

Ministry of Interior of the Slovak Republic

**Responsible authority
for the European Refugee Fund**



**MULTI-ANNUAL PROGRAMME
2005 - 2007**

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1. MEMBER STATE:

Slovak Republic

2. RESPONSIBLE AUTHORITY UNDER ARTICLE 13 OF ERF DECISION (FUNCTIONAL BODY OF THE MEMBER STATE OR NATIONAL PUBLIC BODY)

Ministry of Interior of the Slovak Republic
Section of Legislation and External Relations

Pribinova 2
812 72 Bratislava
Slovak Republic

Name of person responsible: JUDr. Milan Ukrop, CSc
Contact person: Katarína Baláková (main state advisor)

Tel: 00421 2 5094 4437

Fax: 00421 2 5094 4009

E-mail: balakova@minv.sk

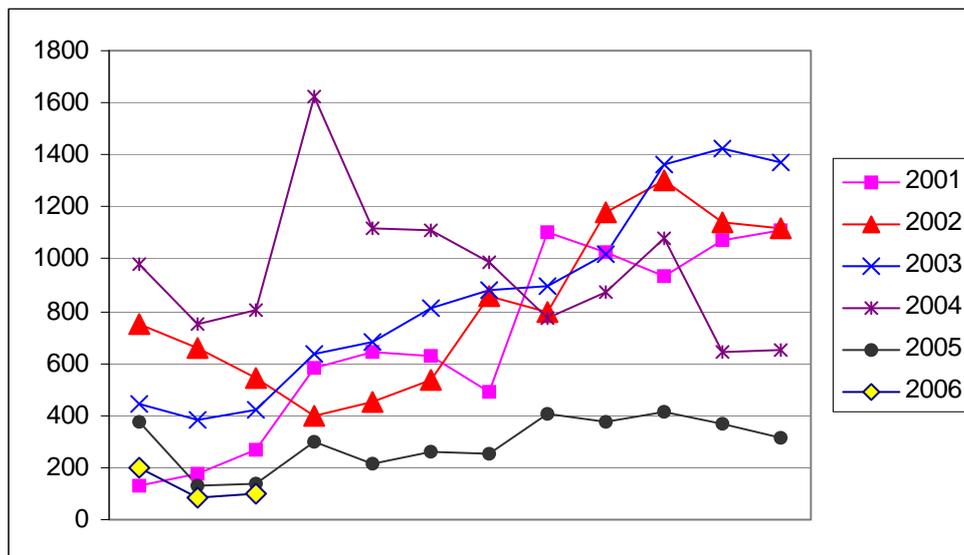
3. SITUATION IN THE MEMBER STATE

- (a) *An overview of trends in relation to the target groups referred to in Article 3 as from 2003 including a succinct description of the social conditions for asylum seekers, refugees and displaced persons (resettlement if applicable)*

In the area of reception

The statistical indicators show that the number of illegal migrants enormously increased since the year 2001, when it was 15.548 persons, which compared to the year 2000 is an increase by 9.487 persons. A high influx of illegal migrants was also recorded in the years 2002 and 2003, when the numbers reached 15.200 and 12.493 persons respectively. In 2004 there were 11 395 persons.

The enormous increase in the number of aliens was reflected in the increased amount of asylum applications after 2000 in development by the years: 1556/2000; 8151/2001; 9743/2002; 10358/2003; 11395/2004. The main groups of the asylum seekers have come from India, Russia, China, Georgia, Moldova.



In spite of improving the process of receiving the aliens in the asylum procedure and the permanent increase of the number of applicants, the prevailing effort of the migrants is to barely transit the Slovak Republic. The mentioned phenomenon has in the end a negative influence on the asylum procedure as with most of the cases the asylum procedure is stopped and then repeated asylum applications are filed. However, downtrend in number of asylum seekers has been recorded in the first half year 2005, that in comparison with the first half year 2004 is 22,4% only.

With regards to the increasing amount of asylum applicants and an insufficient capacity of the accommodation facilities from 2001 it was necessary to establish and put into operation 3 new reception centres ((Rohovce, Opatovská Nová Ves, Vlachy). There are 5 asylum facilities at present. New asylum facility Humenné (eastern Slovakia) is prepared with the date of finishing of reconstruction works in April 2006. During the stay in the asylum facilities the asylum seekers are provided with free accommodation, catering, basic health care, social assistance and pocket money. The asylum seekers can, during their stay in the refugee camp, take part in the Slovak language courses free of charge. Special care is devoted to vulnerable groups (Women, minors, unaccompanied children, elderly people etc.), asylum seekers have access to legal counselling.

In the area of asylum procedures there is the implementation of Act No. 480/2002 Coll. on Asylum as amended, which came into force on 1 January 2003. In its elaboration the implementation of legal acts of the European Communities and the European Union in the field of asylum started and that for example through accepting the Resolution on Minimum guaranties for asylum procedures, Resolution on manifestly unfounded asylum applications and Resolution on Unaccompanied Minors. In this way the terms concerning the asylum procedure were newly defined in compliance with the European legislation. Passing the law meant meeting the requirements of the European Commission and the European Union, which were contained in chapter 24 of the negotiation position, according to which the Slovak Republic undertook to accept the set tasks and fully prepared for the implementation of the European „acquis“ in the section „Cooperation in the area of justice and interior“ as of the day of acceding to the European Union. Further amendments to the Act modified mainly implementation of Council Regulation No. 343/2003/EC and transposition of Council Directive No. 2003/9/EC, which establishes minimum standards for the reception of asylum seekers.

In the area of integration a certain balance in the performance of tasks connected to migration policy issues was obtained through involvement of the competent local bodies of state and public administration bodies and that was thanks to amending the laws on asylum and alien issues in the individual spheres of social life (healthcare, education, social and labour affairs, financial sector, etc.). Through consistent cooperation among the individual institutions a unified method in the performance of tasks arising out of the migration policy concept is being pursued as to competencies, legal framework harmonization, evaluation of task performance. An important role in this area will be played by a work committee under the Ministry of Interior, which will act as a coordinating body in the performance of tasks resulting from the migration policy concept.

Looking at the present cooperation between the state bodies and non-governmental organizations in the implementation of the migration policy principles it can be said that through their work with the migrants valuable information concerning the needs and problems of these persons are obtained. On the basis of the performance of several concrete tasks within projects they can be evaluated as active players in the implementation of the national migration policy.

In the area of voluntary returns - through more consistent cooperation with IOM on the basis of the contract voluntary return of 109 unsuccessful asylum seekers and illegal aliens was performed in 2003. In the year 2004 there were over 140 persons who voluntarily returned to their country of origin at the whole and as 49 under ERF I.

More efficient and closer cooperation between the representative offices and the IOM will have to be reflected in accelerating the issuance of surrogate travel documents and in an

increased number of voluntary returns of illegal migrants and rejected asylum seekers to their countries of origin. In this context the Slovak Republic will foster all activities of the European Union as to establishing common integrated programmes for returns, which will be specific for the individual member countries and regions as well as the planned funding of the European Return Fund in the year 2007.

(b) *An indication of public resources actually spent on reception, asylum procedures, integration and voluntary return as from the beginning of 2003*

Public funds earmarked for solving the refugee problems are included in the Migration Office budget. It is necessary to note in this connection that in the area of repatriations the competency is Office of Aliens and Border Police of the Slovak Republic, which means that the Migration Office budget covers only reception and integration processes of the asylum applicants. This budget includes the current and capital expenditures, i.e.

- ***the complex service for the target group***. According to the Act on Asylum as amended, part 3, chapter 1, section 22 the complex service includes the health care, accommodation, catering or payment for board. The applicant shall also be given subsistence allowance in cash.

- ***the salaries of Migration Office staff, insurance, current and capital transfers and procuring the capital assets***.

(c) *Main results of actions/projects financed by national funding since 2003 with regard to reception, asylum procedures, integration and voluntary return. Please provide a global assessment of the impact of these actions/projects*

The special care about asylum seekers is provided through common projects dealing with psychological counselling, legal counselling, social assistance and care for

unaccompanied minor asylum seekers in cooperation with non-governmental organisations, in particular with the Slovak Humanitarian Council, the Slovak Helsinki Committee, the Björnson society, the Slovak Catholic Charity and the Goodwill Society.

A detailed legal defence of Asylum seekers' rights is an essential part of legal counselling in connection with exercising their procedural rights and duties in asylum procedure.

Officials of the non-governmental organisation which currently performs legal counselling in the SR represent asylum seekers in the interviews and help them with writing remedies and claims for judicial examination of decisions. The effort of the Migration office is to keep this activity covered by non-governmental organisations. The Project "Unaccompanied minors" signed in 2003 by the Migration Office of the Slovak Republic Ministry of Interior and the Slovak Humanitarian Council has an experimental character. The project is focused on creation of the best approaches for the work with this vulnerable group. Implementation of measures will be aimed at unaccompanied minors identification and their protection. The protection of the target group in accordance with the Convention on the Child's rights must be secured by the non-governmental organisation. A main issue of the programme is to protect the unaccompanied minors and secure their rights within the asylum procedure and search for permanent solutions. In accordance with their political priorities pertaining to women, victims of violence, elderly people, the non-governmental organisation (UNCHR) will grant protection and care to these vulnerable groups.

Common project was undertaken in 2002 aiming at social skills training for the officers of first contact with asylum seekers and refugees (Slovak Humanitarian Council, Open Society Foundation).

All these projects contributed to the fulfilment of tasks of the migration policy significantly. At the same time, an inevitable need of co-operation with NGOs was confirmed.

(d) Main results of the actions/ projects co-financed in your country by the European Refugee Fund in its previous year(s) with regards to reception, asylum procedures, integration and voluntary return. Please provide a global assessment of the impact of these projects

As the implementation of the projects is not finished yet and we didn't receive the final monitoring reports of all the projects, is hard for us to tell in the present time, what are the results of the actions implemented by the projects.

(e) An analysis of the deficits within your country with regard to reception, asylum procedures, integration and voluntary return.

Deficits

The present state does not satisfy the current needs and the requirements as far as personnel, material and equipment and finances are concerned, and does not reach the standard level in the EU Member States. These facts are also pointed out in the „Evaluation of the asylum system in the Slovak Republic”, carried out in 2003 and 2004 via cooperation among the Ministry of Interior, Ministry of Labour, Social Affairs and Family with UNHCR, IOM, Delegation of the European Commission to the Slovak Republic, Embassy of the United States of America, the Embassy of the Kingdom of the Netherlands and non-governmental organisations (Slovak Humanitarian Council, Slovak Helsinki Committee, Björnson society and Goodwill Society). The reserves lie, inter alia, in the application

practice. From point of view of ERF support there are defined deficits in the individual areas as follows:

In the area of reception – deficit/ permanent need to ensure

Lack of sources, lack of personnel, needs:

1. legal counselling for asylum seekers
2. care for unaccompanied children
3. care for other vulnerable groups (women with children, unaccompanied children, ill and elderly people, etc.)

In the area of asylum procedure – deficit/need

There are reserves in application practice in general, needs are mainly in:

- determination of the nationality, origin and the age of applicants,
- using progressive methods for verifying the credibility of testimonies such as language analyses and analyses on the countries of origin,
- finding out the age in the cases of unaccompanied minors,
- using a special approach in providing protection to those persons, who do not meet the criteria defined in the Convention relating to the Legal Status of refugees and the Act on Asylum, but who are in need of international protection.

In the area of integration – deficit/need

Lack of sources, needs:

- ensuring of accommodation for recognized refugees
- to provide assistance for recognized refugees in looking for job, providing counselling services and supporting disadvantaged groups at the labour market
- ensuring the language and training courses
- realisation of the programmes for support of vulnerable groups of migrants

In the area of voluntary returns – deficit/need

Lack of sources, needs:

- to make the programme of voluntary returns more effective
- to enhance informing on voluntary returns
- maximum using of voluntary returns

4. ANALYSIS OF REQUIREMENTS IN THE MEMBER STATE

General overview

Within the period 2005-2007 the Slovak Republic will continue to act in area of reception, including asylum procedures, integration and voluntary returns. The new Migration Policy concept will be implemented with the aim to secure needs of target group as it is defined under Article 3 of ERF Decision 2004/904/EC.

Reception

We can expect the increase of the requirements imposed on the Migration office as the main authority in charge of the reception of asylum seekers, especially because of the obligation to implement the Directives mentioned below in the Priority 1.

The requirements are connected mostly with:

- the necessity to modernise existing asylum facilities in order to improve their quality

and possibly to build the new ones,

(New asylum facility Humenné (eastern Slovakia) will be opened in April 2006)

- ensure the fulfilment of new tasks linked with the person enjoying a form of subsidiary protection. It will be necessary to ensure the rights for this group of migrants without forgetting the demand of asylum seekers and refugees,
- guarantee special attention to the vulnerable groups of migrants.

We will continue in the process of providing information to the applicants about what conditions in the asylum procedure they are supposed to meet and about the organizations and entities that provide legal assistance and material support.

In order to fulfil all the requirements it will necessary to increase the financial budget, improving the material and technical support and mostly increase the number of employees who participate in the implementation of the migration policy.

Integration

The Slovak Republic did not implement any program within the Integration in the first year of the ERF project (2004). Therefore we would like to put special accent to this area, which is underestimated, during the coming years.

Although, the Slovak Republic is mostly the transit country, we expect slight changes in the future. The number of refugees remaining on the territory could increase; therefore it will be necessary to strengthen the co-operation with municipalities in order to provide effective integration programs. It will be also important to provide activities with the aim to improve the attitude of majority towards the migrants/ refugees. A key role in this area will be played by a work committee under the Ministry of Interior, which will act as a coordinating body in the performance of tasks arising from the migration policy concept.

The biggest lack of sources is in the area of accommodation for recognized refugees. The assistance at looking for job, providing counselling services and supporting disadvantaged groups on the labour market such as refugees has to be continuously improved. It will be very important to ensure the language and training courses as a base for the successful integration.

Voluntary returns

More efficient and closer cooperation between the representative offices and the NGOs will have to be reflected in accelerating the issuance of surrogate travel documents and in an increased number of voluntary returns of eligible persons to their countries of origin.

The requirements are connected mostly with:

- distribution of information materials on voluntary returns in various language mutations, launch of a website relating to voluntary returns,
- a continuous information campaign in the facilities of the Ministry of Interior,
- strengthening of the counselling services through increase of the direct counselling sessions and effective co-operation with the staff of the MoI coming into contact with asylum seekers,
- enhance the capacity in assisted voluntary return for the offices of the MoI coming into contact with migrants.

Priority 1

Implementation of the main actions including those related to integration set out in:

- (a) Council Regulation (CE) 343/2003¹ of 18 February establishing the criteria and mechanisms for determining the Member State Responsible for examining an asylum application lodged in one of the Member States by a third-country national,
- (b) Council Regulation (CE) 2725/2000² of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention,
- (c) Council Regulation (CE) 407/2002³ of 28th February 2002 laying down certain rules to implement Regulation (CE) 2725/2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention,
- (d) Council Directive 2001/55/CE⁴ of 20 July 2001 on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof,
- (e) Council Directive 2003/9/CE⁵ of 27 January 2003 laying down minimum standards for the reception of asylum seekers,
- (f) Council Directive 2003/86/CE⁶ of 22 September 2003 on the right to family reunification; as far as provisions related to refugees are concerned,
- (g) Council Directive 2004/83/CE⁷ of 29 April 2004 on minimum standards for the qualification and status of third country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted

The Dublin Station was established and operational on the date of accession of the Slovak Republic to the EU as well as functioning of the EURODAC system and full implementation of related EU legal rules was ensured with assistance of successful implementation of the 2002 and 2003 PHARE Projects (the Council Regulation (CE) 343/2003⁸ of 18 February establishing the criteria and mechanisms for determining the Member State Responsible for examining an asylum application lodged in one of the Member States by a third-country national, the Council Regulation (CE) 2725/2000⁹ of 11 December 2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention, the Council Regulation (CE) 407/2002¹⁰ of 28th February 2002 laying down certain rules to implement Regulation (CE) 2725/2000 concerning the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of the Dublin Convention).

¹ OJ L 50/1 of 25.2.2003

² OJ L 316/1 of 15.12.2000

³ OJ L 62/1 of 5.3.2002

⁴ OJ L 212/12 of 7.8.2001

⁵ OJ L 31/18 of 6.2.2003

⁶ OJ L 251/12 of 3.10.2003

⁷ OJ L 304/12 of 30.9.2004

⁸ OJ L 50/1 of 25.2.2003

⁹ OJ L 316/1 of 15.12.2000

¹⁰ OJ L 62/1 of 5.3.2002

Transposition of the Council Directive 2001/55/CE¹¹ of 20 July 2001 is ensured through Act No 2480/2002 of Coll and mainly by its amendment - Act No 207/2004 of Coll.

On 2 December 2004 amendment to the Act No. 480/2002 of Coll. was adopted (Act No 1/2005 of Coll. effective from 1st of February 2005) mainly due to the transposition of the Council Directive 2003/9/CE¹² of 27 January 2003 laying down minimum standards for the reception of asylum seekers.

In relation with implementation of the directive the establishment of further accommodation capacities for asylum seekers is inevitable, as well as strengthening of administrative capacities of the authorities dealing with asylum and migration. The new asylum facility in Humenné (east of Slovakia) is going to be opened in near future (with support of the 2003 PHARE project). The improvement of the quality of the existing asylum

facilities (such as reconstructions where necessary) will be proposed as the subject of the ERF projects.

Transposition of the Council Directive 2003/86/CE¹³ of 22 September 2003 on the right to family reunification is ensured through provisions of the Act No 480/2002 on Asylum and mainly the Act No 48/2002 of Coll. on Stay of Aliens and on Modifications and Amendment of Some Acts and its amendment Act No 558/2005 of Coll. The project within the ERF will paid special attentions to the vulnerable groups of migrants.

Transposition of the Council Directive 2004/83/CE¹⁴ of 29 April 2004 on minimum standards for the qualification and status of third-country nationals or stateless persons as refugees or as persons who otherwise need international protection and the content of the protection granted is in legislative process. The transposition of the mentioned directive brings new tasks mainly linked with the person enjoying a form of subsidiary protection. It will be necessary to ensure the rights for this group of migrant without forgetting the demand of asylum seekers and refugees. As the staff capacity in the Migration office is underestimated, we plan to benefit from the opportunity of the ERF fund and with cooperation of NGOs cover the new tasks.

The important document “Migration Policy Concept of the Slovak Republic” was adopted by Governmental Decree No. 11/2005 of January 12, 2005. The Concept is a good initiative towards a more efficient migration process in Slovakia. In the next future it will be necessary to pay adequate attention to the development of conditions in individual subjects as well as to their mutual coordination. The Concept should be used as a basis for further development of the integration policy of aliens and detailed action plan containing activities aimed specially at improving the organisation of the asylum and migration process in Slovakia, with the perspective of the creation of the Immigration and naturalisation authority up to 2010 which would cover, in a complex way, the issues related to international protection and the stay of aliens in the territory. The New Concept reflects all European Asylum legislation mentioned above.

The next activities in this area will be also in line with the conclusions from the meeting of the European Council in 1999 in Tampere and the successive sessions in Helsinki, Thessalonica and Seville, but mainly in conformity with the Hague programme focussing on

¹¹ OJ L 212/12 of 7.8.2001

¹² OJ L 31/18 of 6.2.2003

¹³ OJ L 251/12 of 3.10.2003

¹⁴ OJ L 304/12 of 30.9.2004

strengthening freedom, security and justice in the European Union and aiming at granting fundamental human rights and minimum procedural guarantees.

Operational objectives

- 1) Create conditions for effective implementation and realisation of existing and preparing *acquis communautaire*
Intended activities:
 - the improvement of the quality of the existing asylum facilities – modernization (poss. creation of new ones)
 - ensuring the fulfilment of the obligation arising from the abovementioned Directives such as the need to provide the residents with:
 - legal advise,
 - health and social benefits
 - the access to the job market, adaptation and work activation activities
 - provide special attention to the vulnerable groups of migrants
 - cover the new tasks connected with the rights of person enjoying a form of subsidiary protection.
- 2) Implementation of the new Migration Policy concept with the aim to secure needs of target group as it is defined under Article 3 of ERF Decision 2004/904/EC
- 3) Increase of application practice

<i>Priority 2</i>

The preparation of the implementation of principles and measures foreseen in the Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status in Member States which will be adopted in 2005,

The accomplishment of the objectives of the migration strategy of Slovakia will require not only further unification of national legislation with the EU legislation in order to create a flexible legal framework, which will enable a flexible response to all changes in the area of migration at international, national and regional level but also respective standards of practice.

Beside of the good experience and practice obtained in the past a new activities were on agenda in 2005 e.g. ARGO Pilot project of cooperation in the area of cross border interpretation (audio and video conference equipment) during interview in asylum procedure with the Dutch partners. According the conclusions of the project the methods can be used in cases where the Slovak Republic lacks the interpreters for particular asylum applicants' languages (mainly African languages) or in cases of enormous increase of asylum applicants speaking languages for which the Slovak Republic lacks interpreters.

The Council Directive on minimum standards on procedures in Member States for granting and withdrawing refugee status in Member States has to be transposed into national legislation by 1 December 2007. The Slovak Republic is in the process of the internal consultations concerning the implementation of the so called "procedural directive". However, we can already define several areas, which will expand the current activities in the field of asylum:

1. Increasing the opportunity for voluntary return of the target group;
2. Strengthening the administrative capacity of the MoI with regard to the priorities in short- and mid-term horizon and this specially regarding EU funds, NGO co-

financing, consequences of the EU accession, efficiency of the decision making process ;

3. Simplifying the process of making decisions, specially the number of levels involved;
4. Expanding the use of effective methods of interpretation.

MoI will continue in looking for new progressive methods of improving of the international protection processes and ways how to make it more efficient whit the effective use of the ERF.

In approximation and law making of the European Communities and the European Union direct application of the legally binding acts of the EC and EU in the circumstances of the Slovak Republic, the transposition of legally binding acts of the EC and EU into the Slovak legislation and an active involvement of the Slovak Republic in the elaboration of these regulations will gain in importance.

Operational objectives

- 1) Participate on creation of EU legislation;
- 2) Ensure transposition of the preparing directive and adoption of respective measures through such activities as simplifying the process of making decisions, using a new progressive methods during the interview;
- 3) Ensure consistent implementation of the directive and standards into practice.

<i>Priority 3</i>

The implementation of actions aimed at improving the quality of procedures for the examination of claims to international protection in Member States, for example through:

- achieving a single procedure for the assessment of claims for international protection;

The first step to achieve single procedure for assessment of claims for international protection is the close co-operation of two relatively separated the Ministry of Interior bodies dealing with migration issues – the Migration Office and the Border and Aliens Police with view to handle all migration and asylum issues by a single authority within the new immigration and naturalisation authority which should be established by 2010.

- strengthening of compilation, evaluation and the effective use of information on countries or regions of origin;

To ensure further development of the new database of the country of origin information named MIGDOG built in 2005 with support of PHARE 2002 and UIBF 2002 projects.

- strategies to address particular pressures on the asylum systems and reception capacities of Member States resulting, inter alia, from their geographical location;

Based on the Reception strategy it is important to ensure flexible planning with regard to mass-influx situations as well as other possible changes affecting the reception system. It will be important to develop further co-operation with municipalities and NGOs as well as

explore the possibilities and create conditions for transfer responsibilities for the care of the asylum seekers in the asylum facilities to NGOs and/or the municipalities in the future.

- independent, qualitative reviews of the asylum systems in Member States, undertaken in co-operation with the asylum authorities;
- strengthening the quality of first instance decision making to expedite end-to-end procedure and ensure robust final decisions;

The actions will lead to the simplification of the decision making process specially the number of levels involved and ensuring continuous training of the staff in best practices, EU standards, languages etc. and management issues

- actions to reinforce the integrity of the asylum systems in Member States, undertaken in cooperation with the asylum authorities;
- strategies to identify and address caseloads where a simplified or accelerated procedure or particular arrangement for reception may be appropriate.

In the line with new Migration Policy concept, the cooperation with regional institutions in the monitoring of data relating to migration flows with the target to implement concrete measures for handling international migration and assessing its reasons will become inevitable. One of the priorities in this field should be third-countries support in close partnership with the European Union and that in improving the capacities for migration regulation and protection of the migrants, fight against illegal immigration, in finding a more efficient solution for the return of migrants to their countries of origin etc.

Operational objectives:

- 1) In the case of asylum seekers, who misuse the institute of asylum, it will be necessary to use more consistently the legal possibilities in the form of the so called shortened asylum procedure and in cooperation with NGOs will secure more efficient communication of the Voluntary Return Programs as one of the possibilities for solving their situation and successively execute voluntary returns of migrants who register with the program;
- 2) Develop activities and efforts for implementing a unified asylum procedure with the prospective of creating a European office, that will support all forms of cooperation among the Member States, in particular in the adoption of measures for enhancing the regional asylum practice emphasizing the prevention of causes, which result in an increased movement of population.

Priority 4

The implementation of measures relating to asylum seekers, refugees or beneficiaries of temporary or subsidiary protection, minors, in the respect of the principle of the best interests of the child.

It is inevitable consistent cooperation among the individual institutions involved into realization of the migration policy that will ensure application a unified method in the

performance of tasks arising out of the migration policy concept in term of competencies, legal framework harmonization, evaluation of task performance. There are the tasks as follow:
In the area of reception:

- enhance the provision of information to the applicants about the conditions in the asylum procedure they are supposed to meet and about the organizations and entities that provide legal assistance and material support,
- pay attention to placing underage children to asylum facilities together with their parents and in case of unaccompanied minors consistently ensure their representation by a legal guardian and find accommodation in special facilities,
- ensure legal, social and psychological counselling aimed especially to vulnerable groups

In the area of asylum procedure

- pay particular attention to the unification of families and to the protection of their family life
- consistently use the methods for efficient establishing of the identification of persons, their origin, the age of unaccompanied minor asylum seekers
- increase the possibilities of asylum seekers to communicate with legal representatives, employees of international organizations, representatives of non-governmental and humanitarian organizations and with their relatives,
- using a special approach in providing protection to those persons, who do not meet the criteria defined in the Convention relating to the Legal Status of refugees and the Act on Asylum, but who are in need of international protection

In the area of integration

- create conditions for equal treatment of foreigners who are legally staying in the Slovak Republic and more attention will have to be paid to vulnerable groups of migrants, especially to unaccompanied minors, unaccompanied women, old age persons and other disadvantaged persons.
- Pay special attention to unaccompanied children from their entry to the territory up to adoption of durable solution mainly concerning accommodation, special social care, medical care, psychological treatment, schooling,
- create also possibilities for increasing their qualification, for providing counselling services and supporting disadvantaged groups on the labour market., etc.

In the area of voluntary returns

- Maximum using of voluntary returns

Operational objectives:

- 1) Make more effective creation of the projects for realisation of these tasks
- 2) Rational and effective use of the ERF

5. STRATEGY TO ACHIEVE THESE OBJECTIVES

- (a) *Give a presentation of an appropriate strategy to achieve the objectives stated above (4) and the priority attached to their attainment.*

Activities concerning Priority 1

- 1) Define the national integration and immigration policy in general, under the leadership of the Ministry of Labour, Social Affairs and Family in cooperation with the Ministry of Finance, Ministry of Health, Ministry of Education, the Association of Slovak towns and

municipalities, the Union of Slovak towns, non-governmental organizations and international organizations,

- 2) Create legislative pre-conditions for the involvement of towns, municipalities and NGOs in the integration process and find a way for co-financing these activities from national funds,
- 3) Ensure the request from the central bodies and organizations which take part in the implementation of the concept as far as increase of the financial budget, improving of the material and technical support and increase of the number employees who participate in the implementation of the migration policy are concerned
- 4) Flexibly create legal pre-conditions for an effective use of funds for Slovakia in line with the changes regarding the provision of funding from the EU.

Activities concerning Priority 2

- 1) Legislative process relating to transposition of the Directive
- 2) Trainings activities (domestic and international) aimed at migration issues, legislation, and decision process:
- 3) Investigation, identification and screening, Interview, Asylum procedure, Interpretation; continuous training of the staff in best practices EU standards, languages, etc. and management issues
- 4) Ensuring to fulfil and transpose in practice all new tasks connected with the transpositions of the Directive bearing in mind the needs of target groups

Activities concerning Priority 3

- 1) Close cooperation with regional institutions. These activities should be carried out in the context of the European neighbourhood policy, which provides the strategic framework for efficient strengthening of cooperation and dialogue on migration and for initiating new measures in this area using the financial resources of the European Union.
- 2) Establish from the present authorities dealing with the issue of aliens, migration and asylum by the year 2010 the “Immigration and Naturalization Authority of the Slovak Republic” and integrate into its structure the involved organizational units in such a way that this authority will be able to cover the migration from the entry of the alien to the territory of the Slovak Republic to the final solution. It will also be needed to place the authority within the existing system of state administration bodies,

Activities concerning Priority 4

- 1) Preparation and realisation of the projects from budgetary and off-budgetary sources and projects supported ERF aimed at area of:
reception
asylum procedure
integration
voluntary returns with a focus on the interest of the children.
- 2) Permanent assessment of deficits/need, setting up requirements and their reflection to the planned activities

(b) *Describe the consultation process undertaken with the appropriate partners provided for in Article 13(3a).*

RA prepares ERF programmes on the basis of grounds of the Migration Office and the Bureau of Border and Aliens Police of the Presidium of the Police Force. Data to national financing are submitted by financial experts of MoI.

RA conducts round table meetings for potential recipients of grants aimed at priority areas, target groups, financial conditions, eligibility of expenditures and other proprieties of ERF.

6. COMPATIBILITY WITH OTHER INSTRUMENTS

The project under the ERF will be fully compatible with other nation and Community instruments:

Actions co-financed by the European Refugee Fund are coordinated with other national measures. Ministry of Interior programs, coordinates and manages ERF, other foreign aid programs as well as projects funded from the state budget in the field of asylum and migration.

At the national level

The Section of Legislation and External Relations as an ERF coordination unit closely co-operates with the Ministry of Culture of the SR that launches national grant programs aimed at the support of the culture of national minorities and disadvantaged group of inhabitants. In the final consequence this co-operation contributes to the development of cultural diversity and multicultural understanding of society.

The Migration Office is responsible for the implementation of asylum policy (reception of asylum seekers/people in need of international protection as well as integration of refugees). Currently, the activities like social and psychological assistance, education and leisure time activities are covered partially by the social workers of the Migration Office on the one hand and NGOs on the other hand. The NGOs work on the basis of contract between MO and NGOs or UNHCR and NGOs.

Voluntary returns of persons based on the agreement with IOM are conducted at the present. This activity is fully financed by the Border and Aliens Police Bureau. Throughout this agreement voluntary returns of persons, who aren't the target group under the terms of ERF are performed (Article 3 of Council Decision of 2 December 2004 establishing the European Refugee Fund for the period 2005 to 2010).

At the level of Community instruments

The multi-annual programme is established on the basis of previous experiences and activities realized under the ERF I. Some activities can seem to be similar like ones under the projects financed by programme Equal. However special Coordination Committee was created by Ministry of Interior, Ministry of Justice and Ministry of Social Affairs, which supervises that ERF and EQUAL do not fund the same activities.

7. INDICATIVE FINANCING PLAN

Indicative Financing plan (3 year multi-annual planning period)

		Public Allocations				Private	Total
		Community (ERF)	State	Regions	Local Authorities		
Reception and asylum procedures	Total	2 500 381 €	713 207 €	0 €	0 €	120 254 €	3 333 842 €
	2005	696 577 €	232 193 €	0 €	0 €	0 €	928 770 €
	2006	901 902 €	240 507 €	0 €	0 €	60 127 €	1 202 536 €
	2007	901 902 €	240 507 €	0 €	0 €	60 127 €	1 202 536 €
Integration	Total	669 775 €	190 449 €	0 €	0 €	32 810 €	893 034 €
	2005	177 631 €	59 211 €	0 €	0 €	0 €	236 842 €
	2006	246 072 €	65 619 €	0 €	0 €	16 405 €	328 096 €
	2007	246 072 €	65 619 €	0 €	0 €	16 405 €	328 096 €
Voluntary Return	Total	288 460 €	83 335 €	0 €	0 €	12 820 €	384 615 €
	2005	96 154 €	32 051 €	0 €	0 €	0 €	128 205 €
	2006	96 153 €	25 642 €	0 €	0 €	6 410 €	128 205 €
	2007	96 153 €	25 642 €	0 €	0 €	6 410 €	128 205 €
Technical assistance	Total	331 300 €	0 €	0 €	0 €	0 €	331 300 €
	2005	97 700 €	0 €	0 €	0 €	0 €	97 700 €
	2006	116 800 €	0 €	0 €	0 €	0 €	116 800 €
	2007	116 800 €	0 €	0 €	0 €	0 €	116 800 €
TOTAL		3 789 916 €	986 991 €	0 €	0 €	165 884 €	4 942 791 €
	2005	1 068 062 €	323 455 €	0 €	0 €	0 €	1 391 517 €
	2006	1 360 927 €	331 768 €	0 €	0 €	82 942 €	1 775 637 €
	2007	1 360 927 €	331 768 €	0 €	0 €	82 942 €	1 775 637 €

8. VISIBILITY OF ERF CO-FINANCING

ERF funding will be made clearly visible for any activity linked to the actions financed under the programme. Ways to ensure visibility will include:

- Placing the EU logo and indication of ERF co-financing on all materials produced by the national responsible authority for implementing the national programme (calls for project proposals, guidelines, application forms, letters to applicants, etc.)
- Informing all project beneficiaries of ERF co-financing
- Placing the EU logo on all equipment purchased for the project

- Placing the EU logo and indication of ERF co-financing on all relevant publicity materials, leaflets, letterhead, PR work, etc.
- Placing the EU logo and indication of ERF co-financing on grant recipients' premises (e.g. on office walls, entrances, etc.)
- Informing the audience of ERF co-financing when projects are mentioned at seminars or conferences

The following acknowledgement will be used for ERF co-financing:
“project co-financed by the European Refugee Fund”.

Any publications that acknowledge ERF-co-funding will specify that the publication reflects the author's view and that the Commission is not liable for any use that may be made of the information.

9. IMPLEMENTING PROVISIONS

In view of the responsibility of the Member State to manage projects supported by the ERF in accordance with article 12 (2) (c) of Decision 2004/904/EC please describe the implementing system put in place in order to a) ensure co-ordination and consistency of actions, b) select projects and ensure that the selection procedure is transparent and c) manage, monitor, check, evaluate and audit projects.

The implementing system shall respect the implementing rules adopted by the Commission according to article 13 (5) of Decision 2004/904/EC

For your description of the implementing system, please make use of the questionnaire attached in **Annex (i)**.

Please note that an updated description of management and control systems should be provided to the Commission whenever substantial changes are made in the systems and procedures.

(a) Coordination

The Government of the Slovak Republic designed the Ministry of Interior of the Slovak Republic as a responsible authority to ensure coordination and consistency of activities supported by the European Refugee Fund by the Government Decree No. 63/2006 of 25 January 2006.

The Section of Legislation and External Relations to which the Office of the European Affairs was recently included is appointed to provide co-ordination of the actions within the European Refugee Fund. In accordance with the Decision of the Council 2004/904/ES a material “Proposals of Activities within EU Fund for Refugees as an instrument of the solidarity in the area of asylum for the years 2005 – 2010” has been prepared and approved by the Meeting of Management of the Minister of Interior. The above mentioned material is in line with the principles of the migration policy of the Slovak Republic on the basis of which the Concept of the migration policy under acceptance of basic international documents relating to the refugees has been elaborated.

The management mechanism of the Fund comprises also the specialised institutions operating under the authority of the Ministry of Interior - **Authorised institutions for the field (AIF), the payment Unit and the Certifier**. AIF are the Migration Office and the Border and Alien Police Office of the Presidium Police Force. AIFs are responsible for the implementation of recommendations of the European Communities and EU related to the migration and asylum policy into the legal framework of the Slovak Republic, in accordance with the Haag programme on strengthening of the justice, freedom, and security. AIFs are

responsible for the professional supervision over the actions of the Fund and are involved into the ERF programming phase, technical and subject control and partly into the on-spot monitoring of implemented projects

To ensure responsibilities set out in the Art. 12 of the Council Decision 2004/904ES the RA operates by means of the ERF Management Committee. Its members are representatives of MoI and works on the basis of the Statutes and the Session Order. The tasks and duties of the Steering Committee are stated below (letter c).

b) Selection procedure

The selection of projects in 2004 was done at MoI SR according to the Act on Public Procurement, which is fully compatible with EU legislation in this area. This procedure is in compliance with the principles of transparency and fair-mindedness, impartialness, but is not the most convenient one.

Further to the recommendations and conclusions of the ERF monitoring mission in SR on 2-4 March 2005, the Responsible Authority has decided on the program execution using the grant schemes during the period 2005-2010. This procedure assures transparent, objective and balanced form of selection of submitted grant requests. Selection of activities to be funded through the programme will be made on the basis of the open calls for proposals in accordance with the Council Regulation (EC, Euratom) No. 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the EC and the Commission regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation No 1605/2002 applicable to the general budget of the EC and the Commission regulation.

The award of grants is subject to the principles of programming, transparency and equal treatment as referred to in the Guidelines on Evaluation of the ERF II Projects for the Period 2005 - 2010. The assessment of proposal is carried out by utilisation of the administrative compliance grid, evaluation grids and the criteria set out in the Guidelines for Grant Applicants. The Evaluation Committee draws up a list of the proposals selected for financing on the basis of the assessors' reports. The selection commission enclosure has a recommending status for the Director General of Economic Section that approves grant agreements by signature on behalf of RA.

c) Management, monitoring, check, evaluation and audit of projects

In the management mechanism of RA for the Fund at the Ministry of Interior the management of the annual and multi-annual programmes as well as the communication with the EC is provided by the Section of Legislation and External Relations of the MI. The mentioned section is independent from the financial management of the fund (Payment Unit), and the Certifier. The exact determination of the tasks and obligations is stipulated by the Operational guide on management and control systems of the European Refugee Fund for the period 2005 to 2010.

The RA operates by means of the Management Committee of the ERF. The Management Committee is the authority that fulfils tasks of the strategy management and decision on the ERF issues.

The Management Committee is responsible for the following:

1. Co-ordinates preparation of the draft program of the Fund for the respective period and proposes program's adjustments;
2. Resolves about evaluative indicators of program;
3. Evaluates the state of play of the projects implementation periodically;
4. Resolves about measures to high level risks elimination while program implementation;
5. Reviews and approves the Final Reports to the European Commission;

6. Reviews and approves the each draft Decision of the European Commission amendment on the Fund contribution;
7. Proposes each program or procedure adjustment in order to achieve the better program objectives;
8. Decides on the annual plan for use of the means of the technical and administrative assistance.

Monitoring and evaluation is executed according the Operational guide on management and control systems of the European Refugee Fund for the period 2005 to 2010. The Section of Legislation and External Relations draws up the monitoring plan of projects. Monitoring objectives are a part of the plan. Monitoring is made with a half year periodicity at minimum. After program finishing The Section of Legislation and External Relations compiles the final evaluation report on actions undertaken and on program results and actions impact.

The control body of the fund (Control Office of the MI) carries out minimally 20 % control of all eligible expenditures out of each national implementing programme and of the representative sample of approved projects before the termination of the aid in accordance to the plan of minimum 20% control approved by the Control Section of the Ministry of Finance of the Slovak Republic or upon its own initiative. The control body submits reports on control executed upon its own initiative to the Control Section of the Ministry of Finance SR, which forwards them to the payment unit.

Internal auditor is independent from the internal control unit at the central authorities of the state administration, from the Supreme Control Office, from the responsible body, and from the payment unit. Within its activities, the internal auditor evaluates the effectiveness of the internal control. The status of internal auditor is independent, in the execution of his activities he is bound only by the Constitution, laws and generally binding regulations. Internal auditor is independent and falls within competence of management of the minister.

Used abbreviations:

AIF	Authorised institutions for the field
MoI	Ministry of Interior
PU	Payment Unit
RA	Responsible Authority
SE	Section of Economic
SLER	Section of Legislation and External Relations

10. ANNEXES**ANNEX (i)
to Multi Annual Programme****Description of the Management and Control System put in place by the Member State
for the implementation of ERF II**

Date: 31 August 2005, amended on 15 March 2006

1. ACTION FRAMEWORK**1.1 Legal framework**

National legislation applicable to ERF management

- Act No. 480/2002 coll. on Asylum and Amendment of Some Acts as worded in later provisions
- Act No. 48/2002 coll. on stay of foreigners and Amendment of Some Acts as worded in later provisions
- Act on State Budget Concerning a Relevant Year
- Act No. 25/2006 coll. on Public Procurement and Amendments of Some Acts
- Act No. 523/2004 coll. on Budget Rules of Public Administration and Amendment of Some Acts as worded in later provisions
- Act No.431/2002 coll. on Accounting as worded in later provisions
- Act No.18/1966 coll. on Prices as worded in later provisions
- Act No. 222/2004 coll. on VAT as worded in later provisions
- Act No. 283/200/ coll. on Travel Allowance as worded in later provisions
- Act No. 291/2002 coll. on the State Treasury and Amendment of Some Acts as worded in later provisions
- Act No. 10/1996 coll. on Control in the State Administration as worded in later provisions
- Act No. 440/2000 coll. on Financial Control Reporting as worded in the Act.150/2001 coll. as worded in later provisions
- Act. No.502/2001 coll. on Financial Control and Internal Audit and on Amendments of Some Acts as worded in later provisions

Specific national rules adopted for ERF management

- Operational Guide on Management and Control Systems of the European Refugee Fund for the Period 2005 to 2010, (included the system of the financial management of ERF II and division of competences and delegated powers within ERF II)
- Manual of the Payment Unit of the ERF
- Handbook for the final beneficiary for providing of eligible expenditures from the ERF
- Guidelines for the Grant Applicants
- Order of the Minister of Interior on the establishing of the Steering Committee
- Status of the Steering Committee
- Session Order of the Steering Committee

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- Guidelines on Evaluation of the ERF II Projects for the Period 2005 – 2010
- Order of the Minister of Interior on the Establishing of the Evaluation Committee
- Status of the Evaluation Committee
- Instruction of the director of the Migration Office of the Ministry of Interior of the Slovak Republic by which the Conditions of Control of the ERF Means Disbursement are Established
- Instruction of the Director of the Border and Aliens Police Bureau.

1.2 Responsible authority and delegated body

The responsible authority within the meaning of Article 13 of Decision 2004/904/EC

Name: Ministry of Interior of the Slovak Republic, Section of Legislation and External Relations

Address: Pribinova 2, 812 72 Bratislava - Slovak Republic

Name of person responsible: JUDr. Milan Ukrop, CSc

Contact person: Ľubica Zajacová

Function of contact person: main state advisor of the Foreign Aid Dpt. of the Section of legislation and External Relations

Tel: 00421 2 5094 4600

Fax: 00421 2 5094 4009

E-mail: zajacova@minv.sk

2. STRUCTURE AND RESOURCES OF THE RESPONSIBLE AUTHORITY/DELEGATED BODY

2.1. Status of the responsible authority/delegated body

What is the legal status of the responsible authority?

- Public body
 Public law establishment or agency

What is the legal status of the delegated body?

- Public body
 Public law establishment or agency
 Private body
 Other (please specify)

3.1. Staff list

Responsible authority (key members of staff involved in managing ERF funds)

Function	Name	Status
General Director of the Section of Legislation and External Relations MoI SR	JUDr. Milan Ukrop, CSc	person responsible coordinator
Section of Legislation and External Relations MoI	Mgr. Nadežda Pätoprstá	coordinator

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SR		
Section of Legislation and External Relations MoI SR	Dr. Ľubica Zajacová	coordinator
Section of Legislation and External Relations MoI SR	Mgr. Katarína Baláková	coordinator
General Director of the Economic Section MoI SR	Ing. Stanislav Solčanský	person responsible coordinator of economic issues
Director of the Public Procurement Dpt. MoI SR	Ing. Martin Golián	public procurement
Director of the Budget and Financing of the ES MoI SR	Ing. Stanislav Solčanský	director of the PU
Economic Section MoI SR	Ing. Roman Uhlár	financial manager
Economic Section MoI SR	Ing. Helena Würflová	financial manager
Economic Section MoI SR	Ing. Emil Studenič	financial certifier
Economic Section MoI SR	Ing. Jozef Krištof	financial certifier
Economic Section MoI SR	Ing. Karol Šufliarsky	accounting
Internal Auditor MoI SR	Ing. Helena Hrušovská	person responsible for audit
Director of the Control Office MoI SR	JUDr. Milan Jonis	person responsible for control
Director of Department of Economic and Financial Control of the Control Office MoI SR	Ing. Alfréd Krátky	coordinator of control
Director of Migration Office	Ing. Bernard Prieceľ	person responsible
Migration Office Director of Dpt. of Migration and Integration	Ing. Vladimír Belo - Caban	main coordinator and subject coordinator
Migration Office Dpt. of Migration and Integration	Mgr. Petra Achbergerová	executive coordinator
Migration Office Procedural Dpt.	JUDr. Ivan Slezák	subject coordinator
Migration Office Dpt. of Migration and Integration	PhDr. Pavel Khun, CSc.	subject coordinator
Migration Office Procedural Dpt.	JUDr. Daniel Kmeť	subject coordinator
Migration Office Director of Economic	Ing. Elena Baginová	financial coordinator

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Department		
Migration Office Economic Dpt.	Ing. Eva Pavlovičová	financial sponsor for public procurement
Migration Office Economic Dpt.	Ing. František Mihálik	financial sponsor for budget
Migration Office Economic Dpt.	Iveta Kňazíková	financial sponsor for accounting
Bureau of Border and Aliens Police of the Presidium of the Police Force	JUDr. Michal Borgula	person responsible
Bureau of Border and Aliens Police of the Presidium of the Police Force	Mgr. Kristína Zelková	subject coordinator
Bureau of Border and Aliens Police of the Presidium of the Police Force	Mgr. Zuzana Juhásová	subject coordinator

2.3. Use of external bodies

External experts (advisors) - for the technical administration of call for proposals, evaluation procedure of proposals and internal procedures.

External evaluator – still not appointed, will be selected by public procurement during the period from 1 July 2006 to 31 October 2006.

3. DESCRIPTION OF DUTIES INHERENT IN MANAGEMENT AND CONTROL SYSTEMS

3.1. Distribution of tasks

Tasks	Units/Departments/persons responsible
Preparation of the national multi-annual and annual programme	RA/Section of Legislation and External Relations/ General Director Migration Office/ Director Bureau of Border and Aliens Police of the Presidium of the Police Force/ Director
Publication of calls for proposals (grants)	RA/Section of Legislation and External Relations/ General Director
Receipt and registration of proposals	RA/Section of Legislation and External Relations/ General Director
Administrative analysis of proposals (eligibility)	RA/Section of Legislation and External Relations/General Director
Financial analysis of proposals	Assessors
Technical analysis of proposals	Assessors

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Evaluation of proposals	Evaluation Committee established by the Responsible Authority
Selection of proposals (decision)	Evaluation Committee established by the Responsible Authority
Notification of decisions to grant applicants	RA/Section of Legislation and External Relations/General Director
Preparation of related grant agreements	RA/Section of Legislation and External Relations/General Director
Signing of grant agreements	RA/Economic Section /General Director
Monitoring of project implementation	RA/ Section of Legislation and External Relations/ General Director Migration Office/ Director Bureau of Border and Aliens Police of the Presidium of the Police Force/ Director
Receipt of payment applications/invoices	RA/ Section of Legislation and External Relations/General Director
Analysis of recipients' payment applications/invoices	RA/ Section of Legislation and External Relations/ General Director Migration Office/ Director Bureau of Border and Aliens Police of the Presidium of the Police Force/ Director
Authorisation of payments	RA/Payment Unit/ Director
Checks on projects (1) Ex ante control - subject	RA/ Section of Legislation and External Relations/ General Director Migration Office/ Director Bureau of Border and Aliens Police of the Presidium of the Police Force/ Director
Ex ante control - financial Ex post control	RA/Payment Unit/ Director RA/Control Office of MoI/ Director
Payment function	RA/Payment Unit/ Director
Preparation and publication of Call for Tender (at the level of the RA)	RA/ Section of Legislation and External Relations/ General Director RA/Economic Section /General Director
Receipt and registration of tender offers (at the level of the RA)	RA/Economic Section /General Director
Administrative analysis of tenders (at the level of the RA)	RA/Economic Section /General Director
Financial analysis of tenders (at the level of the RA)	RA/Economic Section /General Director appointed selection commission
Technical analysis of tenders (at the level of the RA)	RA/Economic Section /General Director appointed selection commission
Tender Award Procedure (at the level of the RA)	RA/Economic Section /General Director
Signing of contracts (at the level of the RA)	RA/Economic Section /General Director

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Drafting annual implementation report	RA/Section of Legislation and External Relations/ General Director Migration Office/ Director Bureau of Border and Aliens Police of the Presidium of the Police Force/ Director Payment Unit/ Director
Drafting of expenditure statements by the Member State sent to the European Commission	RA/Payment Unit/ Director
Drafting of payment applications by the Member State sent to the European Commission	RA/Payment Unit/ Director
Sending of payment applications from the Member State to the European Commission	RA/Section of Legislation and External Relations/General Director
Audit of management systems (2)	Internal auditor of MoI
Evaluation (1)	RA/Section of Legislation and External Relations/ General Director Migration Office/ Director Bureau of Border and Aliens Police of the Presidium of the Police Force/ Director Payment Unit/ Director External evaluator

(1) Indicate external consultants where applicable.

(2) NB Verifications to be performed by the responsible authority or under its responsibility (external auditors, public bodies) for control purposes (article 25(a), i.e. not directly linked to the monitoring of day-to-day project management (analysis and decision, payment applications), etc.

3.2.Segregation of duties

Different parts of the programme implementation are carried out by different sections of the Ministry of Interior in the following manner:

Management Responsible Authority, Section of Legislation and External Relations,
 Certification Certifier
 Payments Responsible Authority , PU
 Control Responsible Authority, Control Section of MoI
 Audit Responsible Authority, Internal Auditor.

Entry of ERF revenue and expenditure in the accounts Responsible Authority , PU

3.2.1 Accounting arrangements

What accounting instrument is used to record ERF appropriations?

- Specific budget line in the national budget
- Non-budget item
- Specific special bank account
- Other (please specify) Accounting program „IBEU“ (double –entry accounting)

framework of actions co-financed by the European Refugee Fund implemented in the Member States C (2006) 51 final/1

COMMISSION DECISION of 20/I/2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards procedures for making financial corrections in the context of actions co-financed by the European Refugee Fund C (2006) 51 final/2

COMMISSION DECISION of 20/I/2006 laying down detailed rules for the implementation of Council Decision 2004/904/EC as regards Member States management and control systems, and rules for the administrative and financial management of projects co-financed by the European Refugee Fund C (2006) 51 final/3

COMMISSION DECISION laying down guidelines on priorities for the multi-annual programming for the period 2005-2007

Council Regulation (EC Euratom) 95/2988 of 18 December 1995 on protection of financial interests of the European Communities

Council Regulation (EC, Euratom) No. 1605/2002 of 25 June 2002 on the Financial Regulation applicable to the general budget of the EC

Commission regulation (EC, Euratom) No 2342/2002 of 23 December 2002 laying down detailed rules for the implementation of Council Regulation No 1605/2002 applicable to the general budget of the EC and the Commission regulation

For the national legislation see point 1.1

4. ANALYSIS OF THE MANAGEMENT PROCESS - DESCRIPTION OF CIRCUITS AND PROCEDURES

4.1. Preparation of the Multi-annual and Annual programme

Who prepares the multi-annual and annual programme to be submitted to the Commission?

- RA on the basis of grounds of the Migration Office and the Bureau of Border and Aliens Police of the Presidium of the Police Force. Data to national financing are submitted by financial experts of MoI.

In particular, how are the financial plans included in these programmes?

- draft and specification of state budget

Do these preparations entail contacts with appropriate partners to establish the multi-annual work programme or with potential recipients prior to establishing the annual programme (call for expression of interest, call for proposals, tender procedures)?

RA takes part in preparations. RA conducted round table meeting for the potential recipients of grants aimed at priority areas, target groups, financial conditions and other properties of ERF.

No potential recipients were contacted prior to call for tenders.

4.2. Calls for proposals and selection of proposals/tender procedures

Have documents (manuals, circulars, guides to procedures) laid down the procedures described below been adopted by the responsible authority/delegated body?

YES

NO

4.2.1. Establishment of calls for proposals/Call for Tender

- Preparation and validation of the call for proposals/Call for Tender

- SLER in co-operation with AIF and PU draws up draft call for proposals/Call for Tender with annexes. SLER submits the proposal for intra-ministerial comment procedure. The final version is approved by the General Director of SLER

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)	Documents to be attached
Proposals Y	RA/ Section of Legislation and External Relations	Approved (multi)annual programmes Operational Guide on Management and Control Systems of the European Refugee Fund for the Period 2005 to 2010 Guidelines for grant applicants incl. annexes	2005 call for proposals (including annexes); Operational Guide on Management and Control Systems of the European Refugee Fund for the Period 2005 to 2010
Tenders Y	RA/ Economic Section	Act no. 25/2006 Coll. On Public Procurement and Amendment and Completion to some Acts	

- Who is consulted before the Call for proposals/Call for tenders are finalised?

Other departments

Other national authorities

European Commission

Other (please specify) external advisor

4.2.2. Publication of Call for proposals/Call for tenders

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Proposals Y	RA/ Section of Legislation and External Relations	Operational Guide on Management and Control Systems of the European Refugee Fund for the Period 2005 to 2010
Tenders Y	RA/ Economic Section	Act no. 25/2006 Coll. On Public Procurement and Amendment and Completion to some Acts

- Publication arrangements:

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- National Official Journal and the Official Journal of EC (if required under procurement procedure) tenders only
- specific internet sites
- general press
- specialist press tenders only
- brochures and folders
- Other (please specify).....

4.2.3. Assistance for applicants in preparing proposals/tenders ((i.e. documents or services explaining calls for proposals/tenders, such as guides for applicants, etc.)

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)	Documents to be attached
Proposals Y	RA/ Section of Legislation and External Relations	Guidelines for grant applicants	Guidelines for Grant Applicants
Tenders Y	RA/ Economic Section	Act no. 25/2006 Coll. On Public Procurement and Amendment and Completion to some Acts	

4.2.4. Receipt and registration of proposals /Tender Documents

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Proposals Y	RA/ Section of Legislation and External Relations	Guidelines for Grant Applicants Operational Guide on Management and Control Systems of the European Refugee Fund for the Period 2005 to 2010
Tenders Y	RA/ Economic Section	Act no. 25/2006 Coll. On Public Procurement and Amendment and Completion to some Acts

- Receipt of the proposal/Tender is confirmed by:
- acknowledgement of receipt
- letter/fax/e-mail proposals received by post mail
- Other (please specify) Internet....
- no confirmation

Verification of compliance with dispatch/receipt dates and that proposals/tender documents received are complete:

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Proposals Y	RA/ Section of Legislation and External Relations	Operational Guide on Management and Control Systems of the European Refugee

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Tenders Y	Evaluation Committee	Fund for the Period 2005 to 2010 Checklist Act no. 25/2006 Coll. On Public Procurement and Amendment and Completion to some Acts
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4.2.5. Analysis of proposals/Tender documents

a) administrative analysis
(information on applicants, checks on eligibility criteria, etc.)

Proposals Y	RA/ Section of Legislation and External Relations	Operational Guide on Management and Control Systems of the European Refugee Fund for the Period 2005 to 2010 Checklist
Tenders Y	Evaluation Committee	Act no. 25/2006 Coll. On Public Procurement and Amendment and Completion to some Acts

b) technical analysis
(analysis in the light of the selection and award criteria as defined in the call for proposals/Tender specifications)

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Proposals Y	Assessors	Operational Guide on Management and Control Systems of the European Refugee Fund for the Period 2005 to 2010 Checklist
Tenders Y	Evaluation Committee	Act no. 25/2006 Coll. On Public Procurement and Amendment and Completion to some Acts

Have precise selection and award criteria been defined?

YES NO

If so, are they set out in a document (analytical checklist, etc.)?

YES NO

c) financial analysis

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Proposals Y	Assessors	Operational guide on management and control systems of the European Refugee Fund for the period 2005 to 2010 Checklist
Tenders Y	Evaluation Committee	Act no. 25/2006 Coll. On Public Procurement and Amendment and Completion to some Acts

4.2.8. *Decision to select/reject proposals/tenders*

Who is officially responsible for deciding whether to select or reject proposals?

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Proposals Y	General Director of SE on the Evaluation Committee recommendation	Operational Guide on Management and Control Systems of the European Refugee Fund for the Period 2005 to 2010
Tenders Y	Evaluation Committee	Act no. 25/2006 Coll. On Public Procurement and Amendment and Completion to some Acts

4.2.9. *Notification of decisions to reject proposals/tenders*

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Proposals Y	RA/ Section of Legislation and External Relations	Operational Guide on Management and Control Systems of the European Refugee Fund for the Period 2005 to 2010
Tenders Y	RA/ Economic Section	Act no. 25/2006 Coll. On Public Procurement and Amendment and Completion to some Acts

Is a letter indicating the grounds for rejection sent to the applicant/tenderer

YES NO

Does the letter indicate the grounds for rejection?

YES NO 4.2.10. *Acceptance of the project/funding decision/award of tender.*

Accounting arrangements for selected projects

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Y	RO/ PU	Manual of the PU

Who signs the funding agreement/tender award decision on behalf of the responsible authority/delegated body?

(attach a copy of a model agreement and specimen reports sent to recipients)

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)	Documents to be attached
Proposals Y	RA/ Economic Section	Operational Guide on Management and Control Systems of the European Refugee Fund for the Period 2005 to 2010	Specimen funding agreement(s) Grant agreement
Tenders Y	RA/ Economic Section	Act no. 25/2006 Coll. On Public Procurement and Amendment and Completion to some Acts	Tender Agreement

4.3. Management and payment of grant*4.3.1. Payment arrangements as defined in the funding agreement(s) with the recipient*

Payment	Amount (% of total)	Payment condition (reports to be presented by recipients)	Scheduled date (in relation to project completion)
First pre-financing instalment	25%	Grant agreement signing	Grant agreement signing
Second pre-financing instalment	25%	First pre-financement clearing up to the 50% of all eligible costs	After the first quarter
Thirst pre-financing instalment	25%	75% expenditures clearing	After the second quarter
Balance	25%	Approval of the Final Report	2 month after the EC Decision and delivery of the final payment

Have specimen progress reports and final assessment reports for use by recipients been drawn up? (*attach specimen progress reports and assessment reports*)

YES NO

Have specimen financial reports/payment applications for use by recipients been drawn up? (*attach specimen financial reports and payment applications*)

YES NO

4.3.2. Monitoring of project implementation

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Y	RA/ Section of Legislation and External Relations, Authorised institutions for the field (Migration Office and Border and Aliens Police Bureau)	Operational Guide on Management and Control Systems of the European Refugee Fund for the Period 2005 to 2010 Instruction of the Director of the Border and Aliens Police Bureau Instruction of the Director of the Migration Office

Does this monitoring include on-the-spot project inspection visits?

YES NO

If so, what arrangements apply (frequency, checks on project activities/financial aspects, etc.)?

SLER draws up the monitoring plan to check on both project activity as well as financial aspects, containing verifiable indicators. Checks are carrying out at least once a half of year. Authorised institutions for the field carry out on-spot monitoring.

4.3.3. Receipt and analysis of payment applications submitted by grant recipients

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
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Y	RA/ Section of Legislation and External Relations, Authorised institutions for the field (Migration Office and Border and Aliens Police Bureau)	Operational Guide on Management and Control Systems of the European Refugee Fund for the Period 2005 to 2010 Instruction of the Director of the Border and Aliens Police Bureau Instruction of the Director of the Migration Office
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Does the analysis of payment applications include the following checks:

	First pre-financement (Y/N)	Second Pre-financement (Y/N)	Third Pre-financement (Y/N)	Final (Y/N)
Whether the amount applied for tallies with the amount specified in the agreement	Y	Y	Y	Y
Whether the applicant is the correct person and whether the bank account to which the funding is to be paid is valid	Y	Y	Y	Y
Whether the project has been completed in accordance with the provisions of the funding agreement	Y	Y	Y	Y
Exhaustive, detailed list of project expenditure	Y	Y	Y	Y
Checking of calculations in the recipient's expenditure statement	Y	Y	Y	Y
Whether declared expenditure tallies with the budget forecast	Y	Y	Y	Y
Supporting evidence for declared expenditure	Y	Y	Y	Y
Percentage of declared expenditure checked against supporting evidence: 100%	Y	Y	Y	Y
Certification of expenditure by an external body (accountant, auditor, etc.)	N	N	N	N
Whether declared expenditure complies with the rules laid down in Commission Decision	Y	Y	Y	Y

4.3.4. *Initiating payment/recovery from beneficiaries
(Who determines the amount payable/recoverable and initiates payment/recovery?)*

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Y	RA/ Section of Legislation and External Relations, Authorised institutions for the field (Migration Office and Border and Aliens Police Bureau) PU	Operational Guide on Management and Control Systems of the European Refugee Fund for the Period 2005 to 2010 Manual of PU

4.3.5. *Payment/recovery order*
(*Who signs the payment/recovery order?*)

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Y	RA/Payment Unit Payment Unit	Manual of PU

4.3.6. *Implementation of payment/recovery*
(*Who implements payment/recovery?*)

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Y	RA/Payment Unit	Manual of PU

Does implementation of payment/recovery include the following checks:

	First pre-financement Advance (Y/N)	Second pre-financement Interim (Y/N)	Final (Y/N)
Existence of a valid legal commitment for the project (funding agreement)	Y	Y	Y
Valid payment/recovery order authorisation (checklist)	Y	Y	Y
Payment/recovery order duly signed by the authorised signatory	Y	Y	Y
Recipient's exact legal status and banking data	Y	Y	Y
Correct accounting entry for the payment/recovery demand	Y	Y	Y

4.3.7. *Means of payment*

How are recipients paid?

Bank transfer	X
Cheque	0
Other	0

4.3.8. *Monitoring of recovery*

(*What arrangements are made to monitor, and ensure repayment of, recovery orders issued in respect of projects?*)

Arrangements are made in the following act and internal provisions:

Measures according the Act.No.502/2001 Coll. on Financial Control and Internal Audit and on Amendments of Some Acts as worded in later provisions

Instruction of the director of the Migration Office of the Ministry of Interior of the Slovak Republic by which the conditions of control of the ERF means disbursement are established

Manual of PU

4.3.9. *Reallocation procedures for funds repaid within the framework of the ERF (where appropriate)*

Reallocation within items of approved projects up till 15 % based on the Grant Agreement is allowed.

4.4. Expenditure statements and payment applications from the Member State

4.4.1. *Expenditure statement*

Which department/entity draws up the expenditure statements sent to the European Commission

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Y	RA/Payment Unit	Manual of PU

Which authority certifies the expenditure statements sent to the European Commission

Is provision made for this? Y/N/NA	Individual/Entity/ Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Y	RA/certifier	Manual of PU

4.4.2. *Request for payment*

Which department draws up the request for payment sent to the European Commission (Article)

Is provision made for this? Y/N/NA	Entity/Department responsible	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Y	RA/Payment Unit	Manual of PU

5. CHECKS, CONTROL AND AUDIT

5.1. Departments responsible for project checks (as defined in Article 25(a))

Is provision made for this? Y/N/NA	Entity/Department responsible (1)	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Y	RA/Control Office, Internal Auditor of MoI SR	Act. No.502/2001 Coll. on Financial Control and Internal Audit and on Amendments of Some Acts as worded in later provisions

(1) Indicate also cases where external body used to carry out checks

5.2. Features of project checks

Indicators	YES	NO
Structure of checks:		
- centralised	x	
- decentralised	x	
- externalised)	x	
Number of persons carrying out checks	5	
Types of checks:		
Checks based on risk analysis?		
- ex ante	x	

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- during project implementation	x	
- ex post	x	
An annual programme is drawn up taking account of the sampling methods defined in Article 7	x	
Do checking activities include:		
	YES	NO
Ensuring that project selection procedures are complied with	x	
Checking that the project's aims tally with the objectives set out in the ERF national implementation programme	x	
Checking that the expenditure carried over by funding recipients tallies with the supporting documents	x	
Checking that expenditure corresponds to Community requirements, the requirements specified during the national selection procedure, the terms of the contract or instrument granting the funding and the works actually executed	x	
Checking that national co-financing is actually provided	x	
Checking compliance with procedures and circuits defined by the responsible authority/intermediary as regards the analysis, authorisation and implementation of payments to recipients	x	
Checking that the amount of funding respects the limits laid down in Article 23 of Decision 2004/904/EC	x	
Checking that funding has actually been paid to recipients	x	
Checking the audit trail	x	
Checking that accepted project expenditure and revenue tallies with the amounts of expenditure and revenue declared by the responsible authority in the expenditure statements submitted to the European Commission	x	

5.3. Follow-up for checks

a) To whom are reports sent?

- the recipients of checked projects
- the responsible authority's management board
- the responsible authority's internal audit department
- the Payment Unit that is carrying out the verification of the payments
- the national audit authorities
- Other (please specify) based on requirements of the Ministry of Finance

b) What follow-up is given to these reports:

- in terms of the projects concerned (financial corrections, checks on other projects launched by the same recipients, etc.)

Recipients of the project are instructed about the omissions/ mistakes made together with the specification of the correction measures. Relevant Project Manager is then responsible for monitoring of the fulfilment of the measures specified. The summary information about the project implementation and the problems occurred will be regularly delivered to the management unit for the programme - Section of legislation and external relations of the MoI.

- in terms of the responsible authority/intermediary (amendments and corrections to procedures/manuals of procedures, checklists, etc.)

System of management of the programme (including structure and organisation of project checks/ additional methodological guidance, training of recipients, streamlining of Request for payment approval procedures) will be subject to permanent revisions on the basis of practical experiences from the implementation of the grant scheme.

5.4. Audit of the responsible authority/intermediary

Is the responsible authority/intermediary subject to audit?

YES NO

Which departments or authorities have the capacity to carry out this audit?

Internal audit department of the responsible authority/intermediary

Audit department of another body

National audit body (Court of Auditors)

Has an audit of that type been carried out since the entry into force of the Council Decision 2004/904/EC

YES NO

6. AUDIT TRAIL

Where are the following documents kept?

Documents	Unit/Department responsible	How long for?
National programme and application for co-financing from the European Commission	RA/ Section of Legislation and External Relations	5 years
European Commission co-financing decision	RA/Section of Legislation and External Relations/Ministry of Foreign Affairs	5 years
Call for proposals	RA/Section of Legislation and External Relations	5 years
Applicant files	RA/Section of Legislation and External Relations	5 years
Administrative, technical and financial analysis of proposals received and evaluation committee reports	RA/Section of Legislation and External Relations	5 years
Funding decision or rejection	RA/Section of Legislation and External Relations	5 years
Project funding agreement	RA/Economic Section	5 years
Financial commitment decisions corresponding to projects	RA/Section of Legislation and External Relations	5 years
Progress reports and final reports submitted by funding	RA/Section of	5 years

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recipients	Legislation and External Relations, Authorised institution for the field	
Financial reports and payment applications submitted by funded projects	RA/Section of Legislation and External Relations	5 years
Supporting documents for expenditure and revenue for funded projects	RA/Payment Unit	5 years
Payment/recovery authorisations for funding (checklists)	RA/ Section of Legislation and External Relations, Payment Unit	5 years
Payment/recovery orders for funding	RA/Payment Unit	5 years
Proof of payment/recovery of funding	RA/Payment Unit	5 years
Reports on checks carried out on projects	RA/Control Office	5 years
Reports on checks carried out at national level on management and control systems	RA/Section of Legislation and External Relations, Internal Auditor	5 years
Expenditure statements sent to the European Commission	RA/Section of Legislation and External Relations Economic Section	5 years
Payment requests sent to the European Commission	RA/Section of Legislation and External Relations	5 years
Summary reports sent to the European Commission	RA/Section of Legislation and External Relations	5 years
Final reports sent to the European Commission	RA/Section of Legislation and External Relations	5 years
Proof of payment received from the European Commission	RA/Section of Legislation and External Relations	5 years

7. EVALUATION

7.1. Departments responsible for evaluation

Is provision made for this? Y/N/NA	Entity/Department responsible (1)	Form of procedure (manual, circular, guide to procedures, checklists, etc.)
Y	RA/Section of Legislation and External Relations	Operational Guide on Management and Control Systems of the European Refugee Fund for the Period 2005 to 2010

	Authorised institution for the field External evaluator	
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(1) also indicate external consultants where appropriate.

7.2. Evaluation schedule

How often are ERF actions to be evaluated?

X Mid-term evaluation - after half of the programme implementation period

X Final evaluation – last year of the programme implementation

X Final evaluation – by an external evaluator

7.3. Indicators

Have indicators been established for the purpose of evaluation projects and national programmes, and are they collected during the project management phase?

YES NO

Have detailed indicators been established for each type of action provided for in Articles 4, 5, 6 and 7 of Decision 2004/904/EC?

	Resources and project completion indicators (mark X if Yes)	Action completion indicators (mark X if Yes)	Action result indicators (mark X if Yes)	Action impact indicators (consequences) (mark X if Yes)
1. Reception conditions and asylum procedures - help for individuals - structural assistance	-	-	X	-
2. Integration - help for individuals - structural assistance	-	-	X	-
3. Voluntary return - help for individuals - structural assistance	-	-	X	-