purpose of the family reunion to the alien's spouse or the minor child whose uninterrupted temporary residence permit for the purpose of the family reunion lasts more than ten years with an alien holding the temporary residence**

permit according to the letter c), or to the alien who reached the mature age and is dependent on the parental care.

(2) The application for renewal of the temporary residence permit is lodged by the alien in person on the printed form at the police department. The alien must attach to the application for the renewal of the temporary residence permit for the purpose of enterprise a certificate that he settled the tax and customs obligations, the health insurance contributions, the hospital insurance contributions, the retirement fund contributions and the contribution to the unemployment fund. If the alien is not a tax payer or is not obliged to pay the health insurance contributions, the hospital insurance contributions, the retirement fund contributions and the contributions to the unemployment fund, he will attach a document certifying this fact.

(3) According to the section 2 the alien lodges the application at the latest 60 days before the expiration of the validity of the temporary residence permit.

(4) If the alien does not lodge the application in the time limit defined in the section 3, the police department shall reject the application for renewal of the temporary residence permit.

(5) The temporary residence permit shall be considered valid until the decision on the renewal of the temporary residence permit is issued.

(6) The police department shall reject the application for renewal of the temporary residence permit except the reasons defined in the § 26, sec. 2, also in such a case if the spouses do not lead a mutual family life and the original temporary residence permit was granted for the purpose of the family reunion.

(7) If not specified otherwise, the provisions relevant to the decision making on the application for the temporary residence permit are adequately applicable for the decision making on the application for a renewal of the temporary residence permit.

(8) The alien is obliged to prove his ability to cover his living expenses, respectively the living expenses of his family from the earnings of the his business when lodging the application for renewal of the temporary residence permit for the purpose of enterprise.

### **Expiration of the Temporary Residence Permit**

**The temporary residence permit shall expire if**

- a) the alien does not enter the territory of the Slovak Republic within 180 days from the granting of the temporary residence permit,
- b) the alien does not notify the police department in writing on the discontinuance of his residence,
- c) the validity of the temporary residence permit expires,
- d) a sentence of expulsion<sup>2</sup> was imposed on the alien,
- e) the alien was administratively expelled,
- f) the alien acquired the citizenship of the Slovak Republic, or
- d) if the police department cancelled the temporary residence permit of the alien.

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#### **Cancellation of the Temporary Residence Permit**

**(1) The police department shall cancel the temporary residence permit if**

- a) the purpose for which the temporary residence permit was granted to the alien expired,
- b) it ascertains facts which are reason for rejection of the application for granting a temporary residence permit,
- c) the alien remains abroad for more than 180 days without an approval of the police department,
- d) it ascertains that the alien concluded a marriage with the intention to acquire residence permit or
- e) if the alien seriously and repeatedly violated the obligation established by this law.

**(2) At the same time, the police department in its decision on cancelation of the temporary residence permit, sets an adequate period for departure of the alien to at most 30 days.**

#### **Separate Provisions for Citizens of the European Union Member States**

**(1) The alien who is the citizen of the European Union member state<sup>13</sup> (further only Athe citizen of the union≡) has on the basis of the registration right to the temporary residence for up to one year for the purpose of**

- a) the economical activity<sup>14</sup>,**
- b) the employment<sup>15</sup>,**
- c) the employment regulated by the separate regulation<sup>11</sup> or**
- d) the performing an activity of a pre-accession counsellor in the frame of the integration process of the Slovak Republic to the European Union.**

**(2) The spouse and the minor child of the citizen of the union, who has the right to the temporary residence permit on the basis of registration, has the right to the temporary residence permit on the basis of the registration for the purpose of family reunion for an equal period of time as the citizen of the union with whom he or she requests the family reunion.**

**(1) The citizen of the union and the person specified in the § 30, sec. 2 (further only Athe applicant for registration≡) lodges according to the § 24, sec. 1 the application for registration personally on the printed form at the representation abroad or at the police department.**

**(2) The applicant for registration shall produce with the application the travel document and attach the documents certifying the purpose of the residence, the guarantee of accommodation and the health insurance on the territory of the Slovak Republic and three photographs as defined in the § 25, sec. 2.**

**(3) At the time of the registration, the police department is in founded cases**

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<sup>13</sup> The European Convention on Association concluded between the European Societies and their Member States on one side and the Slovak Republic on the other side (The Notice of the Ministry of Foreign Affairs of the Slovak Republic No. 158/1997 of the L.C. in the wording the subsequent regulations).

<sup>14</sup> Article 45, sec. 4, letter a) of the European Convention on Association concluded between the European Societies and their Member States on one side and the Slovak Republic on the other side.

<sup>15</sup> Article 53, sec. 1 of the European Convention on Association concluded between the European Societies and their Member States on one side and the Slovak Republic on the other side.

entitled to require a document on the alien's integrity and a document confirming that the alien shall not be a burden to the social care system of the Slovak Republic; the applicant for the registration is obliged to provide these document upon request.

(4) The police department shall decide on the registration within 14 days from the receipt of the application.

(5) The police department shall reject the application for registration if reasons as defined in the § 26, sec. 2, letters a) and c) to e) exist.

' 32

(1) The application for renewal of the registration is lodged by the alien 14 days before the expiration of its validity at the latest. On the basis of the application of registered alien, the police department can renew the registration for up to three years.

(2) If the registered alien does not lodge the application within the period defined in the section 1, the police department shall reject the application for renewal of the registration.

(3) The § 31 adequately applies to the decision making on the application for renewal of the registration.

' 33

The cessation and the cancellation of the registration is regulated by the § 28 and 29.

## CHAPTER TWO

### PERMANENT RESIDENCE

' 34

(1) The permanent residence permit entitles the alien to remain on the territory of the Slovak Republic and to the journeys abroad and back to the territory of the Slovak Republic during the time for which he was granted the permanent residence permit by the police department, if this law does not regulate otherwise.

(2) The police department can grant the first permanent residence permit (further only A the first permit≡) on the basis of the application for the period of three years. Upon

expiration of the three years period the police department can grant the permanent residence permit (further only A subsequent permit) on the basis of the alien's application for an unlimited period.

' 35

#### The first permit

The police department can grant the first permanent residence permit to the alien

- a) who is a spouse or minor child of the citizen of the Slovak Republic holding the permanent residence permit on the territory of the Slovak Republic,
- b) who is a minor child in the custodial care of the alien who is a spouse of the citizen of the Slovak Republic holding the permanent residence permit on the territory of the Slovak Republic,
- c) who is, for at least three years, a spouse of an alien holding a permanent residence permit for at least three years,
- d) who is a minor child of the alien holding a permanent residence permit for at least three years,
- e) whose uninterrupted previous temporary residence permit for the purpose of enterprise or employment lasts more than ten years,
- f) who is a spouse or a minor child of the alien defined in letter e) or
- g) if it is in the foreign policy interest of the Slovak Republic.

' 36

#### The Application for Granting of the First Permit

(1) The alien lodges the application for granting of the first permit in person at the representation abroad according to the § 24, sec. 1, if this law does not regulate otherwise.

(2) The alien as defined in the § 35, letter e) to g) or the alien who was granted the status of the foreign Slovak can lodge the application for the first permit also at the police department, while the alien defined in the § 35, letter g) does not have to lodge the application

**in person.**

' 37

**(1) The alien lodges the application for granting of the first permit on the printed form.**

**(2) The alien is obliged to produce with the application the travel document and attach three portrait photographs as defined by the § 25, sec. 2. If the alien does not produce the travel document, the representation abroad or the police department shall not accept the application for granting of permanent residence permit.**

**(3) The alien accompanies the application for granting of the first permit document which are not older than 90 days and certify**

- a) the purpose of the residence (§ 35),**
- b) the integrity,**
- c) the financial guarantee for the duration of the residence,**
- d) the health insurance valid on the territory of the Slovak Republic and**
- e) the guarantee of accommodation for the duration of the permanent residence.**

**(4) The representation abroad or the police department can request the alien to produce a document which is not older than 30 days certifying the fact that he does not suffer from any infectious disease spreading of which is a criminal offence<sup>11</sup> and a document certifying that he shall not be a burden to the social care system of the Slovak Republic.**

**(5) The alien shall prove the financial guarantee for the duration of the residence by the sum equal to the double of the minimal wage<sup>3</sup> for each month of the residence, for at least one year; the alien younger than 16 years of age in the sum equal to the half of the sum requested in case of the adult alien.**

**(6) If the alien applies for the first permanent residence permit according to the § 35, letter e) and f), he is obliged to also prove that for the duration of the temporary residence he did not have any liabilities against contributions to the health insurance, the hospital insurance, the retirement fund and the contributions to the unemployment fund and that on the day of the lodgment of the application he does not have any tax or custom liabilities.**

**(7) The police department shall decide on the application for granting of the first permit within 90 days from the delivery of the application to the police department.**



### **The Subsequent Permit**

- (1) The police department can grant the subsequent permit to the alien who was granted the first permit.**
- (2) The alien lodges the application for granting of the subsequent permit in person on the printed form at the police department.**
- (3) The § 37 adequately applies to the lodging of the application for granting of the subsequent permit.**
- (4) The application according to the section 2 can be lodged by the alien at the latest 60 days before the expiration of validity of the first permit. The police department shall decide on the application at the latest 14 days before the expiration of validity of the first permit.**
- (5) If the alien does not lodge the application within the period defined in the section 4, the police department shall reject the application for granting of the subsequent permit.**
- (6) The first permit is considered to be valid until the decision on the application for subsequent permit is issued.**

### **The Decision-making on the Application for Granting of Permanent Residence**

- (1) During the decision making on the application for the granting of the permanent residence permit the police department shall take into consideration**
  - a) the public interest, specifically the security aspect, the economical needs of the Slovak Republic, especially whether the enterprise activity of the alien represents a contribution to the economy of the Slovak Republic, the situation and development of the labour market and the public health,**
  - b) the personal and family relations of the alien, his financial situation and the length of the current and anticipated residence,**

c) the extent of the alien's integration into the society.

(2) The police department shall reject the application for the permanent residence permit if

a) the alien is a persona non grata,

b) the alien seriously and repeatedly violated the obligation established by this law,

c) a founded suspicion exists that the alien shall endanger the security of the state, the public order, the health or the rights and freedoms of another persons and, in selected territories, also the nature,

d) a founded suspicion exists that the alien concluded a marriage with the intention to acquire the permanent residence permit, or

e) if the spouses do not lead common family life or did not conclude the marriage according to the separate regulation<sup>16</sup>, if the purpose of the application for granting of permanent residence permit is family reunion.

(3) If the application for granting of the permanent residence permit does not contain the properties defined in the § 37, sec. 2 to 6, the authority which received the application shall summon the applicant to correct the shortcomings in the set time limit and at the same time advises the applicant on the consequences of not correcting the shortcomings. If the applicant does not correct the shortcomings in the set time limit, the police department shall cease the proceeding.

(4) If the application on granting of permanent residence permit is satisfied the decision is not issued.

(5) The alien does not have the legal title for granting of the permanent residence permit.

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<sup>16</sup>

The Law No. 94/1963 of the Collection The Law on Family in the wording of subsequent regulations.

**If necessary, the ministry of interior can grant the permanent residence permit even without complying with the conditions established by this law, in order to provide protection and aid to a witness according to the separate law<sup>17</sup>.**

### **The Cessation of the Permanent Residence Permit**

**The permanent residence permit shall cease if**

- a) the alien does not enter the territory of the Slovak Republic within 180 days from the granting of the permanent residence permit,**
- b) the alien notifies the police department in writing on the conclusion of the residence,**
- c) the validity of the alien's first permit expired and he did not apply for subsequent permit,**
- d) the sentence of expulsion<sup>2</sup> was imposed on the alien,**
- e) the alien is administratively expelled,**
- f) the alien acquired the citizenship of the Slovak Republic, or**
- g) if the police department cancelled the alien's permanent residence permit.**

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<sup>17</sup> The Law No. 256/1998 of the L.C. n the Protection of a Witness and on the change and update of some law.

## **The Cancellation of the Permanent Residence**

- (1) The police department shall cancel the permanent residence permit if**
- a) it ascertains such facts which are reason for rejecting of the application for granting of permanent residence permit,**
  - b) the alien remains abroad continuously for more than 180 days without an approval of the police department,**
  - c) it ascertains that the alien concluded marriage with the intention to acquire the permanent residence permit,**
  - d) the purpose for which the residence permit was granted expired (ə 35),**
  - e) the alien was granted permanent residence permit for the purpose of family reunion with the spouse and his marriage passed within five years from granting of the first permit, or**
  - f) if the alien seriously and repeatedly violated the obligation established by this law.**

**(2) In the decision on the cancellation of the permanent residence permit the police department shall set an adequate time limit for departure, however 30 days at most from the day of the decision becoming valid.**

## **CHAPTER THREE**

### **TOLERATED RESIDENCE**

**' 43**

- (1) The police department shall grant tolerated residence permit to the alien**
- a) if an obstacle for his administrative expulsion according to ə 58 exists,**
  - b) who was granted temporary protection<sup>1</sup>, or**
  - c) to the alien whose departure is not possible and there is no reason for his detention.**
- (2) On the basis of the alien's request, the police department shall grant the**

tolerated residence permit for 180 days at most based on the ascertained facts which are reason for its granting.

(3) The police department can repeatedly extend the tolerated residence; at the same time it is obliged to examine whether the reasons for which the alien was granted the permit are still valid. The police department can request that the alien proves the validity of the obstacle preventing his departure.

(4) During the validity of the tolerated residence permit the alien cannot, according to the separate regulation<sup>9</sup>, engage in an enterprise and cannot, according to the separate regulation<sup>10</sup>, enter a legal labour agreement or similar labour agreement; the restriction to enter the legal labour agreement or similar labour agreement does not apply to aliens specified in the section 1, letter b).

(5) Upon request of the alien who was granted tolerated residence permit, the police department can grant the temporary residence permit for the purpose of employment according to the sec. 1, letter a).

' 44

(1) If the reason for which the tolerated residence permit was granted expired, the alien is obliged to notify of this fact the police department 15 days at the latest from the day he became aware of this fact.

(2) The police department shall cancel the tolerated residence permit if it ascertains that the reason for which the tolerated residence permit was granted expired and, at the same it sets adequate time limit for departure of the alien, however 30 days at most from the decision becoming valid.

## CHAPTER FOUR

### BIRTH OF AN ALIEN ON THE TERRITORY OF THE SLOVAK REPUBLIC

' 45

(1) If an alien is born on the territory of the Slovak Republic, whose parent holds a residence permit, the parent of the alien born on the territory of the Slovak Republic can, within 90 days from the birth of the child, request the police department to grant the same category residence permit.

- (2) The parent shall attach to the application
- a) the travel document of the child or his own travel document containing the record of the child,
  - b) the child's birth certificate,
  - c) three photographs of the child,
  - d) the document on the health insurance and the document on the financial guarantee of the child for the duration of the residence,
  - e) the document on guarantee of accommodation.

(3) If the parent of the alien born on the territory of the Slovak Republic does not request the granting of the residence permit, he shall arrange for the child's departure in the time limit set in the section 1.

(4) The residence of the alien born on the territory of the Slovak Republic is considered to be permitted until a decision on request according to the section 1 is issued.

## **PART FOUR**

### **THE DOCUMENTS FOR ALIENS**

' 46

#### **The Document on Residence Permit**

(1) The police department shall issue a document on residence permit in the form of an adhesive label to the alien who was granted residence permit or refugee status on the territory of the Slovak Republic<sup>1</sup>; to the citizen of the union on his request, or such case where it is not possible to use the document on residence permit in the form of the adhesive label, the police department shall issue a document on the residence permit in the form of an identification card.

(2) The police department shall define the validity of the document on residence permit relevant to the time allowed for the residence for five years at most; however, the validity of the document on residence permit must end 90 days before expiration of the validity of the alien's travel document at the latest .

**(3) The alien is obliged to request issuing of a new document on residence permit 30 days before the expiration of the document on residence permit at the latest .**

**' 47**

### **The Alien´s Passport**

**(1) The alien´s passport is a document authorising the alien to travel.**

**(2) The police department shall issue the alien´s passport to an alien who does not have own travel document and it is not possible to facilitate it even through the representation abroad of the state of citizenship of the alien and**

- a) who was issued the tolerated residence permit,**
- b) regarding whom it was decided that he shall be administratively expelled or on whom a sentence of expulsion was imposed, or**
- c) who was born on the territory of the Slovak Republic.**

**(3) The police department shall establish the validity of the alien´s passport for the necessary period, however for one year at most. The police department can repeatedly extend the validity of the alien´s passport.**

**(4) The territorial validity of the alien´s passport shall be defined by the police department according to the purpose for which it was issued.**

**(5) The police department shall remove the alien´s passport if the reasons for its issue expired.**

**(6) The general regulation on administrative proceeding<sup>6</sup> does not apply to the proceeding on issuing or removal of the alien´s passport.**

**' 48**

### **The Alien´s Travel Document**

**The alien´s travel document issued to the stateless person, who was granted the residence permit on the territory of the Slovak Republic and to the person who was granted refugee status on the territory of the Slovak Republic is regulated by the separate**

regulation<sup>18</sup>.

## PART FIVE

### THE OBLIGATIONS OF ALIENS AND OTHER NATURAL PERSONS AND LEGAL PERSONS, MONITORING OF THE MOVEMENT AND EVIDENCE OF ALIENS

#### CHAPTER ONE

#### THE OBLIGATIONS OF ALIENS

' 49

- (1) The alien is obliged
- a) to request the police department's consent in writing to continuously remain outside the territory of the Slovak Republic due to serious reason for more than 180 days if he has the residence permit,
  - b) to truthfully and completely provide all requested information in the extent defined by this law,
  - c) to prove the identity and legitimacy of the residence on request of the police officer by producing the travel document, or if he is not a holder of the travel document, by producing the residence permit or identification document issued by the ministry of foreign affairs to a person who benefits from the diplomatic privileges and immunity according to the international law,
  - d) to produce the document on the health insurance during the check of the residence permit,
  - e) to produce the document on the financial guarantee for the duration of the residence during the check of the residence permit,
  - f) to notify the police department on the change of the name and surname, the personal status, the citizenship, the data in the travel document within three working days of the

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<sup>18</sup> The Law No. 381/1997 of the L.C. on Travel Documents in the wording of the Law No. ..../2001 of the L.C.



change taking place and on the replacement of the travel document,

- g) to protect the documents issued according to this law against loss, theft, damage or misuse,
- h) to report to the police department the loss, theft or damage of the travel document or the documents issued according to this law within three working days from becoming aware of this fact,
- i) to be present upon notice of the police department regarding the proceeding according to this law,
- j) to depart the territory of the Slovak Republic upon interruption of the study, quitting the study, being expelled from the study or upon conclusion of the study,
- l) to fill in the official printed form on notice of the residence,
- m) to provide data necessary for statistical reference on the residence, and
- n) to notify the police department that the purpose for which the residence permit was granted expired.

(2) Within three days from the entry, the alien is obliged to report to the police department

- a) the beginning, the place and the anticipated length of the residence, if he was granted visa according to the § 8, letter c) or d), or if at the entry he is not subject to the visa obligation and the provider of the accommodation is not obliged to report his residence [§ 51, letter c)].
- b) the beginning of the residence, if he was granted the residence permit.

(3) The alien who was granted residence permit is obliged to report to the police department the change of the temporary or permanent residence place within three working days from the day the change took place.

' 50

### **The Obligations of the Accommodation Provider**

- The accommodation provider is obliged**
- a) to verify the identity of the alien,

- b) to keep the house book register and to record in it the beginning and the conclusion of the accommodation, the name and surname, the date of birth, the citizenship, the purpose of the residence, the evidence number of the travel document and visa, the date of entry, the anticipated length of residence and the address of the accommodation facility,
- c) to ensure that the alien fills out the printed form regarding the notice of the residence and facilitate its delivery to the police department within five days from the first day of the accommodation,
- d) to report the death of the accommodated alien to the police department without delay,
- d) to ensure that the records in the house book register are readable and kept in timely order,
- f) to archive the house book register for five years from the entry of the last record,
- g) to hand over the house book register to the police department within five days from the conclusion of running the accommodation facility,
- h) to forward the house book register to the police department for the inspection,
- i) to allow the police department access all premises of the accommodation facility for the purpose of monitoring the obligations established by this law,
- j) to manipulate with the personal data recorded in the house book only in manner defined in the separate regulation<sup>19</sup>.

' 51

### **The Obligations of the Carrier**

(1) The carrier who facilitates the alien's transport on the territory of the Slovak Republic ensures that he has documents necessary for the entry.

(2) The carrier who transports the alien to the border crossing who was deprived entry according to § 6, sec. 1, letter d) or sec. 2, is obliged to facilitate the return transport of this alien abroad; this does not apply if the police department cancelled the visa prior to the entry. The carrier is obliged to facilitate the transport of the alien without delay or in the time agreed on with the police department at the border crossing.

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<sup>19</sup> The Law No. 552/1998 of the L.C. on the Protection of Personal data in the Information Systems.

**(3) If the carrier facilitates the transport of the alien following the agreement with the police department according to the § 6, sec. 4, he is obliged to bear the costs regarding to the residence of the alien at the defined place.**

**' 52**

#### **The Obligations of the Prisoner and the Justice Guards Force**

**The facilities for execution of imprisonment, the facilities for execution of punishment of determinate sentence, the facilities for execution of punishment of determinate sentence for minors and the hospital for charged persons and sentenced persons are obliged to inform without delay the police department relevant to the residential place of the facility or the hospital on the arrest of the alien in the prison and on his release from the prison and on his entry and conclusion of the execution of the punishment of determinate sentence.**

**' 53**

#### **The Obligations of Some Legal Person and Natural Persons**

**(1) The National Employment Office is obliged to notify the police department in writing without delay on granting or removal of the employment permit to the alien.**

**(2) The Industrial Office is obliged to notify the police department in writing without delay on issuing of the trade licence, the termination of the trade licence, the cessation of the trade licence or the cancellation of the trade licence of the alien.**

**(3) The university, the high school, the college, the trade school (further only A the school ≡) are obliged to notify the police department in writing without delay on the commencement of study, the interruption of study, quitting from study, expulsion from the school or conclusion of the study by the alien.**

**(4) A person who finds or in another manner acquires the travel document of the alien or the residence permit is obliged to hand it over to the closest police department without delay.**

**(5) A person inviting the alien to the territory of the Slovak Republic is obliged to cover the costs of loss of property which arises to the state by not complying with the obligation established in the verified invitation.**

## **CHAPTER FOUR**

## **THE INSPECTION OF THE Residence**

' 54

- (1) The police department is entitled to inspect**
  - a) the legitimacy of the residence, the fulfilment of the conditions of the residence and the respecting of the obligations by the alien according to this law,**
  - b) the respecting of the obligations by other natural persons and legal persons regarding the residence according to this law.**
  
- (2) During the inspection according to the section 1, the police officer is entitled**
  - a) to enter the premises allocated for the enterprise, the employment or study and the premises of accommodation facilities; this does not apply if the inviolability of the property is guaranteed by the separate regulation,**
  - b) to request proving of the identity and to request explanations regarding the facts which are subject of the inspection.**
  
- (3) If the police department finds out during the inspection that the alien produced false or altered document, it is entitled to seize such a document. The police department can also seize a document which was not issued in the name of the inspected alien and the alien produce this document as his own, or if the document was declared invalid or stolen by the authority of the state which issue it.**

## **CHAPTER FOUR**

### **THE REGISTRATION OF ALIENS**

' 55

- (1) The police department performing the state administration according to this law keeps in its information systems records containing the data on**

- a) the entry, the residence and departure of the aliens,
- b) the applicants for visa, on the granted or rejected visa,
- c) the applicants for residence permit, the aliens holding the residence permit and on the aliens whose applications for residence permit were rejected,
- d) the applicants for alien's passport and the travel document of an alien and on the extensions of validity of these documents,
- e) the aliens whose invitations were verified by the police department and on persons who are inviting the aliens,
- f) the personas non grata,
- g) the lost, the stolen travel documents and on the travel documents which were declared invalid or stolen by the authority of the state which issued these documents.

(2) The police department is entitled to keep other records and operate other information systems, if it is necessary for completion of tasks required according to this law.

(3) The records in the information systems kept and operated according to this law contain data on aliens and other persons gained during the proceeding according to this law.

(4) The central evidence is kept and operated by the ministry of interior.

(5) The Ministry of Foreign Affairs keeps and operates records in the information systems containing data on applicants for visa and on granted or non granted visa which is linked to the records of the ministry of interior.

## **PART SIX**

### **THE ADMINISTRATIVE EXPULSION, THE DETENTION AND THE POLICE TRANSPORT**

#### **CHAPTER ONE**

## ADMINISTRATIVE EXPULSION

' 56

### General Provisions

The administrative expulsion is a decision of the police department on conclusion of the alien's residence by definition of the period for his expulsion and of the period of restriction of entry. A group expulsion of aliens on the basis of one decision is impermissible.

' 57

### The Reasons for Administrative Expulsion

(1) The police department shall administratively expel an alien and determine the restriction of entry

a) to ten years, if

1. he endangers the security of the state, the public order, the health or the rights and freedoms of another person and, in the selected territories, also the nature or
2. if he was lawfully sentenced for intentional crime and he was not punished by expulsion<sup>2</sup>,

b) to five years, if

1. he violates the regulations on narcotic and psychotropic agents<sup>20</sup>,
2. he produces false or altered documents during the inspection according to this law,
3. he performs other activity than the one he was granted temporary residence permit for, or
4. if he concluded marriage with the intention to acquire residence permit,

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<sup>20</sup>

The Law No. 139/1998 on the Narcotic Agents and the Psychotropic Agent and the Preparations in the wording of the Law No. 260/1999 of the L.C.

**c) up to five years, if**

- 1. he unlawfully enters or unlawfully remains on the territory of the Slovak Republic,**
- 2. he refuses to prove his identity in credible way,**
- 3. he remains on the territory of the Slovak Republic on the basis of an international agreement or a decision of the Government of the Slovak Republic and performs activities which are in contradiction with this international agreement or with the decision of the Government of the Slovak Republic,**
- 4. he intentionally states untruthful or incomplete information in the proceeding for granting of the residence permit,**
- 5. it finds out that the purpose for which the alien was granted the temporary residence permit expired and the alien did not notify the police department of this fact,**
- 6. he obstructs an official activity of the state authority, or**
- 7. if he seriously violates and repeatedly violates in other manner the generally binding legal regulations.**

**(2) If a number of reasons for administrative expulsion according to the section 1 exists, the police department determines the period for restrictions of entry according to the most strictest of provisions.**

**(3) If one of the reasons of the administrative expulsion is the reason according to the section 1, letter c), item 1, the remonstrance against the decision on the administrative expulsion does not have a suspensive effect; this does not apply if it concerns an alien whose application for granting of the refugee status was rejected according to the separate regulation<sup>1</sup>.**

**(4) The alien who was issued a decision on the administrative expulsion is obliged to depart in the period defined in the decision; this period cannot exceed 30 days from the day of the decision becoming valid.**

**(5) If the alien remains on the territory of the Slovak Republic on the basis of the residence permit, the police department can determine the place of his stay until the decision on administrative expulsion becomes valid.**

**(6) Upon entering to force of the decision on expulsion, the police department shall**

record the data on the alien, the period determined for the restriction of entry, and on the reasons for the decision in the evidence on *personas non grata*. The ministry of interior shall eliminate the alien from the evidence on *personas non grata* after the elapse of the period determined for restriction of entry or after the pardon of the sentence of expulsion on the basis of granting a pardon by the President of the Slovak Republic.

' 58

### The Obstacles of an Administrative Expulsion

(1) An alien cannot be administratively expelled into a state in which his life would be endangered for reasons of his race, nationality, religion, membership in a certain social group or for his political opinion. Likewise, an alien cannot be administratively expelled into a state, in which he was sentenced to capital punishment, or if an assumption exists that such a sentence to can be imposed on him as a result of the ongoing criminal proceeding.

(2) An alien cannot be administratively expelled into a state in which his freedom would be endangered for reasons of his race, nationality, religion, membership in a certain social group or for his political opinion, or where he would face torture, cruel, inhuman or degrading treatment or punishment; this does not apply if the alien poses a danger to the security of the state by his act or if he was sentenced for particularly serious criminal offence<sup>21</sup> and poses a danger to the Slovak Republic.

(3) Likewise, it is not possible to administratively expel a stateless alien who holds permanent residence permit; this does not apply if he, by his act, poses a danger to the security of the state or to the public order.

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<sup>21</sup>

§ 41, sec. 2 of the Criminal Code in the wording of subsequent regulations.



### **The Processing of the Administrative Expulsion**

**(1) The police department shall secure the processing of the administrative expulsion if**

- a) the alien did not depart within the period defined in the decision on the administrative expulsion,**
- b) it is possible to assume that the alien shall obstruct or impede the processing of the decision on administrative expulsion,**
- c) the alien should be returned to the territory of the member state according to the international agreement , or**
- d) if the alien cannot depart because he does not have a valid travel document or financial means for departure.**

**(2) The alien who is administratively expelled to the neighbouring state shall be transported by the police department to the border crossing.**

**(3) If the police department processes the administrative expulsion by air, or through a territory of the third state on the basis of an international agreement, it can transport the alien into the territory of the state in which his reception is facilitated.**

### **Payment of Costs for the Administrative Expulsion**

**(1) The costs of the administrative expulsion constitute of the costs of accommodation, food and transport of the alien, of the costs related to the custody of the alien and all other necessary financial costs paid for the alien.**

**(2) The costs related to the administrative expulsion shall be paid by the alien from**

- a) his own financial sources or,**
- b) the financial sum deposited at the representation abroad.**

**(3) If it is not possible to cover the costs for the administrative expulsion as defined in the section 2, these shall be paid by**

- a) the one who unlawfully employed the alien,
- b) the one who procured the unlawful employment,
- c) the one who committed himself to it in the verified invitation, or
- d) the carrier who did not comply with the obligation of the § 51.

(4) If it is not possible to cover the costs of the administrative expulsion according to the sections 2 or 3, these costs are paid by the state through the ministry of interior.

' 61

The ministry of interior can allow an entry to the alien who was administratively expelled if

- a) the purpose of the residence are humanitarian reasons, specifically the death or visit of seriously ill person, who is a close person<sup>22</sup> to the alien or
- b) his residence is in the interest of the Slovak Republic and the case cannot be processed abroad.

## CHAPTER TWO

### THE DETENTION

' 62

(1) The police officer has the right to detain the alien who unlawfully enters or unlawfully remains on the territory of the Slovak Republic or if it is necessary for processing of the administrative expulsion.

(2) The alien can be detained for necessary period of time, however for at most 180 days.

(3) The police department shall provide the alien the decision on detention without delay and place him into a facility.

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<sup>22</sup> § 116 of the Civic Code.

**(4) The detained alien can file a remonstrance to the court<sup>23</sup> against the decision within 15 days from the delivery of the decision on custody. Filing of the remonstrance does not have a suspensive effect.**

**' 63**

**The police department is obliged**

- a) to instruct the alien immediately after detention on the reasons for detention, on the possibility of examination of legitimacy of the detention in the language which he is able to understand,**
- b) to immediately inform about the detention the representation abroad the citizenship state of the alien; if the representation abroad of this state does not have a residence on the territory of the Slovak Republic, the police department shall inform about the detention the Ministry of Foreign Affairs,**
- c) to enable the detained alien to inform about detention one of his close persons or his legal representative,**
- d) to perform immediately measures and steps necessary for processing of the expulsion or securing the identity of the alien,**
- e) to examine during the whole time of the alien's detention whether the reasons for detention prevail,**
- f) to release the detained alien without unnecessary suspense**
  - 1. if the reason for detention expired,**
  - 2. on the basis of the decision of the court, or**
  - 3. if the 180 days' period elapsed.**

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**The Facility**

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<sup>23</sup> § 2501 of the Civic Court Order in the wording of the Law No. 519/1991 of the Collection

**(1) The facility must correspond with the purpose for which it was established, it must be hygienically clean and furnished in such manner, that it would prevent danger to life or damage to health.**

**(2) The facility comprises of accommodation rooms including the social, cultural and visiting room and other space giving the alien the possibility of free movement during a set time, except for the aliens placed in the space of the facility determined for separated detention regime according to the § 65.**

**(3) The accommodation room is furnished with an electrical light, a table, chairs, beds and cupboards for personal belongings in a number corresponding to the number of detained aliens.**

**(4) The facility includes a space allocated for the separated detention regime.**

**(5) The police department administers the facility.**

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### **Separated Detention Regime**

**(1) The police department shall place the detained alien in the space of the facility with the separated detention regime**

- a) if there is a founded suspicion that he abuses the purpose of the detention,**
- b) if he is aggressive or requires increased surveillance based on other reason or if it is in the interest of protection of the health or rights and freedoms of other aliens,**
- c) if he violates internal order of the facility, or**
- d) during the quarantine period because of the infectious disease or other health reason.**

**(2) The premises with separated detention regime comprise of the accommodation room which can be locked only from the outside and is furnished with separate sanitary facility and alarm.**

**(3) The place determined for walking is also part of the premises with separate detention regime.**

**' 66**

## **Inspection of the Detained Alien**

**(1) The police officer is entitled to perform a personal inspection of the alien before his placement in the facility, as well as inspection of his personal belongings for the purpose of determination, whether he has in his personal belongings items capable to pose danger to persons and property, item which could be used for an escape and habitual agents or items which could in their number or by their nature cause interruption to the internal order of the facility or could damage the health.**

**(2) The detained alien is obliged to undergo the inspection. The personal inspection of the detained alien is performed by a person of the same sex.**

**(3) The police officer is entitled to remove and place into deposit the travel document and items mentioned in the section 1 and habitual agents found during the inspection of the detained alien or during the inspection of his personal belongings.**

### Accommodating the Aliens

- (1) When accommodating the alien, the police department takes into consideration his age, health condition, relative and family relations and religious, ethnical or nationality particularities.**
- (2) The police department running the facility shall immediately upon placing the alien in the accommodation facility inform him about his whereabouts, about his obligations and rights regarding his detention and also inform him about the internal order of the facility.**
- (3) The men, women and alien younger than 18 years are accommodated separately from the older aliens. The exception can only be made in the case of family relation.**
- (4) The family can be accommodated in the facility together. If the police department decides to separate the family, it must always consider that the consequences of such a separation be adequate to the reason for such a separation**

### The Health Care

- (1) The alien is obliged to undergo a medical examination within the extent determined by a doctor, including the diagnostic and laboratory examination, the vaccination and preventive measures determined by the authority for the protection of health<sup>24</sup>.**
- (2) If the health condition of the alien requires special medical care not available in the facility, the police department shall secure such a care in a medical facility outside of the facility.**
- (3) If the alien intentionally causes himself a health damage, he is obliged to cover the costs for his recovery and actual costs paid for his supervision and transport to the medical facility.**

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<sup>24</sup>

§ 18 of the Law of the Slovak National Council No. 272/1994 of the Law Collection on protection of health of people in the wording of the Law No. 222/1996 of the Law Collection

### **The Obligations of the Alien Placed in the Facility**

**The alien is obliged to respect the internal order of the facility, to fulfill the orders and instructions of the police officer.**

### **The Rights of the Alien Placed in the Facility**

**The alien has the right to an uninterrupted eight-hour sleep period and to daily walks in the determined area for the period of at least one hour.**

- (1) The alien can post written notices on his own expense.**
- (2) In order to exercise his rights the alien can file applications and complaints to the state authorities of the Slovak Republic, which shall be immediately posted by the police department.**
- (3) The alien can order books, daily newspapers and magazines including foreign ones if they are distributed in the Slovak Republic on his own expense.**

- (1) The alien has the right to receive visitors, no more than two persons once in three weeks for the duration of 30 minutes. The director of the facility can grant exception in founded cases.**
- (2) The alien has the right to receive persons providing him the legal protection without any restriction.**

- (1) Once in two weeks, the alien can receive a parcel containing items for personal needs of up to five kilograms in weight. The restriction does not apply to parcel containing clothes.**

**(2) The police department shall inspect the contents of the parcel. The police department shall not hand over the articles, substances and items specified in § 66, sec.1 and shall send it back to the sender on his expense.**

**(3) The alien can receive financial means without restrictions. The police department shall secure their safe deposit.**

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### **The Termination of the Detention**

**Upon the termination of the detention in the facility, the police department shall forward to the alien the deposited financial means, except for the financial means used according to the § 60, sec. 2, letter a), and the travel document, articles, items and habitual agents taken into the deposit, except for those the disposition of which is in contradiction with the legal order of the Slovak Republic.**

## **CHAPTER THREE**

### **THE POLICE TRANSPORT**

**' 75**

**(1) If a party to the agreement requests the transport of the alien through the territory of the Slovak Republic to the state border of the neighbouring state, the police transport shall be performed by the police department on the basis of the international agreement.**

**(2) The police department shall execute necessary measures for the protection of life and health of the transported alien, and if necessary, shall secure providing the necessary health care.**

**(3) The police officer is entitled to restrict the personal freedom of the transported alien during the transport during the transport.**

**(4) The transported alien is obliged to undergo an inspection which shall be performed by a person of the same sex.**

**(5) The police department provides food to the transported alien usually every six hours from the receipt of the alien for the police transport.**



**(6) The expenses connected to the police transport shall be borne by the party requesting the police transport.**

## PART SEVEN

### THE OFFENCES AND OTHER ADMINISTRATIVE TORTS

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#### The Offences

- (1) An offence is committed by a person
  - a) who unlawfully enters the territory of the Slovak Republic or unlawfully remains on the territory of the Slovak Republic,
  - b) who abuses the travel document with the intention to cross the state border the Slovak Republic,
  - c) who performs or allows for performance of unlawful alterations to the documents entitling to the entry or in the residence permit,
  - d) who violates the obligation set in § 19 sec. 2., § 20 sec. 3, § 23 sec.3, §§ 49 or 69.
- (2) A fine of up to 50 000 Sk can be imposed for an offence according to the section 1.
- (3) The fines for offences according to this law can be imposed by the police departments in the administrative proceeding by issuing a voucher in the value of up to 5 000 Sk.
- (4) The offences according to the section 1 are examined by the police departments. The gaining from the fines is an income of the state budget of the Slovak Republic.
- (5) If this law does not regulate otherwise, the offences and its proceedings are regulated by the separate regulation<sup>25</sup>.

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#### The Administrative Torts

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<sup>25</sup> The Slovak National Council Law No. 372/1990 of the L.C. on Offences in the wording of subsequent regulations.

- (1) An administrative tort committed in regard to the residence of aliens by
- a) the carrier who carried an alien to the border crossing who was deprived the entry to the territory of the Slovak Republic according to § 6, sec. 1, letter d) or sec. 2,
  - b) the provider of an accommodation who violated the obligation defined by the § 50,
  - c) the school which did not comply with the obligation defined by the § 53, sec. 3.

(2) The police department shall impose a fine in the sum of 100 000 Sk for an administrative tort defined in the section 1, letter a) for each transported alien. If, within one year from the date of validity of the decision on penalization, the carrier repeatedly commits the action defined in the section 1, letter a), the police department shall impose on him the fine in the sum of 200 000 Sk for each transported alien.

(3) The police department shall impose a fine in the sum of 100 000 Sk for committing an administrative tort defined in the letter a) to c).

(4) The fine defined in the section 1, letter a) to c) can be imposed within one year of the day on which the police department became aware of the violation of the obligation, however no later than three years from the day when the obligation was violated.

(5) The police department collects the fine. The gaining from the fines is an income of the state budget of the Slovak Republic.

(6) The fine is payable within 30 days from the date of validity of the decision on its imposition.

## **P A R T   E I G H T**

### **THE COMMON, TEMPORARY AND THE CONCLUSIVE PROVISIONS**

' 78

#### **The Relevance to the Administrative Order**

If this law does not regulate otherwise, the general regulations on the administrative proceeding are applicable to the proceeding according to this law<sup>6</sup>.

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#### **Integrity**

(1) The alien proves his integrity by producing an extract from the criminal offence register according to the separate regulation<sup>26</sup> and an extract from the criminal offence register of the state of his citizenship or the state of his residence for the last three years; if such an extract is not issued in that state, it is possible to replace it by a document of equal value issued by a relevant judicial or administrative authority of the country of origin or it is possible to replace it by a solemn declaration made by the alien before the relevant judicial or administrative authority, respectively a justice of the peace of the country of origin or the country of last residence.

(2) The police department is entitled to request an extract of the criminal offence register for the proceeding on the decision on granting of the residence permit.

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(1) The police department relevant to the place of residence or anticipated place of residence is competent to act in the proceeding concerning the matters of residence if this law or an separate law does not regulate otherwise.

(2) The alien is obliged to produce the applications and documents issued in a foreign language which are necessary for the proceeding according to this law together with their officially verified translation<sup>27</sup> into the state language<sup>28</sup>.

(3) According to the separate regulation<sup>29</sup>, the administrative fees are collected for the procedural steps made according to this law.

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### The Temporary Provisions

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<sup>26</sup> The Law No. 311/1999 of the L.C. on Criminal Offence Register in the wording of the Law No. .../2001 of the L.C..

<sup>27</sup> The Slovak National Council Law No. 323/1992 of the L.C. on Justices of the Peace and their Notary Activity (Notary Order) in the wording of subsequent regulations.  
The Slovak National Council Law No. 15/1993 of the L.C. on Verification of Documents and Signatures on the Documents of the Local Councils.

<sup>28</sup> The Slovak National Council Law No. 270/1995 of the L.C. on the State Language of the Slovak Republic in the wording of the subsequent regulations.

<sup>29</sup> The Slovak National Council Law No. 145/1995 of the L.C. on Administrative Fees in the wording of subsequent regulations.

(1) Proceedings initiated before the 1st of April 2002 shall be completed according to this law.

(2) The visa granted before the 1st of April 2002 are considered to be granted according to this law, except for the visa defined in the section 3.

(3) The validity of the visa granted in regard to the long-term residence and permanent residence expires on the 31st of March 2003, if their validity did not expire prior to this date.

(4) The permanent residence permit granted according to up to now regulations is considered to be the first permanent residence permit according to this law.

(5) The long-term residence permit granted according to up to now regulations is considered to be the temporary residence permit according to this law.

(6) The term Along-term residence permit on the territory of the Slovak Republic used in generally binding legal regulations is understood to be the temporary residence permit according to this law.

(7) The identification card - the alien's residence permit issued according to up to now regulations is considered to be the document on the residence permit according to this law with the validity indicated in it.

(8) The validity of the decision on the restriction of residence on the territory of the Slovak Republic and the validity of the decision on the restriction of entry to the territory of the Slovak Republic imposed according to up to now regulations is not affected.

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### **Cancelling Provisions**

**Cancelled are:**

- 1. The National Council Law of the Slovak Republic No. 73/1995 of the L.C. on the Residence of Aliens on the territory of the Slovak Republic in the wording of the Article IV of the Law No. 70/1997 of the L.C. and the Law No. 69/2000 of the L.C..**
- 2. The Resolution of the Ministry of Interior of the Slovak Republic No. 226/1996 of the L.C. which establishes the sum which the alien is obliged to produce at the entry to the territory of the Slovak Republic .**

## Article II

The National Council Law of the Slovak Republic No. 171/1993 of the L.C. on the Police Force, in the wording of the National Council Law of the Slovak Republic No. 251/1994 of the L.C., the National Council Law of the Slovak Republic No. 233/1995 of the L.C., the National Council Law of the Slovak Republic No. 315/1996 of the L.C., the Law No. 353/1997 of the L.C., the Law No. 12/1998 of the L.C., the Law No. 73/1998 of the L.C., the Law No. 256/1998 of the L.C., the Law No. 116/2000 of the L.C., the Law No. 323/2000 of the L.C. and the Law No. 367/2000 of the L.C., is changed as follows:

1. ~~§ 20 is omitted~~
2. In the § 42, sec. 1, the words Aor § 20" are omitted.

## Article III

The Law No. 381/1997 of L.C. on the Travel Documents is changed and updated as follows:

1. In the § 1, the words Astateless persons with the permanent residence on the territory of the Slovak Republic≡ are replaced by the words Aanother persons≡.
2. In the § 5 sec. 1 letter e), § 15 sec. 2 and § 16 sec. 2 letter e), the words Athe identity travel document≡ are replaced by the words Athe alien´s travel document≡.
3. § 10, including the heading and footnotes <sup>2a</sup> and <sup>2b</sup> reads as follows:

### A§ 10

#### The alien´s travel document

The police department issues the alien´s travel document valid for two years to the person

- a) without state citizenship<sup>2a</sup>, who was granted the permanent residence permit on the territory of the Slovak Republic and
- b) who was granted the refugee status on the territory of the Slovak Republic<sup>2b</sup>.

<sup>2a</sup> Article No. 27 of the UN Convention on the Legal Status of Stateless Persons dated 28th September 1954 (The Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 206/2001 of the L.C.).

<sup>2b</sup> Article No. 28 of the UN Convention on the Legal Status of Refugees dated 28th July

**1951 (The Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 319/1996 of the L.C.).**

- 4. In § 29 the words Aand persons, who were granted refugee status on the territory of the Slovak Republic are attached at the end.**
- 5. After § 30, the § 30a is inserted which reads:**

**§ 30a**

**The travel document of identity issued till 31st March 2002 is from the 1st April 2002 considered to be the alien's travel document until the expiration of its validity.**

**Article IV**

**The Law No. 311/1999 of the L.C. on the Criminal Offence Register is updated as follows:**

**In the § 7 after the section 1, a new section 2 is inserted which reads:**

**A(2) The extract of the criminal offences register is issued to the Police Force upon request for the proceeding on the application of the alien for granting of the residence permit on the territory of the Slovak Republic according to the separate regulation<sup>10a</sup>.**

**Up to now sections 2 to 8 are marked as 3 to 9.**

**The footnote<sup>10a</sup> reads:**

**A<sup>10a</sup> the Law No. .../2001 of the L.C. on the Residence of Aliens and on the change and updates of some laws.**

**Article V**

**The Validity**

**This Law becomes valid on the 1st April 2002.**

