

# COLLECTION OF LAWS OF THE SLOVAK REPUBLIC

Year 2002

---

Date of publication: 22 August 2002

Time version of the Act effective from: 6 March 2019

**The content of this document is legally binding.**

**480**

**ACT**

as of June 20, 2002

**on Asylum and Amendment of Some Acts**

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

## **Article I**

### **PART ONE GENERAL PROVISIONS**

#### **Section 1 Subject Matter of the Act**

This Act shall

- a) regulate asylum procedure;
- b) stipulate the procedure for granting temporary shelter;
- c) stipulate the rights and obligations of asylum seekers (hereinafter referred to only as "applicant"), persons granted asylum, aliens<sup>1</sup> who were granted subsidiary protection, aliens seeking temporary shelter\* and displaced persons;
- d) stipulate the scope of authority of public bodies in the area of asylum, subsidiary protection and temporary shelter;
- e) regulate the integration of persons granted asylum in the society;
- f) regulate the stay in asylum facilities.

#### **Section 2 Definition of Terms**

For the purposes of this Act it shall be deemed that

- a) international protection means granting asylum or subsidiary protection;

\* note: temporary shelter is equal to temporary protection

- b) asylum means protection of an alien against persecution on the grounds laid down in an international treaty<sup>2</sup> or a separate regulation<sup>3</sup>;
- c) subsidiary protection means protection against serious harm in the country of origin;
- d) persecution means serious or repeated conduct constituting a severe violation of basic human rights<sup>3a</sup> or an accumulation of various measures which affect an individual in a similar manner based, in particular, on
  - 1. the use of physical or mental violence including sexual violence,
  - 2. legal, administrative, police or judicial measures which are discriminatory or which are implemented in a discriminatory manner,
  - 3. denial of judicial protection resulting in disproportionate or discriminatory punishment,
  - 4. criminal prosecution or punishment which is disproportionate or discriminatory,
  - 5. criminal prosecution or punishment for refusal to perform military service in a conflict, where performing military service would include crimes or acts under Section 13 par. 2,
  - 6. acts of a gender-specific or child-specific nature;
- e) actor of persecution or serious harm means
  - 1. a State;
  - 2. political parties or political movements or organisations controlling the State or a substantial part of its territory; or
  - 3. non-State actors, if it can be demonstrated that the entities mentioned in points 1 and 2 are unable or unwilling to provide protection against persecution or serious harm;
- f) serious harm means
  - 1. imposition of a death penalty or its execution;
  - 2. torture or inhuman or degrading treatment or punishment; or
  - 3. serious and individual threat to life or integrity of person by reason of arbitrary violence in situations of international or internal armed conflict;
- g) asylum procedure means asylum granting procedure, asylum withdrawing procedure, procedure renewing subsidiary protection and procedure revoking subsidiary protection;
- h) applicant means an alien declaring to the Police Force Department<sup>4</sup> (hereinafter “the Police department”) under Section 3 Paragraph 2 that they are seeking the granting asylum or subsidiary protection on the territory of the Slovak Republic, or another person under this Act; applicant shall also mean an alien
  - 1. during the period for the filing of administrative action against the decision issued by the Ministry in the asylum granting procedure, with the exception of the decision to cease the asylum granting procedure and during the administrative action procedure;
  - 2. during the period for the filing of cassation complaint against the decision issued by the Administrative Court in the matter of the administrative action against the decision issued by the Ministry in the asylum granting procedure, with the exception of the decision to cease the asylum granting procedure and during the cassation complaint procedure;
- i) person granted asylum means an alien who was granted asylum by the Ministry of Interior of the Slovak Republic (hereinafter referred to as the “Ministry”);
- j) displaced person means an alien who was granted a temporary shelter by the Ministry upon the decision of the Government of the Slovak Republic (hereinafter referred to as the “Government”);
- k) country of origin means the State or States of the alien’s citizenship or, in case of a stateless person, the State of his/her last residence;
- l) safe country of origin means a stable State governed by rule of law with a democratic system, of the alien’s citizenship or, in case of a stateless person, of the alien’s last residence,

1. in which the State power protects human rights and fundamental freedoms<sup>5</sup> and ensures their observance;
  2. which is, in general, not left by its citizens or stateless persons residing in it for the reasons stipulated in Section 8 or in Section 13a;
  3. which ratified and complies with international treaties on human rights and fundamental freedoms; and
  4. which allows performance of activities by legal entities overseeing observance of human rights in the country;
- m) safe third country means a stable State governed by rule of law with a democratic system, other than the country of origin,
1. if, prior to his/her arrival to the territory of the Slovak Republic, the alien stayed there and had an opportunity to apply for the protection under an international treaty;<sup>6</sup>
  2. to which the alien can be returned and where he/she can seek protection under an international treaty<sup>6</sup> without being exposed to persecution on the grounds stipulated in Section 8(a) or to serious harm;
  3. provided it is not a State to which a ban on expulsion or principle of non-refoulement applies<sup>6aa</sup>; and
  4. provided that this State ensures protection against expulsion or refoulement similarly to the Slovak Republic;
- n) residence of a stateless person means the State, in which the alien stayed in the long-term prior to his/her entering the territory of the Slovak Republic and to which he/she has personal ties;
- o) asylum facility means a reception centre, accommodation centre, transit centre and humanitarian centre;
- p) reception centre means a Ministry facility used to secure stay of applicants prior to their placement in an accommodation centre, stay of aliens who applied for granting temporary shelter or stay of displaced persons prior to their placement in a humanitarian centre;
- q) accommodation centre means a Ministry facility used to secure stay of applicants;
- r) transit centre means a place in the transit area of an international airport where the applicant is being placed pursuant to Section 3 Par. 2 (c) or a delimited area in another asylum facility where the applicant is being placed pursuant to Section 3 Par. 2 (c) if he/she cannot be placed in the transit area of an international airport; placement in the transit centre shall not be considered to be an entry and stay of the applicant in the territory of the Slovak Republic;
- s) humanitarian centre means a Ministry facility used to secure stay of aliens who applied for temporary shelter and stay of displaced persons;
- t) integration centre means a Ministry facility used to secure temporary accommodation of persons granted asylum;
- u) integration means the process of inclusion of persons granted asylum in the society.

## **PART TWO ASYLUM PROCEDURE**

### **CHAPTER ONE ASYLUM GRANTING PROCEDURE**

## Commencement of the Procedure

### Section 3

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

(2) The entity competent to receive the declaration under Art. 1 above shall be:

- a) the Police department at the border crossing point in case of an alien applying for the granting asylum or subsidiary protection when entering the territory of the Slovak Republic;
- b) the Police department established in the asylum facility in case of an alien applying for the granting asylum or provision of subsidiary protection after entering the territory of the Slovak Republic;
- c) the Police department in the transit zone of an international airport in case of an alien who arrives by plane in the territory of the Slovak Republic and who does not meet requirements for entering the territory of the Slovak Republic;
- d) the Police department established in a facility for aliens in case of an alien placed in such facility pursuant to a special regulation<sup>6a</sup>;
- e) the relevant-Police department located in the area of a health care facility or institution in case of an alien being provided with institutional health care in that facility;
- f) the relevant Police department located in the area of the prison or custody facility in case of an alien being imprisoned or in custody;
- g) the relevant Police department located in the area of the facility for social and legal protection of minors and social curatorship in case of an alien being placed in such facility.

(3) The declaration under Paragraph 1 shall be recorded by the Police department on an official form, the specimen of which is contained in Annex No. 1, and sent to the Ministry without delay.

(4) Once the declaration under Paragraph 1 is made or once the alien enters the territory of the Slovak Republic pursuant to Section 4 Paragraph 6 (hereinafter referred to as the "submission of the declaration") the Police department shall withhold the travel document of the applicant or another identification document and shall issue a document confirming this to the applicant. The copy of withheld documents and any documentation necessary for reviewing the application for granting asylum shall be sent by the Police department to the Ministry without delay; if the applicant is an alien with a temporary residence or a permanent residence on the territory of the Slovak Republic, the identification documents shall not be taken away and only a copy of these documents shall be sent to the Ministry by the Police department. The Police department shall also ensure taking of the applicant's fingerprints. The Police department shall return the withheld documents to the alien who is no longer an applicant, upon his/her request.

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

(6) The applicant under the Paragraph 2 (a) and (b) shall be obliged, unless serious reasons prevent him/her from doing so, to appear in the reception centre within 24 hours from making the declaration; the applicant under the Paragraph 2 (c) within 24 hours from having his/her placement in the transit centre pursuant to Section 4 Paragraph 3 terminated, and the applicant under the Paragraph 2 (d) through to (g) within 24 hours from being released from the facility for aliens pursuant to a special regulation<sup>6a</sup>, health care facility, prison, custody facility. The Police department shall issue a transport document valid for 24 hours to the applicant. The transport document shall include identification of the Police department issuing the document, number of the document, validity period of the document, name and surname, date and place of birth, sex and state citizenship of the applicant, number of the travel document or any other document by which the applicant proved his/her identity, address of the reception centre in which the applicant is obliged to appear, place and date of the document issuance, stamp of the Police department, and signature of the officer issuing the document.

(7) Transport of the applicant to the reception centre may be accompanied by a Police officer. Transport of the applicant during his/her placement in the transit centre shall be accompanied by a Police officer where such transport shall be considered neither an entry nor a stay of the alien in the territory of the Slovak Republic.

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

(9) An alien who has applied for the granting asylum or subsidiary protection at a Police department that is not competent to receive the declaration under Paragraph 2 shall be considered an applicant for the purposes of providing of accommodation, board or boarding-out allowance, basic hygiene products and other things necessary for living, and for the provision of healthcare under this Act for the period of three days from making of such declaration; the Police department shall notify the Ministry of this fact.

(10) A Police officer serving in the Police department under Paragraphs 2 or 8 carrying out acts pursuant to this Act must be trained accordingly for this activity.

(11) A Police department under Section 2 (a) and (c) shall allow organisations and individuals providing counselling and consultation services access to applicants at the border crossing points or in the transit area of an international airport; the access of said organisations and individuals to applicants shall only be allowed with the consent of the competent Police department. Such consent can only be denied if it is inevitable due to the reasons of safety, public order or management of affected border crossing points or of the transit area of the international airport, provided this does not make said access considerably limited or virtually impossible. This is without prejudice to the provisions of special regulation on the protection of civil aviation.

#### **Section 4**

(1) After submission of the declaration, an authorised employee of the Ministry shall carry out an entry interview with the applicant. During the entry interview, the applicant shall be obliged to provide truly and in full all requested information necessary for a decision on the application for granting asylum to be made; provisions under Section 6 Paragraphs 2 and 4 through to 6 shall apply equally. The information provided by the applicant shall be recorded on an official form (hereinafter referred to as the “questionnaire”). The specimen of the questionnaire is attached as Annex No. 2.

(2) Prior to the filling in of the questionnaire and no later than 15 days after the commencement of the procedure, an authorised employee of the Ministry shall instruct the applicant on his/her rights and obligations, of possible consequences of not complying with or of violating of his/her obligations under this Act, of the possibility of being represented in the procedure under this Act and of access to legal aid. The Ministry shall also provide the applicant with information about non-governmental organisations working with and providing services to applicants and persons granted asylum; the instruction and information shall be provided in the language which is reasonably supposed to be understood by the applicant and, if possible, in writing.

(3) The Ministry may terminate the placement of an applicant under Section 3 Paragraph 2 (c) in the transit centre and place him/her in the reception centre on the humanitarian grounds. The Ministry shall terminate the placement of an applicant under Section 3 Paragraph 2 (c) in the transit centre, and shall place him/her at the reception centre if

- a) his/her application for granting asylum has not been decided within seven days from filling in of the questionnaire; or
- b) the court has not decided within 30 days from the delivery of an administrative action against the decision issued by the Ministry in the asylum granting procedure.

(4) A child born on the territory of the Slovak Republic to an applicant, a person granted asylum or an alien granted subsidiary protection that does not acquire citizenship of the Slovak republic shall be considered an applicant; the asylum granting procedure shall commence by the birth of the child.

(5) A legal representative of the child under Paragraph 4 shall be obliged to provide an

authorised employee of the Ministry with all truly and in full requested information necessary for a decision on the application for granting asylum to be made within 180 days from the day of birth of the child and this information shall be recorded in the questionnaire; if the legal representative fails to do so, the Ministry shall proceed pursuant to Section 19 Paragraph 1 (b) herein.

(6) An alien who is not an applicant and who is transferred to the territory of the Slovak Republic on the grounds that the Slovak Republic is competent to act in the asylum granting procedure shall be considered an applicant; except for an alien whose application for asylum had been rejected in the past as inadmissible or manifestly unfounded or who had not been granted asylum; the asylum granting procedure shall commence at the moment the alien enters the territory of the Slovak Republic.

## **Section 5**

### **Applicant's Documents**

(1) The Ministry shall issue an applicant's card to an applicant older than 15 years of age. The applicant's card shall be considered his/her identity card only if the applicant's travel document or another identity document has been withheld or if the applicant had a temporary residence or a permanent residence on the territory of the Slovak Republic granted. The applicant's card shall include the name, surname, sex, date and place of birth, and state citizenship of the applicant, the fact whether it is considered an identity document, date of issuance and validity period of the card, the name of the asylum facility issuing the card, and also the names, surnames and dates of birth of the applicant's children under 15 years of age in case they are applicants. The Ministry shall issue the applicant's card within three days from the commencement of the procedure in case of an applicant under Section 3 Paragraph 2 (b), or immediately after the applicants arrival to the reception centre in case of an applicant pursuant to Section 3 Paragraph 2 (a) and (c) through to (f).

(2) The Ministry shall issue a card under Paragraph 1 to an applicant under 15 years of age when he/she is not accompanied by his/her legal representative on the territory of the Slovak Republic.

(3) The asylum facility in which the applicant has been placed or in which the applicant was placed last or which has issued the applicant's card shall issue a new card to the applicant if

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

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

(5) If the applicant is an alien placed in the facility for social and legal protection of children and social curatorship, the Ministry shall issue an applicant's card to him/her within three days from the commencement of the procedure and send it to said facility without delay.

## **Section 6**

## **Interview**

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

(2) The applicant shall be obliged to appear for the interview at the place and time specified by the Ministry in a notice written in the language which the applicant is reasonably supposed to understand. The interview shall be held in the language that the applicant is capable of communicating in and in a manner ensuring adequate confidentiality of the interview. The authorized employee of the Ministry shall take minutes of the interview held.

(3) The applicant shall be obliged to state all facts related to his/her application for asylum granting truly and in full.

(4) If possible, upon the request of the applicant or for reasons worth special consideration, the Ministry shall provide for the interview and interpreting to be carried out by a person of the same sex as the applicant's. The Ministry shall provide that the interview is conducted by a person capable of taking into account the personal situation of the applicant.

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

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

(7) The authorised employee of the Ministry conducting the interview shall allow the applicant's representative to comment on the interview before its concluding; where the interview concerns an unaccompanied minor, his/her guardian shall be allowed to ask questions or make comments already in the course of the interview.

## **Section 7 Delivery of Documents**

A document within the asylum granting procedure shall be delivered to the applicant in the form of personal delivery. If the applicant cannot be delivered the documents personally the Ministry shall deposit it with the asylum facility, in which the applicant is placed or in which the applicant is supposed to be placed, and, if it concerns an applicant under Section 22 Paragraph 3, in the accommodation centre he/she was placed last; the notification of depositing documents that were not delivered shall be displayed on the information board in the asylum facility. If there is no such asylum facility, the Ministry shall deposit the document at a place determined by the Ministry and notification of depositing the document that was not delivered shall be displayed on the information board in this place; for this case the Ministry shall inform the applicant of the way of delivery and determination of the place of the information board within the scope of instructions under Section 4 Paragraph 2. If the applicant fails to collect the

documents within five days from their depositing, the last day of this period shall be considered the day of delivery even if the addressee had not learnt about such depositing. In case of the delivery of an asylum granting procedure decision section 20a shall apply.

## **Section 8 Granting asylum**

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

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

## **Section 9 Granting asylum on Humanitarian Grounds**

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

## **Section 10 Granting asylum for the Purpose of Family Reunification**

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

- a) the spouse of a person granted asylum if their marriage continues, and continued, also at the time when the person granted asylum left his/her country of origin and provided the person granted asylum gives a prior written consent to the reunification;
- b) unmarried children of the person granted asylum or of a person pursuant to the Subparagraph (a) who are younger than 18 years of age; or
- c) parents of an unmarried person granted asylum younger than 18 years of age or the person given custody of such person provided the person granted asylum gives a prior written consent to such reunification.

(2) Applicants under Paragraph 1 must be staying on the territory of the Slovak Republic and must not have a permanent residence on the territory of the Slovak Republic granted to them pursuant to a special regulation.<sup>6a</sup>

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

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

## **Section 11 Rejection of an Application for Granting Asylum as Inadmissible**

- (1) The Ministry shall reject an application for granting asylum as inadmissible if:
- a) the applicant was granted asylum<sup>2</sup> by the state which is not a Member State of the European Union, and the applicant can effectively use the protection provided by said state; this shall not apply if it is not possible to effectively return the applicant to this state;
  - b) the applicant comes from a safe third country; this shall not apply if in the case of said applicant this country cannot be considered a safe third country or if it is not possible to effectively return the applicant to the safe third country, or if the applicant is an unaccompanied minor and it is not in his/her best interest;
  - c) another state is competent to act in the asylum granting procedure;
  - d) the applicant was granted asylum<sup>2</sup> or subsidiary protection on the ground of serious harm by a Member State of the European Union; this shall not apply if the Slovak republic agreed with the relocation of the alien to its territory;
  - e) the applicant is a national of a Member State of the European Union; this shall not apply if facts mentioned in the special regulation<sup>7</sup> have occurred; or
  - f) it concerns a subsequent application for granting asylum, if it was effectively decided in the asylum granting procedure in the past that the application be rejected as manifestly unfounded, asylum not be granted, grant of asylum be withdrawn, subsidiary protection not be renewed or subsidiary protection be revoked and provided no substantial changes to the facts of the case occurred since the issuance of said decision; the Ministry may decide whether the application has been lodged only to frustrate the imminent expulsion from the Slovak Republic.

(2) If the Ministry makes a decision pursuant to Paragraph 1 (b), it shall issue a confirmation to the applicant stating that his/her application for granting asylum has not been reviewed in its merit; the confirmation shall be also issued in the official language of the state to which the applicant is to be returned.

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

- (4) The Ministry shall not decide pursuant to Paragraph 1 (f) if
- a) the applicant was returned to the territory of the Slovak Republic on the grounds of the Slovak Republic being determined as the country competent to act in the asylum granting procedure;
  - b) it was decided in the previous asylum granting procedure that the applicant's asylum granting application was rejected as manifestly unfounded or that the asylum was not granted and said decision was delivered pursuant to Section 20 Paragraph 3, first sentence, and
  - c) no administrative action was lodged against said decision pursuant to the Subparagraph (b).

## **Section 12**

### **Rejection of an Application for Granting Asylum as Manifestly Unfounded**

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

- a) justifies his/her application for granting asylum by facts or reasons other than those mentioned in Sections 8, 10, 13a or 13b; or
- b) comes from a safe country of origin; this shall not apply if in his/her case said country cannot be considered a safe country of origin.

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

- a) he/she has entered the territory of the Slovak Republic irregularly and, without having a serious reason, has not applied for international protection immediately after his/her entry;
- b) he/she has not undergone taking of fingerprints under Section 23 Paragraph 1;
- c) he/she has submitted false information or documents, forged or modified documents, or has withheld substantial information or documents significant for the asylum granting procedure with an intention to make the examination of the asylum application difficult;
- d) he/she has justified his/her application for granting asylum by manifestly incoherent, contradictory, untrue or unlikely statements that are in contradiction to the sufficiently verified information concerning his/her country of origin;
- e) it is likely that he/she has destroyed or got rid of his/her travel document or another identity document with an intention to create a false identity for himself/herself or to make the examination of the application otherwise difficult;
- f) he/she has submitted his/her application for granting asylum merely with the intention to avert an imminent danger of being expelled from the territory of the Slovak Republic;
- g) the application is a subsequent application for granting asylum and it is not possible to decide pursuant to Section 11 Paragraph 1 (f) due to the fact that substantial changes to the facts of the case occurred;
- h) he/she constitutes a danger for the safety of the Slovak Republic;
- i) he/she constitutes a danger for the community.

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

(4) The Ministry shall not reject an application for granting asylum as manifestly unfounded if it concerns an unaccompanied minor.

(5) The Ministry shall not decide pursuant to Paragraph 2 (g) if

- a) the applicant was returned to the territory of the Slovak Republic on the grounds of the Slovak Republic being determined as the country competent to act in the asylum granting procedure;
- b) it was decided in the previous asylum granting procedure that the applicant's asylum granting application was rejected as manifestly unfounded or that the asylum was not granted and said decision was delivered pursuant to Section 20 Paragraph 3, first sentence, and
- c) no administrative action was lodged against said decision pursuant to the Subparagraph (b).

### **Section 13 Denial of Asylum**

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

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

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

(3) Provisions of Paragraph 2 shall also apply to persons participating in the commission of crimes under Paragraph 2 as well as to persons otherwise participating in the commission of said crimes.

(4) The Ministry shall also deny granting asylum if

- a) the applicant can avail himself/herself of protection or assistance provided by bodies or agencies of the United Nations such as the United Nations High Commissioner for Refugees (hereinafter referred to as the "UNHCR"); this shall not apply if such protection or assistance has ceased for any reason without the position of such persons being definitely settled in accordance with the relevant resolutions adopted by the General Assembly of the United Nations;
- b) the applicant is recognized by the competent authorities of the country in which he/she has taken up residence as having the rights and obligations which are attached to the possession of the nationality of that country; or rights and obligations equivalent to those;
- c) the applicant who has several citizenships refused protection of a State of his/her citizenship, provided that it is not a State under Section 8; or
- d) the applicant does not have well-founded fear of his/her persecution in another part of his/her country of origin or can avail himself/herself of an effective protection in said different part of his/her country of origin, he/she can safely and legally travel to and enter said part of the country of origin and can reasonably be expected to settle there; at that the Ministry shall have regard to the general circumstances prevailing in that part of the country of origin and to personal circumstances of the applicant while assessing the well-foundedness of such fear of persecution or the applicant's access to protection.

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

- a) the applicant can be reasonably considered a danger to the security of the Slovak Republic;
- b) the applicant has been convicted of a particularly serious crime<sup>7a</sup> and constitutes a danger to the community; or
- c) the opinion under Section 19a Paragraph 9 contains disapproval of the granting asylum.

### **Section 13a Granting Subsidiary Protection**

The Ministry shall grant subsidiary protection to an applicant if there are serious reasons to assume that the applicant would face a real risk of serious harm if returned to his/her country of origin, unless stipulated otherwise in this Act.

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

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

- a) the spouse of an alien granted subsidiary protection under Section 13a if their marriage continues, and continued, also at the time when the alien left his/her country of origin and provided the alien gave prior written consent to the reunification;
- b) unmarried children of an alien granted subsidiary protection under Section 13a, or of a person pursuant to Subparagraph (a) who are younger than 18 years of age; or
- c) parents of an unmarried alien granted subsidiary protection under Section 13a who is younger than 18 years of age or to the person given custody of such alien provided the alien granted subsidiary protection gives a prior written consent to such reunification.

(2) Applicants under Paragraph 1 must be staying on the territory of the Slovak Republic and must not have a permanent residence on the territory of the Slovak Republic granted to them pursuant to a special regulation.<sup>6a</sup>

(3) The Ministry shall also grant subsidiary protection to a child born to a female alien granted subsidiary protection on the territory of the Slovak Republic, if the obligation stipulated in Section 4 Paragraph 5 is met.

### **Section 13c** **Denial of Subsidiary Protection**

(1) The Ministry shall deny granting subsidiary protection to an applicant who does not meet the requirements under Section 13a or Section 13b herein.

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

- a) has committed a crime against peace, a war crime or a crime against humanity, as defined in relevant international instruments;<sup>2</sup>
- b) has committed a particularly serious crime;<sup>7a</sup>
- c) has been found guilty of acts contrary to the purposes and principles of the United Nations;<sup>2</sup>
- d) constitutes a danger to the security of the Slovak Republic; or
- b) constitutes a danger to the community.

(3) Provisions of Paragraph 2 shall also apply to persons participating in the commission of crimes under Paragraph 2 (a) through to (c) as well as to persons otherwise participating in the commission of said crimes.

(4) The Ministry shall also deny granting subsidiary protection if

- a) the applicant who has several citizenships refused protection of a State of his/her citizenship provided that it is not a State under Section 13a;
- b) the applicant is not exposed to a real threat of serious harm in another part of his/her country of origin or can avail himself/herself of an effective protection against said serious harm in that different part of his/her country of origin, he/she can safely and legally travel to and enter said part of the country of origin and can reasonably be expected to settle there; at that the Ministry shall have regard to the general circumstances prevailing in that part of the country of origin and to personal circumstances of the applicant while assessing the real threat of serious harm or the applicant's access to protection.
- c) prior to his/her entering the territory of the Slovak Republic, the applicant has committed an act other than is listed under Paragraph 2 herein, which, pursuant to a separate regulation,<sup>7a</sup> constitutes a crime punishable by imprisonment of the minimum of 5 years, and if the applicant has left his/her country of origin only to avoid criminal prosecution; or
- d) the opinion under Section 19a Paragraph 9 contains disapproval of the granting subsidiary protection.

## **CHAPTER TWO TERMINATION OF ASYLUM**

### **Section 14 Grounds for Termination of Asylum**

(1) Asylum shall terminate by

- a) the acquisition of the citizenship of the Slovak Republic or of another Member State of the European Union by the person granted asylum;
- b) the person's granted asylum written declaration of waiving the asylum;
- c) the death of the person granted asylum;
- d) the withdrawal of the asylum;
- e) the denial of the granting asylum under Section 10 for an indefinite period of time;
- f) the cessation of the procedure on the grounds of withdrawal of the application for granting asylum pursuant to Section 10 for an indefinite period of time;
- g) the expiration of the period for which asylum was granted provided the person granted asylum has not lodged an application for granting asylum pursuant to Section 10 for an indefinite period of time within the time period stipulated in Section 20 Paragraph 2; or
- h) the granting asylum<sup>2</sup> to the person granted asylum by another Member State of the European Union.

(2) If the asylum granted under Section 8 was withdrawn or if it terminated under Section 14 Paragraph 1 (b), asylum granted to the person granted asylum for the purpose of family reunification shall also terminate.

(3) Asylum shall terminate on the day person's granted asylum written waiver of asylum was delivered to the Ministry.

(4) Asylum granted pursuant to Section 9 or Section 10 shall also terminate if the person granted asylum is granted

- a) another asylum under this Act other than the asylum he/she had; or
- b) permanent residence.<sup>6a</sup>

## **Section 15 Withdrawal of Asylum**

(1) Asylum withdrawal procedure shall commence on the initiative of the Ministry.

(2) The Ministry shall withdraw asylum if

- a) the person granted asylum has voluntarily availed himself/herself of the protection granted to him/her by the country of his/her citizenship;
- b) the person granted asylum voluntarily re-acquired his/her original citizenship after its previous loss;
- c) the person granted asylum acquired citizenship and accepted the protection of the new country of his/her citizenship;
- d) the person granted asylum rejects without any grounds to avail himself/herself of the protection granted to him/her by the country of his/her citizenship despite the fact that circumstances for which he/she was granted asylum ceased to exist; this shall not apply if the person granted asylum proves his/her serious reasons based on previous persecution on grounds of which he/she refuses the protection of the country of his/her citizenship;
- e) the person granted asylum is capable of returning to the country of his/her residence because the circumstances under which asylum was granted to him/her ceased to exist; this shall not apply if the person granted asylum proves serious reasons based on previous persecution on grounds of which he/she refuses to return to the country of his/her residence;
- f) the person granted asylum is again voluntarily staying in the country he/she had left for fear of persecution;
- g) there is well-founded suspicion that the person granted asylum committed an act under Section 13 Paragraphs 2 or 3, or if a reason exists pursuant to Section 13 Paragraph 4 (a) and (b); or
- h) the asylum was granted on the basis of false data or forged documents or on the grounds that the person granted asylum concealed facts significant for a reliable establishment of the facts of the case.

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

- a) the person granted asylum can be reasonably considered to constitute a danger to the security of the Slovak Republic; or
- b) the person granted asylum has been convicted of a particularly serious crime<sup>7a)</sup> and constitutes a danger to the community; or
- c) the person granted asylum has been granted residence without time limit by another state.

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

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

(6) Once the procedure concerning withdrawal of asylum has commenced, the asylum shall last until the decision on the withdrawal of asylum is made.

### **Section 15a** **Grounds for Termination of Subsidiary Protection**

- (1) Subsidiary protection shall terminate by
- a) granting asylum on the territory of the Slovak Republic;
  - b) granting a permanent residence on the territory of the Slovak Republic, if subsidiary protection was granted under Section 13b;
  - c) the written declaration of waiving the subsidiary protection;
  - d) death;
  - e) the refusal to renew subsidiary protection;
  - f) the revocation of subsidiary protection;
  - g) the acquisition of the citizenship of the Slovak Republic or of another Member State of the European Union by the alien granted subsidiary protection;
  - h) cessation of the procedure on the ground of withdrawal of an application for the renewal of subsidiary protection;
  - i) the expiration of the period for which subsidiary protection was granted provided the alien granted subsidiary protection has not lodged an application for the renewal of subsidiary protection within the time period stipulated in Section 20 Paragraph 3; or
  - j) granting asylum<sup>2</sup> or subsidiary protection on the grounds of serious harm by another Member State of the European Union.

(2) If the subsidiary protection granted under Section 13a was revoked, not renewed or terminated under Paragraph 1 (c), (h) or (i), this protection granted to an alien granted subsidiary protection for the purpose of family reunification shall also terminate.

(3) If an alien granted subsidiary protection declares his/her waiving the subsidiary protection in writing, such protection shall terminate on the day such declaration was delivered to the Ministry.

(4) Subsidiary protection granted under section 13b shall also terminate by granting subsidiary protection under Section 13a.

### **Section 15b** **Revocation of Subsidiary Protection**

- (1) The Ministry shall revoke subsidiary protection
- a) if the circumstances on the grounds of which subsidiary protection was granted ceased to exist or changed to such extent that its further provision is not necessary; this shall not apply if an alien granted subsidiary protection proves his/her serious reasons based on previous serious harm for which he/she refuses the protection of his/her country of origin;
  - b) on the grounds under Section 13c Paragraphs 2, 3 and Paragraph 4 (c); or
  - c) if the alien was granted subsidiary protection only based on false data or forged documents or on the grounds that the alien granted subsidiary protection concealed fact significant for a reliable establishment of the facts of the case.

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

(3) The Ministry shall revoke subsidiary protection granted under Section 13b if the alien granted subsidiary protection has been granted residence without time limit by another state.

(4) Once the procedure revocation of subsidiary protection has commenced, the subsidiary protection granted shall last until the decision on its revocation is made.

## **CHAPTER THREE COMMON PROVISIONS ON ASYLUM PROCEDURE**

### **Party to the Procedure**

#### **Section 16**

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

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

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

#### **Section 17**

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

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

#### **Section 17a**

(1) A party to the procedure, his/her legal representative and a guardian can choose to be represented by an attorney or by any other representative he/she selects; a representative can only be a natural person with the full capacity for legal acts, Center for Legal Aid<sup>8c</sup> or a non-governmental organisation providing legal assistance to aliens. A person stipulated in the first sentence can only be represented by one chosen representative in the same case. Acting on behalf of a non-governmental organisation shall be an authorised employee or member holding a master's degree in law.

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

### **Section 17aa**

(1) Within the scope of the asylum granting procedure at first instance, the Ministry shall provide information concerning an applicant's application for granting asylum to the applicant who has not chosen a representative upon his/her request; this information shall be provided by an authorised Ministry employee other than the employee conducting the interview under this Act or assessing the applicant's asylum granting application.

(2) The Ministry shall provide information under Paragraph 1 to an unaccompanied minor and his/her guardian if they have not chosen a representative even in a procedure concerning withdrawing asylum or a procedure concerning revocation of subsidiary protection.

### **Section 17ab**

Within the scope of the asylum procedure, the Ministry shall apply a special approach in cases concerning applicants in need of special procedural guarantees as established on the basis of an individual assessment of their status; an applicant in need of special procedural guarantees shall be an alien whose capacity to exercise his/her rights and fulfil his/her obligations arising out of this Act is limited as a result of the circumstances of his/her particular case.

### **Section 17b**

(1) Documents within the asylum procedure shall be delivered to the person granted asylum and the alien granted subsidiary protection in the form of personal delivery unless stipulated otherwise hereinafter.

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

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

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

(5) If a person granted asylum or an alien granted subsidiary protection has a legal representative or a guardian, the document shall be delivered only to this legal representative or guardian. If the person mentioned in the first sentence has a representative for the whole procedure based on the power of attorney, the document shall be delivered only to this representative. If the person mentioned in the first sentence has the right to legal aid pursuant to a special regulation<sup>8d</sup>, the document shall be delivered only to the Center for Legal Aid.

### **Section 18**

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

(2) The party to the procedure may invite another interpreter of his/her own choice at his/her own expense to the procedure.

### **Section 18a**

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

(2) The Ministry may also suspend the asylum granting procedure if, due to uncertain situation in the country of origin, which is considered temporary, it cannot be reasonably expected that the decision will be made within the time periods stipulated in the first and second sentence of Section 20 Paragraph 1; the Ministry shall notify the European Commission of such suspension of the procedure in connection with the country of origin without delay. The Ministry may suspend such procedure for the maximum of 6 months, even repeatedly, the total period of suspension must not exceed 15 months; time limits under this Act shall not run during the suspension of the procedure, with the exception of the time limit under Section 20 Paragraph 1 last sentence.

### **Section 19**

## **Cessation of Procedure**

- (1) The Ministry shall cease the asylum procedure if
- a) the applicant mentioned in Section 3 Paragraph 2 (a) and (b) or the applicant under Section 4 Paragraph 6 within three days from the lodging of the application, the applicant mentioned in Section 3 Paragraph 2 (c) within three days from terminating the placement in the transit centre under Section 4 Paragraph 3 (a) or the applicant mentioned in Section 3 Paragraph 2 (d) through to (g) within three days from being released from the facility for aliens under a special regulation,<sup>6a</sup> the health care facility, prison or from the custody facility without any serious reasons fails to appear at the reception centre;
  - b) a legal representative failed to meet the requirement under Section 4 Paragraph 5;
  - c) a party to the procedure withdrew the application for granting asylum or for the renewal of subsidiary protection;
  - d) the grounds, on which the Ministry had commenced the procedure, ceased to exist or if it is determined that there were no grounds for commencing such procedure;
  - e) a party to the procedure died;
  - f) the applicant stayed outside the asylum facility without a permit for more than seven days or he/she stayed outside the facility for social and legal protection of children and social curatorship for more than seven days without the consent<sup>8e</sup> of this facility;
  - g) the applicant left the territory of the Slovak Republic;
  - h) it finds out that the person which applied for granting asylum or subsidiary protection does not constitute a party to the procedure;
  - i) the applicant fails to meet the obligation to cooperate with the Ministry pursuant to this Act, in particular if he/she repeatedly and without serious reasons fails to appear for the interview and, by which he/she makes the assessment of the application impossible;
  - j) the time limit for cessation of the procedure under Section 18a Paragraph 1 elapsed in vain; or
  - k) in the course of the procedure concerning renewal of subsidiary protection the subsidiary protection has ceased or in the course of the asylum granting procedure under Section 10 for an indefinite period of time the asylum has ceased.

(2) The Ministry shall also cease the asylum granting procedure which commenced later if there is a concurrent asylum granting procedure commenced earlier pending in the same case.

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

(4) A remonstrance against a Ministry's decision on cessation of the asylum procedure may not be brought. Filing of an administrative action against the Ministry's decision on cessation of the asylum procedure shall not have suspensive effect. The Ministry's decision on cessation of the procedure under Paragraph 1 (c) through to (e) and (k) and Paragraph 2 shall not be subject to review by an administrative court.

(5) The Ministry's decision on cessation of the asylum procedure under Paragraph 1 (e) and (k) and Paragraph 2 shall only be recorded on the file.

## **Section 19a**

## **Assessment of Asylum Granting Application**

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

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

(2) The fact that the applicant has already been persecuted or suffered serious harm or was subjected to direct threat of persecution or serious harm shall constitute a significant sign of justification of the applicant's fear of persecution or threat of a serious harm, unless there are serious reasons to assume that such persecution or serious harm will not be repeated.

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

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

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

- a) the concept of race shall in particular include considerations of colour, descent or membership of a particular ethnic group;
- b) the concept of nationality shall not be confined to citizenship or lack thereof but shall in particular include membership of a group determined by its cultural, ethnic or linguistic identity, common geographical or political origins or its relationship with the population of another State;
- c) the concept of religion shall in particular include the holding of theistic, non-theistic or atheistic beliefs, the participation in or abstention from religious ceremonies, other religious acts or expression of view, or forms of personal or communal conduct based on or mandated by any religious beliefs;

- d) the concept of political opinion shall in particular include the holding of an opinion, thought or belief on a matter related to the potential actors of persecution and to their policies or methods, whether or not that opinion, thought or belief has been acted upon by the applicant;
- e) a group shall be considered to form a particular social group where in particular members of that group share an innate characteristic, or a common background that cannot be changed, or share a characteristic or belief that is so fundamental to identity or conscience that a person should not be forced to renounce it, and it is perceived as being different by the surrounding society; depending on the circumstances in the country of origin, a particular social group might include a group based on a common characteristic of sexual orientation, while this orientation cannot be understood to include acts considered to be criminal in accordance with a separate regulation.<sup>7a</sup>

(5) For the purposes of determining membership of a particular social group or identifying a characteristic of such a group pursuant to Paragraph 4 (e) gender related aspects, including gender identity, shall be given due consideration.

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

(7) When assessing an application for granting asylum, the Ministry shall stem from the fact that protection against persecution or serious harm is usually provided in the country of origin when the State, political parties or political movements, or organisations controlling the State or a substantial part of its territory, take reasonable steps to prevent the persecution or suffering of serious harm, in particular, by means of an effective legal system for the detection, prosecution and punishment of acts constituting persecution or serious harm, the protection being effective and not only temporary, and the applicant has access to such protection; where the protection against persecution is not granted due the reason under Section 8 (a), it shall be considered persecution on the grounds of said reason.

(8) The Ministry shall provide for the translation of documents that are necessary for the assessment of the application for granting asylum.

(9) As part of the assessment of an application for granting asylum of an applicant older than 14 years of age, the Ministry shall request for comments of the Slovak Intelligence Service and of the Military Intelligence Service, which shall send their comments, including the expression of their agreement or disagreement with the granting asylum or subsidiary protection, to the Ministry within 20 days from the request's delivery. In their comments pursuant to the previous sentence, the Slovak Intelligence Service and the Military Intelligence Service assess dangerousness of the applicant for the safety of the Slovak Republic concerning threats to the interests protection of which falls within the scope of authority of the Slovak Intelligence Service or of the Military Intelligence Service; the Ministry shall allow the Slovak Intelligence Service and the Military Intelligence Service to access the registers under Section 48 Paragraph 1 for this purpose. For the purposes of providing comments the Slovak Intelligence Service and the Military Intelligence Service shall be entitled to process personal data under Section 48 Paragraph 1.

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

### **Section 19b**

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

### **Section 19c**

(1) With the consent of the applicant, the Ministry shall arrange his/her medical examination regarding signs of persecution or serious harm from the past if the Ministry considers this necessary for the assessment of the application for granting asylum; when the medical examination is suggested by the applicant, his/her consent shall not be required.

(2) If the medical examination under Paragraph 1 is not carried out, the Ministry shall inform the applicant that he/she may arrange such medical examination to be done at his/her own expense.

### **Section 20**

(1) In an asylum procedure the Ministry shall decide within 6 months from the commencement of the procedure; in the procedure commenced under Section 4 Paragraph 4 the Ministry shall decide within 6 months from the provision of the information under Section 4 Paragraph 5. The decision-making time limit may be repeatedly extended, by the maximum of 9 months, by the superior<sup>9</sup> of the employee acting in the case, if the decision-making on the application for granting asylum requires examination of complex factual or legal issues or when a high number of applicants have lodged their applications for granting asylum simultaneously and it would be extremely difficult to decide on the case within 6 months from the commencement of the procedure or if it is not possible to decide on the case within 6 months from the commencement of the procedure due to the fact that the applicant fails to cooperate or makes assessing the application for granting asylum difficult in any other way. If it is necessary for the due assessment of an application for granting asylum, the time period pursuant to the previous sentence may be extended further by the maximum of 3 months. The Ministry shall inform the applicant of the extension of the time limit for the decision on the application for granting asylum in writing. Upon the applicant's request, the Ministry shall inform the applicant of the reasons for such extension and of the time when the decision on his/her application can be expected. In the case of an asylum granting procedure suspended pursuant to Section 18a Paragraph 2, the Ministry shall decide within 21 months from the commencement of the procedure at the latest.

(2) Asylum granted under Sections 8 and 9 shall be granted for an indefinite period of time. Asylum granted under Section 10 shall be granted for three years at first; after the lapse of three years asylum shall be granted for an indefinite period of time, provided the conditions stipulated in Section 10 are met and there are no grounds for its denial under Section 13c Paragraphs 1

through to 4. An alien shall be obliged to file an application under the previous sentence at the earliest 90 days before the three-year time limit elapses and on the last day of this period at the latest; the asylum granted shall last until the decision on the application is made. The application shall be filed on an official form, the specimen of which is attached in the Annex No.2a, personally at a relevant Police department according to the alien's place of residence; the Police department shall send the completed application to the Ministry immediately.

(3) Subsidiary protection under Sections 13a and 13b shall be granted for one year; after the lapse of one year, provision of subsidiary protection shall always be renewed by two years upon request, provided the conditions stipulated in Section 13a or Section 13b are met and there are no grounds for its denial under Section 13c Paragraphs 2 through to 4 or its revocation under Section 15b Paragraph 3. An alien shall be obliged to file an application under the previous sentence at the earliest 90 days before the elapse of time limit for which protection was granted and on the last day of this period at the latest; the subsidiary protection granted shall last until the decision on the application is made. The application shall be filed on an official form, the specimen of which is attached in the Annex No.2a, personally at a relevant Police department according to the alien's place of residence; the Police department shall send the completed application to the Ministry immediately.

(4) If the Ministry decides not to grant asylum or to withdraw asylum, it shall also decide whether it shall grant subsidiary protection to this alien; this shall not apply if the Ministry decides on

- a) the not granting asylum and the alien is already granted subsidiary protection under Section 13a or he/she has been granted asylum; or
- b) the withdrawal of asylum under Section 15 Paragraph 3 (c).

(5) The time necessary for delivering the decision shall not be included in the time period for the issuing of a decision under this Act.

### **Section 20a**

(1) The decision within the asylum procedure shall be delivered to the party to the procedure at the place and time determined by the Ministry; if the party to the procedure has a legal representative or a guardian, the decision shall only be delivered to this legal representative or guardian. If the person mentioned in the first sentence has a representative for the whole procedure based on power of attorney, the decision shall be delivered only to this representative. If the party to the procedure has the right to receive legal aid pursuant to a special regulation<sup>8d</sup>, the decision shall be delivered only to the Center for Legal Aid.

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

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

(4) A decision within the asylum procedure shall be notified to:

- a) the asylum facility in which the applicant is placed or the asylum facility of his/her last placement;
- b) the relevant Police department competent according to the location of the asylum facility where the applicant is placed, or according to the applicant's place of residence, provided he/she has been granted a permit to stay outside the accommodation centre;
- c) the relevant Police department competent according to the place of residence of the person granted asylum or the alien granted subsidiary protection;
- d) the facility for social and legal protection of children and social curatorship in which the unaccompanied minor is placed;
- e) the guardian, if, pursuant to Paragraph 1, the decision shall be delivered only to the representative or the Center for Legal Aid.

## **Section 21 Decision Review**

(1) A remonstrance against the Ministry's decision on not granting asylum, withdrawing asylum, not renewing subsidiary protection and revocation of subsidiary protection may not be brought. Filing of an administrative action against the Ministry's decision on not granting asylum pursuant to Section 13 Paragraph 5, withdrawal of asylum pursuant to Section 15 Paragraphs 3 and 4, revocation of subsidiary protection pursuant to Section 15b Paragraph 1 (b) on the grounds of the reasons under Section 13c Paragraph 2 (d) or (e), provided the subsidiary protection was granted for the purpose of family reunification, and on the not renewing subsidiary protection pursuant to Section 20 Paragraph 3 on the grounds of the reasons under Section 13c Paragraph 2 (d) or (e), provided the subsidiary protection was granted for the purpose of family reunification, shall not have suspensive effect.

(2) A remonstrance against the Ministry's decision on rejection of an application for granting asylum as inadmissible or manifestly unfounded may not be brought. Filing of an administrative action against the Ministry's decision on rejection of an application for granting asylum as inadmissible pursuant to Section 11 Paragraph 1 (a) and (c) through to (f), and on the rejection of an application for granting asylum as manifestly unfounded pursuant to Section 12 Paragraph 1 and Paragraph 2 (b) through to (i) shall not have suspensive effect.

(3) A remonstrance against the Ministry's decision on granting asylum, not granting asylum in the part concerning granting subsidiary protection, withdrawing asylum in the part concerning granting subsidiary protection and on the renewal of subsidiary protection may not be brought; this decision shall not be subject to review by an administrative court.

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

### **CHAPTER ONE**

## RIGHTS AND OBLIGATIONS OF APPLICANTS

### Section 22

(1) The applicant shall have the right to stay on the territory of the Slovak Republic until the decision on his/her application for granting asylum, unless stipulated otherwise by this Act or a special regulation<sup>11a</sup>. The applicant shall not have the right to stay on the territory of the Slovak Republic if the application for granting asylum was filed repeatedly and the Ministry had already rejected the application for granting asylum previously pursuant to section 11 Paragraph 1 (f) or pursuant to Section 12 Paragraph 2 (g), and also in the case the Ministry rejected the application for granting asylum pursuant to section 11 Paragraph 1 (f) and decided that the application for granting asylum had been lodged only to avert the imminent expulsion from the Slovak Republic. The applicant shall also have the right to stay on the territory of the Slovak Republic, unless stipulated otherwise by this Act or a special regulation<sup>11a</sup>

- a) during the period for the filing of administrative action against the decision issued in the asylum granting procedure, provided such filing of an administrative action shall not have suspensive effect;
- b) when he/she files a motion for granting suspensive effect with the administrative court together with the administrative action pursuant to Subparagraph (a) herein, and that until the court rules on such motion;
- c) during the period for the filing of a cassation complaint against the ruling of the administrative court on the administrative action against the decision issued by the Ministry in the asylum granting procedure;
- d) when he/she files a motion for granting suspensive effect together with the cassation complaint pursuant to Subparagraph (c) herein, and that until the court rules on such motion.

(2) After the end of an applicant's stay in a reception centre, he/she shall be placed in an accommodation centre or shall be permitted to reside outside of the accommodation centre. The Ministry may place the applicant in the integration centre for the necessary period of time.

(3) The Ministry may permit an applicant to stay outside of the accommodation centre upon his/her written request if

- a) he/she is capable of covering all the expenses related to his/her stay outside of the accommodation centre using his/her own funds; or
- b) a citizen of the Slovak Republic with a permanent residence on the territory of the Slovak Republic or an alien who has been granted a residence on the territory of the Slovak Republic submits a written statutory declaration that he/she shall facilitate the accommodation of the applicant and cover all expenses related to the applicant's stay on the territory of the Slovak Republic.

(4) Unless stipulated otherwise by this Act, during his/her stay in an asylum facility or in an integration centre the applicant shall be provided with

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

(5) The Ministry shall pay for an urgent health care on behalf of an applicant who does not have a public health insurance<sup>11ac</sup>; if, based on individual examination of the applicant's health condition, it is established that special needs for the provision of health care exist, the Ministry shall also cover the costs of such health care in the cases worth special consideration. The Ministry shall ensure adequate health care for minor applicants who are victims of abuse, neglect, exploitation, torture or cruel and inhuman and degrading treatment, or who have suffered from consequences of an armed conflict. For the purposes of provision of health care under this Paragraph, the Ministry shall provide the applicant with a document confirming his/her eligibility for the provision of health care.

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

(7) For the duration of his/her stay in the accommodation centre, the applicant may attend a Slovak language course; the expenses related to this shall be covered by the Ministry.

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

(9) The permit to stay pursuant to Paragraph 3 shall not be subject to the general regulation on administrative procedure.

## **Section 23**

(1) After lodging an application, an applicant older than 14 years of age shall be obliged to undergo taking of fingerprints carried out by the Police department.

(2) After the arrival to the reception centre or the accommodation centre, and, in the case of an applicant under Section 3 Paragraph 2 (c) after submitting the declaration, the applicant shall be obliged to undergo taking of a photograph of himself/herself, which shall be carried out by an authorised employee of the Ministry, unless decided otherwise by the Ministry.

- (3) Unless decided otherwise by the Ministry, the applicant shall be obliged to
- a) stay in the transit centre, in the case of an applicant under Section 3 Paragraph 2 (c);
  - b) undergo a medical examination provided for by the Ministry without undue delay after his/her arrival to the reception centre;
  - c) stay in the reception centre until the announcement of the result of the medical examination;

- d) stay in the asylum facility, if, for the purposes of preventing contagious diseases, isolation<sup>11a</sup> or quarantine measure<sup>11b</sup> is ordered to the applicant;
- e) undergo the actions necessary for determination of his/her financial and property situation;
- f) attend a Slovak language course in the case of an applicant to whom compulsory school attendance applies.

(4) The applicant shall also be obliged to

- a) comply with the generally binding legal regulations and cooperate with the Ministry;
- b) report to the relevant Police department competent according to the place of his/her residence within three working days provided the applicant is permitted to stay outside of the accommodation centre;
- c) comply with the internal rules during his/her stay in the asylum facility;
- d) notify the Ministry of the birth of her/his child on the territory of the Slovak Republic within 20 days;
- e) identify himself/herself by means of applicant's card upon a request by competent authorities;
- f) protect his/her applicant's card or the document confirming his/her eligibility for the provision of health care from loss, theft, damage, destruction or abuse;
- g) report the loss, theft, damage to, destruction or abuse of his/her applicant's card or the document confirming his/her eligibility for the provision of health care to the Ministry without delay;
- h) hand in an invalid applicant's card to the Ministry without delay;
- i) undergo control of identity by means of comparison of his/her fingerprints;
- j) notify the Ministry of commencement, change or termination of an employment relation without delay;
- k) submit to the Ministry the document confirming his/her eligibility for the provision of health care immediately after the commencement of his/her employment relation in case public health insurance eligibility arose from this employment relation.<sup>11c</sup>

(5) The Ministry may decide that the applicant shall be obliged to adequately cover the expenses relating to his/her stay in the asylum facility or integration centre, or the cost of medical care provided to him/her, if his/her financial and proprietary circumstances are such that it is possible to request from him/her at least a partial payment of the expenses relating to this stay. A remonstrance against such decision shall not have suspensive effect. Filing of an administrative action against the decision of the Minister of Interior of the Slovak Republic on said remonstrance shall not have suspensive effect.

(6) The applicant must not enter any employment relation or similar labour relation<sup>12</sup> or do business<sup>13</sup>; however, he/she shall be entitled to enter labour-law relations after nine months from the commencement of the procedure, except for the case when

- a) the filing of an administrative action against the decision issued by the Ministry in a procedure for granting asylum does not have suspensive effect and the administrative court has not ruled on the granting suspensive effect; or
- b) the court of cassation has not ruled on the granting suspensive effect of the cassation complaint against the decision of the administrative court concerning administrative action against the decision issued by the Ministry in a procedure for granting asylum.

(7) The applicant shall be obliged to remain in an employment relation even during the court's decision-making on the granting suspensive effect pursuant to Paragraph 6 if at the time of entering said employment relation the applicant had met the conditions stipulated in Paragraph 6.

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

### **Section 23a**

(1) The applicant may leave the asylum facility only on the basis of a permit issued by the Ministry. The applicant may request the Ministry to issue the permit for leaving the asylum facility for the period of time longer than 24 hours, but not exceeding seven days, only after being interviewed; in the request, he/she shall be obliged to state the place where he/she will be staying. The general regulation on administrative procedure shall not apply to the issuance of the permit. The applicant shall not be entitled to the benefits under Section 22 Paragraph 4 (b) during his/her absence from the asylum facility.

(2) The Ministry may refuse to issue the permit under Paragraph 1 only due to the reasons concerning public order or due to the need for the applicant's personal presence during the asylum granting procedure.

### **Section 23b**

(1) The applicant's card shall be invalid if its expiration period has elapsed. The card shall be invalid before the lapse of its expiration period if the alien is no longer an applicant.

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

- a) unauthorised changes were made to it;
- b) information recorded in it does not correspond with reality;
- c) it was damaged and the information recorded in it is illegible;
- d) it was destroyed, lost or stolen; or
- e) its holder died.

### **Section 23c**

(1) Provisions stipulated in Section 3 Paragraph 6, Section 19 Paragraph 1 (a) and (f), Section 22, Section 23 Paragraph 3, Section 23 Paragraph 4 (b), (c) and (e) through to (k), Paragraphs 5 through to 8 and Section 23a shall not apply to applicants who have been granted temporary residence or permanent residence on the territory of the Slovak Republic.

(2) If the applicant is an alien who has been granted temporary residence or permanent residence on the territory of the Slovak Republic, he/she shall be obliged, provided serious reasons do not prevent him/her from doing so, to appear at the accommodation centre within three days from the expiration of such residence.

### **Section 23d**

(1) Provisions stipulated in Section 22 Paragraphs 2 through to 9, Section 23 Paragraphs 2 and 3, Section 23 Paragraph 4 (b), (c), (j) and (k), Section 23 Paragraph 5 and Section 23a shall not apply to applicants who are unaccompanied minors placed in the facility for social and legal protection of children and social curatorship.

(2) If the applicant is an unaccompanied minor, he/she shall be obliged, provided serious reasons do not prevent him/her from doing so, to appear at the accommodation centre within three days from reaching the age of majority; this shall not apply if the applicant requested to stay in the facility for social and legal protection of children and social curatorship pursuant to a special regulation.<sup>13a</sup> The facility for social and legal protection of children and social curatorship shall notify the Ministry of the lodging of a request pursuant to the first sentence and also inform the Ministry of the fact whether it will conclude an agreement with the applicant that would define the conditions of his/her staying in the facility; the time period from the lodging of the request to its notification, as well as the time period during which the applicant is allowed to stay in the facility under such agreement, shall be considered a permit to reside outside of the accommodation centre pursuant to Section 22 Paragraph 3.

## **CHAPTER TWO RIGHTS AND OBLIGATIONS OF PERSONS GRANTED ASYLUM**

### **Section 24**

#### **Residence of a Person Granted Asylum on the Territory of the Slovak Republic**

(1) A person granted asylum shall be considered an alien who was granted a permanent residence.

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

(3) Upon the person's granted asylum written request, the Ministry may place a person granted asylum in an accommodation centre for a necessary period of time, wherein he/she shall be obliged to adequately cover expenses related to his/her stay.

## **Section 26**

### **Obligations of a Person Granted Asylum**

A person granted asylum shall be obliged to:

- a) cooperate with the Ministry and competent authorities in the process of his/her integration;
- b) inform the Ministry of the birth of her/his child on the territory of the Slovak Republic within 20 days;
- c) comply with the internal rules during his/her stay in the accommodation centre;
- d) notify the Ministry without delay
  1. of having acquired a citizenship;
  2. of being granted asylum<sup>2</sup> by another Member State of the European Union;
  3. of being granted a residence without time limit in another state.

## **Section 27**

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

(2) The Ministry shall provide for the applicant to be informed of his/her rights and obligations related to the granting asylum in the language reasonably supposed to be understood by him/her.

## **CHAPTER THREE**

### **RIGHTS AND OBLIGATIONS OF ALIENS GRANTED SUBSIDIARY PROTECTION**

#### **Section 27a**

(1) An alien granted subsidiary protection shall be considered an alien who has been granted a temporary residence; this shall not apply if he/she has been granted a permanent residence on the territory of the Slovak Republic.<sup>6a</sup>

(2) The Police department shall issue a residence document to an alien granted subsidiary protection, pursuant to a special regulation<sup>6a</sup>.

(3) Upon the alien's granted subsidiary protection written request, the Ministry may place him/her in an accommodation centre for a necessary period of time, wherein he/she shall be obliged to adequately cover expenses related to his/her stay.

(4) The Ministry shall be involved in the creation of opportunities for the inclusion of aliens granted subsidiary protection into the society.

#### **Section 27b**

#### **Obligations of an Alien Granted Subsidiary Protection**

An alien granted subsidiary protection shall be obliged to

- a) protect his/her document confirming his/her eligibility for the provision of health care from loss, theft, damage, destruction or abuse;
- b) report the theft, damage to, destruction or abuse of his/her document confirming his/her eligibility for the provision of health care to the Ministry without delay;
- c) notify the Ministry of commencement, change or termination of an employment relation without delay;
- d) submit to the Ministry the document confirming his/her eligibility for the provision of health care immediately after the commencement of his/her employment relation in case public health insurance eligibility arose from this employment relation;<sup>11c</sup>
- e) comply with the internal rules during his/her stay in the accommodation centre;
- f) notify the Ministry of the birth of her/his child on the territory of the Slovak Republic within 20 days;
- g) notify the Police department in writing of the fact that he/she will continuously stay outside the territory of the Slovak Republic for more than 90 days;
- h) notify the Ministry without delay
  - 1. of having acquired a citizenship;
  - 2. of being granted asylum<sup>2</sup> or subsidiary protection on the grounds of serious harm by another Member State of the European Union;
  - 3. of being granted a residence without time limit in another state.

### **Section 27c**

(1) The Ministry shall provide for the alien granted subsidiary protection to be informed of his/her rights and obligations related to the granting subsidiary protection in the language reasonably supposed to be understood by him/her.

(2) The Ministry shall provide for an alien granted subsidiary protection to attend a language course of basic Slovak.

(3) The Ministry shall pay for a health care provided on the territory of the Slovak Republic for an alien granted subsidiary protection who does not have a public health insurance<sup>11ac</sup> in the extent such health care is regularly covered from the public health insurance.<sup>18b</sup> For the purposes of provision of health care under this Paragraph, the Ministry shall provide the alien granted subsidiary protection with a document confirming his/her eligibility for the provision of health care.

## **PART FOUR INTEGRATION**

### **Section 28**

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

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

(3) Following the termination of the person's granted asylum stay in the integration centre and after he/she has completed the course of basic Slovak, the Ministry shall make the person granted asylum a one-time offer of accommodation.

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

(5) For the purpose of easier integration into the society, a person granted asylum shall be obliged to attend, during his/her stay in an integration centre, a course of basic Slovak, provided for by the Ministry. Upon request, the Ministry shall also provide a course of basic Slovak to a person granted asylum, who was not placed in an integration centre or who did not attend a course of a basic Slovak during his/her stay in an integration centre.

## **PART FIVE TEMPORARY SHELTER**

### **Section 29**

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

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

### **Section 30**

- (1) An alien applying for temporary shelter shall make a declaration confirming this
- a) at the competent Police department at the border crossing point when entering the territory of the Slovak Republic;
  - b) at the relevant Police department competent according to the location where the alien is staying after the entering of the territory of the Slovak Republic.

(2) The alien's declaration under Paragraph 1 shall be recorded by the Police department on an official form, the specimen of which is contained in Annex No. 1, and sent to the Ministry without delay.

(3) Once the declaration under Paragraph 1 is made, the Police department shall withhold the travel document of the alien or another identification document and shall issue a document confirming this to the applicant. The copy of withheld documents and any documentation necessary for assessing the application for granting temporary shelter shall be sent by the Police department to the Ministry without delay. The Police department shall also ensure taking of the alien's fingerprints. Once the temporary shelter granting procedure is over, the Police department shall return the withheld documents to the alien upon his/her request.

(4) An alien under Paragraph 1 shall be obliged, unless serious reasons prevent him/her from doing so, to appear in the reception centre within 24 hours from submitting the declaration; the Police department shall issue a transport document valid for 24 hours to the alien; Section 3 Paragraph 6 third sentence shall apply accordingly.

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

### **Section 31**

(1) After his/her arrival at the reception centre, the alien mentioned in Section 30 Paragraph 1 shall be obliged to provide the authorised employee of the Ministry information on his/her personal data in the extent defined in the Annex No. 3 for the purpose of granting temporary shelter. The alien shall be issued a document confirming his/her tolerated stay on the territory of the Slovak Republic<sup>6a</sup> which shall be marked "A DISPLACED PERSON", if

- a) his/her arrival to the territory of the Slovak Republic was arranged by the Office of the High Commissioner or another international organisation; or
- b) it concerns the resettlement of an alien who was granted a temporary shelter by another state.

(2) If the case does not concern an alien pursuant to the second sentence of Paragraph 1, an authorised employee of the Ministry shall carry out an interview with the alien applying for temporary shelter for the purpose of determining whether he/she meets the criteria for the granting of temporary shelter.

(3) After his/her arrival at the reception centre, the alien under Paragraph 2 shall be issued a card of an alien applying for temporary shelter until the time when the final decision on the granting of temporary shelter is made; Section 5 shall apply accordingly.

(4) The Ministry shall decide on the granting of temporary shelter to an alien under Section 2 within 15 days from the filing of the application at the latest, in justified cases the supervisor of the Ministry's employee acting in the procedure may extend this time limit by 15 days and also repeatedly. Under Paragraph 2, the Ministry shall notify the alien in writing of the extension of the time limit for decision-making.

(5) The Ministry shall cease the temporary shelter granting procedure concerning an alien under Paragraph 2 or the temporary shelter revocation procedure when

- a) the alien withdrew his/her application;
- b) the alien left the territory of the Slovak Republic;
- c) the alien or the displaced person died in the course of the procedure;
- d) the alien applied for the granting asylum or subsidiary protection or was granted a temporary residence <sup>6a</sup> or a permanent residence <sup>6a</sup> on the territory of the Slovak Republic;
- e) the ground, on which the Ministry had commenced the procedure, ceased to exist or if it is determined that there were no ground for commencing such procedure.

(6) A remonstrance against a Ministry's decision on cessation of the temporary shelter granting procedure or on cessation of the temporary shelter revocation procedure may not be

brought. Filing of an administrative action against the Ministry's decision on cessation of the temporary shelter granting procedure shall not have suspensive effect. The Ministry's decision on cessation of the procedure under Paragraph 5 (a), and (c) through to (e) shall not be subject to review by an administrative court.

(7) . The Ministry's decision concerning cessation of the procedure under Paragraph 5 (c) through to (e) shall only be recorded in the file.

(8) If an alien's application for granting of temporary shelter is approved, a decision shall not be issued and the alien shall only be issued a document permitting tolerated stay on the territory of the Slovak Republic marked "A DISPLACED PERSON"; the Ministry shall notify the competent police department of this fact and shall provide it with data necessary for the issuing of the document without delay.

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

(10) Unless stipulated otherwise, provisions concerning asylum procedure shall apply to the temporary shelter granting procedure and to the temporary shelter revocation procedure accordingly.

### **Section 31a**

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

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

- a) the spouse of a displaced person if their marriage continues, and continued, also at the time when the alien left his/her country of origin and provided the displaced person gives a prior written consent to the reunification;
- b) unmarried children of the displaced person and unmarried children of the spouse of a displaced person who are younger than 18 years of age;
- c) close relatives other than those listed in subparagraphs (a) and (b) herein, provided they lived in a common household with the displaced person and were fully or partially dependent on him/her.

### **Section 32**

#### **Termination of Temporary Shelter**

(1) Grant of temporary shelter shall terminate

- a) by the lapse of time determined by the decision of the Government;
- b) by a displaced person's death;
- c) if a displaced person applied for the granting asylum or subsidiary protection or was granted a temporary residence <sup>6a</sup> or a permanent residence <sup>6a</sup> on the territory of the Slovak Republic;
- d) by a displaced person's written waiver of temporary shelter;
- e) when a displaced person was granted temporary shelter by another state; or
- f) by its revocation.

(2) Temporary shelter terminated by a displaced person's written waiver of temporary shelter shall terminate on the day such waiver was delivered to the Ministry.

(3) For the purpose of resettlement of a displaced person to another state in which he/she shall be granted temporary shelter, the Ministry shall issue an identification document to the displaced person, a specimen of which is contained in the Annex No. 4.

### **Section 33 Revocation of Temporary Shelter**

The Ministry shall revoke granting of temporary shelter when

- a) a well-grounded suspicion exists that a displaced person committed an act under Section 13 Paragraph 2;
- b) a displaced person was granted temporary shelter only on the basis of false or forged facts concerning his/her identity; or
- c) a displaced person can be reasonably considered a threat to the security of the Slovak Republic; or
- d) a displaced person was convicted of a particularly serious crime<sup>7a</sup> and constitutes a threat to the community.

### **Section 34 Decision Review**

A remonstrance against a Ministry's decision on rejection of the application for the granting of temporary shelter and on revocation of temporary shelter may not be brought. Filing of an administrative action against the Ministry's decision on rejection of the application for the granting of temporary shelter and on revocation of temporary shelter shall not have suspensive effect.

### **Section 35 Rights and Obligations of Aliens Applying for Temporary Shelter**

Sections 22 to 23b shall apply accordingly to alien applying for temporary shelter while the Ministry shall place the alien in a humanitarian centre after the end of his/her stay in the reception centre.

### **Section 36 Rights and Obligations of Displaced Persons**

(1) Sections 22 and 23 Paragraphs 1 through to 5 shall apply to a displaced person accordingly, while the Ministry shall place the displaced person in a humanitarian centre after the end of his/her stay in the reception centre. If it is not possible to place a displaced person in a humanitarian centre, he/she shall be granted financial means to acquire accommodation of the quality comparable with that of a humanitarian centre.

(2) A displaced person shall be considered an alien who was granted tolerated residence.

(3) The Ministry shall provide the displaced person with the written instruction in the language, which is reasonably supposed to be understood by him/her, concerning his/her rights and obligations related to the granting of temporary shelter.

## **PART SIX ASYLUM FACILITIES**

### **Section 37**

(1) For the sake of compliance with international commitments of the Slovak Republic<sup>2</sup>, the Ministry shall be forming conditions for establishing asylum facilities; municipalities shall cooperate with the Ministry in this endeavour.

(2) The Ministry shall grant the municipality a contribution to partially cover the expenses which the municipality uses in order to establish and operate such asylum facility within its territory.

### **Section 38**

Upon Ministry's request, a Police department shall arrange for the search of an alien and of his/her personal belongings prior to his/her entering the reception centre or at any time during his/her stay in the asylum facility on grounds stipulated in Section 3 Paragraph 5. The search shall be carried out by a person of the same sex as the alien's.

### **Section 39**

(1) In the asylum facilities, the Ministry shall create suitable conditions for the accommodation of and care for aliens, while taking into consideration specific needs of vulnerable persons determined on the basis of individual assessment of their circumstances; suitable conditions shall mean, inter alia, adoption of adequate measures to prevent attacks and violence, as well as granting of protection to victims of trafficking in human beings. For the purpose of this provision, vulnerable persons shall mean mainly minors, persons with disabilities, elderly people, pregnant women, single parents with minor children, trafficking in human beings victims, seriously ill persons, persons with mental disorder and persons who were subjected to torture, rape, or other severe forms of psychological, physical and sexual violence.

(2) When placing an alien in an asylum facility, the Ministry shall consider his/her age, health, family relations, and religious, ethnic and national specificities. Males and females shall be placed separately, while taking into account their family ties. Transfers of aliens from one asylum facility to another asylum facility shall only be executed in cases when this is inevitable.

(3) During their stay in the asylum facility, the Ministry shall create conditions allowing for cultural and sports activities of aliens and for their acquiring of skills and knowledge that would facilitate their future position in the society.

(4) Persons working with aliens in asylum facilities shall be trained and, if necessary, also re-trained accordingly, mainly with regard to the needs of vulnerable persons.

## **Section 40**

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

(2) Movement in an asylum facility is only possible when accompanied by an employee of this facility, unless the Ministry decides otherwise. An alien shall have the right to talk with an authorised UNHCR representative or his/her representative or guardian in the absence of any third persons. The Ministry shall designate an appropriate area in the asylum facility for this purpose.

## **Section 41**

(1) The Ministry shall regulate details concerning the conditions of aliens' stay in an asylum facility by internal rules and regulations.

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

- a) the meals provision schedule;
- b) the amount of the pocket money and the disbursement schedule;
- c) the documents delivery and distribution schedule;
- d) conditions, under which residents may leave the asylum facility.

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

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

## **PART SEVEN**

### **CO-OPERATION WITH THE OFFICE OF THE UN HIGH COMMISSIONER, INTERNATIONAL ORGANISATION FOR MIGRATION AND NON-GOVERNMENTAL ORGANISATIONS**

#### **Co-operation with the Office of the UN High Commissioner**

## **Section 42**

(1) In the course of the asylum procedure, the Ministry shall cooperate with the Office of the UN High Commissioner.

(2) The Office of the UN High Commissioner shall have the right of access to an applicant; the conditions concerning access to an applicant who has been placed in a facility other than an asylum facility may be determined by a special regulation<sup>20a</sup>. In the course of the asylum

procedure, the Office of the UN High Commissioner may submit its positions and, provided the party to the procedure consents to that,

- a) it can participate in the asylum procedure;
- b) it can inspect the files of the party to the procedure;
- c) it shall be notified of the decision issued in the asylum procedure.

(3) The Office of the UN High Commissioner shall be entitled to use the data it got acquainted with under Paragraph 2 only for the purpose of fulfilling its tasks in accordance with the relevant international treaty.<sup>2</sup>

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

### **Section 43**

The Ministry shall provide statistical data on applicants to the Office of the UN High Commissioner.

### **Section 44**

#### **Co-operation with the International Organisation for Migration**

The Ministry shall co-operate with the International Organisation for Migration in matters concerning travel arrangements of aliens who want to return voluntarily to their country of origin or who wish to travel to a third country.

### **Section 45**

#### **Co-operation with Non-governmental Organisations**

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

### **Section 46**

#### **Co-operation in Granting Subsidiary Protection and Temporary Shelter**

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

## **PART EIGHT**

### **PROCEDURE CONCERNING TRANSFER TO ANOTHER STATE**

#### **Section 46a**

(1) The Ministry shall be competent to act in the procedure concerning transfer of an alien who is staying on the territory of the Slovak Republic unlawfully to another state competent to act in the asylum granting procedure (hereinafter referred to as the "procedure concerning

transfer to another state”) pursuant to a special regulation<sup>20b</sup>; the procedure shall commence upon the Ministry’s motion.

(2) A document within the procedure concerning transfer to another state shall be delivered to the alien in the form of personal delivery. If the alien cannot be delivered the documents personally, the Ministry shall deposit said document at the place to be determined by the Ministry and a notification of depositing of the document that was not delivered shall be displayed on the information board in this place. The Ministry shall inform the alien of the means of delivering of documents and the location of the information board within the scope of instructions regarding the procedure concerning transfer to another state. If the alien fails to collect the document within five days from its depositing, the last day of this time period shall be considered the day of delivery even though the addressee failed to learn about the deposition of the document. In case of the delivery of a decision within the procedure concerning transfer to another state, Section 20a Paragraphs 1 through to 3 shall apply accordingly.

(3) The provisions of Section 4 Paragraph 1 and Sections 17, 17a and 18 shall apply accordingly to the procedure concerning transfer to another state.

(4) The Ministry shall decide about the transfer to another state if the conditions under a special regulation<sup>20b</sup> are met; the Ministry shall indicate the state to which an alien will be transferred in the verdict.

#### **Section 46b**

- (1) The Ministry shall cease the procedure concerning transfer to another state if
- a) an alien under Section 46a Paragraph 1 applied for the granting asylum or subsidiary protection;
  - b) the grounds, on which the Ministry had commenced the procedure, ceased to exist or if it is determined that there were no grounds for commencing such procedure;
  - c) the alien under Section 46a Paragraph 1 died;

(2) A remonstrance against a Ministry’s decision on cessation of the procedure under Paragraph 1 may not be brought; such decision of the Ministry shall not be subject to review by an administrative court.

(3) The Ministry’s decision on cessation of the asylum procedure under Paragraph 1 (a) and (c) shall only be recorded on the file.

(4) In case of cessation of the procedure concerning transfer to another state pursuant to Paragraph 1 (a), process of determining whether another state is competent to act in the asylum granting procedure shall be continued within the asylum granting procedure.

#### **Section 46c**

A remonstrance against a Ministry’s decision on the transfer to another state may not be brought. Filing of an administrative action against the Ministry’s decision on the transfer to another state shall not have suspensive effect.

**PART NINE  
COMMON, INTERIM AND FINAL PROVISIONS**

**Section 47**

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

**Section 47a**

The Ministry may accommodate in an accommodation centre an alien who withdrew his/her application for granting asylum and requested a voluntary return to his/her country of origin within the scope of the Assisted Voluntary Return programme and provide him/her with board or boarding-out allowances and basic sanitary products for the duration of the time period for his/her departure; Section 22 Paragraph 5 shall apply accordingly to the alien.

**Section 47b**

- (1) An alien shall be obliged to hand over without delay to the Ministry
- a) the applicant's card, provided he/she is no longer an applicant;
  - b) the document confirming his/her eligibility for the provision of health care issued to him/her under
    1. Section 22 Paragraph 5 if he/she is no longer an applicant;
    2. Section 27c Paragraph 3 if subsidiary protection granted to him/her terminated under Section 15a Paragraph 1 (a) through to (c), (e) through to (j), or Paragraph 2;
    3. Section 47a if his/her accommodation in the accommodation centre ended.

(2) Anyone who finds an applicant's card or the document confirming applicant's eligibility for the provision of health care issued under this Act shall be obliged to hand it in without delay to a policeman or to a municipal office, which shall provide for its delivery to the Ministry.

**Section 48  
Records**

- (1) The Ministry shall keep in its information system
- a) personal data and information on applicants;
  - b) personal data and information on persons granted asylum;
  - c) personal data and information on aliens granted subsidiary protection;
  - d) personal data and information on aliens applying for temporary shelter;
  - e) personal data and information on displaced persons;
  - f) personal data and information on aliens under Section 46 Paragraph 1;
  - g) data about place of residence, images and records of persons mentioned under letters a) through to f);
  - h) register of fingerprints of applicants, aliens applying for temporary shelter and aliens under Section 46 Paragraph 1.

(2) The Ministry shall keep personal data under Section 1 in the extent according to Annexes No. 1 to 3.

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

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

## **Section 49 Exchange of Data**

(1) The Ministry shall

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

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

(3) During the time period when the alien is an applicant, during the provision of asylum, during the time period when subsidiary protection is granted, during the procedure on granting of temporary shelter, and during the time period when the temporary shelter is granted, the Ministry must not, without consent of the person concerned, provide data pursuant to Section 48 to the state under Section 8, Section 13a and Section 29 Paragraph 1. The Ministry or any other public administration body must not, without consent of the person concerned, provide the information on the fact an alien applied for asylum and on the grounds for such application to the country of origin, and that not even in case asylum or subsidiary protection have ceased or if the alien is no longer an applicant. The Ministry must not obtain information on aliens from the agents of their persecution or of serious harm in a manner that makes it possible for the agent of persecution to learn that said aliens are persons granted asylum or aliens granted subsidiary protection; in case of applicants this applies to the alleged agent of persecution or serious harm.

(4) The provisions under Paragraph 3 shall apply accordingly even to aliens under Section 46a Paragraph 1.

## **Section 50**

(1) The Ministry shall cover

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

## **Section 51**

The Ministry may withdraw pocket money from the applicant, alien applying for temporary shelter or the displaced person in case of their violating the obligations stipulated by this Act. A remonstrance against a decision on the withdrawal of the pocket money shall not have suspensive effect. Filing of administrative action against the decision of the Minister of Interior of the Slovak Republic on the remonstrance shall not have suspensive effect.

## **Section 52**

(1) The general regulation concerning administrative procedure<sup>20</sup> shall apply to the procedure under this Act, unless stipulated otherwise by this Act. Legal acts implemented by a public authority, natural person or legal person in the procedure under this Act shall be carried out exclusively in paper form.<sup>22aa</sup>

## **Section 53**

The Government shall, in the form of a Regulation, issue a list of countries considered to be safe third countries and safe countries of origin.

## **Section 53a**

Based on this Act, the legally binding acts of the European Union referred to in the Annex No. 5 shall be transposed.

## **Section 53b**

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

(2) A third-country national under Paragraph 1 shall mean any person who does not have citizenship of a member state of the European Union.<sup>22b)</sup>

## **Section 54** **Interim Provisions**

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

(2) An alien granted refugee status under previous legislation shall be considered a person granted asylum under this Act.

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

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

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

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

#### **Section 54a**

##### **Interim Provisions Concerning Amendments Effective as of 1 December 2008**

Asylum procedure commenced before 1 December 2008, the subject matter of which is solely the determination whether impediments to administrative expulsion exist, shall be ceased by the Ministry.

#### **Section 54b**

##### **Interim Provisions Concerning Amendments Effective as of 1 May 2013**

Asylum procedure commenced before 1 May 2013, the subject matter of which is the decision on withdrawing asylum on the grounds of the fact the person granted asylum has not applied for the granting asylum for an indefinite period of time within the time period under Section 20 Paragraph 2 and the decision on revocation of subsidiary protection on the grounds of the fact the alien granted subsidiary protection has not applied for the renewal of subsidiary protection within the time period under Section 20 Paragraph 3 shall be completed pursuant to the provisions of this Act effective until 30 April 2014.

#### **Section 54c**

##### **Interim Provisions Concerning Amendments Effective as of 1 January 2014**

Asylum procedure commenced before 1 January 2014 shall be completed pursuant to the provisions of this Act effective as of 1 January 2014.

#### **Section 54d**

##### **Interim Provisions Concerning Amendments Effective as of 20 July 2015**

Asylum procedure commenced and not concluded before 20 July 2015, within which a decision at first instance has been issued on cessation of the procedure pursuant to Section 19 Paragraph 1 (i), effective until 19 July 2015, shall be completed pursuant to the provisions of this Act effective until 19 July 2015.

#### **Section 55**

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

## **Article II**

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

At the end of Section 246 Paragraph 2 (a) the following words shall be added:  
„unless stipulated otherwise by a separate act“.

## **Article III**

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

In the Annex to the Act of the National Council of the Slovak Republic No. 145/1995 Coll. on Administrative Charges as subsequently amended, part Administrative Charges Tariff, item 20, after the words

“the nationals ... SKK 500“ the following text is inserted:

“Exemption

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

The footnote to reference 16a reads:

“16a) Act No 480/2002 Coll. on Asylum and on the Changes and Amendment to Some Acts.”.

## **Article V**

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

**Rudolf Schuster, with own hand**

**Jozef Migaš, with own hand**

**Mikuláš Dzurinda, with own hand**

**DECLARATION OF AN ALIEN**

DECLARATION OF AN ALIEN

1. Name and Surname: .....
2. Born (date, place, state): .....
3. Sex: .....
4. Nationality: .....
5. Citizenship: .....
6. Number of a travel document / ID Card: .....
7. I arrived in the Slovak Republic on the day ..... using the border crossing:  
.....
8. I am applying for granting asylum or for granting subsidiary protection on the territory of the Slovak Republic /granting of temporary shelter\* on the following grounds:  
.....  
.....  
.....  
.....  
.....

I have been instructed on my rights and obligations, particularly on my obligation to report to the reception centre without delay and on the consequences of failing to fulfil this obligation. I have also been instructed of my right to choose a legal representative for the procedure and contact, if necessary, the Office of the United Nations High Commissioner for Refugees (UNHCR) and of the right to contact other organisations involved in care for persons granted asylum.

In ..... on the day .....

..... Stamp of the Police Force Department and Signature of the Police Officer Receiving the Declaration	..... Alien's Signature	..... Interpreter's Signature
--	----------------------------	----------------------------------

.....  
Stamp of the Ministry

Number: .....

PHOTO  
3.5 x 4.5 cm

**QUESTIONNAIRE  
for Applicant for Granting asylum**

PERSONAL DATA OF APPLICANT

**1. Surname:**

**Maiden name in case of a female:**

**2. Name(s):**

**3. Do you use (have you used) any other names, surnames or nicknames?**

Yes

No

**4. Date of birth:**

**5. Place of birth:**

District/Region:

State:

**6. Citizenship:** (please state all citizenships)

(a) Current:

(b) Previous:

(c) None/Stateless:

**7. Nationality and ethnic origin:**

**8. Religion:**

**9. Sex:**                      Male                      Female

**10. Mother tongue(s):**

**Knowledge of other languages:**

**11. Highest level of education completed:**

**12. Employment:**

**13. Place of the last permanent residence in the country of origin:**

**14. Military service in the country of origin or in another country (where, when and how long):**

PERSONAL DATA OF FAMILY MEMBERS

**15. Father:**

Date of birth:

Residence:

Employment:

**16. Mother:**

Date of birth:

Residence:

Employment:

**17. Siblings:** (surname, name(s), sex, date of birth, place of birth, residence, employment)

**18. Marital status:**      Single                      Married  
                                    Widower/Widow                      Divorced  
                                    unmarried partner

**19. Husband/Wife / unmarried partner:** (surname, maiden name, name(s), sex, date of birth, place of birth, residence, employment)

**20. Children:** (surname, name(s), sex, date of birth, place of birth, residence)

PROPERTY SITUATION OF APPLICANT:

**21. What financial means do you currently have at your disposal:**

**22. What movable and immovable assets do you own:**

**23. Do you receive financial or in-kind support from a natural or legal person:**

PREVIOUS ASYLUM PROCEDURES

**24. Have you already applied for granting asylum or for granting of another form of protection on the territory of the Slovak Republic or in another country?**

Yes                      No

ID DOCUMENTS

**25. Passport:**                      Yes                      No

Number

Date of issue:

Issued by:

Date of expiry:

**26. A document replacing passport:**                      Yes                      No

Number

Date of issue:

Issued by:

Date of expiry:

**27. Other document:**                      Yes                      No

Number

Date of issue:

Issued by:

Date of expiry:

**28. Without documents:**

(Please state whether the documents could contain a valid visa or a valid residence permit, if so, please indicate the issuing body and the date of issuance, as well as the period of validity)

- The applicant left without documents
- Documents were lost (When? Where? Was their loss reported? To whom?)
- Documents were stolen (When? Where? Was the stealing reported? To whom?)
- Other reasons (Please provide details)

**RESIDENCE DOCUMENTS / VISA**

**29. Do you have documents concerning the place of residence / visa for the Slovak Republic?**

Yes                      No

**Type of the document**

- Residence permit             Entry visa                       Transit visa

Date of issue:

Issued by:

Date of expiry:

**30. Do you have documents concerning residence / visa in another Member State of the European Union?**

Yes                      No

**Type of the document**

- Residence permit             Entry visa                       Transit visa

Date of issue:

Issued by:

Date of expiry:

**ROUTE**

**31. Please state the country in which your travel started (country of origin or residence, when):**

- Route from the country where the travel started to the place of entering the territory of the Slovak Republic:
- Dates and times of travel:
- Border crossed on the day:

- Border crossing:
- or
- Outside of border crossing point ( illegal entry):
- Means of transportation:
    - Public transportation (which form?)
    - Own vehicle
    - Other means (which?)

**32. What is your country of destination?**

**33. Have you been in contact with a representative office of your country during your stay abroad?**

**34. When and how did you enter the territory of a Member State of the European Union?**

- Territory of which Member State of the European Union did you enter first?
  - Border crossing you used:
- or
- Outside of border crossing point (illegal entry):
  - When:

STAY IN ANOTHER MEMBER STATE OF THE EUROPEAN UNION

**35. Have you stayed in another Member State of the European Union?**      Yes      No

- Which state(s)?
- From - to:
- Place (exact address):
- Nature of stay:       Legal       Illegal
- Validity period of residence permit:
- Purpose of stay:

DATA CONCERNING FAMILY MEMBERS RESIDING IN MEMBER STATES OF THE EUROPEAN UNION

**36. Do any of your family members reside in some of the Member States of the European Union?**  
                   Yes                    No

- Name of the family member:
- Date of birth:



I have been instructed on my rights and obligations during my stay on the territory of the Slovak Republic, including the right to chose a legal representative and contact the Office of the United Nations High Commissioner for Refugees (UNHCR) and on the right to contact other organisations involved in care for persons granted asylum.

I hereby declare that I have understood the questions included in the Questionnaire and that all facts stated by me in the course of the entry interview are true.

In ..... on the day .....

.....  
Signature of the Applicant

.....  
Signature of the Interpreter

.....  
Signature of the Authorised  
Employee of the Ministry

Note: If it is being determined whether another state shall be competent to act in the asylum granting procedure, information in items no. 37 to 39 and 42 shall not be filled in; in case of a procedure concerning transfer to another state information in items no. 37 to 42 shall not be filled in.

**Application for Granting asylum for Indefinite Period of Time / Renewal of Subsidiary Protection\***

1. Name and Surname: .....
2. Born (date, place, state): .....
3. Sex: .....
4. Residence: .....
5. Citizenship: .....
6. ID Card: .....
7. I am applying for granting asylum for an indefinite period of time / renewal of subsidiary protection\* on the territory of the Slovak Republic on the following grounds:  
.....  
.....  
.....  
.....  
.....

In ..... on the day .....

.....  
Stamp of the Police Force  
Department and Signature of the  
Police Officer Receiving  
the Declaration

.....  
Alien's Signature

.....  
Interpreter's Signature

-----  
\* Delete as required

.....  
Stamp of the Ministry

Number: .....

PHOTO  
3.5 x 4.5 cm

**QUESTIONNAIRE  
for Alien Applying for Granting Temporary Shelter**

1. Surname:
2. Name:
3. Previous surnames:
4. Sex (male/female):
5. Date of birth:
6. Place and state of birth:
7. Citizenship:
  - a) Original
  - b) Current (please state all citizenships)
  - c) Stateless
8. Nationality and ethnic origin:
9. Knowledge of languages:
  - a) Mother tongue
  - b) Other languages and level of their knowledge:
10. Religion:
11. Please state which documents you hold that can prove your identity:
  - a) A travel document (passport, number, date of expiry)
  - b) Other documents (type, number, date of expiry)
12. Marital status:

13. Name, surname and date of birth of husband/wife (maiden name of wife):
14. Number and names of persons to whom you have a maintenance obligation:
15. Please state the names, surnames, dates of birth and sex of children under 18 years of age on whose behalf you are applying for granting temporary shelter:
16. Please state the names, surnames and dates of birth of your other family members who are applying on their behalf for granting temporary shelter together with you:
17. Other family members staying on the territory of the Slovak Republic (name, surname, date of birth and your relationship to these persons):
18. Other family members staying outside the territory of the Slovak Republic (place of their stay and all other information as in item 17):
19. Please state the place of your last permanent residence for the last 5 years prior to your arrival in the Slovak Republic (state, city/municipality, street):
20. When did you leave your country:
21. Please describe your travel from the country you left until your entering the territory of the Slovak Republic (states, duration of stay in these states and means of transport):
22. Have any persons who are close to you and to whom you have obligations remained in the country you left?
23. When, where and how did you enter the territory of the Slovak Republic?

**DECLARATION**

I have been instructed on my rights and obligations during my stay on the territory of the Slovak Republic, including the right to choose a legal representative and contact the Office of the United Nations High Commissioner for Refugees (UNHCR) and on the right to contact other organisations involved in care for displaced persons and persons granted asylum.

I hereby declare that I have understood the questions included in the Questionnaire and that all facts stated by me are true.

In ..... on the day .....

.....  
Signature of the Alien

.....  
Signature of the Interpreter

.....  
Signature of the Authorised  
Employee of the Ministry

MODEL PASS FOR TRANSFERS OF PERSONS ENJOYING TEMPORARY PROTECTION

**Pass**

Name of the Member State issuing the pass:

Reference number\*:

Issued under Article 26 of Directive 2001/55/EC 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.

Valid only for the transfer from .....<sup>1)</sup> to .....<sup>2)</sup>.

The holder must present himself/herself at .....<sup>3)</sup> by .....<sup>4)</sup>

Issued at:.....

SURNAME:.....

FORENAMES:.....

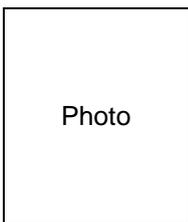
DATE AND PLACE OF BIRTH:.....

In case of a minor; name(s) of responsible adult.....

SEX: .....

NATIONALITY:.....

Date issued:.....



SEAL

Signature of the issuing body: ..... For the competent authorities:.....

The pass-holder has been identified by the authorities .....<sup>5)</sup> <sup>6)</sup>

The identity of the pass-holder has not been established.....

This document is issued pursuant to Article 26 of Directive 2001/55 /EC and in no way constitutes a document which can be equated to a travel document authorising the crossing of the external border or a document proving the individual's identity.

-----  
\*) The reference number is allocated by the country from which the transfer to another Member State is made.

- 1) Member State from which the transfer is being made.
- 2) Member State to which the transfer is being made.
- 3) Place where the person must present himself/herself on arrival in the second Member State.
- 4) Deadline by which the person must present himself/herself on arrival in the second Member State.
- 5) On the basis of the following travel or identity documents, presented to the authorities.
- 6) On the basis of documents other than a travel or identity document.

**List of the Transposed legal acts OF THE EUROPEAN UNION**

1. Council Directive 2001/55/EC of 20 July 2001 on minimum standards for giving temporary protection in the event of 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 (OJ EC L 212, 07/08/2001)
2. Directive 2011/95/EU of the European Parliament and of the Council of 13 December 2011 on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for refugees or for persons eligible for subsidiary protection, and for the content of the protection granted (recast) (OJ EU L 337, 20. 12. 2011)
3. Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection (recast) (OJ EU L180, 29. 6. 2013)
4. Directive 2013/33/EU of the European Parliament and of the Council of 26 June 2013 laying down standards for the reception of applicants for international protection (recast) (OJ L 180, 29.6.2013)

---

**Footnotes**

- <sup>1</sup> Section 2 Par.2 of the Act No. 404/2011 Coll. on Residence of Aliens and on changes and amendments to some acts
- <sup>2</sup> Convention on the Legal Status of Refugees (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 319/1996 Coll.)
- <sup>3</sup> Article 53 of the Constitution of the Slovak Republic
- <sup>3a</sup> E. g. Article 15 Par. 2 of the Convention on Human Rights and Fundamental Freedoms (Notification No. 209/1992 Coll.).
- <sup>4</sup> Act of the National Council of the Slovak Republic No. 171/1993 Coll. on the Police Force as subsequently amended
- <sup>5</sup> E. g. Convention on Human Rights and Fundamental Freedoms (Notification of the Federal Ministry of Foreign Affairs No. 209/1992 Coll.)
- <sup>6</sup> Convention on the Legal Status of Refugees (Notification of the Ministry of Foreign Affairs of the Slovak Republic No. 319/1996 Coll.), Convention on Human Rights and Fundamental Freedoms (Notification of the Federal Ministry of Foreign Affairs No. 209/1992 Coll.)
- <sup>6a</sup> Act No. 404/2011 Coll. as subsequently amended by the Act No. 75/2013 Coll.
- <sup>6aa</sup> Section 81 Paragraphs 1, 2 and 4 of the Act No. 404/2011 Coll. as subsequently amended by the Act No. 75/2013 Coll., Section 65 of the Criminal Code, Section 501 of the Criminal Procedure Code
- <sup>7</sup> Protocol on Asylum for Nationals of Member States attached to the Treaty on the Functioning of the European Union (Notification No. 185/2004 Coll.)
- <sup>7a</sup> Criminal Code
- <sup>8</sup> Section 8 Par. 2 of the Civil Code
- <sup>8a</sup> Act No. 94/1963 Coll. on Family as subsequently amended
- <sup>8b</sup> Section 16 Par. 2 of the Act No. 71/1967 Coll.
- <sup>8c</sup> Section 5 of the Act No. 327/2005 Coll. on the Provision of Legal Aid to People in Material Need and on changes and amendments to the Act No. 586/2003 Coll. on the Legal Profession and on changes and amendments to the Act No. 455/1991 Coll. on Trade Licensing Act (Small Businesses Act) as subsequently amended by the Act No. 8/2005 Coll.
- <sup>8d</sup> Section 24a of the Act No. 327/2005 Coll. as amended by the Act No. 451/2008 Coll.

- 
- <sup>8e</sup> Section 56 Par. 7 of the Act No. 305/2005 Coll. on the Social and Legal Protection of Children and Social Curatorship and on changes and amendments to some acts
- <sup>9</sup> Section 20 of the Act No. 55/2017 Coll. on Civil Service and on changes and amendments to some acts
- <sup>11a</sup> E.g. the Criminal Procedure Code
- <sup>11ab</sup> Section 2 (a) of the Act No. 601/2003 Coll. on the Subsistence Minimum and on changes and amendments to some acts as subsequently amended
- <sup>11ac</sup> Section 3 of the Act No. 580/2004 Coll. on Medical Insurance and on changes and amendments to the Act No. 95/2002 Coll. on the Insurance System and on changes and amendments to some acts as subsequently amended
- <sup>11b</sup> Section 17 of the Order of the Ministry of Health Care of the Slovak Republic No. 79/1997 Coll.
- <sup>11c</sup> Section 3 Par. 3 (a) of the Act No. 580/2004 Coll. as subsequently amended
- <sup>12</sup> E.g. the Labour Code
- <sup>13</sup> Section 2 of the Commercial Code
- <sup>13a</sup> Section 53 Par. 7 of the Act No. 305/2005 Coll. as subsequently amended
- <sup>15</sup> Act No. 381/1997 Coll. on Travel Documents as amended by the Act No. 48/2002 Coll.
- <sup>16</sup> Act No. 5/2004 Coll. on Employment Services and on changes and amendments to some acts as subsequently amended
- <sup>17</sup> Sections 34 to 37 of the Act No. 29/1984 Coll. on the System of Primary and Secondary Schools (School Act) as subsequently amended. Order of the Ministry of Education of the Slovak Socialist Republic No. 143/1984 Coll. on Elementary Schools as subsequently amended
- <sup>18</sup> Act No. 195/1998 Coll. on Social Assistance as subsequently amended
- <sup>18b</sup> Act No. 577/2004 Coll. on the Scope of Health Care Covered by Public Health Insurance and on the reimbursement of healthcare-related services as subsequently amended
- <sup>19</sup> Section 41 Par. 2 of the Criminal Code
- <sup>20</sup> Act No. 71/1967 Coll. as subsequently amended
- <sup>20a</sup> E.g. Act No. 475/2005 Coll. on Prison Sentence Execution and on changes and amendments to some acts, Act No. 221/2006 Coll. on Execution of Custody
- <sup>20b</sup> Commission Regulation (EC) No 1560/2003 of 2 September 2003 laying down detailed rules for the application of Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national (Special Edition of the OJ EU Ch. 19/vol. 0006) in current wording  
Regulation (EU) No 604/2013 of the European Parliament and of the Council of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (OJ EU L 180, 29. 6. 2013)
- <sup>21</sup> Section 83 Par. 1 of the Act No. 404/2011 Coll. as amended by the Act No. 75/2013 Coll.
- <sup>22</sup> Act No. 428/2002 Coll. on the Protection of Personal Data
- <sup>22aa</sup> Section 17 Par. 1 (a) of the Act No. 305/2013 on the Electronic Performance of Tasks by Public Authorities and on changes and amendments to some acts (e-Government Act)
- <sup>22b</sup> Art. 2 (a) of the EU Directive No. 604/2013